

Sex Facts Not Obscene, Says New York Federal Court

The facts of sex are not obscene and a statement of these facts—a clear physical description of the sex life—is not reasonably to be regarded as obscene literature. That, in brief, is the decision given by the United States Circuit Court of Appeals in New York City in the case of Mrs. Mary Ware Dennett, convicted in the lower federal court of Brooklyn, N. Y., as a violator of the obscenity law. Mrs. Dennett was tried for the mailing of a pamphlet (*The Sex Side of Life*) written by her years ago for her two children and subsequently attaining a wide circulation through the medium of many welfare organizations. A jury decided that she was guilty of sending obscene literature through the mails, although the Court of Appeals has now declared that the charge, manifestly unreasonable, should never have been given to the jury. The judge in the

lower court fined Mrs. Dennett \$300, which she refused to pay, asserting that as a protest she would serve a jail term, which would have meant three hundred days' imprisonment to equal the amount of her fine. Meanwhile she appealed the case and did not go to jail. Now a higher federal court has said that she violated no law. It is not yet certain whether the prosecution will appeal the case to the highest tribunal, the United States Supreme Court.

One interesting point emphasized by the defense attorney, while it has no bearing upon the legality of the pamphlet, serves as another illustration of the shady methods used by government. Attorney Morris Ernst, speaking in behalf of Mrs. Dennett, said "that the case had been predicated upon evidence obtained by fraud, inasmuch as the woman to whom the pamphlet was mailed, Mrs. C. A. Miles, of Grottoes, Va., was a non-existent person, and that the postal authorities had 'framed' the entire case." Evidently the government agent who fabricated the false address had either a sense of irony or a subconscious feeling of sympathy with darkness: thus the name of Grottoes, very symbolic of the slipperiness and obscurity of the prosecution, was chosen.

Mrs. Dennett's pamphlet, *The Sex Side of Life*, is a work of explicit instruction and guidance concerning sex. It describes plainly the sexual act, the detailed physiology of sex, and the nature of the sex life. It avoids all misleading euphemisms. It is as straightforward in language as the discussion of any non-sexual and non-emotional subject of instruction would—and should be. The victory won by Mrs. Dennett is very important in setting a reasonable limit to the censorship exercised by the postal authorities. It means that books and articles of sex instruction can legally be made as plain as the facts are, that the truth about this vital side of life cannot be suppressed or punished as obscene.

This decision is apparently limited, however, to works that have the aim of sex instruction. The wider subject of literary freedom in the treatment of sex—in poems, novels, essays, and other works of art and controversy rather than instruction—is not touched in a positive way by the court's statement. By implication, indeed, the court lends force to a more reasonable interpretation of censorship in the whole field of literature. It points out, for instance, that the charge that a book is capable of "suggesting lewd thoughts and exciting sensual desires" is not a reasonable charge and does not prove obscenity. The court very sensibly remarks: "It may be assumed that any article dealing with the sex side of life and explaining the functions of the sex organs is capable in some circumstances of arousing lust." If the law were strictly (and stupidly) construed, there could be no mention of sex. The very word "sex" would be forbidden, as its presumption would suggest "lewd thoughts" in some minds. In fact, when the logic of censorship is pressed to its consistent length, it must be concluded that the existence of sex in nature is the thing that is primarily and innately obscene. "Lewd thoughts" and "sensual desires" are really the suggestions of nature and their awareness is not dependent upon literature. It is a scientific knowledge of sex and an attitude toward sex which are conveyed by means of literature.

What the New York court decision does is legalize books which impart a scientific knowledge of sex, even in the plainest terms. But it leaves to further controversy the extent of freedom which may be granted to literature that is concerned with attitudes toward sex, with its artistic or its ethical aspects. This is of equal importance. Not only should the facts of sex be explained freely, but there should be freedom in sex discussion and in the artistic treatment of sex. The civilized view taken by the New York court with regard to books of sex instruction should be broadened to other literature. We should cease being ashamed of sex, cease being afraid of sex, cease trying to hide sex. We should be ashamed of the false attitude of shame. Toward this sanity the New York court's decision is an impressive and timely encouragement. It is so important that we herewith reproduce it completely.

The Court's Decision

The defendant allowed some of her friends, both parents and young people, to read the manuscript which she had written for her own children and it finally came to the notice of the editor of the *Medical Review of*

The Vital Needs of Education Are Superior to a Narrow Creed of Moral Fanaticism

Reviews, who asked if he might read it, and afterwards published it. About a year afterwards she published the article herself at twenty-five cents a copy when sold singly, and at lower prices when ordered in quantities. Twenty-five thousand of the pamphlets seem to have been distributed in this way.

At the trial, the defendant sought to prove the cost of publication in order to show that there could have been no motive of gain on her part. She also offered to prove that she had received orders from the Union Theological Seminary, the Young Men's Christian Association, the Young Women's Christian Association, the Public Health Departments of the various States, and from no less than four hundred welfare and religious organizations as well as from clergy and college professors, and that the pamphlet was in use in the public schools at Bronxville, N. Y.

The foregoing offers were rejected on the ground that the defendant's motive in distributing the pamphlet was irrelevant and that the only issues were whether she caused the pamphlet to be mailed and whether it was obscene.

The pamphlet begins with a so-called "Introduction for Elders," which sets forth the general views of the writer and is as follows:

"Reading several dozen books on sex matters for the young, with a view to selecting the best for my own children, I found none that I was willing to put into their hands, without first guarding them against what I considered very misleading and harmful impressions, which they would otherwise be sure to acquire in reading them. That is the excuse for this article.

"It is far more specific than most sex information written for young people. I believe we owe it to children to be specific if we talk about the subject at all.

"From a careful observation of youthful curiosity and a very vivid recollection of my own childhood, I have tried to explain frankly the points about which there is the greatest inquiry. These points are not frankly or clearly explained in most sex literature. They are avoided, partly from embarrassment, but more apparently because those who have undertaken to instruct the children are not really clear in their own minds as to the proper status of the sex relation.

The Evil of Obscurantism

"I found that from the psychological point of view the question was handled with limitations and reservations. From the point of view of natural science it was often handled with sentimentality, the child being led from a semi-esthetic study of the production of flowers and animals to the acceptance of a similar idea for human beings. From the moral point of view it was handled least satisfactorily of all, the child being given a jumble of conflicting ideas, with no means of correlating them—fear of venereal disease, one's duty to suppress 'animal passion', the sacredness of marriage, and so forth, and from the emotional point of view, the subject was not handled at all.

"This one omission seems to be the key to the whole situation, and it is the basis for the radical departure I have made from the precedents in most sex literature for children.

"Concerning all four points of view just mentioned, there are certain departures from the traditional method that have seemed to me worth making.

"On the physiological side I have given, as far as possible, the proper terminology for the sex organs and functions. Children have had to read the expurgated literature which has been especially prepared for them in poetic or colloquial terms, and then are needlessly mystified when they hear things called by their real names.

"On the side of natural science, I have emphasized our likeness to the plants and animals rather than our likeness, for while the points we have in common with the lower orders make an interesting section in our general education, it is knowing about the vital points in which we differ that helps us to solve the sexual problems of maturity; and the child needs that knowledge precisely as he needs knowledge of everything which will fortify him for wise decisions when he is grown.

"On the moral side I have tried to avoid confusion and dogmatism in the following ways: by eliminating fear of venereal disease as an appeal for strictly limited sex relations, stating candidly that venereal disease is becoming curable, by barring out all mention of 'brute' or 'animal' passion, terms frequently

used in pleas for chastity and self-control, as such talk is an aspersion on the brutes and has done children much harm in giving them the impression that there is an essential baseness in the sex relation; by inviting the inference that marriage is 'sacred' by virtue of its being a reflection of human ideality rather than because it is a legalized institution.

"Unquestionably the stress which most writers have laid upon the beauty of nature's plans for perpetuating the plant and animal species, and the effort to have the child carry over into human life some sense of that beauty, has come from a most commendable instinct to protect the child from the natural shock of the revelation of so much that is unesthetic and revolting in human sex life. The nearness of the sex organs to the excretory organs, the pain and messiness of childbirth are elements which certainly need some compensating antidote to prevent their making too disagreeable and disproportionate an impression on the child's mind.

The Value of Truth

"The results are doubtless good as far as they go, but they do not go nearly far enough. What else is there to call upon to help out? Why, the one thing which has been persistently neglected by practically all of the sex writers—the emotional side of sex experience. Parents and teachers have been afraid of it and distrustful of it. In not a single one of all the books for young people that I have thus far read has there been the frank, unashamed declaration that the climax of sex emotion is an unsurpassed joy, something which rightly belongs to every normal human being, a joy to be proudly and serenely experienced. Instead there has been all too evident an inference that sex emotion is a thing to be ashamed of, that yielding to it is indulgence which must be curbed as much as possible, that all thought and understanding of it must be rigorously postponed, at any rate till after marriage.

"We give to young folks, in their general education, as much as they can grasp of science and ethics and art, and yet in their sex education, which rightly has to do with all of these, we have said, 'Give them only the bare physiological facts, lest they be prematurely stimulated.' Others of us, realizing that the bare physiological facts are shocking to many a sensitive child, and must somehow be softened with something pleasant, have said, 'Give them the facts, yes, but see to it that they are so related to the wonders of evolution and the beauties of the natural world that the shock is minimized.' But none of us has yet dared to say, 'Yes, give them the facts, give them the nature study, too, but also give them some conception of sex life as a vivifying joy, as a vital art, as a thing to be studied and developed with reverence for its big meaning, with understanding of its far-reaching reactions, psychologically and spiritually with temperate restraint, good taste and the highest idealism.' We have contented ourselves by summing that marriage makes sex relations respectable. We have not yet said that it is only beautiful sex relations that can make marriage lovely.

A Review of the Evidence

The government proved that the pamphlet was mailed to Mrs. C. A. Miles, Grottoes, Va.

Upon the foregoing record, of which we have given a summary, the trial judge charged the jury that the motive of the defendant in mailing the pamphlet was immaterial, that it was for them to determine whether it was obscene, lewd or lascivious within the meaning of the statute, and that the test was "whether its language has a tendency to deprave or to corrupt the morals of those whose minds are open to such things and into whose hands it may fall; arousing and implanting in such minds lewd and obscene thoughts or desires."

The court also charged that even if the matter sought to be shown in the pamphlet complained of were true, that fact would be immaterial if the statements of such facts were calculated to deprave the morals of the readers by inciting sexual desires and libidinous thoughts.

The jury returned a verdict of guilty, upon which defendant was sentenced to pay a fine of \$300, and from the judgment of conviction she had taken this appeal.

It is doubtless true that the personal motive of the defendant in distributing her pamphlet could have no bearing on the question whether she violated the law. Her own belief that a really obscene pamphlet would pay the price for its obscenity by means of intrinsic merits would leave her as much as ever under the ban of the statute. Regina v. Hicklin, L. R. 8 Q. B. 30; United States v. Dennett, Fed. Case No. 14,571; Rosen v. United States, 161 U. S. at p. 41.

It was perhaps proper to exclude the evidence offered by the defendant as to the persons to whom the pamphlet was sold, for the reason that such evidence, if relevant at all, was part of the government's proof. In other words, a publication might be distributed among doctors or nurses or adults in cases where the distribution among small children could not be justified.

The fact that the latter might obtain it accidentally or surreptitiously, as they might see some medical books which would not be desirable for them to read would hardly be sufficient to bar a publication otherwise proper. Here the pamphlet appears to have been mailed to a married woman. The tract may fairly be said to be calculated to aid parents in the instruction of their children in sex matters. As the record stands, it is a reasonable inference that the pam-

phlet was to be given to children at the discretion of adults and to be distributed through agencies that had the real welfare of the adolescent in view. There is no reason to suppose that it was to be broadcast among children who would have no capacity to understand its general significance. Even the court, in Regina v. Hicklin, L. R. 8 Q. B. at p. 367, which laid down a more strict rule than the New York Court of Appeals was inclined to adopt in People v. Eastman, 188 N. Y. 478, said that "the circumstances of the publication" may determine whether the statute has been violated.

The "Suggestiveness" of Sex Instruction

But the important consideration in this case is not the correctness of the rulings of the trial judge as to the admissibility of evidence, but the mailing of an "obscene, lewd or lascivious" pamphlet. It was for the trial court to determine whether the pamphlet could reasonably be thought to be of such a character before submitting any question of the violation of the statute to the jury. Knowles v. United States, 170 Fed. 409; Magon v. United States, 248 Fed. 201. And the test most frequently laid down seems to have been whether it would tend to deprave the morals of those into whose hands the publication might fall by suggesting lewd thoughts and exciting sensual desires. Dunlop v. United States, 165 U. S. at p. 501; Rosen v. United States, 161 U. S. 29.

It may be assumed that any article dealing with the sex side of life and explaining the functions of the sex organs is capable in some circumstances of arousing lust. The sex impulses are present in everyone and without doubt cause much of the weal and woe of human kind. But it can hardly be said that because of the risk of arousing sex impulses there should be no instruction of the young in sex matters and that the risk of imparting instruction outweighs the disadvantages of leaving them to grope about in mystery and morbid curiosity and of requiring them to secure such information, as they may be able to obtain, from ill-informed and often foul-minded companions rather than from intelligent and high-minded sources.

It may be argued that suggestion plays a large part in such matters and that on the whole the less sex questions are dealt upon the better. But it by no means follows that such a desideratum is attained by leaving adolescents in a state of inevitable curiosity, satisfied only by the casual gossip of ignorant playmates.

The old theory that information about sex matters should be left to chance has greatly changed and, while there is still a difference of opinion as to just the kind of instruction which ought to be given, it is commonly thought in these days that much was lacking in the old mystery and reticence. This is evident from the current literature on the subject, particularly such pamphlets as *Sex Education*, issued by the Treasury Department, United States Public Health Service, in 1927.

The statute we have to construe was never thought to bar from the mails everything which might stimulate sex impulses. If so, much chaste poetry and fiction as well as many useful medical works would be under the ban. Like everything else, this law must be construed reasonably with a view to the general objects aimed at. While there can be no doubt about its constitutionality, it must not be assumed to have been designed to interfere with serious instruction regarding sex matters unless the terms in which the information is conveyed are clearly indecent.

Not an Obscene Work

We have been referred to no decision where a truthful exposition of the sex side of life evidently calculated for instruction and for the explanation of relevant facts has been held to be obscene. In *Dysart v. United States*, 272 U. S. 655, it was decided that the advertisement of a lying-in retreat to enable unmarried women to conceal their misdeeds, even though written in a coarse and vulgar style, did not fall within prohibition of the statute and was not "obscene" within the meaning of the law.

The defendant's discussion of the phenomena of sex is written with sincerity of feeling and with an idealization of the marriage relation and sex emotions. We think it tends to rationalize and dignify such emotions rather than to arouse lust. While it may be thought by some that portions of the tract go into unnecessary details that would better have been omitted, it may be fairly answered that the curiosity of many adolescents would not be satisfied without full explanation, and that no more than that is really given.

It also may reasonably be thought that accurate information, rather than mystery and curiosity, is better in the long run and is less likely to

occasion lascivious thoughts than ignorance and anxiety. Perhaps instruction other than that which the defendant suggests would be better. That is a matter as to which there is bound to be a wide difference of opinion but, irrespective of this, we hold that an accurate exposition of the relevant facts of the sex side of life in decent language and in manifestly serious and disinterested spirit cannot ordinarily be regarded as obscene. Any incidental tendency to arouse sex impulses which such a pamphlet may perhaps have is apart from and subordinate to its main effect. The tendency can only exist insofar as it is inherent in any sex instruction and it would seem to be outweighed by the elimination of ignorance, curiosity and morbid fear. The direct aim and the net result is to promote understanding and self-control.

No case was made for submission to the jury and the judgment must therefore be reversed.

Weapons of "Justice"

It is a rare piece of writing which discusses war and armament and diplomacy without a strong seasoning of bunk. The tendency is not peculiar to opponents of pacifism. Pacifists are capable of most astonishing exercises in fallacy. (It is admittedly difficult, however, to tell clearly what is the position of the average writer on war and peace. This is a subject that seems remarkably to inspire "vagueness.") A good deal more obvious and incredible than fallacy, in its departure from truth, is the following statement by Prof. James T. Shotwell of Columbia University in an article on the London conference. *Outlook and Independent* brings this gem to us:

For armaments are only means to an end, and unless the end is envisaged and successfully met, the means cannot be safely tampered with. Now, for whatever reasons weapons have been used in the past, among civilized nations today they exist only for the maintenance of justice, security, and peace. It is the possible disagreement as to what constitutes justice which remains the one argument for the maintenance of any weapons at all. In the hands of nations which have subscribed to the treaty of the renunciation of war as the instrument of their national policy.

Prof. Shotwell's first sentence is a platitude and means nothing definite. His second sentence is amazingly idealistic in the most discreditable sense—i. e., it is the extreme opposite of realism and is even worthy of speechless admiration for the boldness with which it expresses a thought which is obviously not true. The third sentence in this exhibit has the effect of a satire on the second sentence. It is "disagreement as to what constitutes justice" that deprives Prof. Shotwell's statement of any specific, convincing point. Justice, security, peace—these are words that nations and their war leaders play with according to their own purposes of the moment. In the language of politicians, all wars are just and all wars are fought with the laudable object of advancing the cause of peace and all wars are necessary for the declared ends of security.

After all, Prof. Shotwell would have done far better had he said quite simply that weapons are used in the present and will be used in the future (so long as they are used) just as they have been used in the past—for the business of war. Armies and navies may be related to security, in the political meaning of the term and in a nationalistic world; but they are not intended to serve the aims of justice and peace. Pacifists who share the naïveté of Prof. Shotwell are simply waiting for the next war to show what good patriots they are and how firm is their conviction that the weapons of war are used only for peace (remember 1914) and justice (remember 1918).

Is it not significant that contrast is so often made between cleverness and virtue? Virtue, as interpreted by dull people, needs a second thought. Probably this isn't virtue, after all, but does the cause of true virtue infinite harm. In a world so notably given to foolishness and stupidity, cleverness itself is a virtue that should have exceptional praise.

From about a million sermons, more or less, we draw the inference that preachers regard a calamity as a blessing: fire, flood and famine furnish them with something to talk about and may frighten somebody into listening.

Is man a reasoning animal? But the trouble is that his reasoning is generally an afterthought which has for its purpose the justification of unreasonable actions.

In Praise of Certain "Imbeciles"

Audacity which provokes a smile before a serious response is that revealed in a San Francisco *Call-Bulletin* editorial. Theistic bunk is merely common sense (as contrasted with the view that it is common nonsense) according to this great journal of enlightenment, which affects to settle the matter for good and all as follows:

Only an imbecile could deny the place that religion, the belief in an infinite power, the solace of an infinite mercy, holds in the hearts of all humanity. There is not a day of life in which religion does not enter to give hope, light and leading to baffled mortals. It is the great gift to man, the only one that is not illusion, the only one that does not crumble to dust and ashes as it is grasped.

Among the "imbeciles" who have denied this alleged importance of religion may be named Huxley, Haeckel, Darwin, Spencer, and in fact most of the great scientists of the modern world. Joseph McCabe, an encyclopedic scholar who has devoted a lifetime to the study of scientific and social and historical learning, must be included among these "imbeciles." Clarence Darrow, the brilliant skeptic and lawyer, is among these "imbeciles." The late Jacques Loeb, one of the greatest modern biologists, was such an "imbecile." Great sociologists and historians have discovered that religion has not been important in advancing human progress—but quite the contrary. Hundreds of thousands throughout the world are definitely convinced that religion is bunk—they are among the "imbeciles." Millions are indifferent to religion and do not turn to it for "hope, light and leading"—they are not included in "the hearts of all humanity."

Excepting religion, says the *Call-Bulletin*, all is illusion. Yet religion is the world's major illusion, and the intellectual progress of the world has been chiefly manifested in advancing beyond this illusion to a clearer view of life. Science is—not the great gift—the great achievement of mankind; the great achievement, rather, of a few men and those men, strangely enough, the very "imbeciles" whom the *Call-Bulletin* dismisses with this epithet.

We doubt that the writer of the *Call-Bulletin* editorial is an imbecile. It is more likely that he grinned to himself when he wrote that statement and wondered how many imbeciles would believe it.

The love of nature is interesting, but why should it inspire anyone to describe nature as "kind"? Nature is not "kind" to the person who is careless; nor to the person who is born with physical deformity or weakness; nor to the person who is prostrated by a severe disease. We trust human knowledge and organization a great deal more than we trust the "kindness" of nature.

There can be a majestic, convincing beauty in thought. But we are always suspicious when anyone speaks of a "beautiful thought." We suspect the sentimental accent. We suspect that the thought, when examined, will turn out to be neither beautiful nor true.

It is often the case that when one man offers an interpretation of another man's thought he is trying to change that thought around to suit himself.

The fun of debunking is great, but it could not compare with the surprise and joy of waking up some morning to the realization of a bunkless world.

All dreams of a better world must be inspired by a sound worldliness; otherwise, their very premise is a whim of witless futility.

Around the Table

Chats Among the Editor and His Readers.

By E. Haldeman-Julius

THE VIRTUOUS WEST—BUT IS IT?

An amusing editorial in the Denver (Colo.) Post is offered for my passing and easily restrained delight by J. L. Schram (Wyoming). Mr. Schram invites me to comment on the Denver paper's assertion of the political virtue which, it says, temperately, brightens the West in contrast with the callously wicked East. It furnishes another example of the delightful impudence which consists in the pot making critical remarks about the blackness of the kettle. The Post was aroused by an article in *Vanity Fair*, which exhibited a high-hat attitude toward the Western statesmen who help run the big governmental show in Washington. It was a mean sort of article, the kind in which contempt is measured in heaping quantity; although I gather that its principal argument is fair enough—namely, that the composition of the United States Senate (two Senators from each State, regardless of population) is a study in political inequality.

Of course it was very provoking for Jay Franklin, the author of the *Vanity Fair* article, to speak of Western Senators as "old men of the mountains . . . sheep chaperons, cow curriers, desert rats and beet-herders." It was an invitation to a reply scathingly in kind for Franklin to write: "There is a horse and a half to every voter in Idaho and the great majority are for Borah; Utah's Mormons, with their beets, have seven sheep for every voter, and Reed Smoot gathers their wool in Washington."

Favor for favor—the Denver Post came back with this smashing retort: "So long as the 'old men of the mountains' are in the saddle, this at least will be a government of MEN and NOT A GOVERNMENT OF BOOTLEGGERS, GAMBLERS, BUNCO STEERERS, BUMS, THUGS, WHITE SLAVERS, STICKUP GENTRY, BALLOT BOX STUFFERS, BRIBERS and ALIENS." The United States government is not bankrupt in the Chicago style, says the Post with a proud, triumphant air; but it is not clear whether the Western Senators have been unable to bankrupt the federal government or whether it is their power and political virtue which have saved the government from bankruptcy. Anyway, the simple point of the editorial is that the Eastern States and especially

New York, Illinois and Pennsylvania are sunk in political corruption—but that in the West honest government is still the order of the day. Old-fashioned political virtue (we inquire, parenthetically, when political virtue was ever notably in fashion) and democracy without a stain and the purity of the ballot: these characteristics are claimed for the West by the Post.

The Western pot is accurate when it points out the very dark appearance of the Eastern kettle. No bright, hopeful uplift in government would result if the Eastern States had a greater representation in Congress than the Western States. High political ideals are not very perceptible in practice in New York and Illinois and Pennsylvania. We are surprised, however, to hear that the West is so very, very pure in its politics. Wasn't it ex-Senator Fall of New Mexico who figured notoriously and centrally in the great oil scandal? Isn't California the scene of a major conspiracy of political crookedness and injustice? The story of Tom Mooney is very disagreeable, very bitterly in contradiction of the Post's hymn to good government in the West. Colorado itself has not, as I have gathered in my literal way, been painfully righteous in government. It was even in the city of Denver that Judge Lindsey engaged in celebrated warfare with a political gang which was not at all high-minded. It was recently in Colorado that Judge Lindsey was disbarred, quite evidently as a punishment for his opposition to self-seeking, intriguing machine politics. It was a Governor of Colorado who, in 1913, telegraphed a lie to President Wilson concerning legislative action in a coal strike. In *The Brass Check*, Upton Sinclair has published this and many other incidents which illustrate the custom of government in Colorado. It was not so many years ago that we were reading about machine-gun rule in Colorado in behalf of the coal barons. During its coal strikes, Colorado seemed to be hospitable to gunmen. Bootleggers, I am reasonably sure, operate in Denver as they do elsewhere.

In the West, even as in the East, honest government is only the ideal of a minority. Neither the pot nor the kettle attracts us by its cleanliness. The Post is patriotic, therefore it is eloquent about the honest

government of the West—and neglects to give a realistic description of Colorado politics. (What newspaper would dare to tell the whole truth about politics in its State and city?) Kansas politicians are also patriotic, therefore shouting that Prohibition is enforced in Kansas—again, an assertion without evidence and with no explanation of the impressively contrary evidence. Even so do Californians boast of the glory of their State—yet avoid carefully the mention of Tom Mooney.

Politicians and newspapers with political motives always talk righteously. But they do not let their talk interfere with their action. The Denver Post's editorial is amusing. It is always amusing when anyone talks loudly about his virtue but does not prove his boast with solid, consistent deeds. One would have to seek much farther than the pages of the Denver Post to discover the superior political virtue of the West; the search would not, I fear, be rewarded in a brilliant nor inspiring fashion.

THE PRAYER FOR TAFT

It was a trick of his trade for the Rt. Rev. James E. Freeman, Episcopal bishop of Washington, D. C., to send forth a radio prayer for the late William Howard Taft, then suffering the last pangs of an aged body. This preacher asked that a national offering of prayer be made—a plea to God that his "divine mercy" might prolong the life of the sick man. Dr. Arthur M. Corwin (Chicago) expresses bluntly the disgust which all sensible persons must have felt at this professional gesture of a superstition-monger. Dr. Corwin writes:

How very silly this Rt. Rev. James E. Freeman, Episcopal bishop of Washington, has made himself by his broadcast to God in behalf of ex-President Taft. Was it for the cheap publicity which at once infected the newspapers? This good citizen and highly useful American has lived more than the average life and is entitled to escape the burdening pathologies which have multiplied with his years. The Rt. Reverend's futile verbosity, while neither helping nor harming the distinguished sufferer, have only reflected upon his own want of intelligence and emphasized the increasing smile which thinking people accord his medieval brand of religion. The "Christian" church is indeed in feeble hands when they can find nothing more important to do than raise themselves in such puerile supplications.

I am sure the Rt. Rev. Freeman wasn't a bit surprised when Taft died. He didn't expect his prayer to gain any attention excepting in

the newspapers. And what was the "logic" of the prayer, from the theistic viewpoint of the Washington bishop? He must have believed that God was responsible for Taft's illness, that apparently it was the divine will that Taft should die. Did this preacher think that, at the last minute, he could change God's mind? This prayer was a bit late, too. Rt. Rev. Freeman should have been on the job earlier; he should have persuaded God to keep Taft in the best of health; he should have used his influence with the deity to prevent Taft from being afflicted with "the burdening pathologies" which, as Dr. Corwin says, mocked this prayer for the recovery of a man who had reached the end.

In fact, why shouldn't Rt. Rev. Freeman widen his scope of prayer? Why shouldn't he pray that death be abolished? He might at least pray that God let all Christians escape death. He might pray that human beings—or at least Christians—be kept forever young; that they be made absolutely immune from sickness and weakness of all kinds; that they be made safe from all possibilities of fatal accident. Rt. Rev. Freeman might as well pray tremendously while he is at it—it would do him and others, just as much good, no less and no more.

IT NEVER WILL BE TOLD

The dead are silent. Thus Katherine Mansfield cannot speak from the grave and enlighten the curious few as to the meaning of a poem which somehow survived to appear, without warning, in a recent issue of *The New Republic*. Just to keep the record straight, let me say that I should never have read a poem by Katherine Mansfield, of my own deliberate and unsolicited intent. But Upton Sinclair has called my attention to this word riddle and has requested me to penetrate the cryptic innards of its significance. I can do as well as Upton—I can pass the riddle on. In my turn I can inquire what my readers understand about the following lines entitled, for no apparent reason, "Old-Fashioned Widow's Song":

She handed me a gay bouquet
Of roses pulled in the rain,
Delicate beauties, frail and cold—
Could roses heal my pain?

She smiled: "Ah, c'est un triste temps!"
I laughed and answered "Yes,"
Pressing the roses in my palms.
How could the roses guess?

She sang: "Madame est seule?"
Her eye
Snapped like a rain-washed berry.
How could the solemn roses tell
Which of us was more merry?

She turned to go; she stopped to chat;
"Adieu!" at last she cried.
"Mille mercis pour ces jolies fleurs!"
At that the roses died.
The petals drooped, the petals fell,
The leaves hung crisped and curled.
And I stood holding my dead bouquet

In a dead world.
You can read it as many times as you wish. You can change the words around as your fancy or your playful, experimental curiosity may suggest. This is a game that is free for all and in which each can make his own rules. Upton admits that he was beaten. He submits a copy of the cry for help that he sent to *The New Republic*:

Please have mercy upon me! I made the mistake of reading the poem by Katherine Mansfield in your March 5 issue, and I am in the position of a person who has tried to solve a cross-word puzzle, and got stuck, and cannot sleep at night—and there are no solutions given in the appendix.

Of course the trouble may be that I am one of those old-fashioned persons who have the idea that poetry must have some meaning, and that you cannot just fit in any odds and ends of lines from your note book. But I am sure there must be others of your readers who got stuck in the "Old-Fashioned Widow's Song" and now are miserably trying to figure out why the roses died. Please let me say that I am not trying to be smart. I really must know why those roses died, and if there is no person on earth who can tell me, I shall have to call a spiritualist medium and ask Katherine. Also, I have to know about that eye which "snapped like a rain-washed berry." A snapping berry is a kind I never ran into, and I want to know whether they snap only in rain, and why they don't snap when you wash them under the kitchen spigot. The poet asks "How could the roses guess?" and there is no use putting such a question to me, because I do not know how the roses could guess what I cannot guess, nor do I see how the "solemn roses" could be being tormented with questions like this. Did the roses die of bewilderment, or did they die of merriment over a joke which an English woman has played upon an American magazine editor from her grave?

Dead bouquets . . . dead roses . . . dead worlds . . . and, as far as I am concerned, this is a dead poem. It can, I suppose, technically be called a poem because its lines are metrically balanced and some of the lines agree in rhyme. It is more accurate to say that this is a collection of twenty meaningless lines of "odds and ends." Fortunately there is a great deal of literature which has appreciable qual-

ities of thought and beauty, so we don't have to linger over the trifling stuff that is misrepresented as poetry and fiction and philosophy and other things, although it is really nothing definable in this world. I am confident that Upton has already reconciled himself to letting this "poetic" enigma remain an enigma. He would be disappointed, anyway, if he could establish communication with Katherine Mansfield in ghostly semblance. Probably he would only get an explanation all the more confusing.

FREE MASONRY AND LIBERALISM
G. A. Kenderdine (Iowa) suggests that I should be interested in the Masonic organization because, according to his view, it "is the greatest liberalizing force abroad in the world today." His letter is very friendly, and his own liberalism is agreeably evident, but he doesn't succeed in converting me to a passionate interest in Free Masonry. No doubt there are worse organizations. It is not as intolerant as a church. It is not greatly concerned with religion, orthodox or liberal. Certainly it has not put forth any notable effort toward intellectual emancipation. If so, the news has escaped me; and I assure Mr. Kenderdine that I follow carefully the movements of modern thought and I should be aware of such an interesting event if the Masonic lodge had distinguished itself as an exponent of freedom of thought. His letter, in fact, doesn't give me any reason for being enthusiastic about what seems to be his favorite lodge. He writes as follows:

The most widely spread organization throughout the world, purely theistic in its requirements, is that of Free Masonry, requiring no declaration whatever of theological belief except that of a belief in God. Its degrees can be conferred with equal propriety in India, in Catholic Spain, or in a Fundamentalist Protestant stronghold.

Its organization is pure theism upon which each initiate may erect such superstructure as may adapt itself to his mind. No one Mason has a right to measure for another the degree of respect that he shall feel for the founder of any faith or system, whether religious or political. The Ancient and Accepted Rite founded in 1801 has been from its very beginning a strong advocate of civil and religious liberty. General Albert Pike, its great Grand Commander, writing in 1884 in his answer to the encyclical of Pope Leo XIII, says that "the Scottish Rite has for more than a century accepted"

the apostolate of civil and religious liberty."

Recently in Free Masonry there has arisen a sort of orthodoxy because some men high in the craft are claiming that humanists do not believe in God. They certainly do not believe in the old concept of God. That is granted, but they contend that they are entirely within their rights and that no man has a right to ask another as a Mason to define his God.

The Grand Orient of France, head of a Masonic organization of that country, in 1877 deleted from their rituals and from the requirements for membership the profession of belief in Deity, allowing each member to regulate that as he saw fit. Because of that act most of the various Grand Lodges throughout the world, beginning with the Grand Lodge of England, severed fraternal relations with the Grand Orient of France. Members of those Grand Lodges cannot visit the Grand Orient of France or its lodges, nor members of the Grand Orient visit here. That is the official doctrine. However, it is forgotten conveniently in many individual instances.

Free Masonry as a whole, though, is the greatest liberalizing force abroad in the world today and ought to receive favorable consideration from the hands of an individual and publication like yours.

You will observe that Mr. Kenderdine is honest enough to include facts in his letter which show clearly that his conclusion is unwarranted. He simply identifies himself, and his own liberal sentiments, too enthusiastically with Free Masonry as an organization. He admits that this lodge is theistic. Does he really expect, then, that I shall be interested in a theistic organization? In requiring a belief in God, this lodge is dogmatic, although it does not go as far in dogma as the Catholic Church. What Mr. Kenderdine tells us about the excommunication of the French Masonic body is a very strong rebuttal of his own claim that Free Masonry is "the greatest liberalizing force abroad in the world today." No doubt he is correct in asserting that various degrees of belief obtain privately among Masons; but the official belief, as he states it, is not excitingly liberal. Undoubtedly the majority of Masons are conventional in their ideas.

The fact is that the Masonic lodge is not important intellectually. It is a social organization. Its degrees and ritual and secret stuff are interesting to men who are interested in that sort of thing; beyond that it has no great significance. It would be a safe bet that Mr. Kenderdine didn't gain his intellectual

emancipation through Masonry. He wrongly credits this lodge with a superior viewpoint and an interest in freedom which are true of himself personally.

The Smiling Wisdom of Voltaire

Victor Hugo in the *Oration on Voltaire* (*Little Blue Book No. 52*). Voltaire conquered violence by a smile, despotism by sarcasm, infallibility by irony, obstinacy by perseverance, ignorance by truth.

I have just pronounced the word smile. I pause at it. Smile! It is Voltaire.

Let us say it, gentlemen, pacification is the great side of the philosopher: in Voltaire the equilibrium always reestablishes itself at last. Whatever may be his just wrath, it passes, and the irritated Voltaire always gives place to the Voltaire calmed. Then in that profound eye the SMILE appears.

That smile is wisdom. That smile, I repeat, is Voltaire. That smile sometimes becomes laughter, but the philosophic sadness tempers it. Toward the strong, it is mockery; toward the weak, it is a caress. It disquiets the oppressor, and reassures the oppressed. Against the great, it is raillery; for the little, it is pity.

Ah, let us be moved by that smile! It had in it the rays of the dawn. It illuminated the true, the just, the good, and what there is of worthy in the useful. It lighted up the interior of superstitions. Those ugly things it is salutary to see: he has shown them.

Luminous, that smile was fruitful also. The new society, the desire for equality and concession, and that beginning of fraternity which called itself tolerance, reciprocal good-will, the just accord of men and rights, reason recognized as the supreme law, the annihilation of prejudices and fixed opinions, the serenity of souls, the spirit of indulgence and of pardon, harmony, peace—behold what has come from that great smile! . . .

Prayer may be defined as a kind of shamelessness in which men exhibit without a blush their brazen, stupid superstition.

If God is proclaimed as an Absolute, then man can have no relation to him, it, or whatyoumaycallit.

Atheism

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When Voltaire began his remarkable career, his country of France and all of Europe were under the terrible spell of rank superstition and intolerance. Church and State conspired to deny all the rights of man. When Voltaire died—when his stupendous life's work was completed—France and Europe were illuminated with the signal lights of the greatest intellectual revolution ever known.

The Age of Voltaire

So important was this one great man that the time in which he lived is known definitively as The Age of Voltaire. Voltaire gave a name and he gave a point of view to his century. No one can understand clearly the significance of liberalism in thought—no one can have a true appreciation of our modern age—without reading what Voltaire wrote and what Voltaire did. Liberties which we enjoy today can be traced back to the militant literary crusade inspired by Voltaire and in which he was the magnificently leading figure. Issues of free thought and toleration which are still debated today are seen in a complete, clear light of truth and common sense and fine humane culture in the works of Voltaire. This man was a pioneer of modernism—and had it not been for him we could not call ourselves moderns.

The eighteenth century, in which

Books by Voltaire

Fourteen Little Essays.
Toleration (The Classic on Freedom of Thought).
Pocket Theology (A Dictionary of Skeptical Definitions).
The Wit and Wisdom of Voltaire.
Ten Dialogues on Religion and Philosophy.
Candide (A Satire on the Notion That This Is the Best of All Possible Worlds).
Zadig, or Destiny; Micromegas; and The Princess of Babylon.

Books About Voltaire

Voltaire: A Lecture. Clarence Darrow.
Voltaire's Weapon—The Smile! J. V. Nash.
Essays on Montaigne, Pascal, Voltaire. John Cowper Powys.
Voltaire and the French Enlightenment. Will Durant.
Life of Voltaire (As Seen by Gorg Brantes). Julius Moritz.
Oration on Voltaire. Victor Hugo.

Voltaire lived and wrote and fought a splendid intellectual warfare against tyranny—a warfare during which Voltaire was frequently in extreme personal danger—was at once the century in which human rights were denied with full intolerance by Church and State and the century in which human rights were most boldly asserted. Voltaire and other great figures whom you study closely in this Voltaire Library (Rousseau, Diderot, D'Alembert, D'Holbach, Montesquieu, Helvetius, and others) proclaimed the splendid, free ideals of civilization—and they carried on this amazing work when civilization was on a very low, wretched, fearful plane.

Life and government and the con-

dition of general culture in the eighteenth century were a scandal and a shame to mankind. Voltaire dared to tell the truth about his century. He dared to condemn the stupidities and the tyrannies which afflicted his century, which outraged his century, which made his century uncivilized. He dared to point the way—to break the way—to fight the way to the civilization of the future. More than eight decades of the eighteenth century were spanned by the life of Voltaire. During those eight decades were struck the mightiest blows for the liberation of the human mind. By sheer intellectual power, Voltaire dominated Europe. Reading his life and works, one reads a most significant, a broadly defining, a startling and prophetic chapter—a grand and immense chapter—in the history of the race.

A Grand Intellectual Warrior
Voltaire—that grand intellectual warrior—knew the use of every weapon. Against the barbarism that surrounded him he hurled the weapons of history, ridicule, logic, philosophy, science, humanitarianism. He smiled, but that smile had many features! Pope and king, priests and courtiers, had terrific physical power over mankind—but Voltaire was a fighter whom no power on earth could stop. The world listened. The world thought. The world moved. Voltaire was triumphant in the most desperate and gallant fight of history.

The record of this tremendous fight is contained in the Voltaire Library—in these books by Voltaire and about Voltaire, which should be read together in forming a true, vivid picture. In this Voltaire Library you have the mammoth sum of 250,000 words—all by and about the great Voltaire. This is a wonderful library, telling all about a wonderful man and his wonderful age. Only \$1 brings you this library containing the wit, culture, drama, and struggle of Voltaire and his

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Frank Harris, Isaac Goldberg, Human Race and Other "Liars"

[EDITOR'S NOTE: Isaac Goldberg is not responsible for the headline over the following exchange of letters. He is so patient with Miss Stephens that we think a little snappy contrast will not be amiss. Of course, Goldberg writes in just the right reasonable tone—a tone, even so, that is natural with him—to emphasize in its full unreasonableness the letter from Miss Stephens. It seems that "Liar" is the woman's favorite epithet for anyone who does not agree with her. It is also evident that she is soured by moral, racial and national prejudice—her slurs in the following letter can bear no other interpretation. But Goldberg, if he has dealt with her in rather gentle style, has answered Miss Stephens' rancor with the most effective of all weapons: good sense.]

By Isaac Goldberg

MISS KATE STEPHENS' LETTER

My Dear Mr. Goldberg:

A few months ago, at the instance of friends—who, by the way, are Jews—I sent you for review my book, *Lies and Libels of Frank Harris*.

When I offered it you sent me a good letter and you said, "We play no favorites here."

Your product, I don't know whether you would call it review or criticism, in The American Freeman seemed to me when I read it distorting and—I dislike to write the word—shallow. I have no copy at hand and I cannot give exact quotations. You could have had no grounds for, no knowledge of me to support, assertions you made about me. From talking about the book you turned to attacking me.

A friend, again a Jew, calls my attention to your extravagance published in *Popular Biography* with the headline, "Frank Harris: A Vignette." In this piece you say of me, quoting my book where it says Harris was "undoubtedly of Hebrew and Irish blood"—"these national adjectives were meant to fall with the force of an accusation."

How do you know they were? You lied when you wrote those words, and if you repeat it (the sentence) or anything like it, you will again repeat your lie. What shall be said of a reviewer, or critic, who gives mouth to and circulation to flippant vagaries—lies inculcating race hatred? Do not such practices publish your judgment as worthless? Among "Nordic nationalists" they do.

You seek a hero—"no uncommon want," as Lord Byron wrote long ago. Your erecting Frank Harris into an avatar to supply your needs reminds me of the old darkey down in Alabama. One brilliant summer day a balloonist, done up in pink, spangled tights, rose from a county fair and landed some miles away.

An old darkey, acting on the impulse of the politest and sweetest blood on earth (perhaps you know and love the Negroes as much I do), crushing the bolls of cotton he was picking between his fingers, pulled off his straw sombrero and advancing towards the fier, saluted him; "Good mornin, Massa Jesus, how's yo' Pah?" Yes, your attitude towards Frank calls to mind the old Alabama darkey.

Now, my dear Mr. Goldberg, don't be a snob. A Jew snob is the worst snob in the world—a living caricature, a living contradiction. Let your spangled-tights hero, Frank Harris, paddle about trains coming into Nice and peddle his pornography to the passengers. Take yourself a higher mission, and thank God that you were born in this country and kept here long enough to grow into a law-abiding nationalist.

I am, I hope, a lover of my country—whose laws protect me—and you—and

Very faithfully,

KATE STEPHENS.

ISAAC GOLDBERG'S REPLY

My Dear Miss Stephens:

I have your letter of March 3. I am reprinting it in full in the columns of "The American Freeman." And let me repeat, "We play no favorites here."

I, too, have no copy of my review at hand. But I recall that I quoted you generously, and that I asked, by implication, for an answer to your charges from the one man who could give it—namely, Harris himself. Then I proceeded to interpret some of your secondary motives. My grounds for the statements I made were in your book itself—in its insinuations, in its sometimes dubious methods of driving a point home, in its hint that Harris, being both an Irishman and a Jew—i. e., not an American patriot—was all

the more likely to be a liar and a libeller.

I still believe that those "national adjectives" were meant to fall with the force of an accusation. You held them till the very last paragraph of your indictment, as if they would clinch your entire argument. What, intrinsically, have they to do with the case? Any more than your own origin has to do with your case against Harris as a liar and a libeller?

The looseness with which you use the term "lie" as applied to what I have written weakens, in my mind, the force of that "short and ugly word" as applied to Harris. Of course I did not lie when I used those words, nor do I lie now when I repeat them. I may be mistaken; that is an entirely different matter.

One lies only when one deliberately makes a statement that one knows to be untrue, and makes it with the conscious intention of winning belief for that statement. I stated an inference made from adequate testimony supplied by your writing. The inference made from adequate testimony is not illogical, unwarranted, erroneous. But a lie? I have no intention of deliberate misrepresentation. I have no axe to grind. I do not know Mr. Harris personally. I have never met him. We have exchanged a few letters; that is all. Recently, a friend of mine spent a day with him at Nice; Harris did not recognize my name, and had forgotten all about my having been one of the few men in the United States to defend him against certain gross accusations. Yet I have in my possession a letter from him, thanking me for what I had written. It must be the oncoming years.

As to "flippant vagaries," I shall have to refer you again to your own book, and to the sudden manner in which, at the very end, you inject the racial issue. Indeed, though you are kind enough to approve of the Jews whom you happen to know, your second last paragraph reads to me—and I am practiced in such matters—like a thinly smothered dislike, to use a mild word, of both my race and its glorious tendency to internationalism. Yes; I was born in this country. And I see nothing inconsistent between being a "law-abiding nationalist" and a citizen who seeks, for the native culture, a wider horizon and an untrammelled independence. If it had not been for Washington and Lincoln and a few more like them, we should have no nation today in which to be law-abiding. Nations, like children, must grow; the circle of their understanding and their

loyalties must ever expand, until at last it includes all earth.

It would be easy for me, following your example, to say that you "lie" when you make Harris out to be my spangled-tights hero. Yet Harris, who doubtless stretches the truth on many occasions, has done more good with his lies than many of your law-abiding nationalists with their truths. I do not mean, by this, to absolve him from blame for any falsehoods that he may have told about you. A lie is a lie. But though every lie is an error, not every error is a lie. When you call him my hero you are simply mistaken. There are many things about this man that I do not like at all. They sink into a secondary place, however, when I consider the positive contributions of his life as a whole. His autobiography, as a unity, is a brave document, written with healing frankness and helping, as few books of his time have helped, to restore sex to sunlight.

I, too, am a lover of my country. And because I love it, I want it to be so much better than it is today. Nor do I, in that love, confuse the country itself with the politicians who guide and misguide its destiny; with the grasping schemers whose will is made to appear as the will of the land. The measure of the true citizen is not in his supine acceptance of the law; there is nothing sacred about the law; it is the product of fallible, and often of dishonest, human beings. A higher law sometimes dictates resistance to the law that is written on the books. How else have we progressed from the status of colonial dependence? Between unquestioned obedience to the law and serfdom there is little difference. And having been born in the United States by no means commits me to serfdom; nor does it, *ipso facto*, render me superior to all other nationalities.

Allow me, in conclusion, to revert to the matter of favorites. Your book was, in these columns, announced before publication. It was reviewed on publication. The address of the publishers was given, after publication, by street and number—something that is rarely done in the case of any book. Three notices, instead of one, for a single small volume. Does that look like playing favorites? Not to speak of the publicity afforded by this reply? Name another periodical that has dealt with you in a more kindly spirit.

Take the word of an experienced reader: that final paragraph in your book all but ruined any case made out by the previous pages. And one should be careful about the use of the word "lie"; also the word "snob." My kindest regards to your Jewish friends; they will never meet me in a synagogue.

I am, I hope, a lover of the world; that is, when I don't hate it.
Sincerely,
ISAAC GOLDBERG.

The Fabric of Fables

Robert G. Ingersoll in The Gods (Little Blue Book No. 185).

Man has no ideas, and can have none, except those suggested by his surroundings. He cannot conceive of anything utterly unlike what he has seen or felt. He can exaggerate, diminish, combine, separate, deform, beautify, improve, multiply and compare what he sees, what he feels, what he hears, and all of which he takes cognizance through the medium of the senses; but he cannot create.

Having seen exhibitions of power, he can say, omnipotent. Having lived, he can say, immortality. Knowing something of time, he can say, eternity. Conceiving something of intelligence, he can say, God. Having seen exhibitions of malice, he can say, devil. A few gleams of happiness having fallen athwart the gloom of his life, he can say, heaven. Pain, in its numberless forms, having been experienced, he can say, hell.

Yet all these ideas have a foundation in fact, and only a foundation. The superstructure has been reared by exaggerating, diminishing, combining, separating, deforming, beautifying, improving or multiplying realities, so that the edifice or fabric is but the incongruous grouping of what man has perceived through the medium of the senses.

It is as though we should give to a lion the wings of an eagle, the hoofs of a bison, the tail of a horse, the pouch of a kangaroo, and the trunk of an elephant. We have in imagination created an impossible monster. And yet the various parts of this monster really exist.

So it is with all the gods that man has made.

Beyond nature man cannot go even in thought—above nature he cannot rise—below nature he cannot fall.

Another funny paradox is that the word "seer" is used as a tribute to the man who despises the plain, realistic use of his eyes. A "seer," that is to say, is a man who doesn't see. It might be a little nearer the truth to call such a man a looker—a man who looks for something that doesn't exist.

The mystic is a man who rebels against the use of his five senses. He clings perversely to a sixth sense—the insatiable sense of obscurity.

The great, tragic errors of mankind have all come from neglect to observe the world mankind live in.

Upton Sinclair on Free Speech

[Intolerance is always an evil policy. Truth and progress can only be realized through freedom of speech. Radicals who denounce reactionaries for their tactics of bitter oppressiveness are very inconsistent when they attempt to cry down their opponents intemperately. It is especially foolish that a small group of radicals should resort to intolerant means, when in sheer immediate self-interest, if not as a larger ideal, they will benefit most from a policy of free speech. That all opinions should be given free and full expression—this is the one clear principle which must be upheld amid the clash of diverse viewpoints. In the following letter, Upton Sinclair speaks with admirable good will and wisdom on this important subject.]

Mr. Julius Moser,
1240 Walton Ave.,
Bronx, New York.

Dear Comrade:

I have your letter of February

24, in which you inquire concern-

ing my attitude toward the policy

of the Communists in breaking up

public meetings where they do not

approve of the speaker.

In answering, let me explain to

you that I have been, ever since its

founding, a member of the American

Civil Liberties Union. Seven years

ago, on the occasion of my arrest for

attempting to read the constitution

of the United States at a strike

meeting in Los Angeles harbor, I

founded the Southern California

Branch of this Union. Our declared

purpose is to defend all persons in

the United States in their civil

rights, which include the right to

hold public meetings and there to

voice to audiences whatever opinions

on public questions they consider

worth voicing.

We should stand by the program

of the Civil Liberties Union to de-

fend such rights for every one—

quite regardless of whether we agree

with the opinions. Thus, when the

police arrested the Salvation Army

people for holding street meetings

in Los Angeles, we did what we

could to defend the arrested persons.

In Boston we defended the right of

the Klu Klux Klan to hold meetings,

even though these people were deny-

ing the same right to the Catholics.

It is our belief that the way to pro-

tect, and further the truth is to pre-

serve freedom of discussion. If you

do not like what the other person

is saying, call another meeting of

your own and expose his false state-

ments, and you can be sure that in

the end the truth will prevail.

I believe in this principle. I have

advocated it and practiced it all my

life. I quite understand that most

of the attacks upon Soviet Russia which are being made in the United States at the present time are dishonest in motive, and that they are based in great part on falsehoods; nevertheless I defend the right of the speakers to say what they please, and I tell my Communist friends that when they attempt to break up the meetings of these speakers, and even do physical violence, as they did in San Francisco, they are making a very foolish tactical blunder.

In the first place, they advertise the speakers and create public sympathy for them. In the second place, they weaken their own moral position, and make it very difficult for us of the Civil Liberties Union to defend Communists, when Communists are deprived of their right to freedom of expression. You have a hard enough job as it is, without making it harder for yourselves by alienating that small but powerful group of persons who are trying to preserve civil liberty and the right of minority opinion in this country.

I have written you thus at length because you ask me whether I have repudiated the opinions of a lifetime, and I want to make clear to you that I am advocating exactly what I have always advocated. The question has nothing to do with my attitude toward the factional disputes inside the working class movement. I greatly deplore these, and often have a hard time making up my mind as to just where the balance of rightness lies. But I never change my mind as to the advisability of permitting all sides to have a hearing; and if it were the Socialists who adopted the policy of breaking up Communist meetings, I would protest just as earnestly against that mistake. Let me add that I have a sincere and deep appreciation of the heroic work the Communists are doing in defending the rights of the unemployed in all our cities, and also in defending the poorest-paid groups of workers, as in the cotton towns of the South. I want this work to go on, and I will help it with voice and pen to the utmost of my ability. I put it up to you, as a question of practical tactics, whether it would not be wiser to let a few poor back numbers of Russian emigres talk their heads off, and not waste the time and energy of the Communists in breaking up their meetings, and thus destroy the moral strength of the Communist defense of the exploited masses. Speaking for myself, I did not know that Chernov was in the United States until the Communists advertised his meeting; and I think this was true of ninety-nine percent of the people in America.

Sincerely,

UPTON SINCLAIR.

Just Poor Lying—That's All

Thomas Paine in The Age of Reason (Little Blue Book No. 4).

The book ascribed to Matthew [in the account of the crucifixion of Jesus] says, "There was darkness over all the land from the sixth hour unto the ninth hour—that the veil of the temple was rent in twain from the top to the bottom—that there was an earthquake—that the rocks rent—that the graves opened, that the bodies of many of the saints that slept arose and came out of their graves after the resurrection, and went into the holy city and appeared unto many." Such is the account this dashing writer of the book of Matthew gives, but in which he is not supported by the writers of the other books.

The writer of the book ascribed to Mark, in detailing the circumstances of the crucifixion, makes no mention of any earthquake, nor of the rocks rending, nor of the graves opening, nor of the dead men walking out. The writer of the book of Luke is silent also upon the same points. And as to the writer of the book of John, though he details all the circumstances of the crucifixion down to the burial of Christ, he says nothing about either the darkness—the veil of the temple—the earthquake—the rocks—the graves or the dead men.

It is an easy thing to tell a lie, but it is difficult to support the lie after it is told. The writer of the book of Matthew should have told us who the saints were that came to life again, and went into the city, and what became of them afterwards, and who it was that saw them (for he is not hardy enough to say that he saw them himself); whether they came out naked and all in natural buff, he-saints and she-saints; or whether they came full dressed, and where they got their dresses; whether they went to their former habitations, and reclaimed their wives, their husbands, and their property, and how they were received; whether they entered ejections for the recovery of their possessions, or brought actions of *crim. con.* against the rival interlopers; whether they remained on earth, and followed their former occupations of preaching or working; or whether they died again, or went back to their graves alive and buried themselves.

Strange, indeed, that an army of saints should return to life and nobody know who they were, nor who it was that saw them, and that not a word more should be said upon the subject, nor these saints have anything to tell us!

A martyr is a man who would rather be dead than be wrong.

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The Antichrist

By Friedrich Nietzsche

(Continued from last week.)

On the other hand, the need of faith, of something which is definitely positive or affirmative (Carlyleism, if I may be allowed the phrase) is a sign of weakness. The man of faith, any kind of "believer," is necessarily subservient to something outside himself: he cannot posit himself as an end, and he cannot find ends within himself. The "believer" does not really belong to himself, he is only a means, he needs to be used, and he needs somebody to use him. His instinct accords the highest place to a morality of abnegation; and everything within him—his prudence, his experience, and his vanity—prompt him to espouse this morality. Any kind of faith is the expression of self-denial, and of estrangement from self.

When it is considered that a code of conduct is absolutely essential to the vast majority of people, a code which restrains them and regulates them from without; and when it is considered that external control, or in other words, slavery, is the one and only condition under which weak-willed men, and particularly women, can develop, then at once the meaning of conviction and faith becomes evident. They give a backbone to the man of prejudice. The only conditions under which such a man can survive at all are to avoid looking at most things, never to be impartial, always to belong to some party or another, and to have a clear-cut point of view in forming all his judgments.

And this is precisely the opposite procedure to that followed by the seeker after truth. . . . A believer cannot be at liberty to have any conscience for what is true or untrue: any independence in this regard would bring about his collapse. It is merely a pathological development of this defective sight which converts a man of conviction into a fanatic like Savonarola, Luther, Rousseau, Robespierre, Saint-Simon—types which are the exact opposite of strong and freed minds. But the striking poses of these morbid minds, and their epileptic ideas, work upon the masses of mankind: for fanatics are picturesque, and men would much rather be entertained by a pose than listen to reason. . . .

L.V

Let us now take one step further in our study of the psychology of prejudice, or of "faith." It is some time since I first proposed for consideration the point of view that prejudice is a greater enemy of truth than lying. ("Human, all-too-human," I, Aphorism 483.) This time I wish to state the question more definitely as follows: Is there any distinction whatever between a prejudice and a lie? Everybody thinks there is, but what doesn't everybody believe? Every prejudice has its own history, its own formative stage, its period of tentativeness and mistakes. It becomes prejudice only after not having been a prejudice for a long time, and then having been nearly a prejudice. What does it matter if in one of these embryonic stages the prejudice was actually a falsehood? Sometimes all that is required is a change in persons: the father's lie becomes an article of faith for the son.

I call it lying to refuse to see a thing in the way it appears; it is another matter whether the lie was committed before witnesses or otherwise; for the most common form of lying is self-deception, and deception of others, compared to this offense, is comparatively rare.

Now this refusal to face things the way they appear is absolutely essential for anybody who joins a party; the party man is invariably a liar. For example, German historians are convinced that Rome stood for despotism, and that the Teutons introduced the idea of liberty into the world: what is the difference between a conviction like this and a lie? Is it to be wondered at, after this, that all partisans, including German historians, instinctively utter ponderous moral pronouncements—or that morality itself has been kept alive by the fact that partisans of every kind constantly stand in need of it?

A remark I have frequently heard used by anti-Semites is the following: "We admit we are prejudiced, and we live and die for our prejudices—everyone's prejudices should be respected!" On the contrary, my dear sirs, an anti-Semite does not become more worthy of respect because he is a liar on principle. . . . Priests are much more subtle in these matters because they understand the objections, which might be raised against following prejudice (namely against falsehood raised to the status of a principle for some special purpose) and so they have borrowed from the Jews the device of interlarding the ideas of "God," the "will of God," and "God's revelation" at this point. Kant also, with his categorical imperative, was up to the same game—hence his concept of practical reason.

There are some questions to which man cannot give a clear answer; all the important questions, and problems of value are beyond human reason. . . . Genuine philosophy consists in understanding just how far reason can go. . . . Otherwise why did God reveal himself to men? God does nothing superfluous. Man cannot by himself know anything about good and evil, and so God taught him his will. . . . The conclusion of the whole argument is that the priest cannot lie, because questions of truth or otherwise have nothing to do with the matters dealt with by the priests. For in order to lie, it would be necessary to know what the truth should be. But this is more than men can grasp—hence the priest speaks only as an agent of God, who alone understands.

Such is the sacerdotal syllogism, and it is by no means confined to Jewish and Christian priests: the right to lie and the clever trick of "revelation" are characteristic of all priests, whether decadent or pre-Christian. (The pre-Christian priests affirmed life, and "God" for them meant acquiescence in organic life.)

The "law," the "will of God," "Holy Scriptures," and "inspiration," are all merely methods used by priests for attaining power and keeping it. And they are ideas which underlie all theocracies, and all priestly or philosophical forms of government. The "holy lie"—which is common to Confucius, the bode of Manu, to Mahomet, and to the Christian church—is even to be found in Plato. When ever the phrase, "This is truth," is uttered, beware of the priestly lie.

L.VI

In the last resort, it boils down to this—what is the purpose of the priestly lie? The fact that from the Christian religion a really "sacred" purpose is absent is my principal objection to the means it employs. Its intentions are evil—to poison, slander, and deny organic life, to despise the body and to degrade and pollute humanity with the idea of sin—hence it follows that the means it employs are evil.

I have quite a different feeling when I read the book of Manu, an incomparably superior and more intelligent work than the Bible, which it is almost a sin against intellect to mention in the same breath as the Bible. And the reason is obvious: there is genuine thought behind it, not merely an evil-smelling Jewish compilation of rabbinism and superstition—it gives the most pernicious psychologist something to digest. And, even more important, it is entirely different from every kind of Bible because it is intended to help the nobility, the philosophers, and the warriors, to keep a whip-hand over the mob. It is full of dignified values, it is inspired with the idea of attaining perfection by accepting what life has to offer, and it manifests a feeling of exultation in self as a living fact—the sun shines upon the whole book.

Here everything that Christianity besmirches with its bottomless vulgarity—for example, procreation, women, and nuptials—is treated earnestly, reverently, and with affection and certainty.

How could anyone possibly put into the hands of children and ladies a book which contains such filthy words as these: "To avoid fornication, let every man have his own wife, and let every woman have her own husband. . . . it is better to marry than to burn?"

And is it possible to be a Christian so long as the actual generation of man is Christianized, or in other words defiled, by the doctrine of the Immaculate Conception? . . .

I know of no book in which so many delicate and kindly things are said of women, as in the book of Manu: these old grey-beards and

saints have a way of being polite to women which would be almost impossible to surpass. "The mouth of a woman," says Manu, "the breasts of a maiden, the prayer of a child, and the smoke of sacrifice, are always pure."

And elsewhere he says: "There is nothing purer than the light of the sun, the shadow of a cow, air, water, fire, and the breath of a maid." Finally one more quotation: "All the orifices of the body above the navel are pure, all below the navel are impure; but in the maiden the whole body is pure"—but perhaps this is also a "holy lie"! LVII

It only needs a comparison of the intention of Christianity with that of Manu to show how utterly unholy is Christian procedure: and to do this these two utterly contrasted ethics should be examined side by side under the strongest light of comparative criticism—though any such critique of the Christian religion must in the end bring Christianity into contempt.

A law-book like the book of Manu has the same origin as any other law-book: it epitomizes the experience, the sagacity and the experimental morality of long centuries: it lays things down definitely, even if it creates nothing new. What is required for a codification of this kind is a recognition of the fact that the means used to secure authority for a hard-won truth, are entirely different from those which would be required to prove it. A law-book never need recite the utility and the preliminary casuistry justifying its laws: for if it did so, it would lose its tone of command—the "Thou shalt" which enforces obedience; and this is the heart of the matter.

At a certain point in the development of a people, the most far-seeing class (that is, the class which can best see both backwards and forwards) declares that the experimental period in arriving at how all the people shall or can live has now come to an end. The object now is to reap as rich and complete an harvest as possible in return for the terrible times of experiment gone through. Consequently what has now to be avoided at all costs is further experiment, or a prolongation of the period of testing, selecting and criticizing values.

To prevent this, a twofold barrier is set up: on the one hand, Revelation, which assumes that the reason behind the laws is superhuman in origin; that these laws were not sought and found by a slow process and after many mistakes, but are of divine origin, in their entirety, perfect, without any development, a gift and a miracle; and on the other hand, tradition, which assumes that the law has been in existence unchanged from time immemorial, and that it is impious and a crime against one's ancestors to cast doubt upon it.

Thus the authority of the law is established on the twofold principle: God gave it, and our ancestors lived it. The best intention behind such a procedure is to lead consciousness step by step away from focusing upon the problem of living correctly (which has now been established by intense effort and carefully scrutinized experience), so that morality may find its expression in an entirely automatic functioning of the instincts: such being the only possible method of mastering and attaining perfection in the art of living.

To draw up a code-book like that of Manu is equivalent to endowing a people with the possibility of future self-mastery and perfection—it gives them the right to aspire to the highest achievement in the art of living. To do this it must be made unconscious—such is the purpose of every "holy lie."

There is an ordering of mankind into castes, and this is the only law of domination, sanction given to a natural law and to natural justice of the highest importance, upon which no innovation, nor any "modern idea" has an effect. According to this law, society is divided into three distinct types, differentiated physically, but mutually interrelated; and each has its own rules of health, its own sphere of work, and its own particular concepts of self-mastery and perfection. It is not Manu but nature that sets apart in one class, the individuals who are predominantly intellectual; and in another class, those who excel in muscular aptitude and strength; and in the third, those who are distinguished neither in body nor in mind—the mediocre—by far the greatest number, the first two categories being those of the elect.

The first of these castes (whom I will call the "few") has the privileges of the few who are perfect: it is their character to express happiness, beauty and goodness on earth; for only intelligent men have any right to beauty and to the beautiful, as they are the only ones who can be good without being feeble. "Beauty is for the few," and goodness is a privilege. Nothing could be more unworthy in this caste than uncouth manners or a pessimistic view of things, an eye for ugliness. . . . or indignation against the general state of affairs. For indignation is a privilege set apart for the Chandala, and so is pessimism. What the instinct of the intellectuals inspires is the opinion that the world is as good as it can be; and this is the instinct of affirmation.

It is even conceded that imperfection, inferiority, distance, the oneliness of superiority, and even the Chandala belong, as parts, to the universal perfection. The intelligent men, in common with the strong men, find their happiness where the others see only disaster. Their delight is in the labyrinth, in being hard to themselves and to others; in strenuous effort; and their joy is in self-mastery. With them asceticism becomes second nature, a need, and an instinct. A difficult task they regard as a privilege; and to lift burdens which would crush their fellow-men is merely a recreation. . . . Knowledge or them is actually a form of asceticism. They are the most contentious of men; which doesn't prevent them from being cheerful and gracious. They are the rulers, not because they desire it, but because of what they are: they are not at liberty to occupy a secondary position.

The second of these castes: To this belong guardians of the law, of order and security, the noble warriors, and in particular the king, is the personification of warrior and judge. The second caste constitutes the executive of the intellectuals, the nearest to them and belonging to them, whose duty it is to relieve their superiors of all the rough tasks in the business of ruling. They are the followers, the assistants and the most apt disciples of the ruling caste. And in all this, I repeat, there is nothing artificial or arbitrary; for nature is put to shame by anything other than this state of affairs.

The division of mankind into castes and orders of rank is merely a formulation of a profound law of life itself; and the differentiation of the three types is essential for the maintenance of social unities, and of the breeding of higher and better types of men. The one thing essential for the maintenance of any rights whatever is that there should be no equality of rights: for a right is the same thing as a privilege, and everyone is entitled to the privileges of his own type.

And let us not underestimate the privileges of mediocrity: for as life gets higher, it gets harder. It is colder on the heights and here are greater responsibilities to face. A highly-developed civilization is a pyramid; it can rest only upon a broad base; and at the bottom there must be a well-packed mass of mediocrity. The handicrafts, commerce, agriculture, science, most of the arts, and in short, most of the professional and business callings, are compatible only with mediocre ability and ambition. Such callings would be unfitting for exceptional men: the instinct which takes kindly to them is equally unfitted for both aristocracy and anarchism.

If a man is of some public use, a wheel, a function, he has a pre-destination for that sort of thing. It is not society that makes him intelligent machines, but the peculiar kind of happiness of which they alone are capable. The mediocre glory in their mediocrity: their speciality, and their natural instinct, is to master one thing alone. Thus it would be absolutely unworthy of a profound thinker to look down upon mediocrity as such. Indeed mediocrity is essential for superior types are to be produced. It is prerequisite to any high degree of civilization: and if the outstanding man handles the mediocre man more delicately than he handles himself or his equals, is not merely kindness of heart or "humanitarianism" but his duty.

[To be concluded.]

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