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IS THE BIBLE INDICTABLE?

AN ENQUIRY WHETHER THE BIBLE COMES WITHIN
THE RULING OF THE LORD CHIEF JUSTICE
AS TO OBSCENE LITERATURE.

THE ruling of Sir Alexander Cockburn in the late trial, the *Queen against Bradlaugh and Besant*, seems to involve wider issues than the Lord Chief Justice intended, or than the legal ally of Nature and Providence can desire. The question of motive is entirely set on one side; the purest motives are valueless if the information conveyed is such as is capable of being turned to bad purposes by the evil-minded and the corrupt. This view of the law would not be enforced against expensive medical works; provided that the price set on a book be such as shall keep it out of reach of the "common people," its teaching may be thoroughly immoral but it is not obscene. Dr. Fleetwood Churchill, for instance, is not committing an indictable offence by giving directions as to the simplest and easiest way of procuring abortion; he is not committing a misdemeanour, although he points out means which any woman could obtain and use for herself; he does not place himself within reach of the law, although he recommends the practice of abortion in all cases where previous experience proves that the birth of a living child is impossible. A check to population which destroys life is thus passed over as legal, perhaps because the destruction of life is the check so largely employed by Nature and Providence, and would thus ensure the approval of the Solicitor-General. But the real reason why Dr. Churchill is left unmolested and Dr. Knowlton is assailed, lies in the difference of the price at which the two are severally published. If Dr. Knowlton was

sold at 10s. 6d. and Dr. Churchill at 6d., then the vials of legal wrath would have descended on the advocate of abortion and not on the teacher of prevention. The obscenity lies, to a great extent, in the price of the book sold. A vulgar little sixpence is obscene, a dainty half-sovereign is respectable. Poor people must be content to remain ignorant, or to buy the injurious quack treatises circulated in secret; wealthier people, who want knowledge less, are to be protected by the law in their purchases of medical works, but if poor people, in sore need, finding "an undoubted physician" ready to aid them, venture to ask for his work, written especially for them, the law strikes down those who sell them health and happiness. They must not complain; Nature and Providence have placed them in a state of poverty, and have mercifully provided for them effectual, if painful, checks to population. The same element of price rules the decency or the indecency of pictures. A picture painted in oils, life size, of the naked human figure, such as Venus disrobed for the bath, or Phryne before her judges, or Perseus and Andromeda, exhibited to the upper classes, in a gallery, with a shilling admission charge, is a perfectly decent and respectable work of art. Photographs of those pictures, uncoloured, and reduced in size, are obscene publications, and are seized as such by the police. Cheapness is, therefore, an essential part of obscenity.

If a book be cheap, what constitutes it an obscene book? Lord Campbell, advocating in Parliament the Act against obscene literature which bears his name, laid down very clearly his view of what should, legally, be an obscene work. It must be a work "written for the single purpose of corrupting the morals of youth, and of a nature calculated to shock the feelings of decency in any well-regulated mind" (Hansard, vol. 146, No. 2, p. 329). The law, according to him, was never to be levelled even against works which might be considered immoral and indecent, such as some of those of Dryden, Congreve, or Rochester. "The keeping, or the reading, or the delighting in such things must be left to taste, and was not a subject for legal interference;" the law was only to interpose where the motive of the seller was bad; "when there were people who designedly and industriously manufactured books and prints with the intention of corrupting the public morals, and when they succeeded in their infamous purpose, he thought it was

necessary for the legislature to interpose" (Hansard, vol. 146, No. 4, p. 865).

The ruling of the present Lord Chief Justice in the late trial is in direct opposition to the view taken by Lord Campbell. The chief says: "Knowlton goes into physiological details connected with the functions of the generation and procreation of children. The principles of this pamphlet, with its details, are to be found in greater abundance and distinctness in numerous works to which your attention has been directed, and, having these details before you, you must judge for yourselves whether there is anything in them which is calculated to excite the passions of man and debase the public morals. If so, every medical work is open to the same imputation" (Trial, p. 261). The Lord Chief Justice then refers to the very species of book against which Lord Campbell said that he directed his Act. "There are books," the chief says, "which have for their purpose the exciting of libidinous thoughts, and are intended to give to persons who take pleasure in that sort of thing the impure gratification which the contemplation of such thoughts is calculated to give." If the book were of that character it "would be condemnable," and so far all are agreed as to the law. But Sir Alexander Cockburn goes further, and here is the danger of his interpretation of the law: "Though the intention is not unduly to convey this knowledge, and gratify prurient and libidinous thoughts, still, if its effect is to excite and create thoughts of so demoralising a character to the mind of the reader, the work is open to the condemnation asked for at your hands" (Trial, p. 261). Its effect on what reader? Suppose a person of prurient mind buys Dr. Carpenter's "Human Physiology," and reads the long chapter, containing over 100 pages, wholly devoted to a minute description of generation; the effect of the reading will be "to excite and create thoughts of" the "demoralising character" spoken of. According to the Lord Chief Justice's ruling, Dr. Carpenter's would then become an obscene book. The evil motive is transferred from the buyer to the seller, and then the seller is punished for the buyer's bad intent; vicarious punishment seems to have passed from the church into the law court. There can be no doubt that every medical book now comes under the head of "obscene literature," for they may all be read by impure people, and will infallibly have the affect of arousing prurient thoughts; that they are written for a good purpose, that they are written to cure disease, is

no excuse; the motive of the writer must not be considered; the law has decided that books whose intention is to convey physiological knowledge, and that not unduly, are obscene, if the reader's passions chance to be aroused by them; "we must not listen to arguments upon moral obligations arising out of any motive, or out of any desire to benefit humanity, or to do good to your species" (Trial, p. 237). The only protection of these, otherwise obscene, books lies in their price; they are generally highly-priced, and they do thus lack one essential element of obscenity. For the useful book that bad people make harmful must be cheap in order to be practically obscene; it must be within reach of the poor, and be "capable of being sold at the corners of the streets, and at bookstalls, to every one who has sixpence to spare" (Trial, p. 261).

The new ruling touches all the dramatists and writers that Lord Campbell had no idea of attacking; no one can doubt that many of Congreve's dramas are calculated to arouse sexual passion; these are sold at a very low price, and they have not even the defence of conveying any useful information; they come most distinctly within the ruling of the Lord Chief Justice; why are they to be permitted free circulation? Sterne, Fielding, Smollett, Swift, must all be flung into the dusthole after Congreve, Wycherley, Jonson; Dryden, of course, follows these without delay, and Spencer, with his "Faerie Queene," is the next victim. Shakespeare can have no quarter shown him; not only are most gross passages scattered through his works, but the motive of some of them is directly calculated to arouse the passions; for how many youthful love fevers is not "Romeo and Juliet" answerable; what of "Cymbeline," "Pericles," or "Titus Andronicus"? Can "Venus and Adonis" tend to anything except to the rousing of passion? is "Lucrece" not obscene? Yet Macmillan's Globe Edition of Shakespeare is regarded as one of the most admirable publishing efforts made by that eminent firm to put English masterpieces in the hands of the poor. Coming to our time, what is to be done with Byron? "Don Juan" is surely calculated to corrupt, not to speak of other poems, such as "Parisina." What of Shelley, with his "Cenci"? Swinburne, must of course, be burned at once. Every one of these great names is now branded as obscene, and under the ruling of the Lord Chief Justice every one of them must be condemned. Suppose some one should follow Hetherington's

example? Suppose that we should become the prosecutors instead of the prosecuted? Suppose that we should drag others to share our prison, and should bring the most honoured names of authors into the same condemnation that has struck us? Why should we show to others a consideration that has not been shown to us? If it is said that we should not strike, we answer; "Then leave *us* alone, and calculate the consequences before you touch us again." The law has been declared by the Lord Chief Justice of England; why is not that law as binding on Macmillan as on us? The law has been narrowed in order to enmesh Freethought: its net will catch other fishes as well, or else break under the strain and let all go free. The Christians desire to make two laws, and show their hands too plainly: one law is to be strict, and is to apply wholly to Freethinkers; cheating Christians, who sell even Knowlton, are to be winked at by the authorities, and are to be let off scot free; but this is not all. Ritualists circulate a book beside which Knowlton is said to be purity itself, and the law does not touch them; no warrants are issued for their apprehension; no prosecution is paid for by a hidden enemy; no law-officer of the Crown is briefed against them. Why is this? because to attack Christians is to draw attention to the foundation of Christianity; because to attack the "Priest in Absolution" is to attack Moses. The Christian walls are made out of Bible-glass, and they fear to throw stones lest they should break their own house. Listen to Mr. Ridsdale, a brother of the Holy Cross: "I wonder," he says, "why some one does not stand up in the House of Lords and bring a charge against the Bible (especially Leviticus) as an immoral book." The *Church Times*, the organ of the Ritualists, has a letter which runs thus: "Suppose a patrician and a pontifex in old Rome had with care and deliberation extracted sentences from Holy Writ, separated them from their context, suppressed the general nature and character of the book, and then accused the bishop and his clergy of deliberately preparing an obscene book to contaminate the young (how readily he might have made such extracts!), what should we have said of such ruffians?" This, then, is the shield of the clergy; the Bible is itself so obscene that Christians fear to prosecute priests who circulate obscenity.

Does the Bible come within the ruling of the Lord Chief Justice as to obscene literature? Most decidedly it does,

and if prosecuted as an obscene book, it must necessarily be condemned, if the law is justly administered. Every Christian ought therefore to range himself on our side, and demand a reversal of the present rule, for under it his own sacred book is branded as obscene, and may be prosecuted as such by any unbeliever.

First, the book is widely circulated at a low price. If the Bible were restricted in its circulation by being sold at 10s. 6d. or a guinea, it might escape being placed in the category of obscene literature under the present ruling. But no such defence can be pleaded for it. It is sold at 8d. a copy, printed on cheap paper, and strongly bound, for use in schools; it is given away by thousands among the "common people," whose morals are now so carefully looked after in the matter of books; it is presented to little children of both sexes, and they are told to read it carefully. To such an extent is this carried, that some thousands of children assembled together were actually told by Lord Sandon, the Vice-President of the Committee of Council on Education, to read the Bible right through from beginning to end, and were bidden not to pick and choose. The element of price is clearly against the Bible if it be proved to have in it anything which is of a nature calculated to suggest impure thoughts.

As to the motives of the writers, we need not trouble about them. The law now says that intention is nothing, and no desire to do good is any excuse for obscenity (Trial, p. 257).

There remains the vital question: is the effect of some of its passages to excite and create demoralising thoughts? (Trial, p. 261).

The difficulty of dealing with this question is that many of the quotations necessary to prove that the Bible comes under the ruling of the Lord Chief Justice are of such an extremely coarse and disgusting character, that it is really impossible to reproduce them without intensifying the evil which they are calculated to do. While I see no indecency in a plain statement of physiological facts, written for people's instruction, I do see indecency in coarse and indelicate stories, the reading of which can do no good to any human being, and can have no effect save that of corrupting the mind and suggesting unclean ideas. I therefore refuse to soil my pages with quotations, and content myself with giving the references, so that any-

one who desires to use the ruling of the Lord Chief Justice to suppress the Bible may see what certainty of success awaits him if justice be done. I shall not trouble about simple coarseness, such as Gen. iv. 1, 17, 25; Gen. vi. 4; or Matt. i. 18-20, 25. If mere coarseness of expression were to be noted, my task would be endless. But let the intending prosecutor read the following passages. A little boy of 8 or 10 would scarcely be improved by reading Gen. ix. 20-25; the drunkenness, indecency, and swearing in these six verses is surely calculated to corrupt the boy's mind. The teaching of Gen. xvi. 1-5 is scarcely elevating for the "common people," seeing the example set by the "friend of God." Gen. xvii. 10-14 and 23-27 is very coarse. Would Gen. xix. 4-9 improve a young maiden, or would it not suggest the most impure thoughts, verse 5 dealing with an idea that should surely never be put into a girl's mind? The same chapter, 30-38, is revolting; and Deut. ii. 9 and 19 implies God's approval of the unnatural crime. The ignorance of physiology which is thought best for girls would receive a shock, when in reading the Bible straight through, the day's portion comprised Gen. xxv., 21-26. Gen. xxvi., 8 is not nice, nor is Gen. xxix., 21-35, and Gen. xxx. The story of Dinah, Gen. xxxiv.; of Reuben, Gen. xxxv., 22; of Onan, Gen. xxxviii., 8-10; of Judah and Tamar, xxxviii., 13-26; of the birth of Tamar's children, xxxviii., 27-30, are all revolting in their foulness of phraseology. Why the Bible should be allowed to tell the story of Onan seems very strange, and the "righteousness" of Tamar (v. 26) wins approval. Is this thought purifying teaching for the "common people"? The story of Joseph and Potiphar's wife, Gen. xxxix., 7-18, I have heard read in church to the manifest discomfort of some of the congregation, and the amusement of others, while Joseph flying from temptation and leaving his garment with Potiphar's wife is a picture often seen in Sunday schools. Thus twelve out of the fifty chapters of Genesis are undeniably obscene, and if there is any justice in England, Genesis ought to be suppressed. We pass to Exodus. Ex. i., 15-19 is surely indecent. I am not dealing with immoral teaching, or God's blessing on the falsehood of the midwives (20, 21) would need comment. Ex. iv., 24-26, is very coarse; so also Ex. xxii., 16, 17, 19. Leviticus is coarse throughout, but is especially so in chaps. v., 3; xii.; xv.; xviii., 6-23; xx., 10-21; xxii., 3-5. The trial of jealousy is most revolting in Numb. v., 12-29.

Numb. xxv., 6-8 is hardly a nice story for a child, nor is that of Numb. xxxi., 17, 18. Deut. xxi., 10-14 is not pure teaching for soldiers. Deut. xxii., 13-21 is extremely coarse; the remainder of the chapter comes also within the Chief's ruling, as do also chaps. xxiii., 1, 10, 11; xxv., 11, 12; xxvii., 20, 22, 23; xxviii., 57. The fault of the book of Joshua lies chiefly in its exceeding brutality and bloodthirstiness, but it, also, does not quite escape the charge of obscenity, as may be seen by referring to the following passage: chap. v., 2-8. Judges is occasionally very foul, and is utterly unfit for general reading, according to the late definition; Ehud and Eglon, Judges, iii., 15-25, would not bear reading aloud, and the story might have been told equally well in decent language. Or take the horribly disgusting tale of the Levite and his concubine (Judges xix.), and then judge whether a book containing such stories is fit for use in schools. Dr. Carpenter's book may do good there, because, with all its plain speaking, it conveys useful information; but what good—mental, physical, or moral—can be done to a young girl by reading Judges xix.? And the harm done is intensified by the fact that the ignorance in which girls are kept surrounds such a story with unwholesome interest, as giving a glimpse into what is, to them, the great mystery of sex. The story of Ruth iii. 3—14 is one which we should not like to see repeated by our daughters; for the virtue of a woman who should wait until a man was drunk, and then go alone at night and lie down at his feet, would, in our days, be regarded as problematical. 1 Sam. ii. 22, and v. 9 are both obscene; so are 1 Sam. xviii. 25—27 and xxi. 4, 5. 1 Sam. xxv. 22, 34 are disgustingly coarse, and there are many similar coarse passages to be found in "holy" writ. 2 Sam. vi. 14, 16, 20, is a little over-suggestive, as is also 2 Sam. x. 4. The story of David dancing is told in 1 Chron. xv. 27—29 without anything offensive in its tone. The story of David and Bathsheba is only too well known, and as told in 2 Sam. xi. 2—13 is far more calculated to arouse the passions than is anything in Knowlton. The prophecy in 2 Sam. xii. 11, 12, fulfilled in xvi. 21, 22, is repulsive in the extreme, more especially when we are told that the shameful counsel was given by Ahithophel, whose counsel, "which he counselled in those days, was as if a man had inquired at the oracle of God." If God's oracles give such counsel, the less they are resorted to the better for the

welfare of the state. We are next given the odious story of Amnon and Tamar (2 Sam. xiii. 1—22), instructive for Lord Sandon's boys and girls to read together, as they go through the Bible from beginning to end. 1 Kings i. 1—4 conveys an idea more worthy of George IV. than of the man after God's own heart. In 1 Kings xiv. 10, the coarseness is inexcusable, and verse 24 is only too intelligible after Judges xix. 2 Kings ix. 8, xviii. 27, are thoroughly Biblical in their delicacy. 1 Chron. xix. 4 repeats the unpleasant story of 2 Sam. x. 4; but both 1 and 2 Chronicles are, for the Bible, remarkably free from coarseness, and are a great improvement on the books of Kings and Samuel. The same praise is deserved by Ezra and Nehemiah. The tone of the story of Esther is somewhat sensual throughout: the drunken king commanding Vashti to come in and show her beauty, Esther i. 11; the search for the young virgins, Esther ii. 2—4; the trial and choice, Esther ii. 12—17, these are scarcely elevating reading; Esther vii. 8 is also coarse. To a girl whose safety is in her ignorance, Job iii. 11 is very plain. Psalm xxxviii. 5—7 gives a description of a certain class of disease in exact terms. Proverbs v. 17—20 is good advice, but would be condemned by the Lord Chief Justice; Proverbs vi. 24—32 is of the same character, as is also Proverbs vii. 5—23. The allusion in Ecclesiastes xi. 5 would be objected to as improper by the Solicitor-General.

The Song of Solomon is a marriage-song of the sensual and luxuriant character: put Knowlton side by side with it, and then judge which is most calculated to arouse the passions. It is almost impossible to select, where all is of so extreme a character, but take i. 2, 13; ii. 4—6, 17; iii. 1, 4; iv. 5, 6, 11; v. 2—4, 8, 14—16; vii. 2, 3, 6—10, 12; viii. 1—3, 8—10. Could any language be more alluring, more seductive, more passion-rousing, than the languid, uxorious, "linked sweetness long drawn out" of this Eastern marriage-ode? It is not vulgarly coarse and offensive as is so much of the Bible, but it is, according to the ruling of the Lord Chief Justice, a very obscene poem. One may add that, in addition to the allusions and descriptions that lie on the surface, there is a multitude of suggestions not so apparent, but which are thoroughly open to all who know anything of Eastern imagery.

After the Song of Solomon, it is a shock to come to the prophets; it is like plunging into cold water after being in a hothouse. Unfortunately, with the more bracing atmo-

sphere, we find the old brutality coming again to repel us, and coarse denunciation shocks us, as in Isaiah iii. 17. How would the Lord Chief Justice have dealt with Isaiah if he had lived in his day, and acted as is recorded in Isaiah xx., 2—4? He clearly would have put him in a lunatic asylum (Trial, p. 168). If it were not that there are so many worse passages, one might complain of the taste shown in the comparison of Isaiah xxvi. 17, 18; the same may be said of Isaiah xxxii. 11, 12. In Isaiah xxxvi. 12 we have a repetition of 2 Kings xviii. 27, which we could well have spared. In Isaiah lvii. 8, 9, we meet a favourite simile of the Jewish prophets, wherein God is compared to a husband, and the people to an unfaithful wife, and the relations between them are described with a minuteness which can only be fitly designated by the Solicitor-General's favourite word. Isaiah lxvi. 7—12 would be regarded as somewhat coarse in an ordinary book. The prophets get worse as they go on. Jeremiah i. 5 is the first verse we meet in Jeremiah which the Solicitor-General would take exception to. We next meet the simile of marriage, in Jeremiah ii., 20, iii. 1—3, 6—9, verse 9 being especially offensive. Jer. v. 7, 8, is coarse, as are also Jer. xi. 15 and xiii. 26, 27. Ought the girl's schools to read Jer. xx. 17, 18? But, perhaps, as Ezekiel is coming, it is hypercritical to object to Jeremiah. Lamentations i. 8, 9, is revolting, and verse 17 of the same chapter uses an extremely coarse simile. Ezekiel is the prophet who eat a little book and found it disagree with him: it seems a pity that he did not eat a large part of his own, and so prevent it from poisoning other people. What can be more disgusting than Ez. iv. 12—15? the whole chapter is absurd, but these verses are abominable. The prophet seems, like the drawers of the indictment against us, to take pleasure in piling up uncomfortable terms, as in Ez. vi. 9. We now come to a chapter that is obscene from beginning to end, and may, I think, almost claim the palm of foulness. Let any one read through Ez. xvi., marking especially verses 4—9, 15—17, 25, 26, 33, 34, 37, 39, and then think of the absurdity of prosecuting Knowlton for corrupting the morals of the young, who have this book of Ezekiel put into their hand. After this, Ez. xviii. 6, 11, and 15 seem quite chaste and delicate; and no one could object to Ez. xxii. 9—11. Ez. xxiii. is almost as bad as chapter xvi., especially verses 6—9, 14—21, 29, 41—44. Surely if any book be indictable for obscenity, the Bible should be the first to be prose-

cuted. I know of no other book in which is to be found such utterly unredeemed coarseness. The rest of Ezekiel is only bloodthirsty and brutal, so may, fortunately, be passed over without further comment. Daniel may be left unnoticed; and we now come to Hosea, a prophet whose morals were, to speak gently, peculiar. The "beginning of the word of the Lord by Hosea," was the Lord's command as to his marriage, related in Hosea i. 2; we then hear of his children by the said wife in the remainder of the chapter, and in the next chapter we are told, Hosea ii. 2, that the woman is not his wife, and from verse 2—13 we have an extremely indecent speech of Hosea on the misdeeds of the unfortunate creature he married, wherein, verse 4, he complains of the very fact that God commanded in chap. i. 2. Hosea iii. 1—3 relates another indecent proceeding on Hosea's part, and his purchase of another mistress; whether girls' morals are improved by the contemplation of such divine commands, is a question that might fairly be urged on Lord Sandon before he next distributes Bibles to little children of both sexes. The said girls must surely, as they study Hosea iv. 10—18, wonder that God expresses his intention not to punish impurity in verse 14. It is impossible, in reading Hosea, to escape from the prevailing tone of obscenity; chaps. v. 3, 4, 7; vi. 9, 10; vii. 4; viii. 9; ix. 1, 10, 11, 14, 16; xii. 3; xiii. 13, every one of these has a thought in it that all must regard as coarse, and which comes distinctly within the ruling of the Lord Chief Justice as to obscenity; there is scarcely one chapter in Hosea that does not, with offensive reiteration, dwell on the coarsest form of wrongdoing of which women are capable. Joel iii. 3 is objectionable in a comparatively slight degree. Amos, although occasionally coarse, keeps clear of the gross obscenity of Hosea, as do also Obadiah and Jonah. Micah i. 7, 8, 11, would scarcely be passed by Sir Hardinge Giffard, nor would he approve Micah iv. 9, 10. Nahum iii. 4—6 is almost Hoseatic, and Habakkuk ii. 5, 16 runs it close. The remaining four prophets are sometimes coarse, but have nothing in them approaching the abominations of the others, and we close the Old Testament with a sigh of relief.

The New Testament has in it nothing at all approaching the obscenity of the Old, save two passages in Revelation. The story of Mary and Joseph is somewhat coarse, especially as told in Matt. i. 18—25. Rom. i. 24—27 is distinctly

obscene, and 1 Cor. v. 1, vi. 9, 15, 16, 18, would all be judged indelicate by Her Majesty's Solicitor-General, who objected to the warnings given by Knowlton against sexual sin. The whole of 1 Cor. vii. might be thought calculated to arouse the passions, but the rest of Paul's Epistles may pass, in spite of many coarse passages, such as 1 Thess. iv. 3—7. Heb. xiii. 4 and 2 Peter ii. 10—18 both come into the same category, but it is useless to delay on simple coarseness. Revelation slips into the old prophetic indecency; Rev. ii. 20—22 and xvii. 1—4 are almost worthy of Ezekiel.

Can anyone go through all these passages and have any doubt that the Bible—supposing it to be unprotected by statute—is indictable as an obscene book under the ruling of the Lord Chief Justice? It is idle to plead that the writers do not approve the evil deeds they chronicle, and that it is only in two or three cases that God appears to endorse the sin; no purity of motives on the writers' parts can be admitted in excuse (Trial, p. 257). These sensuous stories and obscene parables come directly under the censure of the Lord Chief Justice, and I invite our police authorities to show their sense of justice by prosecuting the people who circulate this indictable book, thereby doing all that in them lies to vitiate and corrupt the morals of the young. If they will not do this, in common decency they ought to drop the prosecution against us for selling the "Fruits of Philosophy."

The right way would be to prosecute none of these books. All that I have intended to do in drawing attention to the "obscene" passages in the Bible, is to show that to deal with the sexual relations with a good object—as is presumably that of the Bible—should not be an indictable misdemeanour. I do not urge that the Bible should be prosecuted: I do urge that it is indictable under the present ruling; and I plead, further, that this very fact shows how the present ruling is against the public weal. Nothing could be more unfortunate than to have a large crop of prosecutions against the standard writers of old times and of the present day, and yet this is what is likely to happen, unless some stop is put to the stupid and malicious prosecution against ourselves. With one voice, the press of the country—omitting the *Englishman*—has condemned the "foolish" verdict and the "vindictive" sentence. When that sentence is carried out, the real battle will begin, and the blame of

the loss and the trouble that will ensue must rest on those who started this prosecution, and on those who shield the hidden prosecutor. The Christians, at least, ought to join with us in reversing the ruling of the Lord Chief Justice, since their own sacred book is one of those most easily assailable. The purity that depends on ignorance is a fragile purity ; the chastity that depends on ignorance is a fragile chastity ; to buttress up ignorance with prison and fine is a fatal policy ; and I call on those who love freedom and desire knowledge, to join with us in over-ruling by statute the new judge-made law

13

IN THE COURT OF THE COMMON PLEAS FOR THE COUNTY OF MIDDLESEX

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff,
vs.
JOHN J. [Name], Defendant.

Comes now the Defendant, JOHN J. [Name], and moves the Court for an order that the Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA, be and they are hereby ordered to show cause why the Defendant should not be discharged from custody, and why the Plaintiff should not be ordered to pay the costs of the Defendant's motion.

And the Defendant moves the Court for an order that the Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA, be and they are hereby ordered to show cause why the Defendant should not be discharged from custody, and why the Plaintiff should not be ordered to pay the costs of the Defendant's motion.

And the Defendant moves the Court for an order that the Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA, be and they are hereby ordered to show cause why the Defendant should not be discharged from custody, and why the Plaintiff should not be ordered to pay the costs of the Defendant's motion.

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