**THE FRUTIS OF PHILOSOPHY**

**THE TRIAL OF MR. BRADLAUGH AND MRS. BESANT**

In the Queen’s Bench Division, on Tuesday morning, before Lord Chief Justice Cookburn and a special jury, the trial of Mr. Charles Bradlaugh and Mrs. Annie Besant for publishing an indecent book was resumed. The Solicitor-General, Mr. Douglas Straight, and Mr. Mead appeared for the prosecution. The defendants conducted their own defence.

Mrs. Besant, in resuming her address, said that when the court adjourned yesterday afternoon she had laid the foundation for drawing a distinction between natural and death producing checks and those artificial checks of which she was the advocate upon the increase of population. She was the more encouraged in her defence by having only that morning received a letter from Professor Bain, in which he said that he regarded this trial as one of the most critical in the history of our liberties. The natural checks were most prevalent in savage life. Mr. Malthus had said that, if population went on increasing without check, in time there would not be standing room on the habitable globe for the human race. The natural checks to be found in savage life were infanticide – too prevalent even in civilized life – the murder of the aged, the frequent wars, the famines, and the terrible diseases. The poor of this country were looking to the jury to secure them from those checks which meant misery and vice, and to give them a chance of using scientific checks that meant happiness and comfort in their homes. Looking at China with its overwhelming population, Mrs. Besant pointed out the vice that resulted from it. Again (she proceeded) in our Australian colonies, where sixty women were to be found amongst 20,000 men, the amount of vice and disease was beyond all imagination. In Europe all tended to preserve life, disease was cured, and wars were gradually being replaced by arbitration. The more, therefore, that civilization progressed the more were the natural checks removed, and if we did not replace them by scientific checks civilization would only mean increased misery. If the population of England went on increasing at its present rate during the next fifty years, with the corresponding rise in the price of provisions, the mass of the people would be reduced to the most abject misery. We were following the example of Ireland, which resulted so disastrously in the famine of 1818, by increasing our population at a greater rate than our food supply. One wretched consequence of our enormous population was overcrowding, which led to more immorality on the part of young lads and girls than any that could result from giving them dry technical physical knowledge. She had seen with her own eyes the most terrible scenes and vice among the poor, and she asked whether they marveled that she risked even imprisonment and fine in order to bring salvation and happiness to those unfortunate creatures. Another check upon the population of this country was insufficient and unwholesome food, the result of low wages due to over-competition, and the large number of children which were brought into the world. Another check was the terrible drunkenness among our poor arising from want of food. Baby faming and intentional overlaying of infants were others of the dreadful checks which were the result of our civilization. She asked whether it was more immoral to murder children after they were born by means of these direct checks which the Solicitor-General pointed to as those designed by nature and by Providence than by means of the scientific checks for advocating which she stood there as a criminal that-day? It was the existence of this misery and vice, and of prostitution, which had led her to the conclusion that, however this trial might go, it was her duty steadily and patiently – in no spirit of defiance – to persevere in her endeavour to alleviate human suffering, even though in reaching her goal she had to pass through the prison. Mr. Darwin had objected to her proposal that the great improvement in the higher animals and in man was the result of the struggle for existence. She admitted that there would be some force in that argument if man lived on the same terms as the animal, and let the young, the weakly, the aged, the diseased, and the starving die without assistance; but under our present conditions of life such a thing was impossible, and therefore Mr. Darwin’s argument did not apply.

The Lord Chief Justice : It may be well worthy of Mr. Darwin’s consideration whether the result of a struggle for existence may not be two fold – namely, that beneath the small numbers of a highly gifted race a deteriorated mass may not be found.

Mrs. Besant proceeded to point out the evil that resulted from delaying marriage until late in life. It was a mockery to tell young men and women that they must not marry until the spring time of their youth had passed away, and until their fresh and youthful affections had become blunted. She did not seek to prevent the production of children altogether, but merely to limit their number. It was not because she disliked children, but because she loved them so much that she urged that not more should be brought into the world than could be provided for. Profligacy on the one hand and celibacy on the other, each gave rise to manifold evils that wore worse than those which flowed from early marriages. Mrs. Besant, having referred to Mr. Montagu Cookson’s views on the subject, said that the object of this book was not to prevent marriage or to promote profligacy, but to encourage marriage early in life by introducing an artificial but healthy check upon the population. In support of her argument she referred to the works of Mr. John Stuart Mill, Professor Leone Levi, and Mr. and Mrs. Fawcett. She deprecated the discussion of physiological questions in magazines, and contended that they should be confined to works, the titles of which indicated clearly the nature of their contents. She had placed before the jury the dilemma of choosing between the misery and vice resulting from over-population and from late marriages, or the use of certain checks after marriage, and it would be for them to say which they preferred. Dwelling upon the physical plain and the ruin to the health or women in the poorer classes from over-child-bearing and over-lactation, she adverted to the number of letters she had received from country and town clergymen urging her to proceed in her course. She pointed out that medical men had recommended that in the case of deformed women, unable to produce a living child, abortion should be brought about, and surely that was more immoral than to recommend the use of a check. She contended that the whole of the first chapter showed that there was nothing obscene in the intention of the writer. In bringing her address to a close, she assured the jury that in dealing with their verdict they had not only to deal with the two defendants, but with public feeling in England. This was not merely a question of publishing an obscene work; but it was a question of immense importance, and she did not think they would be able to bring in a verdict that she and her co-defendant sought to deprave the public mind. She would have witnesses to call who would endorse the opinions she had given, and unless they believed she had been deceiving them in her address and stood before them in the worst character a woman could take – as a corrupter of youth – she should call upon them to give a verdict of not guilty, and allow her to grapple with a terrible evil, which she would continue to grapple with whatever their verdict might be.

Mr. Bradlaugh then commenced his defence. He submitted that there never had been an indictment of such a publication as this, and he and his co-defendant came there to say that there was not a word or line of the book which could properly be described as of an obscene character. When he first saw the book he thought it contained objectionable details, but since he had read other medical works, some of which were given as prizes in science classes, he had come to a very different conclusion. He contended that there was not a line in the book which was not modestly put, or which was indecently written. He could not help being surprised that the Solicitor-General should have applied the term “filth” to the contents of the book. He held that nothing could be shown of an intention to corrupt and deprave, and before a single copy was sold notice was given to the authorities that they should sell it. He quite agreed, however, that no good intent would justify the publication of the book, if it was obscene in itself.

Mr. Bradlaugh had not been speaking more than half an hour when the court adjourned.