

THE SKETCH BOOK

"MON AMI MOORE"

By Edward Hale Bierstadt

GOOD books come, and bad books go, but Mr. Sumner, like the time honored brook, appears to go on forever. Mr. Tennyson does not tell us whether or not the brook was ever dammed and its course checked. Mr. Sumner, however, has been damned early and often; he has reached the rapids, and he may be nearing the fall. The New York Society for the Suppression of Vice has suffered a few notable setbacks in the last year or so. It stubbed its toe badly on "Mademoiselle de Maupin", which lady cost it not a little both in prestige and in pocket. Recently it lost cases against four books at one fell swoop, and probably more damages will be forthcoming. It is to be hoped so. Certainly they are due. And now — "Jurgen"!

After two years of silence, during which "Jurgen" rose to a price far beyond that of good Scotch whisky, the book was finally brought to trial before Judge Nott in the Court of General Sessions. This was on October 16. Judge Nott read "Jurgen", read the report of the emergency committee which originally protested against the suppression — a report published under the title of "Jurgen and the Censor" — and handed down the following decision:

The defendants herein, at the close of the People's case, have moved for a direction of acquittal and the dismissal of the indictment on the ground that the book "Jurgen" on the possession of which the indictment is based, is not an "obscene, lewd, lascivious, filthy, indecent or disgusting book"

within the meaning and intent of section 1141 of the Penal Law, for the alleged violation of which the indictment has been found.

I have read and examined the book carefully. It is by Mr. James Branch Cabell, an author of repute and distinction. From the literary point of view its style may fairly be called brilliant. It is based on the mediæval legends of Jurgen and is a highly imaginative and fantastic tale, depicting the adventures of one who has been restored to his first youth but who, being attended by a shadow in the guise of the shadow of his old self, retains the experience and cynicism of age which frustrates a perfect fulfillment of his desire for renewed youth.

The adventures consist in wanderings through mediæval and mythological countries and a sojourn in Hell and Heaven. He encounters beings of mediæval folk-lore and from classical Mythology. The most that can be said against the book is that certain passages therein may be considered suggestive in a veiled and subtle way of immorality, but such suggestions are delicately conveyed and the whole atmosphere of the story is of such an unreal and supernatural nature that even these suggestions are free from the evils accompanying suggestiveness in more realistic works. In fact, it is doubtful if the book could be read or understood at all by more than a very limited number of readers.

In my opinion the book is one of unusual literary merit and contains nothing "obscene, lewd, lascivious, filthy, indecent or disgusting" within the meaning of the statute and the decisions of the courts of this state in similar cases. (See *Halsey v. New York Society*, 234 N. Y. 1; *People v. Brainard*, 192 App. Div. 116; *St. Hubert Guild v. Quinn*, 64 Misc. 336.)

The motion, therefore, is granted and the jury is advised to acquit the defendants.

And there ended that lesson. In this instance also damages are undoubtedly due both author and publisher, in the first case not only for loss of royalties but for defamation of character. Surely it is high time that the misguided ones who back this Society should be made to disgorge. But, however that may be, it is not too late

to place a little of the past history of the "Jurgen" case before the public, especially as this particular phase of the episode is by no means unamusing.

Two years ago, when the small emergency committee which appointed itself to battle for the cause of James Branch Cabell's "Jurgen" was struggling to enlist support—and it did not have to struggle very hard—and was likewise endeavoring to coordinate opinion against that self-constituted censor, the New York Society for the Suppression of Vice, a protest blank with a statement of the case was sent by the secretary of the committee to George Moore, Esq. of London. As all the reading world knows, Mr. Moore has had experience with censors, self-constituted and otherwise, and has on more than one occasion expressed himself on them and on their works with no little emphasis and decision. The result of the secretary's letter was a correspondence which lovers of Mr. Moore's work will find thoroughly typical, and which everyone, including even those who cannot be placed in the aforesaid category, will find interesting. The first two letters have already appeared in the privately printed report of the committee; the other letters have not been printed at all.

On the twenty-second of April, 1920, Mr. Moore wrote:

I am very much obliged to you for writing about your struggle in America against societies who disguise themselves as Puritans so that they may blackmail with impunity . . . I have not read it ["Jurgen"] and reading it would not enable me to say anything that I have not already said in my article on the subject printed in "The Century" and reprinted in my last volume entitled "Avowals". I suppose you will have read my article in "The Century", and if you have you will have seen that the leading members of these societies are generally libertines of the worst kind, and you will also have seen how a case can always be won against these societies if it is fought

wisely, and how these cases should be fought. I have signed the paper which you sent me, and shall always be glad to hear from you on this or on any other subject in which you are interested. You say you are sending me under separate cover a pamphlet published by the society entitled, "Morals: not Art or Literature", but the pamphlet has not arrived; I am sorry, for no doubt I should have found something interesting in it.

The second letter came about a month after the first.

I received your letter dated the seventh of May a few days ago (the postal service appears to get worse). The state of things that you describe seems to me to call for radical measures. Literature cannot be allowed to provide a quarry for the indecent-minded and the blackmailer, one following money and the other perverted sexual excitement. Something will have to be done, and the sooner the better, to call public attention to the scandal. The way to do this would be to summon the publisher of Shakespeare and the Bible, and to ask publicly in court why these books should be exempt; if they contain matter injurious to the public health they must be stopped, and it's no excuse to plead that they are well written, life being more important than literature. I think of no other way except this that will bring about a change in the law.

In the interval between this and the arrival of the next letter on September 10 it had been found possible to get a copy of "Jurgen" through to Mr. Moore in spite of the fact that the book was barred from the mails. A lady, possessed of both charm and discretion, was kind enough to take the book with her to England, carrying also a letter of introduction to Mr. Moore. George Moore, having in all probability forgotten entirely the name of the particular work under discussion, was quite unable to understand why she should be so anxious to see that the book got to him safely. However, after some evident misgivings on his part, the lady was received; and as soon as the situation was made clear to him G. M. entertained the emissary in his most charming man-

ner, regaling her, somewhat to her astonishment, with what she afterward described as a "second version of the 'Story Teller's Holiday'". Meantime the lady wrote the emergency committee, and word was at once dispatched to Mr. Moore that she was acting merely as an intermediary. Then came the next letter:

The lady who brought me Mr. Cabell's book, "Jurgen", seems to have carried back to America a very incorrect impression of what I said to her. It is true that I am harassed at the present moment by requests to write prefaces for plays, for novels, for memoirs, and that at the end of each day I seem to have accomplished nothing. It may be that I deplored having to read a book at the present moment in a few sentences, or made a remark that conveyed the idea to Miss _____. I am only interested in the case of "Jurgen" versus "Purity" and I cannot think that any prosecution has ever been attempted so absurd as the prosecution against "Jurgen", and I know not whether malice, stupidity, or blackmail suggested it in the first instance. But I do know that "Jurgen" is an honestly written book, and that the author has not availed himself of a half, or a quarter, or a tenth of the license of expression that we find in the Bible, Shakespeare, Sterne, Byron, or a hundred other writers that might be named whose works fill our public libraries, and are read every day without bringing about any remarkable decline in public morals; indeed it is obligatory on all to read these works that far exceed "Jurgen" in license of expression.

The meaning of these prosecutions against books like "Jurgen" is clear to me. It means that if these fanatics, or blackmailers, or both have their way, America will remain an unliterary country. If literature be not free, it cannot exist. If the mind is constrained, it cannot produce literature. Literature, to be of any use, must be free. I have said all this before in my book, "Avovals", but should you think this letter a handy weapon to use in the coming dispute, you are perfectly free to use it.

Between this letter and the next the committee gave to the public its detailed report on the "Jurgen" case under the title of "Jurgen and the Censor", in which the whole situation was presented and reviewed from all points of view. In this volume George

Moore's first two letters were printed. A copy of "Jurgen and the Censor" was sent to Mr. Moore with a letter which gave further news, but the letter never reached him. On December 1, however, Moore wrote on another matter, but included the following:

I am sorry that your letter contained no mention of the "Jurgen" case, for something must be done to keep these blackmailers and idiots at bay. If nothing be done, literature will remain stagnant, repeating itself interminably. The Middle Ages produced no literature because they were afraid of heresy, and the twentieth century will produce none because it's afraid of morality. Do let me hear if the "Jurgen" case is going into court, and if it is to be adequately defended.

Here is a book that has been suppressed for more than two years before being tried. It has at last been proved innocent of the crimes charged against it, yet it has been dragged through all the filth that the fetid and disordered imagination of a certain portion of the public can conceive. And it is an infinitely sad fact but a true one that the accusation of dirtiness of this kind is rarely ever lived down. Such a charge may be proved false seven and seventy times over, but still some trace of it will stick simply because there is a considerable portion of the human race so prurient-minded that it is totally unable to forego the gratification of believing that someone else is as dirty as itself would be did not desire so far outstrip performance.

During the last few years we have undergone wanton suppression of the most fundamental of our civil liberties: free speech, free press, and free assemblage. We have now come to that point, or perhaps we have only returned to it, when the most fundamental of human instincts shall be suppressed likewise. We shall hear

no music, lest it beget passion; we shall see no pictures, lest by chance there be a nude among them; and we shall read no books, lest by some unhappy error of the censor we discover that children do not come by kissing. It will only remain for us then to suppress children. After which mankind will be out of its misery.