

Father of Waters. Hurriedly a young engineer dashes along the levee top to his chief. "Colonel," he shouts, "that new fill below the bend is caving in. Let me have two hundred men and shovels and sand-bags. I think I can hold it till the waters begin to go down." "My son," replies the Colonel, "I have been at this game longer than you have. All points in the levee are equal in the eyes of the law. It would be undemocratic to pay more attention to one point than another. If you can't hold your place in the line with your authorized proportion of workmen, we will have to let that part of the bank go."

In a dugout a few miles behind the firing line the commanding general sits. A bell rings. He puts the telephone to his ear. A voice says: "A serious attack is developing along my sector. There is every evidence that the enemy mean to try to break through the line at this point. We'll need all the reserves available to hold our position when the push begins." "Sorry," replies the general. "Every point on the line is as important as every other. We must distribute our ammunition and reserves equally. We don't wish to play favorites. If the enemy break through your position, they'll just have to break through, and that is all there is about it."

Once an editor of *The Outlook* wrote a simple article on fishing. An over-anxious subscriber wrote in to ask if the article was intended as a parable about the German Kaiser. Perhaps the parables in this editorial may be mistaken for an article on fishing. It is possible, however, that they have some bearing on the complaints of the nullificationists.

## A "Country Trick"— and a City Blunder

THE Tennessee Supreme Court has upheld the validity of the so-called anti-evolution law, has set aside the penalty imposed upon John T. Scopes because of a technical error committed by the trial judge in imposing a fine in excess of the legal limit, has remanded the case for new trial but with the recommendation to the Attorney-General of the State that he enter a *nolle prosequi*. "All of us agree," said the opinion, "that nothing is to be gained by prolonging the life of this bizarre case." The Attorney-General has acted upon the recommendation of the Supreme Court and the case will not again be tried.

The effect is that the Scopes case cannot go upon direct appeal to the Su-

preme Court of the United States. The decision of the Tennessee Supreme Court is, so far as that case is concerned, final.

Dudley Field Malone, one of the distinguished city lawyers marshaled for the defense of Scopes, is quoted in the daily press as having denounced the action of Tennessee's court of last resort as "a typical country lawyer's trick."

It happens, however, that Grafton Green, who, as Chief Justice of the Tennessee Supreme Court, wrote the opinion, would compare favorably as a lawyer with the judges on any bench. Sixteen years ago, when the people of Tennessee revolted against what appeared to be an attempt at political interference with the judiciary, he was called from a dignified equity practice to run as an independent for Justice of the Supreme Court. Perhaps it was the wealth of legal tradition about him that gave him an almost unprecedented majority. If he knew some of the "tricks" of the country lawyer, he knew none of those of the politician, country or city. But he was the son of a man—Nathan Green—who through a long lifetime had been one of America's most able professors of law, who, teaching in a small university, could none the less point to more students than most of the larger law schools could point to on the benches of many States and of the Federal courts. And Grafton Green was grandson of an elder Nathan Green who had made an enviable record as a Justice of the Supreme Court of Tennessee. Such things counted in Tennessee sixteen years ago—perhaps they do still—toward giving a man a chance to show what was in him. But they never gave a man more than a chance. Grafton Green retained his position on the Supreme Court bench and attained to the Chief Justiceship neither by tradition nor by the tricks of a country lawyer, but by the qualities of an able judge.

If the lawyers for Mr. Scopes are deprived of the opportunity of pleading their case before the Supreme Court of the United States, they have to blame, not the trick of a country lawyer, but the blunder of several city lawyers. The method of testing the validity of laws in Tennessee is well established. It is a dignified procedure in equity. The New York and Chicago lawyers for Mr. Scopes must have known this fact. Or, if they did not, their Tennessee associates certainly did. But they chose to stage a spectacular contest between science and religion, with neither side really represented. They fanned passions and fomented prejudices. There have been few trials more turbulent and none more undignified. And the turbu-

lence and lack of dignity were due mainly to the imported lawyers.

On the Scopes appeal, three of the five Justices have held that the law is valid, two of them that it broadly prohibits the teaching of the theory of evolution, one that it prohibits only the teaching of such a theory of evolution as would deny the hand of God in the creation of man. One Justice has held that the law is invalid because it is not sufficiently explicit to inform those subject to it as to what conduct on their part will render them liable to its penalties. One Justice was not on the bench when the case was heard.

Can the validity of this law now be decided in the Federal courts? That it will be may be doubted unless the lawyers involved forego the tricks of the stage long enough to carry their case properly through the courts. It is not clear to us, however, on what ground the appeal could be made to a Federal court. Constitutional provisions in the Fourteenth Amendment prohibiting any State from depriving any person of life, liberty, or property without due process of law and from denying to any person within its jurisdiction the equal protection of the laws have been invoked by a Tennessee taxpayer, who declares that by the anti-evolution statute he is denied the right of getting for his children through the public schools a modern education. These are the only provisions, so far as we know, that have been invoked against this law. The Constitutional provision in the First Amendment against the establishment of any religion, even if otherwise applicable to this case, is not applicable, since that provision restricts, not the legislative power of the State, but only the legislative power of Congress. It is doubtful whether even a State Constitutional provision to that effect would apply to this particular law except by a very elastic interpretation.

So ends a case that has proved nothing about science, nothing about religion, and scarcely more than nothing about the law which it called into question. Whether the anti-evolution law of Tennessee is Constitutional is a question which a court may legitimately decide. So is any question as to what that law means. But whether the law is wise is a question not for the courts but for the people and their representatives. Those who believe that such a law as this in any State is unwise, as we do, should look not to the courts for remedy but to the education of public opinion. It has been made clear that public opinion cannot be educated properly by any such means as the theatrical performance at Dayton.

# The Fine Art of Eating

By LAWRENCE F. ABBOTT

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A NEW revolution is brewing in France. It has nothing to do with reparations, the status of the franc, the Syrian mandate, or the war debt to the United States. Like all true revolutions, it is a protest against a dictatorship—the dictatorship of the French chef; and, running true to form, it has developed two parties—the conservative and the radical, the tory and the liberal. A correspondent of the New York “Times,” writing from Paris, says that that gastronomic city is up in arms over French cooking. This disturbance may easily take on an international aspect, overshadowing the uprisings in China, Nicaragua, and Mexico, for everybody knows that French cooking dominates the world. A young girl of my acquaintance, on her first visit to Europe, is spending a year at school in Paris. Does she write home about the pictures in the Louvre or the Luxembourg, which she has visited; or the plain tower of Chartres, to which she has made a pilgrimage; or the lectures at the Sorbonne, which she has attended? No; her most profound impression is that “the food is marvelous.” So thought we all. The world has supposed that French cooking was as unassailable as the law of gravitation. To be sure Einstein has attacked the law of gravitation, but then he is a German, and we all know that Germans, under Prussian domination, will attack anything.

But it is not a foreign invasion we now have to deal with; it is that more insidious thing, a rebellion from within. It seems that a party has arisen in Paris which desires to overthrow its real dictator, the *cordons bleus*; to abolish the doctrines of its reigning philosopher, Brillat-Savarin; and to substitute vitamins and calories in place of sauces as the standards of cookery. As in all revolutions, the rebels are not united except in one respect—they all want a change of some kind. Hamilton and Jefferson united in attacking the Government of England, but they attacked each other quite as violently on the question whether there should be more government or less government at home. One of the leaders of the new French revolution would abolish dinners entirely. He points to the fact that in the late war only 53.4 per cent of the young men called to the colors were found physically fit for service, and adds: “To-morrow the rich diner will take a full repast only once a week, contenting himself on the other days with

eating sanely, hygienically, simply”—contenting himself, I suppose, with concentrated vitamins and calories. This spokesman leads what may be called the Jeffersonian wing of the revolutionists. The Hamiltonian leader, on the other hand, asserts that what French cookery needs is not less but more sauces, that a revolution is necessary because “the culinary art has fallen into stagnation.” He appears to think that the *cordons bleus* and *restaurateurs*, who are the real despots of Paris, have become, as we say in this country, “hard boiled.”

Just as some children are always dressed in blue or white, chicken invariably appears garbed in watercress, veal is always garnished with little peas, while the leg of lamb is inextricably linked with green beans *à la bretonne*. What is needed are new combinations, new sauces, new dressings, new arrangements, to stimulate the palate and please the eye.

There is evidence that these Paris revolutionists are sending their secret emissaries to this country to carry on an insidious propaganda. Two editions of the famous book of Brillat-Savarin, “Physiology du goût,” better known in English as “Gastronomy as a Fine Art,” have just been published in New York in memory of the one hundredth anniversary of the death of the author of this classic meditation on transcendental eating. One of these editions contains an introduction by Frank Crowninshield, the witty editor of “Vanity Fair.” “It is,” he says, “a matter of less importance that France adopted the *Code Napoléon* in her judicial procedure than that she adopted a touch of vinegar and burnt butter in cooking an egg. We Americans are mildly interested, of course, in reading of the discovery of radium by Madame Curie, but what we really yearn to know is the name of the uncommemorated French female who first mixed a *sauce Béarnaise*. . . . In trying partially to account for the depreciated standard of taste, in America, in matters of art, it may not be amiss to point out that there is in our country to-day no interest whatever in the development of the sense of taste. . . . What can we expect, in matters of taste, from a nation that has been so negligent of one of its senses; from people who have been debauched by the frying-pan; who confess their preference for Scotch whisky over Eliza Madeira and Clos de Vougeot Burgundy? What hope is there for a nation

that puts sugar on its lettuce, maple syrup on its sausages, and ice-cream on its apple pie?” The form which the new Paris revolution should take in this country, according to Mr. Crowninshield, is outlined in the program which he proposes:

So, one of the first things needed in the United States, if we are ever to progress aesthetically, is a new national consciousness with respect to food. The matter is an urgent one. Something must be done about it. Chefs must be treated with far greater respect; their wages increased; their social position improved. Two good male cooks must be admitted to the Cabinet; a dozen women cooks to the Hall of Fame. Otherwise, we shall lapse (as far as cultivation and taste are concerned) into a state approximating to savagery.

It is quite apparent that Mr. Crowninshield belongs to the conservative wing of the reform party and has little sympathy with those gastronomical communists who would have us all live alike on a universal diet of vitamins and calories. Owen Meredith, who said,

We may live without poetry, music and art;  
We may live without conscience and live without heart;  
We may live without friends; we may live without books;  
But civilized man cannot live without cooks,

is his poet and Brillat-Savarin is his philosopher.

Brillat-Savarin was not, as many people suppose, a cook, but a man of letters. During the French Revolution of 1789 he fled to New York, but, returning to Paris, became a Government officer. He was not a professional of the culinary art, but one of its first and most distinguished amateurs. His book is a hotch-potch of anecdotes, observations, recipes, and even philosophy and history. His most serious chapter is that in which he endeavors to defend the French word *gourmandise* from the meaning of gluttony, which he asserts has been unjustly imputed to it. In other words, he wishes to persuade mankind to treat eating as a fine art, not merely, on the one hand, as an animal passion nor, on the other, as a hygienic science. There is something in his contention worth thinking about, but those who read his book would do well to read at the same time another piece of classic writing on *gourmandise* by another Frenchman of letters. It will be found in the story of “Les trois messes basses,” by Alphonse Daudet. It may be read with pleasure by the epicure, with approval by the moralist, and with benefit by the gourmandizer.