



IMPLICATIONS OF THE RUSSELL CASE

I. For Education

ONE implication of Justice McGeehan's decision seems to have been over-looked—the astounding compliment he paid Bertrand Russell, and the concomitant reflection on the faculty of the City College. It is the Court's considered opinion that if Russell is allowed to teach there, the students will be so impressed by his personality that many of them will "strive to emulate him in every respect," including personal conduct; and will indeed go beyond any conduct of Russell himself, to misbehavior which they merely think he might approve. And Russell, Russell alone, will be thus taken as a model. On the faculty of the City College are hundreds of men and women, all of whom may be presumed to lead clean lives and entertain correct opinions; at least no taxpayer has yet seen fit to denounce any of them as "lecherous and venerous," or to demand their dismissal for fear of the hypothetical future consequences of observation of their behavior. But all their teaching will be as sounding brass and tinkling cymbal beside the one man Russell. We needs must love the lowest when we see it, thinks Justice McGeehan, no matter what overwhelming preponderance of numbers and authority may be aligned on the side of virtue.

That such emulation of a teacher, whether for good or evil, is not the common practice of college students has been testified by Dr. Canby in a recent issue of *The Saturday Review*. But Justice McGeehan's conviction that people who have a choice between good and evil are likely to choose the evil is far more important than any question as to how college students actually do think and behave; it reflects a habit of mind from which springs the most dangerous doctrine in his whole decision—"academic freedom is the freedom to do good, not

the freedom to teach evil." So far as this applies to colleges and universities it has already been discussed by Dr. Canby; but it appears to be enunciated as a general principle, valid *semper ubique et in omnes*; and as such it takes us right back to the seventeenth century. The men who wrote and adopted the First Amendment to the Constitution of the United States believed they were getting rid of that doctrine; but if Justice McGeehan's major premise is correct that amendment means only that Congress shall make no law abridging the freedom of speech, provided a man speaks good and not evil; no law abridging the freedom of the press, provided it prints good and not evil—good and evil being defined as whatever seems good or evil to someone in authority, in this case to one of the many Justices of the Supreme Court of New York.

This principle, sincerely entertained by conscientious men who were sure that most people would prefer evil to good if they had the choice, has been the basis of every religious persecution in history, and of a good many other persecutions that were religious in spirit even if they had no theological background; it has probably been responsible for more human misery than any other belief ever entertained by the mind of man. We thought that at least in this country we had got beyond it; but if the McGeehan doctrine is correct such progress as we have painfully achieved by the blood of the martyrs is only regress, and we must go back to some authority, secular or sacred, to learn what is that truth which alone we are permitted to teach and to believe.

Fortunately the Supreme Court of New York is very far from supreme; and it is not yet illegal to hope for a different view of the matter from the Court of Appeals, even though the position has been officially abolished.

E. D.

II. Legal

THE legal implications of the Russell case may reach very far; we shall discuss here only that phase of it which involves judicial review of administrative decisions. Through the controversy over the National Labor Relations Board the public has become familiar with the legal proposition that the courts will not interfere with a ruling by an administrative agency which was arrived at after analysis of conflicting evidence. For years this principle has blocked appeals to the courts by teachers and other public employees challenging rejection by examining boards or dismissal by superiors. And in the Russell case Mr. Justice McGeehan recognized the force of these precedents in so far as objections to Dr. Russell rested on what the judge conceded to be controversial issues. He concluded, however, that another rule should apply where the field of criminal law became involved and that some of Russell's teachings advocated or encouraged violations of that law. Therefore he held he had the power to override the judgment of the Board of Higher Education on Russell's fitness to teach, basing his decision on the ground that the excerpts quoted in his opinion established Dr. Russell's moral unfitness. Without, at this time, arguing the correctness of this decision, in either of its postulates, let us see where it may lead.

The crucial fact in the case is that Judge McGeehan condemned Dr. Russell on the basis of a few statements of opinion selected from three of the large number of books Russell has written. This decision, if sustained, might serve as a precedent for annulling the appointment, and so taking away the livelihood, of any teacher or public servant who had at any time in his life expressed a view at vari-

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Burton Saddler

By Jesse Stuart

FIVE minutes here among these killing noises.
Five minutes left for me to make my choice.
Five minutes passed and I says: "All right bosses
My hills are calling me: I hear their voice."
I left the white-hot slabs of steel forever.
I left the hooks that grab the white-hot steel.
I have come home a mountain flowing river
To flow and flow among these pine-clad hills.
I have returned a brother to the bluff,
I have returned to cradle and wheat and flail;
The hell of steel has sweated me enough,
My eyes are circled and my face is pale.
The sun will tan my face and give me life.
Fresh wind will put into my veins new blood;
The mountain storms can cut me like a knife
Among Spring's fluffy burst of bloom and bud.

LETTERS TO THE EDITOR

A Monument to Manning?

SIR:—I write to applaud your editorial on Bertrand Russell, although as a mere Englishman like Bishop Manning I do so with diffidence. In old times, the theologians persecuted for religion; now they do so for morals and politics. It may yet be well for Bishop Manning, who follows an ancient tradition of bishops in this matter, to reflect that in Rome a statue stands to Giordano Bruno but none to his persecutors. Perhaps a statue someday will be erected to Bertrand Russell; but whether the citizens of New York will build a monument to Bishop Manning is concealed from me.

There is, of course, much to be said for the Abrahamic morality of our Victorian forefathers. I was so brought up. We have departed from it—perhaps for evil. An aggressive feminism has changed the whole scheme of domestic relationships. The office has been brought into the home. In Lancashire, England, the women work in the textile mills; and the men draw the dole. The feminists may not know where they are going, but it must be clear even to a casual observer that the end of it must be a profound moral revolution—for good or evil; probably evil—affecting the whole institution of marriage. Instead of family life with its own satisfactions, men and women—after a middle period of moral anarchy—will come to regard themselves as public units, parts of a state and producing children as a duty towards that state. Monogamy becomes a back number. That process has already started and demands discussion.

It will be a disaster if those who have the genius to throw light on these issues and to expose these contradictions, that do now exist in the attempt of men and women to eat their moral cake but keep the icing, should not even be permitted to earn their living teaching logic. In these issues I should probably take the conservative side and Lord Russell the radical. But it is of the first importance to progress that no one should be economically penalized for discussing them honestly. The way to return to the Biblical morality of Abraham is not self-evident.

GEORGE CATLIN.

New York, N. Y.

Bertrand Russell and Al Capone

SIR:—That editorial in your March 30 number on Bertrand Russell by Henry Seidel Canby is a marvelous piece of logic. By the same reasoning I assume that if I am a payer of school taxes in Winona Lake, and if I have a child in the school here, and if the school board wishes to engage Al Capone to teach grammar to my child with money which I have paid in taxes, I have no right to object to the

employment of this man for this work inasmuch as he is to teach grammar and not ethics.

Are men's writings and lives and teachings in such water-tight compartments that such reasoning could possibly be sound?

CARL L. HOWLAND.

Winona, Indiana.

A Teacher on B. R.

SIR:—Out of the welter of words written around the present controversy as to the fitness of Bertrand Russell to hold a professorship in our own College of the City of New York, I know none to which I take greater exception than these so well done in the editorial of *The Saturday Review* for March 30th.

As one who objects strenuously to this appointment, I feel that your comparison of the fight against Russell to Nazi or Communist theories is both poorly taken and untrue. There is no interest to "disqualify a mathematician" but to prevent a man from using his influence as such in a city-supported school, filled with the products of our city secondary schools, also city-supported. As a taxpayer I object to helping even a little in the exposing of these students to the influence of Russell as a man, rather than just as a teacher.

"The public insists upon in identifying a teacher with a preacher," you say, and that is true. As a teacher of many years, subjected as I have been to tests of all kinds designed to divulge opinions on all subjects, not on one alone, I think the Board of Education should agree to your statement.

You ask a number of questions in your editorial as to the fitness of "a Democratic carpenter" to build steps in a Town Hall, a Chinese philosopher to "lecture" on art, and an Arab mathematician to hold a position in a university. In the first case, the man would work with material not people, in the second he would lecture, not teach, and in the third case alone is there any comparison, to which the same objection would be brought as to Mr. Russell's appointment.

Surely you must be aware of the relative immaturity, of our present college students, as well as the great influence of the college professor outside of the class room on those with whom he comes in contact.

ELLEN M. O'CONNOR.

Brooklyn, N. Y.

Might Make Them Think

SIR:—I was extremely shocked to see your editorial in today's *S.R.L.*, and to think that you would countenance a person like that to teach young people. The mere fact that he would be there would be sufficient to make those young people think—and I do hope this new inquiry into the schools of which I read about in today's *Times*, will prevent this person taking his post.

Even if he is such an authority on certain problems of philosophy, better miss such knowledge than to learn it from such people as you write about.

I should like to state here that your article disgusted me so much I would not take the trouble to read it through.

MARY E. STERNBERG.

Brooklyn, N. Y.



"He's been there since a week ago Thursday."

He Showed Us Our Own Country

ALEXIS DE TOCQUEVILLE: A Biographical Essay in Political Science. By J. P. Mayer. New York: The Viking Press. 1940. 233 pp., with index. \$3.

Reviewed by CRANE BRINTON

THERE are distinguished writers about whom it is almost impossible to do much biographically, simply because they give the biographer no hold. They have no sharp edges, no neuroses, no love affairs, no adventures; their lives are their books, and that is all there is to it. Alexis de Tocqueville was such a writer. The most important thing that happened to him was a trip to the United States in the 1830s, a trip about which Mr. G. W. Pierson has written very fully in his "Tocqueville and Beaumont in America." He was a member of the French Chamber under Louis Philippe, and briefly a cabinet minister under the Second Republic, but he was not an outstanding politician, and the record of his political life is not very significant. Yet he wrote two important books, "Democracy in America" and "The Old Regime and the Revolution," which give him rank in the very forefront of

modern political thinkers. Mr. Mayer has rightly contented himself with a brief outline of the life of this reserved and uncomplicated French gentleman, and has concentrated his attention on the criticism of Tocqueville's work as *politique et moraliste*.

This was a task that needed doing, for although all the manuals paid their respects to Tocqueville, and though Bryce, Faguet, and a few others have written illuminating essays about his work, there was no long study available in any language. Mr. Mayer has now supplied this want very satisfactorily. He has outlined Tocqueville's ideas, filled in some gaps by reference to his letters and less known writings, and supplied the fullest bibliography of writings by and on Tocqueville yet made. He does, perhaps, overestimate Tocqueville's wisdom and omniscience, makes him too much of a prophet of the modern mass-state. Yet the Frenchman did see more profoundly into the nature of the democratic society and the democratic state than any man of his time, and his warnings, if they are nowadays obviously sound, are all the more worth pondering. Tocqueville has over our contemporary prophets of doom the great advantage of calm and detachment. He is never excited, though he is writing about matters as fresh as the latest editorial.

"UPON THIS PLAQUE I hand you now," says Henry Seidel Canby (second from right), of the editorial board of *The Saturday Review*, to Clifton Fadiman (third from left), master of ceremonies of "Information Please," "are inscribed the words, 'For Distinguished Service to American Literature.'" The presentation was made during the Tuesday evening, April 2, broadcast of "Information Please." The plaque, designed by Robert Kronbach, is the first to be awarded by the editors of *The Saturday Review*. It was given to "Information Please" because it "had made information about good literature palatable to the millions." Shown in the photograph below are (left to right) Lewis Gannett, literary critic of the *New York Herald Tribune*, who was the guest of "Information Please" for the evening; John Kieran, sports columnist of the *New York Times*; Clifton Fadiman; Franklin P. Adams, *New York Post* columnist; Henry Seidel Canby; and Oscar Levant, composer and author of "A Smattering of Ignorance."



Literary Crackerjacks

NOT TO MENTION THE WAR. By Elmer Davis. Indianapolis: The Bobbs-Merrill Company. 1940. 320 pp. \$2.50.

Reviewed by LEONARD BACON

ELMER DAVIS writes as well as he talks, which is saying a lot as a starter. I am not referring to his broadcasting either, though, as he might say himself but wouldn't, the customers seem satisfied. I mean that he writes as well as he talks when two or three are gathered together about a mahogany-table at five o'clock of an average dull afternoon, which thereupon turns golden till some bridge-hound steals him to help celebrate those meaningless and quasi-silent Eleusinian sub-mysteries. I can't understand how a really notable talker can submit to the slavery of passing or contracting for four spades at the laggard end of day when he might be lighting our darkness in Plato's cave.

He really does write as he talks, thoughtfully, gracefully, modestly, and unexpectedly. Of the eleven essays in this volume nine are absolute crackerjacks, full of the sort of observation not collected by two-spots, as also of criticism whose directed penetration makes you think of the dangerous beams of radiant particles with which elements are taken apart in the physics laboratory. None of his contemporaries is more deeply cultivated and none has less swank. None is kinder and none is more murderous when murder is called for, witness the fatal counterpoint he has written against a Gerald Heard melody that was as sour as green crab-apples. But he is always courteous no matter how downright in damnation. And his "operating-table manner" is so gentle, humble, and thoughtful that one rather wonders if the vivisected victim does not enjoy the process of being artfully cut up. Bernard Shaw and Belloc might well grin feebly at incisions so delicate and adroit in their literary viscera. Anyhow Shaw must relish being told that "Fanny's First Play" is even funnier than "Desire under the Elms."

The deservedly famous essay, "On Being Kept by a Cat," will naturally be turned to at once by readers whom it excited on its appearance in *Harpers*. It can stand it. It is one of the few modern instances of gay writing whose bloom remains after a second reading. And this is a large-minded and generous admission on the part of one of the solid majority of mankind who hate cats on profound philosophical grounds and would throw a brick, if opportunity presented itself, at General Gray himself. Be that as