

# The Freethinker

Volume LXXXV--No. 12

Founded 1881 by G. W. Foote

Price Sixpence

It is interesting to notice how again and again clerical writers or speakers proclaim with confidence that their views upon marriage are at one with the law of England. The assumption is readily made that, in some way, the law of the country supports the conclusions of the theologians. It is asserted constantly that the law enshrines holy Christian matrimony, and that it provides an ample precedent for the revival of canon law. The fact that legal marriage in England is monogamous by its very nature has been seized upon by the clerics to give it a further character of supporting church orders. It is therefore not without interest to see what attitude the common and statute law actually takes up.

Any traditional western claim that no place could be given to the conception of divorce and remarriage, a position upon which the Church of England maintained an equivocal place from the Reformation onwards, was terminated by the Matrimonial Causes Act, 1857, which set up the modern divorce court and created statutory grounds for terminating a marriage and allowing remarriage whilst the other partner was still living. It should be noticed at once that the life and custom of the country is governed solely by common and statute law. There is no binding third system of ecclesiastical or canon law. The Church of England, as the established church of the country, stands beneath parliamentary authority and is bound by the legal system of the land. For example, any clergyman who implies that a couple remarried in a register office after a divorce from a previous partner are not legally married at all, may be sharply reminded of the existence of the law of defamation and its applicability to his case.

## Permanent and Monogamous

After the 1857 Act, the case of *Hyde v. Hyde* (1866) LRI P&D, 130, laid down the basis upon which the courts would consider the validity of a marriage and its binding quality. Giving judgment in that case, Lord Penzance said: "Marriage . . . may . . . be defined as the voluntary union for life of one man and one woman to the exclusion of all others".

At first glance, this dictum might be thought to safeguard the ecclesiastical claim. But it must be scanned somewhat closely. In the first place, the marriage must be of a voluntary character. Few persons of any creed would disagree with this point. It is clearly contrary to public policy for a valid marriage to be entered upon by an insane or drunken person who did not know what he was doing. Again, it is contrary to public policy for a marriage to be contracted by means of duress, or against the will of one of the parties. Such purported unions are merely void *ab initio* at English law, and probably entail a criminal offence. Again, Lord Penzance demanded that the marriage should be lifelong. But this demand must be read in the context of the 1857 Act. It does not exclude certain marriages being regarded as voidable, nor does it exclude the provisions for divorce which were made by

the 1857 Act itself. All that Lord Penzance really said was that, at the time that the marriage was contracted, there was an intention that it should be permanent and that it must be monogamous. Up to a point, this dictum still defines the law of England. A purported marriage which had a time limit or private conditions laid upon it would be illegal and void. Again, it is impossible to contract a legal marriage in England which is other than monogamous, just as it is impossible to contract a valid marriage unless the conditions of notice and residence are fulfilled.

## Not Theological

But Lord Penzance (then Sir J. P. Wilde) did enclose his definition of marriage within the qualification "as understood in Christendom", and it is this phrase which has been seized upon by the clerical apologists. Yet, once again, a moment's examination gravely weakens the point. A large section of Western Christendom does not accept remarriage after divorce, and is thereby at cross purposes with the judgment. As Professor Graveson interprets the point: "A Christian marriage means simply the type of institution generally accepted as marriage in those countries possessing a Western civilisation". In short, the phrase has no theological connotation whatever for the lawyer; it is on parallel with the well-known "Act of God" in tort cases. Two cases underline the major points.

A British subject and a Japanese woman underwent a monogamous marriage in Japan with Japanese rites which were clearly not Christian in any theological sense. Yet, in *Brinkley v Attorney-General* (1890), LR15 P&D, 76, this ceremony was held to fall within the jurisdiction of "Christian" marriage and the law of *Hyde v Hyde* was applied. A Muslim ceremony performed in England has been held to be a marriage for the purpose of requiring a registered building (*R. v. Rahman* [1949], 2 A11 ER 165). In the case of Islamic marriages contracted in England, the courts have held over and over again that their jurisdiction applies despite the Mohammedan teaching concerning polygamy, because English law is the proper law applying where domicile enters in, although this view was not extended to cover a case where the marriage was contracted in Egypt between a domiciled Egyptian and an Englishwoman. In 1924, the case of *Nachimson v Nachimson* (1930), AC 217, the fact that Soviet law permits divorce by consent at the wish of both parties did not prevent the English court from treating the union as a permanent, monogamous marriage.

## No Machinery

In short, English marriage law has been guided at this stage by two points, neither of which has any essential connection with Christian theology. The first is that of the general tradition of the essentials of a valid marriage sanctioned by the common law of England since 1189. The common law set forth certain traditional limitations which excluded some unions from the scope of what could be regarded as "Christian" marriage in the sense in

VIEWS AND OPINIONS

## Christian Marriage and the Law

By F. H. AMPHLETT MICKLEWRIGHT

which Lord Penzance used the term. Secondly, the Matrimonial Causes Act, 1857, related English divorce law solely to monogamous marriage, with the result that the English courts have no machinery at all for dealing with a polygamous union. The attitude of the Probate, Divorce and Admiralty Division towards such a union is not to discuss whether or not it is invalid, but to decline jurisdiction on the grounds of a want of machinery for dealing with the case in hand. This is a very different matter from taking up the negative attitude which would be sanctioned by the traditional Christian theology.

### Polygamy

But it is impossible to leave the matter here. The rapid spread of Empire in the late eighteenth and nineteenth centuries raised vital questions concerning those colonies where polygamy was the local and legally accepted marriage custom. So far as the Churches were concerned, the polygamous marriages were regarded as an anti-Christian immorality and treated as such. It will be recalled that Bishop Colenso's first controversy with his fellow South African bishops in 1853 was on this very point. But this was not the legal attitude, and the matter became of more pressing moment after colonial appeals from the local courts had been directed in 1833 to the Judicial Committee of the Privy Council.

This court has long given full recognition to a polygamous marriage where the proper law to be applied is the local municipal law of a region professing polygamy. The matter was well summed up by Lord Greene, MR in *Baindail v Baindail* (1946), AC 122: "The appellant, a domiciled Indian of Hindu faith, married first a Hindu woman in India and later, whilst his wife was still alive, went through the civil form of marriage in England with the respondent, a domiciled Englishwoman, describing himself to the Registrar of Marriages as a bachelor. The Hindu marriage was potentially polygamous. On discovering the previous marriage, the English wife petitioned for a decree of nullity on the ground that her husband was already married when he went through the English ceremony with her." The court granted a decree of nullity upon this ground, and thereby clearly treated as valid the potentially polygamous Hindu marriage in India. An interesting comment upon this situation was made by Barnard, J., in *Srini Vasan v Srini Vasan* (1945), 2 All ER 21, when he said: "To deny recognition of a Hindu marriage for the purpose in hand would, in my opinion, be to fly in the face of common sense, good manners and the ordered system of tolerance on which the Empire is based".

In this short summary, the learned judge clearly gave the *quietus* to any suspicion that the question in hand was to be considered from any other point of view than that of the private rules of English international law. Theological considerations merely did not arise in deciding the common sense questions involved in the case.

### Mohammedan Marriage

It is interesting that, in a case still awaiting full reportage, *Reid v Attorney-General of Ceylon* (1965), the Judicial Committee of the Privy Council has recently gone a good deal further. The appellant, a domiciled Cingalese, contracted a marriage in Ceylon with another domiciled Cingalese under Christian, monogamous law. He later became a Mohammedan and thereby changed his legal status. Treating his first marriage as potentially polygamous in retrospect, he took another wife under the Islamic legal system prevailing over the Mohammedans of Ceylon. The local courts decided that he could not do this, and upheld an indictment for bigamy. But this decision has now been reversed by the Judicial Committee

of the Privy Council, and the conviction quashed on the ground that the appellant was within his rights in following out this course of conduct. This decision means nothing less than that, under an appropriate system of legal geography, a person may contract out of the monogamous system and, by changing his legal status through a contracting into the polygamous system, may become validly active within this system. Although, as was remarked in court, such a decision would seem to be plain common sense within such an intermixture of races and creeds as exists in a country like Ceylon, it is clearly a blow at the Christian view that monogamy is of universal regard and demand. It must also be emphasised that the court accepted in every way the full validity of the polygamous Mohammedan marriage.

It is true that, apart from the exceptional case of a marriage within a foreign embassy in London, English law only recognises as valid a monogamous lifelong union. But the cases cited fully illustrate that such a proposition of fact itself does not extend to other areas of the Commonwealth where a system other than United Kingdom law operates as the proper law. It is interesting that the Family Allowances and National Insurance Act, 1946, accepts the same viewpoint. A factually monogamous marriage is recognised by this Act even though, if taking place outside the United Kingdom, it was contracted under a potentially polygamous system. Finally, there can be no doubt at all what an acceptable polygamous system is in the eyes of the decided cases. As Professor Graveson tersely puts the matter: "Whether a marriage is polygamous or monogamous in character should be determined by reference to the law of the place where the marriage ceremony takes place in relation to the particular form of marriage celebrated".

The whole subject is one which suggests a mass of legal technicalities. It may appear as of little interest to the layman. But it goes far to illustrate the fact that the theological idea of Christian marriage from the days of St. Paul onwards is not one which is accepted by the United Kingdom and Commonwealth courts as axiomatic for deciding the cases which they have to try. This fact alone is sufficient to illustrate the extent of misrepresentation involved in the common claim made by clerics that the secular law maintains Christian marriage. A stage has now been reached when the utilitarian demands of common sense are carrying the courts in one direction, whilst the more traditional Churches take their stand upon the canon law of the Medieval Western world. A technical subject provides one further wider illustration of the need for a fuller recognition of the state as secular and its marriage laws as determined by utilitarian motives.

## The BBC and Freud

THE BBC's "Freud and the Freudians"—the first in a Viewpoint series on great Jewish thinkers who have challenged orthodox Christian ideas—televised on March 3rd, was deplorable. But then, as Maurice Richardson indicated in the *Observer* (7/3/65) the BBC "has always been frightened of Freud," and "producers of pop psychiatric programmes had orders to steer clear of orthodox psychoanalysts" who "were assumed to be wicked atheists, likely to contaminate the flock". This time, the Corporation ensured that little if any "challenge" to Christianity should be discernible. Nobody mentioned Freud's atheism nor that he wrote *The Future of an Illusion* about religion. Will "the opium of the people" be referred to in the next programme—on Marx on March 17th?

# Maimonides: A Jewish Heretic

By JACOB TEICHER

ON the completion of Maimonides's Code of *Mishneh Torah*, in 1180, a committee of wealthy Jews in Cairo took the enlightened initiative of providing the Jewish communities in the east and west with copies of the work. Its success was spectacular and Maimonides's reputation as the greatest living rabbinic authority established.

Two theological statements, however, included in the first part of the Code, the *Book of Knowledge*, and regarded by the author as binding halachic decisions, were severely censured in about 1192 by Abraham ben David (Rabad), the leading talmudic scholar in France; and the great controversy about Maimonides, symptom of a deep-seated religious and intellectual crisis, the effects of which are still visible today, was set on its secular course.

In the *Book of Knowledge*, Maimonides, blending halacha<sup>1</sup> with philosophy, declared that it is heresy to believe that God has a body or a shape, and stressed that man's mind only will survive, where so deserved, after death. The traditional ideas concerning the Messianic time—resurrection of the body, reward and punishment after death and the notions of heaven and hell—were eschewed by Maimonides, who refused on halachic grounds, to make use in this connection of aggadic<sup>2</sup> and midrashic<sup>3</sup> statements.

This is the crucial point; for Rabad rested his feet precisely on such statements in order to qualify Maimonides's denial of resurrection as being "very close to heresy" and to remark tartly that to believe that God has a body cannot be heresy, seeing that "men greater in authority and better" than Maimonides, who relied on the literal meaning of the Bible and aggadic statements, did believe it. This first round of the contest between Maimonides and his French opponent ended in a halachic draw; but Maimonides's statements, although not formally condemned as heretical, came out of it tarnished by a strong suspicion of heresy.

The second round, concerning resurrection only, was fought out in the early thirteenth century in Spain, on an abstruse theological point. Meir Abulafia of Toledo argued against Maimonides that, since God has the power of making miracles, He would also resurrect the bodies of the dead by miracle. The devastating retort to this argument was supplied by the Prince (Nasi), Sheshet ben Isaac of Saragossa, who observed that miracles can be recognised after they have happened but not before. This Spanish theological skirmish was again a stalemate, but the seed of strife between opponents and defenders of Maimonides had been planted in the communities.

A prolonged lull in the controversy followed, during which the translations of his philosophical work, the *Guide for the Perplexed*, from Arabic into Hebrew, gave a vigorous impetus to the intellectual activities of the Jews in France and Spain. With this, the author's reputation reached its height; but the opposition against him, which seemed to have passed, unexpectedly revived and took a serious turn.

Its leader, the talmudic scholar, Abraham of Montpellier and his disciples, Jonah Gorondi and David ben Saul, intent on putting an end to the propagation of Maimonides's views among the French Jews, adopted two momentous practical measures. They presented their case against Maimonides to the rabbis of Northern France and appealed to them to ban the *Book of Knowledge* and the *Guide* as heretical; the rabbis complied.

They also denounced the two books to the Christian Inquisition, installed in Montpellier in 1231, and their aim in so doing was achieved; the Inquisition duly condemned the books as heretical and burned them publicly in 1232-33. These two events stirred up again the conflict between the defenders and opponents of Maimonides, which determined the whole course of Jewish civilisation from the thirteenth century to the present day.

The historical details of the battle are extremely interesting; but it is more important to clarify the fundamental issue involved. To do this, the concrete question must be asked: Why was there a united front of French rabbis and the Christian Inquisition against Maimonides?

The answer lies in the recognition of the fact that the Inquisition in Montpellier proceeded against Maimonides because his *Book of Knowledge* and the *Guide* contained statements which are contrary to the Catholic faith. In the Middle Ages, Jews living in Christian countries were not free to profess views that were heretical in the eyes of the Church, unless such views were part of an established and undisputed Jewish religious tradition.

This was clearly not the case in regard to Maimonides's two statements in the *Book of Knowledge*, one about the corporeity of God and the other about the (implied) denial of resurrection. The former contradicted the dogma of the Incarnation and the latter the principal article of the Christian faith; both statements were heretical from the point of view of the Church, but both were contested by the Jews themselves.

The situation in regard to the *Guide* was identical. All the statements in that book, which were opposed by the Jews themselves, were identical with those which were also attacked by contemporary Christian theologians.

Maimonides's contentions, for example, that angels are not real beings and that the sacrifices were instituted by God merely as a means, with no intrinsic value in itself, to educate the Jewish people to a higher, spiritual level of religion, were rejected by the Christian theologians. The former contention on the ground that it destroyed the historical veracity of certain accounts in the Bible and the New Testament, and the latter on the ground that it undermined the basic Catholic conception of the sacrament of the Eucharist as a real sacrifice of Jesus, superceding the Biblical sacrifices. It is hardly surprising that both the *Guide* and the *Book of Knowledge* were burned by the Inquisition.

The Jewish opponents of Maimonides certainly did not reject his views on the ground that they contradicted the teaching of the Church. But they shared with the Christian adversaries the same theological outlook. They accepted as an article of faith, together with the Christian theologians, the literal meaning of the Bible. They believed in addition, and in analogy to the Christian doctrine of the spiritual meaning of the Bible, that the aggadic and midrashic explanations of the Bible were divinely inspired.

No wonder that they were united with the Christian theologians in combating Maimonides, whose theological

(Concluded on page 92)

1. The oral law.
2. *aggada*: the sequel to those parts of the Bible which include stories and chronicles, sayings of the wise and moral instructions.
3. *midrash*: the finding of new meaning, in addition to the literal one, in the scriptures.

## This Believing World

We are not quite sure whether the petulant outcry of the Pope to Cardinal Heenan, that we should stop all this talk about contraception is directed only to Roman Catholics, or includes Protestants and non-religious people as well. But it surely represents a guiding-post as to what to expect if "unity" were established in Britain while the Pope remained in command with Cardinal Heenan as his lieutenant.

★

In the "South London Press" (February 26th) we find Canon H. G. Ockwell telling us quite seriously that "education without God and religion must lead to a lot of clever devils". The good Canon appears never to have visited HM prisons, most of whose inmates sturdily insist that they are Church of England and Roman Catholic delinquents. Indeed, most of them would resent being told that they have "no religion". Canon Ockwell should be able to get hold of some prison statistics to study, even if they are denied to Freethinkers.

★

So long as a picture of Christ on a cross can be shown in our national newspapers, so long will the story endure. It has always been a best seller, and the *Sunday Pictorial* (February 21st) filled more than a page with a portrait of "our Lord", as portrayed by a Swedish actor, in "the supreme moment of human history"; "a scene of moving and courageous dignity". This kind of thing always pays just before Easter.

★

And the BBC always seems to cater for Easter by putting on the radio Miss Dorothy Sayers's *Man Born to be King*, which not merely uses modern idioms in its dialogue, but shows that it really was the Jews who were responsible for the crucifixion of Jesus. The Reith tradition still lingers on at Broadcasting House, in spite of David Frost and Co.

★

We cannot understand how any parson can possibly refuse to baptise babies, in the name of Jesus, who was himself baptised albeit as an adult. What was good for "our blessed Lord", is surely good enough for Christian babies. However, here we have two priests (*Observer*, February 21st) who have "given up their position in the Church of England because they no longer feel able to baptise babies". They do not think it right to baptise every baby, and doubt whether it is right to baptise any at all. Well, the heavens haven't fallen apart yet at their momentous decision, and the babies would not be a whit worse if they were not baptised.

★

A poor, dear poltergeist in Godalming, Surrey, can't stand electric lights, the *London Evening Standard* (February 2nd) informs us, and it has been switching them off at the King's Arms Hotel there, as well as rudely awakening some of the guests. It had also worried the previous landlord. The present landlord and his wife, thank God, are not unduly worried at the mischievous spirit, but what harm is there in a dose of holy expulsion prayers from a priest waving a crucifix about? If done in the full glare of electric lights, it might prove extraordinarily effective.

★

"A new kind of magazine for the new kind of woman". That is how *Nova* describes itself. It's well produced, to be sure, and written for a slightly higher IQ readership than most women's magazines, but that's not saying much. The first issue (March, 3s.) devoted a page to Sir Julian Huxley's exposition of his Humanist faith which, if not exactly stimulating—nor calculated to please the late

Victor Purcell, or ourselves for that matter—at least spared us the good Teilhard. On another page (to balance?), Monica Furlong purported to explain "the great Christian debate" on "What is the New Morality?", which she saw as "a salutary attempt" to get the "troublesome bee" of sex out of the Christian bonnet, "so that the Church can begin, once more, to look at love as a whole, without getting so agitated by one aspect of it". But has the Christian Church ever looked at love "as a whole"? It's no use presenting Jesus as having a wholesome view of love, especially when you admit (as Miss Furlong did) that he rarely touched on sexual morality. The "example" of Christ was essentially ascetic, and the cause of untold suffering, quite apart from his campaign of hate which Miss Furlong naturally never mentioned.

★

Eve Perrick, *Nova's* "sampler", we are told, consulted "six practitioners of the occult arts"—Daisy Carter (clairvoyant), Katina (astrologer), Tatania de Cortez (palmist), William King (psychometrist), M. F. Hahn-Lecoq (psychographologist) and Frances Hedderly (phrenologist). Miss Perrick described herself as an agnostic and a sceptic, but with "a part of my mind open to conviction by proof". It is not clear whether she was convinced, though she informed us that "the six authors in search of a character came up with, more or less, the same pronouncements and predictions". As the occultists didn't know she was a journalist, we assume that Miss Perrick took no shorthand notes. Yet she seemed to have remembered the conversations remarkably well. We found little evidence, however, of her boasted scepticism.

---

### MAIMONIDES: A JEWISH HERETIC

(Continued from page 91)

presuppositions were contrary to theirs.

The theological outlook of the Jewish opponents was not due simply to the influence of their Christian environment, nor was the action of the Christian authorities to determine the contents of the Jewish faith a novel thing in the thirteenth century. Both parties were heirs to a common and much older Christian tradition.

As early as the sixth century, the Emperor Justinian had taken legislative measures to ensure that the literal meaning of the Bible should be inculcated among the Jews. He had also imposed on the Jews, under penalty of death, adherence to the belief in resurrection, in reward and punishment after death and in the real existence of angels. The religious tradition of the Jews living for centuries in countries under Christian rule developed on lines prescribed by Christian theological legislation.

Maimonides was heir to another trend in Jewish tradition which developed in countries where no legislation regulated the contents of the Jewish faith. He himself justifiably felt free to unite science and philosophy with spiritual monotheism in a system which, in its essential aspects, is modern not medieval. It was inevitable, therefore, that when the two trends of Jewish tradition confronted each other in Christian countries, a violent clash between them should have occurred. The conflict concerning the Maimonides "heresies" was essentially a conflict not between Jewish religion and philosophy, but between a medieval and modern conception of religion and philosophy.

---

### MORALS WITHOUT RELIGION

and other essays

By MARGARET KNIGHT

From THE FREETHINKER Bookshop

# THE FREETHINKER

103 BOROUGH HIGH STREET, LONDON, S.E.1

Telephone: HOP 2717

THE FREETHINKER can be obtained through any newsagent or will be forwarded direct from the Publishing Office at the following rates: One year £1 17s. 6d.; half-year, 19s.; three months, 9s. 6d.

In USA and Canada: One year, \$5.25; half-year, \$2.75; three months, \$1.40.

Orders for literature should be sent to the Business Manager of the Pioneer Press, 103 Borough High Street, London, S.E.1.

Details of membership of the National Secular Society may be obtained from the General Secretary, 103 Borough High Street, S.E.1. Inquiries regarding Bequests and Secular Funeral Services should also be made to the General Secretary, NSS.

## Lecture Notices, Etc.

Items for insertion in this column must reach THE FREETHINKER office at least ten days before the date of publication.

### OUTDOOR

Edinburgh Branch NSS (The Mound)—Sunday afternoon and evening: MESSRS. CRONAN, MCRAE and MURRAY.

London Branches—Kingston, Marble Arch, North London: (Marble Arch), Sundays, from 4 p.m.: MESSRS. J. W. BARKER, L. EBURY, J. A. MILLAR and C. E. WOOD.

(Tower Hill). Every Thursday, 12-2 p.m.: L. EBURY.

Manchester Branch NSS (Car Park, Victoria Street), Sunday Evenings.

Merseyside Branch NSS (Pierhead)—Meetings: Wednesdays, 1 p.m.: Sundays, 7.30 p.m.

North London Branch NSS (White Stone Pond, Hampstead)—Every Sunday, noon: L. EBURY.

Nottingham Branch NSS (Old Market Square), every Friday, 1 p.m.: T. M. MOSLEY.

### INDOOR

Birmingham Branch NSS (Midland Institute, Paradise Street), Sunday, March 21st, 6.45 p.m.: F. J. CORINA. Subject to be announced.

Leicester Secular Society (Secular Hall, 75 Humberstone Gate), Sunday, March 21st, 6.30 p.m.: C. SHUTTLEWOOD, "Man in Space".

Marble Arch Branch NSS (Carpenter's Arms, Seymour Place, London, W.1), Sunday, March 21st, 7.30 p.m.: J. W. BARKER, "Whither Freethought?".

Richmond and Twickenham Humanist Group (Room 5, Community Centre, Sheen Road), Thursday, March 18th, 8 p.m.: A meeting.

South Place Ethical Society (Conway Hall Humanist Centre, Red Lion Square, London, W.C.1), Sunday, March 21st, 11 a.m.: RICHARD CLEMENTS, "The New Ethic".

Tuesday, March 23rd, 7.30 p.m.: PHILLIP WILSON, "The Future of British Railways".

Surbiton and Malden & Coombe and Kingston Branches NSS (The White Hart, Kingston Bridge, Hampton Wick), Friday, March 19th, 8 p.m.: A meeting.

## Notes and News

His many friends in the Freethought Movement will be sorry to hear that F. A. Hornibrook is ill in hospital. Mr. Hornibrook who was 88 last month is President of Marble Arch Branch of the National Secular Society, and a member of the Society's Executive Committee. Letters may be sent to him at Chalfont and Gerrard's Cross Hospital, Gerrard's Cross, Bucks.

THE Canadian Royal Commission on Bilingualism and Biculturalism, which opened its formal public hearings in Ottawa on March 2nd, has, said the *Montreal Star*, been swamped with recommendations. The United Church of Canada, the largest Protestant denomination, advocated a distinct and public system of French-language primary and secondary schools wherever French Canadians are concentrated in sufficient numbers. And spokesmen for the Roman Catholic St. Jean Baptiste Society said "it would

drop its emphasis on Catholic separate schools if this made it easier to obtain French schools". Religious instruction could be given on an unofficial basis before or after regular school hours.

★

WHAT! More about Roman Catholics and birth control? Yes, and with no apologies. This, as we see it (and here we differ from our colleague F. A. Ridley) is the most urgent problem facing the Church today, and the one that will most affect the happiness of men and women—the Freethinker's ultimate touchstone. Despite the Pope's request for silence on the subject, more and more Catholics are opposing their Church's line on contraception. Priests, laymen and above all the women (whom it most concerns) are raising their voices in revolt. And we believe with the *New Statesman* (5/3/65) that their case deserves the maximum publicity; that "editors, those in charge of TV and radio programmes, as well as MPs, have a positive duty . . . to ensure that the issue is kept under constant scrutiny."

★

OF course it is regrettable that Dr. Anne Biezanek, for instance, should not carry her defiance of Rome to its logical conclusion and leave the Church; that—as one reviewer of *All Things New* remarked—she "lost her health, her job, her home, at times almost her sanity, but never her faith". Accepting, however, that Catholicism fills some emotional need for her, we can admire and praise her courage. After eleven pregnancies and seven children in 13 years, she began to use contraceptives herself and opened a clinic to help others in the same need.

★

MAGDALEN GOFFIN, the reviewer in question (and a contributor to the outspoken *Objections to Roman Catholicism*) wrote also (in the *Guardian*, 3/3/65) about *The Experience of Marriage* by Michael Novak (Darton, Longman and Todd, 25s.; 12s. 6d. paper). In order to free themselves from the intolerable burden of constant child-bearing, yet remain true to their faith, Catholics resort to what Mrs. Goffin rightly described as "degrading" practices, "frequently destructive of married happiness" The book tells of "separate bedrooms, intercourse only at the time of menstruation, anxious examination of vaginal secretions, nervous breakdowns; of those who welcome miscarriages, feel guilty when they kiss, and rigorously suppress signs of mutual affection lest they fall into grave sin." Freethinkers have continually drawn attention to such consequences of Catholic teaching; now at last the Catholics themselves are rebelling.

★

Another Roman Catholic writer in the *Guardian*, TV-reviewer Mary Crozier, has never liked *Not So Much A Programme* . . . , which is, perhaps, not so very surprising. How she felt about the notorious sketch, we don't know, but she didn't like David Frost "obsequiously" thanking those who had written to him about it. She wouldn't. Nor would she approve the recent (5/3/65) cover of *Private Eye*, with its "Contraception: Heenan Speaks", showing a picture of the Cardinal declaring, "And if anyone else says a word about it we shall probably burn him". Hardly "obsequious" though, Mrs. Crozier, you'll agree!

★

DR. J. L. TEICHER, who writes about Maimonides, "the Jewish Aristotle" on page 91, is Lecturer in Rabbinics at Cambridge. Dr. Teicher's article, the third in a series on "Great Controversies in Judaism", first appeared in the *Jewish Chronicle* on February 19th, and is reprinted by kind permission of the Editor of that paper.

# The Space Age and the Argument from Design

By F. A. RIDLEY

ABOUT the year 50 BC, the famous Roman orator and man-of-letters, Marcus Tullius Cicero, composed a treatise entitled: *De Natura Deorum* ("On the Nature of the Gods"). In this treatise Cicero no doubt repeated the arguments of the religious apologists of his day, for his voluminous works, whilst replete with eloquence, show little trace of any really original thought. Accordingly, in his pamphlet designed to refute freethinking critics of the day—mostly Epicureans like the contemporary poet Lucretius—Cicero gives a leading place to what later came to be known as the argument from design. The gods have fashioned everything with a marvellous precision which could not possibly be the effect of chance. For we have legs made to run, eyes made expressly to see, and mouths to take food. And, with the sun invariably rising in the east and as invariably sinking in the west, and the glorious moon and stars to illuminate the darkness of the night, and so on, Cicero concluded that all such phenomena far transcend the province of mere chance. They were the effect of a divine hand, or rather of several divine hands, since Pagan theology allowed for several deities who collectively were responsible for the visible universe.

About a century after Cicero's day, a new religion; unknown in Cicero's time—Christianity—arrived in Rome. One of the earliest Christian pamphlets to be issued under the auspices of the new creed, the Pauline Epistle to the Romans (probably written about the end of the 1st century), took up Cicero's arguments and endorsed them in a monotheistic Christian setting. The proofs of God's existence and power, as written all around us in the celestial firmament, are so overwhelming that the sceptic is without excuse unless he immediately recognises God's "everlasting power and divinity".

As the new creed evolved its theology, the Catholic Church evolved a vast synthesis of theology and philosophy collectively designated as "apologetics" or natural theology, in which it professed to prove and to establish by human reason, the infinite power of God the Creator. In this imposing pyramid of metaphysical logic, the argument from design came to occupy a leading position: the sun, the moon, the stars shining serenely in the illimitable firmament no less than the earth itself so obviously designed for human habitation and enjoyment! All these diverse phenomena spoke of the existence and power of a supernatural being, of God the Creator, whose unseen, but effectively potent action was reflected in his manifold creation, just as the sunlight is taken up and reflected back on the placid surface and still waters of a lake. Preachers and religious apologists waxed perpetually eloquent on this glorious and ever-renewed theme.

However, in retrospect all this recurring pulpit eloquence on the theme of design when viewed in the cold, dry light of empirical science, merely illustrates the old proverb, "distance lends enchantment". For, prior to the advent of the telescope in 1609 nothing was really known about the sky. However, when viewed through the telescope, the planets became less and less romantic and—as and when applied to them—the argument from design became less and less impressive. Today, the solar system, far from being designed for life, represents a mere accidental collection of solid islands in the sky most of which are incapable of producing any life. Nor is there any reason to believe that the solar system is in any way significant in the universe at large.

For the solar planets from Mercury (with the temperature of boiling lead) to Pluto (so cold as to be indescribable), all appear to be entirely incapable of supporting any "life" whatsoever, even the crudest forms of primitive existence. Mars and Venus may be partial exceptions, just capable of supporting the most primitive forms of plant life. But any rational Martians belong exclusively to the realm of science fiction, for the climatic conditions are impossible for any conscious life.

Up to this present generation, the age-long argument for and against design, has been conducted by abstract argument. For even the telescopic age can only observe at a distance of usually many millions of miles and then make its deductions from possibly faulty observations.

However, today this immemorial state of things is quite definitely coming to an end. For it now seems certain that, before the end of this century and quite possibly before the end of this decade, cosmonauts will succeed in landing on the moon. Later there may even be landings on Mars and Venus.

The effects of this initial probe will be felt in many diverse fields, including, in my submission, theology. For the strangely-garbed cosmonauts who will first make direct physical contact with other worlds, will willy nilly be able to raise the ancient controversy over design from the merely deductive to the empirical plane. For the very first time, the living products of evolution on our own planet will have the opportunity to observe and to note at first hand, the works of the Lord, and from what we already know they are unlikely to be very impressed. For neither the arid mountains on the moon nor the arid deserts of Mars, appear to confirm the arguments of Cicero and/or Paul.

The hallowed argument from design, already theoretically demolished by the arguments of a succession of rationalist thinkers from Epicurus (against whom Cicero argued) will be finally empirically destroyed by the pioneers of the space age. They will see the works of the Lord scattered throughout space, but unfortunately, will not be able to sing his praises, since he has unaccountably neglected to "design" them with any atmosphere.

## Religious Opposition to Birth Control

RELIGIOUS sanctions against imperative public birth control programmes in the United States and abroad appear to be weakening under the steady fire of an aroused public opinion.

Dramatic evidence of the new climate for birth control programmes was the shift of former President Dwight D. Eisenhower from a position of opposition to one of enthusiastic endorsement. While serving as President, Mr. Eisenhower one day tossed off, in reply to a reporter's question, the remark that "as long as I am here" no government funds would be used to support birth control in connection with foreign aid programmes. That stopped it so long as he was in office, and not until President John F. Kennedy came on the scene could even introductory work begin.

Now General Eisenhower has soundly reversed his position and has joined former President Harry S. Truman as co-chairman of the honorary sponsors council of Planned Parenthood-World Population.

What was likely the most sensational dual public rela-

tions punch ever packed by a non-profit organisation in the US had been deftly assembled by an old hand, General William H. Draper Jr., an intimate of both former presidents. General Draper has been a close student of world population problems both in government posts and Planned Parenthood for many years.

Those hopeful of averting population disaster are encouraged by the fact that the US State Department is proceeding to offer research assistance to underdeveloped countries in the matter of population growth. There are reports that the Johnson administration is not averse to providing aid for actual clinical birth control.

Greatest disappointment of 1964 was the fate of birth control at the Vatican Council. New thinking on the subject within the Catholic community had raised hopes that there might be some modification of the traditional ban of that church on what it calls "artificial birth control". These hopes were dashed when Pope Paul VI summarily withdrew the subject from the Council agenda and 2,200 bishops voted approval of his action. Particularly resentful of laymen's interest in the topic, Pope Paul served notice on the Council that he had reserved to himself the right to determine the Roman Catholic position on birth control.

Decisive influence at the Vatican against any change on birth control was wielded by Alfredo Cardinal Ottaviani, famed Curia conservative. He said that the right to determine the number of one's offspring was "unheard of in past ages". He pointed out that he himself was the 10th of 12 children of a humble family.

Negative, again, was the news from Egypt where 86 babies are born every hour and the present population of 27 million will be 40 million by 1980. Islam has no basic teaching against birth control as Catholicism has, yet its leaders are said to have been "no help" in getting official programmes under way in the United Arab Republic.

On the positive side, and despite the intransigence at the top, there was an evident ferment within Roman Catholic ranks on the birth control issue. At the Vatican Council Paul Emile Cardinal Léger of Montreal and Leo Jozef Cardinal Suenens of Belgium spoke up courageously as to the need for a new positioning of their Church on the issue.

In Massachusetts a law flatly prohibiting dissemination of birth control information and equipment may be heading for a new effort at repeal. This law, the Connecticut counterpart of which was described by the *Washington Post* as "barbarous" and indicative of "contempt for life", was the subject of a referendum in 1948. Personally responsible for its defeat was the Archbishop of Boston, Richard Cardinal Cushing. His directive to Catholics to vote "no" because the referendum was a "moral issue" resulted in a near solid Catholic opposition vote. The final tally was 1,085,350 against repeal to 806,829 for repeal.

Now Cardinal Cushing has had a change of heart. He will not again seek to defeat repeal of the statute. "In no way will I feel it my duty to oppose amendments to the law," he said.

A Catholic physician, Dr. Joseph L. Dorsey, advocated repeal of the law in an article published in the *New England Journal of Medicine*. Msgr. Francis J. Lally, editor of the often reactionary *Boston Pilot*, agreed that the time had come for "reconsidering the question in the light of a plural society".

There was a good chance that the Supreme Court might give a stimulus to a Massachusetts referendum by finding a comparable Connecticut law unconstitutional. A suit seeking to achieve this was before the court with a decision expected any day.

[Reprinted from *Church and State*, USA, January 1965.]

## The Odious, The Beautiful and The Useful

A RECENT number of this journal (March 5th) had a stimulating and forthright article by F. H. Snow which was titled "The Veneration of the Odious" which, in any other paper, would surely lead him into trouble. He is concerned mainly with buildings, and, let us face it, with church buildings and is for sweeping away the ugly, whether old or new, from cathedrals to gravestones. There is real difficulty here however, much as we may warm to his thesis. Who is to decide what is ugly? Past periods vary enormously in style, in mass, and in detail, but until the industrial revolution very little was made that was totally displeasing to the eye and time has added its usual contribution in enrichment of colour and texture bringing all into harmony with the English scene. Efforts at preservation, merely because a building is Norman, unless it embodies some unique feature, are another thing altogether, and Mr. Snow is right in implying that the odour of sanctity which usually mingles with the odour of dry-rot is largely to blame for all this waste of time and money. It must be stressed that the old is not necessarily beautiful. The paltry use after all the fundraising, often for a handful of people, is just another item in the scale against blind preservation.

What is the present position? The mind's eye at once jumps to a known area. Let us say East Anglia, admittedly one of the best in the country. There is Ely Cathedral, King's College Chapel, Cambridge, Lavenham, Blytheburgh and a hundred more, perhaps less well-known but fitting serenely into the landscape. Odious, or downright ugly? How many of these qualify for this label until we reach Victorian times? Even the 17th and 18th century gravestones which so greatly trouble Mr. Snow are often aesthetically rewarding, however sombre the subject. Except where they mark the distinguished dead they might well be put round the edges in some cases, leaving the space as an open garden. For devastating ugliness and aesthetic horror in this particular we have to come forward to the cemetery of yesterday and today.

No. It is all too difficult. In sharing with the author his distaste for all the mumbo-jumbo and drivel that these places perpetuate, my mind is more troubled with the under-use of these spaces—perhaps misuse is the more correct word given our present knowledge—and am more driven to think of preservation of those which may be called works of art, some better some worse as in any gallery—and to considering to what socially useful purpose they may be put. The recent essay competition at Cambridge on the subject "What shall we do with the College chapels?" judged by no less a person than E. M. Forster, may give us some clues as to what can be done with the village churches. The need for such space is even greater than at the University, for there is often no other meeting place. After simple internal reconstruction these could often offer room for library and reading rooms, music at all levels, lectures, debates, occasional films, committees of all sorts, and so on, all under the direction of a curator/counsellor, the one condition being that the structure be kept with the utmost care as a work of art. Just as

NOW IN PAPERBACK

ALL THINGS NEW

DR. ANNE BIEZANEK

The controversial book by the young woman Roman Catholic doctor—mother of seven children—who here explains why she defied the Church she loves in order to practise and teach scientific birth control.

Available from THE FREETHINKER Bookshop, price 3s. 6d. plus postage.

individual historic rooms are often shown complete in a museum, these would be maintained externally in relation to their environment and for much the same purpose. Nobody is going to suggest that where an existing building is in full use and obviously needed for church purposes in the locality any change is necessary; but how often is this so? Consider the case at Critttenham, Wiltshire referred to in *This Believing World* (THE FREETHINKER, February 26th, 1965). Here the attendance has dropped from near one hundred to three—a mother and two daughters. How long does this farce go on? Woolwich Parish Church and its herculean efforts to secure just nothing is also fresh in our minds. This is clearly the trend, and who will suggest that it is not high time to consider what activities might usefully come next? Or is it more correct and sensible in this overcrowded and vigorous island that the buildings should be left empty?

My own strong feeling is that when usage falls below a certain percentage of seating accommodation, say 20 per cent, the change may be considered due or overdue; the valuable space should be made available to people more anxious to use it and whose ancestors probably built, embellished and sustained the place during earlier but quite different times.

JESSE COLLINS

## CORRESPONDENCE

### OBJECTIONS TO ROMAN CATHOLICISM

Margaret McIlroy has a rather optimistic view of the future evolution of Roman Catholicism. However, it is doubtful whether she is right in thinking that the reactionaries will not win in the end. And it is not sure at all that those who see the reform movement in the Church as merely a cynical attempt to make concessions in order to hang on to power, are wrong. Here in Holland, we are confronted with an example of modern democratic Catholic thinking.

Competent Catholic circles have observed that the Catholic population has become aware of the inferiority of Catholic schools and feels inclined to turn her back on them.

To remedy this state of affairs our Catholic "reformers" make an ingenious proposal. Catholic and municipal school pupils (generally children of non-believing parents) ought to be united in one national school. However, Catholic schools are to be maintained wherever there is still a reason for their existence. In this way, it is said, Catholicism will be present in a non-Catholic environment and influence it. Nothing is said about Protestant school pupils. They evidently are not yet ripe to be absorbed by Catholicism.

Modern Catholicism seems to be much like the old Catholicism and to pursue the unchanged aims by new means.

A. M. VAN DER GIEZEN (Middelburg—Holland)

### GLORIOUS NONSENSE

On entering St. Paul's Cathedral even the most sceptical cannot help but be impressed by the size and grandeur of the place—made for the glory of God, Christ and his apostle—Paul. Though today one feels that St. Paul's is thought of more as an allure for American tourists than for any religious reason.

The worshippers of Christ have certainly exploited man's admiration of splendour and beauty for their own ends—to perpetuate a myth and defend wealth and privilege. The Christians assuredly know the tricks that the modern admen use to such

### ON CIVIL LIBERTIES

#### THE CHALLENGOR CASE

A Penguin Special by Mary Grigg  
(National Council of Civil Liberties). Price 3s. 6d.

#### HANDBOOK OF CITIZENS' RIGHTS

A Civil Liberties publication. Price 2s. 6d.

Plus postage from THE FREETHINKER  
103 Borough High Street, London, S.E.1

vulgar effect. In practically every settlement of any size in the West the buildings of the church rose to dominate the landscape, inescapable to every eye. Above the people of Europe towered a spire or steeple serving as a grim reminder that if they did not fill the collecting boxes or kow-tow to the priests then they would be doomed to a sizzling hell. This was a sort of medieval equivalent of the fatal consequences of not using Amplex.

The erection of vast citadels of worship is also practised by the otherwise rational Communists in idolatry of Marx and Lenin. Few intelligent people would deny the ability of Marx or Lenin—their memorial is the changes brought about in the world by their writings and work. Mozart needs no edifice to convince people of his greatness, he does it with his music. If Christ and Christianity are so wonderful, why do they need the prop of extravagant architecture? Churches and cathedrals were often built by men whose own housing conditions were appalling. It is a crime that money should go to building cathedrals when there are thousands of homeless people in this country. In a world in which there is widespread misery and malnutrition it is wrong to restore delapidated churches. Especially when the numbers of the faithful diminish every year and the buildings are only used for a few hours of mumbo-jumbo a week.

Perhaps the recent hero-worshipping of President Kennedy and Sir Winston Churchill is more understandable. Yet the adulation went beyond all rational bounds. Sir Winston Churchill was certainly a remarkable man, but the recent state orgy at St. Paul's Cathedral in his memory showed that it was a myth rather than a man that was being remembered. And the same can be said of Christ.

BILL HUGHES

### APPEAL

A wave of terror has started in Catalonia and other Spanish provinces following many demonstrations which have taken place demanding freedom of association and free trade unions. Money is urgently needed to help many families who have already been badly hit by the Franco police, and the Workers Trade Union Alliance (ASO) of Spain urgently calls on all democratic people to help the victims and the struggle against the regime.

An appeal for help from inside Spain has reached us. The anxious call came at a moment when workers and students have been demonstrating for better conditions and free trade unions.

Many workers have been arrested during the past weeks in Catalonia and Madrid, and there is a possibility that many more will be detained in the days to come. Here are the names of some of those arrested: José L. Martínez, Juan Navarro Gascón, Luis Roscoso, Lorenzo Funés, Juan Estrada, Manuel Linares, José Cascubiela, José Antonio Mateu, Vicente Lizcano, Angel Gracia, Angel Alcazar, Luis Alvarez, Elias Martin, Pedro Rica, Juan Polch Garcia, Juan José Avila, Angel Rosas.

The appeal came from the Workers Trade Union Alliance (ASO) whose members are young and old militants of the CNT, UGT and other organisations of Spain. We feel certain that you will be most anxious to aid the oppressed Spanish people at this critical moment in their history.

Please be generous by sending your donation to the Treasurer, J. Cabanas, 42 Dalgarno Gardens, London, W.10.

A. ROA, Secretary.

National Confederation of Labour of Spain in Exile

### WANTED

A ground floor flat is urgently required by two elderly Freethinkers who are being forced to leave their present home. If possible it should be in London or the Home Counties, but anything will be considered.

Readers who can help are requested to contact the Secretary, National Secular Society, 103 Borough High Street, London, S.E.1.

## NATIONAL SECULAR SOCIETY 59th ANNUAL DINNER

Guest of Honour: LEO ABSE, M.P.

at the

Horse Shoe Hotel, Tottenham Court Road, London, W.1.

SATURDAY, MARCH 20th, 1964

RECEPTION 6 p.m. DINNER 6.30 p.m.

Chairman: DAVID TRIBE

Vegetarians catered for Evening Dress Optional  
Tickets 22/6 from the Sec., 103 Borough High Street, S.E.1.