



THE PLAYBOY PHILOSOPHY

EDITORIAL BY HUGH M. HEFNER

Originally published in December, 1962

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CHAPTER 1

Introduction

Exactly nine years ago this month, the first issue of Playboy was published, with a personal investment of \$600 and \$6000 begged or borrowed from anyone who would stand still long enough to listen to "a new idea for a men's magazine." Now something of a collector's item, that issue -- forged with much youthful zeal by a small group of dedicated iconoclasts who shared a publishing dream -- seems almost childishly crude when compared with the magazine you hold in your hands. We have come a long way since then, in editorial scope and polish as well as in circulation, and we are mightily pleased whenever we are complimented on this fact. But when well-wishers sometimes praise us for the way in which our magazine has changed, we must shake our head in disagreement. The fact is that in its basic concepts and its editorial attitude, in its view of itself and its view of life, its feelings about its readers and - we believe -- their feelings toward it, the magazine called Playboy is the same today as it was nine years ago. Improved -- yes, we like to think. Altered in its aims and outlook -- definitely no.

Recently, and increasingly in the past year, Playboy's aims and outlook have been given considerable comment in the press, particularly in the journals of social, philosophical and religious opinion, and have become a popular topic of conversation at cocktail parties around the country. While we've been conscious of the virtues in seeing ourselves as others see us, we've also felt the image is occasionally distorted; having listened patiently for so long a time to what others have decided Playboy represents and stands for, we've decided -- on this ninth anniversary -- to state our own editorial credo here, and offer a few personal observations on our present-day society and Playboy's part in it -- an effort we hope to make interesting to friends and critics alike.

Opinion on Playboy

When Professor Archibald Henderson titled his definitive biography of George Bernard Shaw *Playboy and Prophet*, he probably came closer to using the word Playboy as we conceive it than is common today. Certainly, he did not mean that the highly prolific playwright-critic was an all-play-no-work sybarite. He certainly did not mean to suggest that Shaw led a pleasure-seeking life of indolent ease, nor that the platonically inclined vegetarian was leading a secret life of the seraglio. He did mean -- and he told us so when he visited our offices on the occasion of the founding of the Shaw Society in Chicago -- that Shaw was a man who approached life with immense gusto and relish. As a word, playboy has suffered semantic abuse: Its most frequent usage in the press is to characterize those functionless strivers after pleasure whom Federico Fellini, in *La Dolce Vita*, showed to be so joylessly diligent in their pursuit of self-pleasuring as to be more deserving of sympathy than righteous condemnation. Playboy, the magazine, has been sometimes tarred with the same brush -- usually by those who are more zealous in their criticism than in their reading of it. We have been accused of leadership in a cult of irresponsibility and of aiding in the decline of the Western world. We deny it.

With Playboy's ever-increasing popularity, it would be foolish for us to pretend that the publication doesn't exert a considerable influence upon our society. But what kind of influence? Opinions vary. We first became aware that Playboy was developing into something more than a magazine when readers began purchasing Playboy products in considerable quantities: everything from cufflinks, ties, sport shirts, tuxedos and bar accessories to playing cards, personalized matches and stickers for their car windows - all with the Playboy Rabbit as the principal design and principal motivation for the purchase. Readers were soon buying Playboy earrings, necklaces, ankle bracelets, sweaters and Playmate perfume for their own particular playmates, and we wondered at the unusual degree of identification that the men who purchase Playboy each month obviously feel for the magazine and its editorial point of view. They sought, and we gladly supplied, a mark of identity in common with the publication -- the sort of honor a man usually reserved for his fraternity, or a special business or social association. By the time we were ready to open the first Playboy Club in 1960, we fully appreciated the impact that Playboy, in its many forms, was having upon the urban community (for by then we'd witnessed the success of the Playboy Jazz

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Festival, Playboy records, Playboy Tours and our nationally syndicated television show, *Playboy's Penthouse*).

The professional critics and commentators on the contemporary scene could not too long resist supplying a personal analysis of the Playboy phenomenon. In *Commentary* -- "A journal of significant thought and opinion on Jewish affairs and contemporary issues," Benjamin DeMott, professor of English at Amherst, wrote an article on the subject, "The Anatomy of 'Playboy,'" which he sums up as "the whole man reduced to his private parts."

But in "Playboy's Doctrine of Male" by Harvey Cox, first published in *Christianity and Crisis* -- "A Christian Journal of Opinion," and reprinted in *The Intercollegian* -- "A Journal of Christian Encounter," and the editorial pages of a number of college newspapers, Playboy is criticized for being "basically antisexual." Cox describes Playboy as "one of the most spectacular successes in the entire history of American journalism," but stamps us as "dictatorial tastemakers," decries the emphasis on emotionally uninvolved "recreational sex" and announces that -- like the sports car, liquor and hi-fi -- girls are just another "Playboy accessory."

Writing for *Motive* -- "The Magazine of the Methodist Student Movement," Reverend Roy Larson states: "Playboy is more than just a handbook for the young-man-about-town: It's a sort of bible which defines his values, shapes his personality, sets his goals, dictates his choices and governs his decisions. The Playboy philosophy has become...a sort of substitute religion." But Reverend Larson rather likes Playboy: He sympathizes with our interest in "style" -- he is "upset by those people in the Church who seem to assume...that averageness is more Christlike than distinctiveness. Certainly -- God knows -- there's nothing in the mainstream of the Christian tradition which justifies this canonization of mediocrity." And a bit further: "I sympathize with Playboy's revolt against narrow, prudish Puritanism, even though I would disagree with the way this revolt is expressed."

The general press has also decided that Playboy's popularity may have broad implications (no pun intended) and though there isn't yet the same attempt at pseudo-socio- and psychoanalytical evaluation, the title of a recent feature story on Playboy in *Time*, "The Boss of Taste City," indicates that they, too, are at least vaguely aware that something more than a successful magazine and several key clubs is involved here. The story in the *Saturday Evening Post*, "Czar of the Bunny Empire" by Bill Davidson, was the most superficial and inaccurate piece done on us to date, with almost all of the quotes, and many of the facts, simply invented by the author to suit his purpose, but the *Post* spent more than \$100,000 in advertising and promoting that single article and it sold a whale of a lot of extra copies of that lagging magazine.

There have actually been more major magazine stories on Playboy in Europe during the last year than in the United States, and they have all been extremely favorable; both the greater number and the kinder editorial disposition can be explained in part, we suspect, by our not being in competition with foreign publications for either circulation or advertising dollars; but considering that we are competitors (and doing a bit better than the rest), and not forgetting the general moral climate of middle-class America (at whom most mass media are aimed), the magazines and newspapers around the country that have written about Playboy have been, by and large, quite fair. (Though occasionally a prejudice does creep in, as when a Playboy Club story in *Life* turned into a general key club story, because, as the editors reportedly decided, "We don't want to give all that free publicity to Playboy, do we?")

There are apparently a few cool cats springing up behind the Iron Curtain these days, because we understand that Playboy is now the most popular magazine on the black market in Moscow -- the same gents who secretly tune in the jazz programs on *Voice of America*, we presume. A West Coast newspaper column also reported recently that American airmen stationed in the Arctic have discovered that Playboy is their most valuable item of barter when they pay a visit to the Russian airfield nearby. We haven't heard about any editorializing on the broader implications of the Playboy view of life in any of the official Russian press, but I think we can safely assume that if they've formed any opinion on the subject, it's negative.

The Canadian Broadcasting Company has done an hour-long network radio documentary (*Playboy of the Modern World*) and a half-hour network television program (*The Most*) on Playboy this year -- the Canadians came to Chicago for more than a week for each show, used thousands of feet of tape and film in the Playboy Building, the Club and the Playboy Mansion. Both have been nominated for awards and are far and away the most accurate and best coverage the world of Playboy has been given to date in any medium. Yet a small-circulation Canadian magazine, *Saturday Night*, published an article at just about the same time, titled "Dream World of the Sex Magazines," that claims the recurring theme in Playboy and its imitators is "the brutalization of women." We assume they're referring to psychological or social brutalization, since we never lay a hand on a female except in passion or self-defense.

Comment about Playboy keeps popping up everywhere these days -- in movies, on TV, in nightclub acts: In Billy Wilder's *One, Two, Three*, Berlin Coca-Cola boss Jimmy Cagney's male assistant got himself delayed while on an unusual errand into East Berlin, dressed as a girl, because the border guards spent a half an hour trying to talk him into letting them shoot some pictures of him for Playboy. Joey Bishop announced on the *Tonight* show that he'd discovered the perfect Easter gift for pal Frank Sinatra -- a Bunny from the Playboy Club. Mort Sahl expressed concern about an entire new generation of guys growing up convinced that girls fold in three parts. And have staples in their navels.

Art Buchwald kidded about Playboy's impact on the country in his internationally syndicated column: "Some people are afraid that Hefner may try to take over the United States, if not by force, at least by sex. He has 130,000 Playboy Club keyholders now who have pledged to follow Hefner in whatever direction he wishes to go. They all have keys and if Hefner can change the locks on some of the government buildings in Washington, including the White House, there is no reason why he couldn't take over the country. Many people think Bobby Kennedy's recent trip around the world was a secret mission for Mr. Hefner to find new locations for Playboy Clubs. The slogan of the Playboy is, of course, 'Today girls, tomorrow the world.'"

A Unitarian minister, John A. Crane, in Santa Barbara, California, devoted an entire sermon to the subject, "Philosophy and Fantasy in Playboy Magazine and What This Suggests About Us": "Playboy comes close now to qualifying as a movement, as well as a magazine," he said. "It strikes me that Playboy is a religious magazine, though I will admit I have a peculiar understanding of the meaning of the word. What I mean is that the magazine tells its readers how to get into heaven. It tells them what is important in life, delineates an ethics for them, tells them how to relate to others, tells them what to lavish their attention and energy upon, gives them a model of a kind of person to be. It expresses a consistent world view, a system of values, a philosophical outlook.

"Not only does Playboy create a new image of the ideal man, it also creates a slick little universe all its own, creates what you might call an alternative version of reality in which men may live in their minds. It's a light and jolly kind of universe, a world in which a man can be forever carefree, where a man can remain, like Peter Pan, a boy forever and ever. There are no nagging demands and responsibilities, no complexities or complications."

And yet Reverend Crane, like Reverend Larson in his article for *Motive*, winds up expressing some positive, if qualified, feelings about Playboy: "But for the most part, the magazine is, I would expect, pretty harmless. It amuses its readers by creating a delightful imaginary world for them, a world that they find it fun to live in; and everybody needs a little fun now and then. The only real harm that it does, I think, is negative: It does nothing important for its readers, doesn't lead them anywhere, does nothing to enlarge or deepen their awareness of themselves and their lives, does nothing to encourage the growth of insight or understanding."

But in that same month, in the very same state, columnist Hugh Russell Fraser took a very different view of the more serious side of Playboy's content. Devoting an entire column, on the editorial page of the *Daily Commercial News*, the West Coast's oldest business newspaper, to Playboy in general and the then current issue (March) in particular, he wrote: "One of the most intellectual magazines in America. For a magazine that is devoted to 'Entertainment for Men,' it is strangely concerned with two things few men, and even fewer women, have any real interest in: namely, truth and beauty."

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Fraser goes on to extol the literary and intellectual virtues of the March issue, which he says "comes close to being a sheer work of art." It is the same issue that was on sale at the time of the Unitarian sermon questioning whether Playboy "does anything important for its readers," but there is no connection between the Santa Barbara sermon and the San Francisco column, except that both were written on the same subject, within a month of one another; we're quite certain that the columnist knew nothing whatever about this minister's sermon, and vice versa.

Fraser expresses himself enthusiastically on the subject of March Playmate Pamela Gordon, and then says: "Having drunk deep of this rare and costly wine, let us glance over the other pages. Here J. Paul Getty, the billionaire (tactfully the magazine does not remind us of the fact) has a thought-provoking indictment of *The Vanishing Americans*. He holds that 'in the restless voice of dissent lies the key to a nation's vitality and greatness.' And that dissent is disappearing. Indeed, it has almost disappeared.

"In the same issue, Alfred Kazin, in my judgment the greatest living literary critic, examines *The Love Cult*, a slight misnomer, since what he is examining is not a cult but the whole general concept of love from Plato to Freud to the modern psychiatrists. The role that it has played in Christian dogma, as he analyzes it, is especially impressive and is alone worth the price of the magazine.

"Ben Hecht has an intriguing memoir; The Playboy Advisor tells us how to marry the boss' girlfriend; Ernest Hemingway's brother writes about his brother; and best of all, Arthur C. Clarke's article on *The Hazards of Prophecy*. Here is an analysis of the short-sightedness of men of science in the last half-century, the first of a series of amazing insights into the 'expected' and 'unexpected' in science. There are other articles of equally rich intellectual fare. But I do not have the space here. However, a new planet has swung into our universe of superior magazines...and it bears the date of March 1962. A toast, therefore, gentlemen, to America's newest star in the intellectual firmament -- Playboy!"

Is it possible that both these gentlemen from California, and all of the others who were quoted here, are referring to the same publication? They are, because life is so subjective that what *one* person can view as "the whole man reduced to his private parts," *another* may see as a concern for "truth and beauty." We trust there'll always be this much disagreement on the subject of Playboy, for the magazine was never intended for the general public -- it is edited for a select audience of young, literate, urban men, who share with us a particular point of view on life, and when we began, we had no idea it would attract as great a following as it has. In our Introduction, in Volume 1, Number 1, we tried to spell it out: "We want to make clear from the very start, we aren't a 'family magazine.' If you're somebody's sister, wife or mother-in-law and picked us up by mistake, please pass us along to the man in your life and get back to your *Ladies Home Companion*." We should have added: Not all "old ladies" wear skirts -- it's more of a frame of mind than anything else.

What is this "particular point of view," then, that Playboy shares with its readers? We wrote about it in a subscription message in the April 1956 issue, under the question, What is a Playboy?: "Is he simply a wastrel, a ne'er-do-well, a fashionable bum? Far from it: He can be a sharp-minded young business executive, a worker in the arts, a university professor, an architect or engineer. He can be many things, providing he possesses a certain point of view. He must see life not as a vale of tears but as a happy time; he must take joy in his work, without regarding it as the end and all of living; he must be an alert man, an aware man, a man of taste, a man sensitive to pleasure, a man who -- without acquiring the stigma of the voluptuary or dilettante -- can live life to the hilt. This is the sort of man we mean when we use the word *playboy*."

The Criticism of Content

There are actually two aspects of Playboy that prompt comment today, where previously there was only one. There have always been those who criticized the magazine for its *content* -- certain specific features to which they take exception. There is another, newer area for comment now: the philosophical pros and cons of Playboy's *concept* -- the overall editorial viewpoint expressed in the magazine. While

both are clearly related -- the one (content) growing naturally out of the other (concept) -- they are quite different and the comment and criticism on them takes different forms, too.

The critics of content are rather easily disposed of. No one who bothers to seriously consider several issues of the magazine can reasonably question the overall excellence of the editorial content. Playboy published some of the finest, most thought-provoking fiction, satire, articles, cartoons, service features, art and photography appearing in any magazine in America today; Playboy pays the highest rates, for both fiction and nonfiction, of any magazine in the men's field; and Playboy has received more awards for its art, design, photography, typography and printing over the last half-dozen years than almost any other publication in all the United States. A questioning of the lack of serious "think" pieces in the magazine, as the Unitarian minister did, can only be the result of a superficial scanning of Playboy, as the Hugh Russell Fraser critique of the March issue makes clear. But lest the occasional reader consider that March may have been an uncommon issue, in addition to the Arthur C. Clarke science series and the J. Paul Getty series on men, money and values in society today, Playboy has published Nat Hentoff's *Through the Racial Looking Glass*, "a perceptive report on the American Negro and his new militancy for uncompromising equality" (July 1962); *The Prodigal Powers of Pot*, an unemotional look at marijuana, "the most misunderstood drug of all time" (August 1962); *Status-ticians in Limbo*, a biting article on the sociologists and motivational research experts in advertising and the communication industry (September 1961); *The Great American Divide*, Herb Gold's incisive probing of "Reno, the biggest little pity in the world" (June 1961); *Hypnosis*, the most comprehensive article on the subject ever to appear in a magazine, analyzing hypnotism's implications for surgery, psychoanalysis, persuasion, advertising, crime, war and world politics, by Ken W. Purdy (February 1961); plus such now near-classic pieces as *The Pious Pornographers*, on sex in the women's magazines (October 1957); *The Cult of the Aged Leader*, expressing the need for younger men in our government before any of us had heard of a John or Robert Kennedy (August 1959); *Eros and Unreason in Detroit*, decrying the ever-increasing size, and emphasis on chrome and fins, in U.S. cars, before the automobile industry reversed the trend and introduced the compacts (August 1958); Philip Wylie's *The Womanization of America*, expressing concern over the feminine domination of our culture (September 1958); and Vance Packard's *The Manipulators*, on the "vanguards of 1984: the men of motivational research" (December 1957); along with *The Playboy Panel*, a series of provocative conversations about subjects of interest on the contemporary scene (most recent topic: Business Ethics and Morality, November 1962) and the newly inaugurated Playboy Interview that can produce provocative thought on timely issues, as when Miles Davis discussed his views on what it means to be black in America (September 1962). This small sampling of Playboy's thought-provoking nonfiction is impressive, we think, for a publication that is primarily concerned with entertainment and service features for the urban man, for Playboy has never attempted to cover every aspect of man's existence, or pretended that it does, though some of the criticism aimed at us clearly suggests that we do. And that, it seems to us, is rather like criticizing a good book of poetry, because it includes no prose.

Playboy has always dealt with the lighter side of contemporary life, but it has also -- tacitly and continuously -- tried to see modern life in its totality. We hope that Playboy has avoided taking itself too seriously. We know that we have always stressed -- in our own way -- our conviction of the importance of the individual in an increasingly standardized society, the privilege of all to think differently from one another and to promote new ideas, and the right to hoot irreverently at herders of sacred cows and keepers of stultifying tradition and taboo.

We at Playboy think there is a depressing tendency to confuse seriousness with earnestness and dullness. We believe in the Western tradition of satire and polemic (and it is our feeling that some of the mass media could do with a little sharpening of their senses of humor), and we aren't above poking fun at ourselves once in a while either.

Some seem to feel that a happy, even frisky and romantic attitude toward life, and a savoring of its material pleasures, preclude seriousness, work, sensibility, a viable aesthetic. In our book (literally and in the slang sense) this position is untenable. It belongs with such other evidences of semantic dysfunction as the unreasoning suspicion that medicine can't be good for you if it doesn't taste bad; that robust profanity bespeaks a limited vocabulary (rather than one equipped with condiments as well as nutrients); that dullness is the ordained handmaiden of seriousness; that the well-dressed man is an

empty-headed fop, perforce, and that conversely, the chap who can't distinguish a fine *Niersteiner* from a plebian bottle of hock is probably possessed of more intellect of character than the man who can.

A Matter of Sex

At the heart of most of the criticism of Playboy's contents, we find that ol' devil sex. We'll consider the fuller implications of this when we discuss the *concept*, but we must confess at the outset that we do not consider sex either sacred or profane. And as a normal, and not uninteresting, aspect of the urban scene, we think it perfectly permissible to treat the subject either seriously or with satire and good humor, as suits the particular situation.

For some, it is the pictures that offend -- the full-color, full-bosomed Playmates and their photographic sisters, who apparently show off too much bare skin to please a part of the public. That another sizable portion of the citizenry, numbering in the several million, is obviously pleased as punch by this display of photogenic pulchritude is -- for the moment -- besides the point. We'd like to make our case on merits other than mathematical ones.

It was disconcerting when we first discovered that many of those who consider nudity and obscenity nearly synonymous often drag God's name into the act -- this struck us, and strikes us still, as a particularly blatant bit of blasphemy. The logic that permits a person to call down God's wrath on anyone for displaying a bit of God's own handiwork does, we must admit, escape us. If the human body -- far and away the most remarkable, the most complicated, the most perfect and the most beautiful creation on this earth -- can become objectionable, obscene or abhorrent, when purposely posed and photographed to capture that remarkable perfection and beauty, then the world is a far more cockeyed place than we are willing to admit. That there may be some people in this world with rather cockeyed ideas on subjects of this sort -- well, that's something else again.

And, yes, it's possible for an entire society -- or a goodly portion of it -- to get cockeyed on a particular subject, for a while at least. Just how the U.S. developed its own cockeyed Puritanical view of sex -- the shackles of which it is only now managing to throw off -- we'll go into some detail a little further on. But it is worth noting here that a remarkable schism exists between the two present generations, as regards sex and several other quite vital subjects, and the gap -- in attitude and viewpoint -- between the younger and the older generations of our time is far greater than the customary 20 years. This is one of the little recognized, but most significant reasons for a number of well-established magazines finding themselves in serious difficulties over the last decade. With most key editorial decisions still in the hands of older staff members, the publications have become uneasily aware that they are somehow losing editorial contact with an increasing number of their readers (or more specifically, their *potential* readers, as the oldsters die off and too few young ones are drawn in to take their place), without really understanding why or what to do about it. Similarly, a major part of Playboy's spectacular success is directly attributable to our being a part of the new generation, understanding it, and publishing a magazine with an editorial point of view that our own generation can relate to. We'll try to trace the causes of this remarkable gap in the two present generations, and just what the differences may mean to all of us, a bit later, in discussing Playboy's concept. The marked disagreement in the comment on Playboy, in the pieces quoted at the beginning of this editorial (and most of them from well-qualified, literate sources), is more easily understandable when we realize what a marked disagreement exists between the two present generations on a wide variety of subjects.

A portion of a generally quite friendly article on Playboy that appeared in *Newsweek* in 1960 offers a good example of the distinct lack of understanding that an older-generation editor brings to the task of explaining our editorial concept and the reasons for our success: "In efforts to maintain Playboy's sophisticated patina, Hefner and Associate Publisher A.C. Spector (author of *The Exurbanites*) have given the magazine a split personality. By paying top rates to top authors (\$3000 for a lead story), they have bestowed on it a double-dome quality. On the other hand its daring nudes ('Playmate of the Month') have catered to the peep-show tastes." The anonymous *Newsweek* writer (or his editor) projects the schizophrenic attitude of his own generation (the positive-negative ambivalence regarding sex) onto the

more nearly normal new generation and onto Playboy (edited to express the ideas and ideals of the new generation). For Playboy's editor, a good men's magazine should include *both* fine fiction and pictures of beautiful girls with "plunging necklines or no necklines at all" (to lift another phrase from the *Newsweek* article), because most normal men will *enjoy* both, and both fit into the concept of a sophisticated urban men's magazine. For *Newsweek's* editor, however, a good men's magazine should include fine fiction, but no pretty girls, or at least no pretty girls without clothes on -- no matter how much the magazine's readership might appreciate them -- because *Newsweek's* editor is projecting the uneasy and quite hypocritical and unhealthy attitude, held by much of our society for, lo, these many years, that sex is best hidden away somewhere, and the less said about it the better. Of course, we all enjoy it (sexual activity in all of its infinite varieties, was just as popular a generation ago as it is today -- actions haven't changed that much, only the publicly expressed attitudes toward them have), but it's a rather distasteful business at best, appealing to the weaker, baser, animalistic side of man (which includes, as we understand it, any need or function of the body and is diametrically opposed to the virtuous, better side: the intellectual and the spiritual).

This nonsense about the body of man being evil, while the mind and spirit are good, seems quite preposterous to most of us today. After all, the same Creator was responsible for all three and we confess we're not willing to believe that He goofed when He got around to the body of man (and *certainly* not when He got to the body of *woman*). Body, mind and spirit all have a unique way of complementing one another, if we let them, and if excesses of the body are negative, it is the excesses that are improper rather than the body, as excesses of the mind and spirit would also be.

The great majority will agree with what we've just stated, and yet the almost subconscious, guilty feeling persists that there is something evil in the flesh of man -- a carryover from a Puritanism of our forefathers (that included such delights as the torturing of those who didn't abide by the strict ethical and moral code of the community and the occasional burning of witches) which we have rejected intellectually, but which still motivates us on subtler, emotional levels. Thus a men's magazine is appealing to "peep-show tastes" when it includes in its contents the photographs of sparsely clad women -- a conclusion the *Newsweek* writer could almost certainly never justify intellectually, but a conclusion that he managed to put to paper just the same.

Last year we had one of the editors of another national newsmagazine visiting us and we were showing him the Playboy Mansion. We took him down into the underwater bar beside the pool (he declined politely our invitation to slide down the fireman's pole and used the stairs instead) and we fixed him a drink. The light in the underwater bar is quite low and across one wall we have illuminated color transparencies of some of Playboy's most popular Playmates -- very similar to the wall decoration in the Playmate Bar of the Playboy Clubs. Now it should be explained that this editor is not appreciably older than we are -- in years. But in outlook, at least a generation separates us. He is what you could safely call a stuffed shirt. It became immediately clear that the Playmate pictures embarrassed and yet intrigued him. He studied them, shaking his head slowly from side to side.

"I think you'd be pleasantly surprised if you met most of these Playmates," we said, trying to put him more to ease. They're actually a very nice group of girls."

He thought about it for a few moments and then said: "That's really worse, I think."

In other words, for this fellow (and, we're afraid, for a great many others) the erotic and sexually attractive have *got* to be sinful and objectionable -- his inner self *insists* upon it and rejects the very idea that the sensually pleasing may be clean and pure.

That's how sick our society has become in just one area: sex. And the magazines, the newspapers, movies and radio -- all reflected this attitude throughout the past generation -- to say nothing of what we managed to project as a national philosophy of life over those 20 years -- the Thirties and Forties -- with an overemphasis on security, conformity, a downgrading of education and intellect, and a near deification of the Common Man and a great many all-too-common concepts and ideas. No wonder, then, that with the troubled stirrings and awakening that came with the new generation, after World War II,

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there was a tremendous waiting audience for a magazine that spoke with a new voice with which the generation could identify.

Naturally, Playboy includes sex as one of the ingredients in its total entertainment and service package for the young urban male. And far from proving that we suffer from a split editorial personality, it shows that we understand our reader and the things that interest him.

When the older magazines offer sex to their readers, it is usually in association with sickness, sin or sensationalism. In Playboy, sex is offered in the form of pretty girls and humor. One approach emphasizes the negative side of sex and the other, the positive. It seems obvious to us which approach is the healthy, the natural and the right one.

If Playboy's approach to sex is sound, then perhaps we are guilty of simply placing too much *emphasis* on it. We don't think so, however. Most of the other major magazines in America are produced with the same point of view as the typical television program -- they're aimed at an entire household, at everyone and no one. Playboy, by contrast, is edited solely for the young urban male, who naturally has a little more interest in sex and pretty girls than does a general or family audience. We try to edit Playboy with the adult directness of a good foreign film, the spice and fun of a Broadway show.

Actually, the monthly "conversation" that we hold with our readers is similar to one men have always had among themselves -- in both content and emphasis -- and have not been noticeably corrupted by. In fact, if the secret psyche of the typical young adult male could be probed, we suspect that we probably err in the direction of less emphasis on sex than the average, rather than more. What the very existence of Playboy means is that there is a publication in which young men's attitudes towards life and love can be publicly aired. And a perusal of any average issue will assure the concerned, we think, that there isn't nearly the preoccupation with sex in Playboy that one might assume by listening to the typical critic. The critic can find nothing in the magazine but the Playmate, the Party Jokes and cartoons; our readers, on the other hand, manage to also find the stories, articles, service features, reviews and all the rest of the total package that make Playboy so popular. One gets the feeling, in fact, that some of Playboy's critics are far more fascinated with the subject of sex, and spend far more time discussing it, than Playboy.

If sex were the principal reason for Playboy's popularity, of course, then the magazine's several dozen imitators -- almost all of which are far sexier than we -- would be the ones with the larger circulations. But not one of them has a sale of more than three or four hundred thousand; Playboy has a larger circulation than the top half-dozen imitators combined. Incidentally, the feature that produces the greatest reader response in Playboy each issue -- month in, month out -- isn't the Playmate, it's our articles on male fashion.

In truth, the vociferous critic of Playboy is apt to reveal more about himself than about our magazine. There is something wrong with an adult who is embarrassed by pictures of pretty girls and who becomes extremely agitated when sex is treated with anything but solemnity. They are frequently people who have more than their share of morbid curiosity about the reams of newsprint devoted in the daily press to stories in which there is a close association between sex and sin, vice, crime, violence and the expos.

During our first year of publication, we had a Chicago police censor point to a full color illustration of a story by Erskine Caldwell and inform us that it was objectionable, because the man in the loose fitting overalls, sprawled out on the front steps of a wooden shack, had an erection. It was an erection that existed entirely in the mind of the police censor. The artist had drawn wrinkles in the overalls, but the diligent had found an erection there.

Here's a more recent example of the same sort of subjective criticism of content: Most of the comment quoted at the beginning of this editorial was concerned with concept and we will get to that in the second half of this statement of Playboy's philosophy. The most critical of the group was Professor Benjamin DeMott, however, and he concerned himself with both concept and content in his article, "The

Anatomy of Playboy," accusing us in his final paragraph -- along with other "girlie books" -- of having been born of "stinking seed." A colorful writer, this professor. Now let's see how accurate he is. Our Party Jokes page is enlivened each month with whimsical sketches of a tiny female nymph we affectionately call Femlin. In the May 1962 issue, the first sketch shows the little imp watching a man shave with an electric razor; in the second sketch, the Femlin playfully tugs at the razor's cord, trying to pull free from the wall socket; in the last drawing, the razor has stopped running and the man is scowling down at his Femlin, while she hides the plug behind her back and smiles impudently over her shoulder at us. That's the way celebrated artist LeRoy Neiman *thought* he'd drawn his May Femlin illustrations. Now let Professor DeMott describe this very same scene, as he did in his *Commentary* article: "The white space on a page of a recent Playboy was dressed with three sketches of a man shaving with an electric razor, in the company of Miss Buxom clad in black stockings and gloves. In the first panel the girl studies the wall plug to which the razor is attached; the second shows her pulling the plug from the wall -- the man still shaves, owing to the current she generates; in the third, the girl holds the razor cord in her hands and smiles down approvingly as the man touches the buzzing machine to her pleased nipple."

The professor obviously lives in a far more sensual world than we do, for he apparently sees sexual activity all around him, where none existed. He was able to supply an entire secondary story line of his own to the illustrations, even though the drawings themselves made his conclusions impossible. In the second sketch, where he has decided the Femlin is generating electric current to run the razor, the razor is still running, because the plug (clearly shown in the drawing) is not yet fully removed from the wall socket; in the last sketch, where the professor describes the Femlin smiling down approvingly "as the man touches the buzzing machine to her pleased nipple," the plug is now out of the wall and the razor is no longer running. In none of the sketches is the Femlin touching the exposed end of the plug (she is always holding the insulated cord), permitting not the slightest possibility for the professor's interpretation. And lastly, the head of the razor is not pointed in the direction of the Femlin and is not even touching the Femlin's breast. Professor DeMott used this descriptive scene to help prove the extreme sexual nature of Playboy and the illusion he says we try to create, that all women are oversexed or, as he rather crudely puts it, "wild wild wild to be snatch."

What do you say about a critic whose sexual fantasies include the application of electric razors to girl's nipples(?) and who not only builds such a fantasy without material help from the source (like the joke about the man who saw sexual scenes in every Rorschach inkblot and, after the test, asked the psychiatrist if he could borrow the "dirty pictures" for a party he was having that weekend), but who actually manages to ignore all details in the drawings that make his interpretation of them quite impossible? It may be reasonable to suggest that the "stinking seeds" the good professor finds in Playboy are actually growing in his mind rather than on our pages.

CHAPTER 2

Introduction

Playboy has become an increasingly popular topic of conversation over the last year or two, and comment on our success has often included discussion and debate on our doctrine and our editorial point of view -- in the popular press and various journals of opinion, as well as around the office water cooler, at fraternity bull sessions, at cocktail parties, club gatherings and wherever else urban men and women exchange ideas. Having heard so many others explain what Playboy is all about, we've decided it's time to speak out ourselves on what we believe in, and what we feel Playboy represents in present-day society, permitting ourselves a few personal asides on society itself along the way.

Last month we offered some opening observations on Playboy's critics and pointed out that negative comment on the magazine actually takes two very different forms: There are some who criticize Playboy for its *content* -- certain specific features of which they do not approve; while others object to the publication's *concept* -- the overall editorial viewpoint expressed in the magazine each month.

The critics of content are the easiest to answer. Few would quarrel with the overall excellence of the magazine's fiction and articles (a list of writers like the ones contributing to this issue speaks for itself) and Playboy has received more honors, awards and certificates of merit for its art, photography, printing and design, during the last half-dozen years, than almost any other magazine in America. The criticism of content is soon seen to be largely a matter of sex, and primarily pictorial sex, at that. For some few, a photograph of the female figure -- no matter how attractively posed -- is embarrassing, objectionable and even downright sinful. In fact, one sometimes gets the feeling that the more attractively posed -- and therefore appealing -- the female is, the more objectionable and sinful she becomes to the critical. In order to react in this way, of course, one must believe that sex itself is objectionable and sinful -- especially as typified by a beautiful woman. Fortunately only a twisted few are able to fully accept such a negative view of God's handiwork, but the witch-burning Puritanism, which associated the Devil with all things of the flesh, and which formed a part of our early religious heritage in America, has left its mark on many more. And so the prude, the prig, the censor and the bluenose have a ready band of followers willing to bowdlerize the world's greatest literature; destroy the too-suggestive art and sculpture; clip, cut and mutilate the cinema; determine -- not just for themselves, but for their neighbors as well -- what can and cannot be shown on television, what magazines and newspapers can and cannot print, what plays the theater can and cannot present; burning, destroying, defacing, purging, purifying -- all in the name of Him who was the Creator of all these things in the beginning. And if they could find some means or manner by which they might burn from the memory of man every sensual delight, every yearning of the flesh, every God-given pleasure of the body, we have no doubt that some would seize the opportunity with much zeal and joy. This, we suggest, is man at his most masochistic -- man at his self-destructive ultimate. For here man tries to destroy not simply the body, but the very mind of all humankind. If a person can look at the picture of a beautiful woman and find ugliness there, and obscenity, then it can only be that he carries that ugliness and obscenity within himself. If beauty is in the eye of the beholder, so is its opposite.

The Criticism of Concept

The critics of Playboy's editorial concept are not so easily answered. Sex plays a part in their attitudes, too, of course, but it is a more sophisticated and complex criticism, as when Harvey Cox, in writing *Playboy's Doctrine of Male* for the "Christian Journal of Opinion," *Christianity and Crisis*, describes Playboy as "basically antisexual." And the magazine's attitude toward the male-female relationship in our society is coupled with what some critics feel is Playboy's overemphasis on the superficial and material things of life.

According to John A. Crane, minister of a Unitarian Church in Santa Barbara, California, who devoted an entire sermon to "Philosophy and Phantasy in Playboy Magazine and What This Suggests About Us": Playboy presents "a new image of the ideal man.... [He] is, above all, a skilled consumer of the

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bountiful flow of goods and services produced by our economy of abundance. He is a man of discriminating taste, style and polish. He knows how to spend money with flair. He is a skilled and sophisticated lover, who knows how to avoid anything resembling a permanent attachment with his paramours.

"Not only does Playboy create a new image of the ideal man, it also creates a slick little universe all its own.... It is a universe for rather elegant and refined consumers, and girls are the grandest of all consumer goods. A girl is something, like a sports car or a bottle of scotch or an Ivy League suit, that is meant to be used and enjoyed by men. But always with flair, with polish. There need be no entangling, no stifling alliances or obligations. Girls are playthings, and once enjoyed will have to be set aside and replaced with others new and fresh."

On the same note, Harvey Cox describes women as a "Playboy accessory." "After all," he writes, "the most famous feature of the magazine is its monthly foldout photo of a *playmate*. She is the symbol par excellence of recreational sex. When playtime is over, the playmate's function ceases, so she must be made to understand the rules of the game. As the crewcut young man in a Playboy cartoon says to the rumpled and disarrayed girl he is passionately embracing, 'Why speak of love at a time like this?'"

And suggesting just how far apart the critics of Playboy's content and concept may sometimes be, Cox continues: "Moralistic criticisms of Playboy fail because its antimoralism is one of the few places in which Playboy is right.... Thus any theological critique of Playboy that focuses on its 'lewdness' will misfire completely. Playboy and its less successful imitators are not 'sex magazines' at all. They are basically antisexual. They dilute and dissipate authentic sexuality by reducing it to an accessory, by keeping it at a safe distance." Cox concludes with: "We must see in Playboy the latest and slickest episode in man's continuing refusal to be fully human."

What is Playboy's answer to these critics of its concept? There would seem to be some truth in what they say, even if we do not agree with their conclusions. How is it possible to both agree and disagree with these critics -- accepting some of their evidence, while rejecting their interpretation of it? Part of the answer lies in their incomplete understanding of what Playboy really represents and believes in. Another part of the answer is clearly rooted in a fundamental difference of opinion about life, and the world in which we live, that we would like to explore at some length. But the best way to begin, we think, is through an explanation of just how Playboy was initially conceived and why we feel it has enjoyed such success in a time when many other, older, well-established magazines have floundered and failed. And in fully understanding the Playboy phenomenon, one may also gain greater insight into this entire generation and how it has grown out of the social and economic revolution that has taken place in America over the last 60 years.

The Uncommon Man

Within the threescore years of this century, the American personality has undergone as drastic and dramatic a change as the country itself. The first 30 years of the 20th century were characterized by our unbounded faith in ourselves, both individually and as a nation. We were enjoying the results of the industrial revolution, and if the streets were not literally paved with gold, it was only a technicality. It was a time of confidence and enthusiasm; it was a crazy, romantic, wonderful time, when most men believed they could lift themselves by their own bootstraps, even if they didn't yet own a pair of boots. Boys hungrily consumed the books of Horatio Alger (he wrote 119, or, as one critic put it, "one book, rewritten 118 times," that sold an almost unbelievable 250 million copies) with titles like *Sink or Swim*, *Strive and Succeed*, *Do or Dare*, *Fame and Fortune*. They told a youngster that success, yes, and fame and fortune, too, could be his -- no matter how humble his beginning -- if he was industrious, honest and had faith in himself, his God and his country. Nothing was impossible. Any boy could grow up to be President of the U.S., or of U.S. Steel.

The United States was the golden land of opportunity and freedom -- for its own people and for the rest of the world as well. America's promise was spelled out in the words inscribed on the pedestal of

the Statue of Liberty:

*Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore,
Send these, the homeless, tempest-tossed, to me:
I lift my lamp beside the golden door.*

These were the years of the Uncommon Man -- when uncommon ambition and deeds were the rule rather than the exception. These were the years of the great national heroes, both fictional and real. Before World War I, every young man's idol was Frank Merriwell, whose exploits in *Frank Merriwell at Yale*, *Frank Merriwell's Dilemma* and *The Winning Last Quarter-Mile* proved the importance of pluck, perseverance, honor and playing the game according to the rules. Merriwell was the ultimate in the Uncommon Man -- he was, as his creator Burt L. Standish modestly informed us in adventure after adventure, the greatest student and athlete that Yale has ever known. The so-called Golden Era of Sports was actually less than a period in which important sports figures (and, indeed, anyone who excelled at almost anything) were acclaimed national heroes. It was a time when an entire country could get as cockeyed excited as a kid over a young man's climbing into a single-motor airplane and flying across the Atlantic alone.

The era reached its apex in the decade now fondly remembered as the Roaring Twenties. After the Great War, a new sophistication and cynicism spread across the land, but the Twenties were a good deal more than Sheiks and Shebas, bathtub gin and the Charleston. It was a yeasty time, a time of innovation and adventure, when new notions and ideas were accepted almost as quickly as they were born -- a period of important growth in science and the arts. It ended with the stock market crash late in 1929.

The Common Man

The ten years of bleak Depression that followed the Roaring Twenties came as a brutal and sustained shock to the national psyche. Some saw in it a terrible retribution for the years before -- a sort of protracted hangover from an economic binge. It was nothing of the sort, of course, but the generation which came to mature during the Depression suffered just the same.

During the Thirties, worse things than hunger afflicted us. It is difficult -- nay, almost impossible -- to hold onto one's optimism, individuality and spirit of adventure when you cannot earn enough to support your family. Intellectual achievement and education lose much of their prestige and appeal when a diploma offers no assurance of a job after graduation, and when the great majority cannot afford higher education in any case. Nor is a man apt to feel particularly competitive in a society that offers him almost no opportunity to compete.

In place of individual initiative, an emphasis on accomplishment and educational attainment, a faith in self and in our economic system, a curiosity about the new and different, Americans became increasingly concerned with security, the safe and the sure, the certain and the known.

Instead of helping the people to sort out their ideas and ideals during this time of uncertainty and confusion, a great many newspapers, magazines and movies actually pandered to the public's already growing prejudices. If it was especially difficult to get ahead during the Depression, then the popular press was perfectly willing to persuade people that what they already had was plenty good enough. After all, why make a man quest after things he could probably never achieve? If his aspirations were much beyond his hopes of fulfilling them, he would only become frustrated and unhappy. So the newspapers, magazines, movies and radio, too, set about making Americans satisfied with their lot, complacent about the status quo. Some might argue that if you curbed the nation's initiative, it could cause incalculable damage, but that was an abstract philosophical idea and the problems of the time were the only reality.

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This satisfied, complacent, relatively initiative-free social order was achieved in several ways: First, the mass media made the wealthy appear to be as shallow, ignorant, foolish and unappealing as possible. Admittedly, making wealth itself unattractive would really take some doing, but the press and films did a damned impressive job of the next best thing. The Sunday magazine section of the Hearst papers of the Thirties had a fine old time convincing us that most all of society (the socially prominent) and the financially well to do were either scoundrels or scandalous empty-headed nincompoops, or both.

The wealthy, as depicted in the mass media, almost always accumulated their money ("ill-gotten gains"?) in some underhanded or slightly suspect way. Or else it was inherited. And in either case, it was clearly undeserved and unearned. There just wasn't very much interest in publishing stories of self-made men, who prospered, like the heroes of Alger and Standish at the start of the century, through the application of pluck, perseverance and honest hard work. A catchy label is always helpful in more clearly establishing a desired identity for any group, and the press came up with a fine one: "The Idle Rich."

In the films, the rich girl-poor boy romance, or vice versa, was extremely popular all through the Thirties, as we became tremendously class conscious in this supposedly classless country. And invariably the wealthy half of the pair, and his or her family, turned out to be the less thoughtful, practical, considerate and nice. Poverty, you see, brings out the best in a person.

Rich young men were played by rather foppish, foolish, weakling types like Robert Montgomery, while the poor heroes were portrayed by more solid, feet-on-the-ground fellows like Gary Cooper, Clark Gable, Spencer Tracy, Jimmy Stewart and Henry Fonda. Tracy won his first Academy Award of the Thirties for straightening out a rich man's spoiled youngster (Freddie Bartholomew) in *Captains Courageous*; Gable got his Oscar for straightening out a rich man's spoiled daughter (Claudette Colbert) in *It Happened One Night*. Gary Cooper fought the good fight for the little man, against the forces of evil wealth and power, in *Mr. Deeds Goes to Town* (by inheriting a few million himself and throwing the Haves into an absolute panic with plans for spreading the wealth around to a number of Have-Nots, and winding up in a sanity hearing for his trouble) and again in *Meet John Doe* (by threatening to jump off the top of a building, when evil Mr. Moneybags, played by Edward Arnold, became too much for him). Having apparently learned nothing from Coop's chilling experience (it was a subzero December night when he climbed out on that roof to jump), Jimmy Stewart took on the same all-powerful adversary in *Mr. Smith Goes to Washington* (in both pictures dirty Arnold was trying to use his millions to buy his way into the White House, but in this one he even had his own SS-like motorcycle police corps).

A typical example of a romantic movie made during the Depression (and there are dozens upon dozens to choose from) was something called *Holiday*, starring Cary Grant, Katherine Hepburn and a pre-Dr. Kildare Lew Ayres. Cary played a handsome, unassuming, high-principled, philosophical pauper, who fell in love with a beautiful, self-centered, cold-as-ice rich girl, played by we've know idea who. Lew Ayres portrayed the wealthy, foppish, foolish, weakling brother, who might have turned out as well as Cary, we soon realized, if only he hadn't been born rich. As it is, he's an alcoholic. What else?

The wealthy father was a domineering egomaniac, who kept his children under his thumb, or tried to. (Edward Arnold was apparently busy elsewhere when they made this one, because the tyrannical old man was ably played by someone else, whose name we also don't recall.) Katy played a second daughter who, by some unexplained miracle, had managed to escape the evil taint of Daddy's moola.

The conflict in the film develops over Daddy's insistence that he will consent to the marriage only if Cary agrees to come to work for him as a vice president in one of his corporations. Miss Rich-bitch sides with Daddy, of course, but Cary realizes that if he consents, he will surely be corrupted and destroyed, no doubt winding up like the wealthy, foppish, foolish, weakling Lew Ayres, or worse. And he doesn't even care for a cocktail before dinner.

At this point, it would be legitimately argued that this movie is less concerned with a conflict between the virtues of acquiring or not acquiring money than with the more basic question of whether a man should give up his individuality, independence and integrity in exchange for a soft, secure and purposeless life. Obviously, the only thing for Cary to do is to tell the old man to shove it, which is exactly

what he does. But here's the rub -- and this is what makes this particular picture an especially interesting example of the philosophical content of Depression-day film fare. *Why* did Cary turn down the old man's offer? (And it should be mentioned, he thought long and hard before finally deciding to turn it down at picture's end.) Exactly what was Cary weighing this executive position in Daddy's firm against? Did he have a plan for going into business for himself? Did he prefer to work his way up in another company of his own choosing? Did he have the driving urge to become a doctor -- to heal, to save lives, to get an M.D. movie series of his own going before Lew Ayres sobered up and latched onto the Dr. Kildare gimmick at Depression's end? Maybe he wanted to build bridges or skyscrapers? Or would he heed the call of politics and help Junior Senator Jimmy Stewart take care of power-mad Edward Arnold? *Forget it.* Cary had worked just long enough to save up enough money to buy a small boat. He was in his middle 20s and he figured that work could wait for at least 12 years. He planned on bumming around the world in his boat for the next dozen annus. Honest. That's it. And that's exactly where he was headed at picture's end. Naturally, Katherine Hepburn knew a good thing when she saw it, so when her sister bowed out, she tagged right along after Cary -- leaving the purposeless life with the wealthy family for a purposeless life with a boat bum. No doubt she made the best decision under the circumstances (boat bum or not, Cary Grant is still Cary Grant), but one can't help wondering why the makers of this movie, like many of their brethren during the Depression, felt obliged to preach a philosophy that said, in essence, *the best thing in life is sitting on your ass*. Actually, we don't wonder at all. Since a major part of the country was forced to do a little more than sit on its ass through much of the Depression, it was just good box office to give them movies that said that loafing and doing nothing with your life is really desirable. Why, look, Cary Grant is doing it by choice -- he's passing up several million dollars and marriage to Rich-bitch, who the movie would have us believe he loved -- right up until the last couple of scenes anyway -- and all so he could loaf. The public liked that sort of soothing syrup, and so the movies gave it to them, and so did the magazines, and the newspapers and radio.

A majority of the movies made during the Thirties were musicals, comedies and other forms of escape entertainment exploiting the public's desire to avoid the realities of the times. And when a realistic film was made, it usually was depressingly downbeat. No point in being overly optimistic about this world in which we struggle to survive.

Initiative, ambition and the accumulation of wealth were not the only virtues made light of or actually ridiculed during the Depression. Education, intellectual achievement, science and the arts took their knocks, as well. By Depression's end, the press had even come up with a suitably negative label for excessive intellectualism and academic accomplishment: "Egghead." In place of Picasso, we were given Norman Rockwell and in place of literature, the *Reader's Digest*.

No general truth is without its exceptions and no time is without its virtues. The Thirties did witness the positive emergence of greater concern for one's fellow man and the immense strides made in the labor movement, but even these worthwhile accomplishments had their negative aspects, for they further de-emphasized the individual in favor of the group. And concern for the collective many is not always the same as concern for each and every separate member of society taken as the single person, with his individual hopes and dreams, desires and aspirations.

Legitimate interest in the welfare of the average man became subtly transformed into an idealization of the average man. To be an average guy, a part of a group, one of the gang became a pretty good thing to be. "Mr. Average Man" was someone with whom everyone could identify, and who wouldn't be proud to be considered "Mr. Average American"? But just a generation before, no American worth the name would have settled for the notion of being an "average" *anything*. His aspirations were a good deal higher than that. For there is something far better than being just average, and if most of us aren't aiming for that something better, then the very average itself will drop lower and lower, along with our aspirations.

During the Depression, concern for the Common Man turned into deification of the Common Man, and of common ideas and common taste. Who needed an education? Wasn't common sense what really counted? There was no room in the Thirties for the uncommon act, the uncommon accomplishment, the uncommon mind or the Uncommon Man.

Fallen Idols

There are very few great heroes in Thirties, where there had been many in the Twenties and before. (The single notable exception was F.D.R., who existed less as a hero during this time of trouble than as a truly national Father Figure.) And the temper of the times may be most clearly appreciated when we consider that during the Depression, and thereafter, we not only failed to recognize and acclaim the Uncommon Men we'd most acclaimed a decade earlier.

Charles Lindbergh was the greatest single hero of the Twenties. He had gained an even greater hold on America's heart in the early Thirties through the tragic loss of a child in a world-famous kidnap-murder. But when he returned from a visit to Germany late in the decade and expressed the unpopular view that we should avoid a war with that nation, because her armed might would prove too much for us, his ideas were not considered the honest, if inaccurate, opinions of a sincere and patriotic American, they were damned as being little short on treason. The Lindbergh Beacon, atop the Palmolive Building in Chicago, was promptly renamed and the "Lone Eagle" was really alone from that time on. The public never forgave him. But was it a single unpopular opinion they were unwilling to forgive, or the fact that he'd been an uncommon hero to them in the first place?

Charles Chaplin is unquestionably the greatest comedian the world has ever known. He was beloved all through the Twenties, not only in America, but everywhere. He made some of his most delightful feature-length films in the Thirties, but the U.S. began to cool toward the little tramp. They didn't like Chaplin's politics. Born and raised in London's slums, he'd always been a bit left-of-center politically, but he was certainly no active Communist, as some suggested. The public didn't care much for his personal life either. The U.S. government actually brought criminal charges against him for violating the Mann Act, because he transported a woman, with whom he was having an affair, from one state into another -- a "crime" that, in these days of more easily accessible and less expensive transportation, probably over half the adult male population of this country has committed. And despite the fact that the Mann Act was passed to cover white slavery, as clearly stated in the law, and the "immoral purposes" referred to therein, in connection with transporting females over state boundaries, is prostitution. Chaplin was acquitted.

The spurned female, who had helped the government with that case, then filed a paternity suit against Chaplin, claiming him the father of her illegitimate child. He lost that case, despite the fact that blood tests proved conclusively that the child could not possibly be his. Neither the public nor the press ever forgave Chaplin for these breaches in good conduct. Yet Errol Flynn, who was involved in maternity and rape suits at about the same time, was secretly admired by most and generally considered to be a lovable scalawag. Charles Beaumont, in his article, *Chaplin*, published in Playboy (March 1960), commented on this paradox: "Flynn, even when he was consorting with girls young enough to be his granddaughters, could do no wrong. Chaplin could do no right." And Beaumont also suggested a possible reason for this double standard: "Perhaps because he [Flynn] did not add to these [his affairs] the affront of genius."

One of the greatest actors of our time, and as much responsible for the early worldwide popularity of movies as any other human being, Charles Chaplin was never given an Academy Award. His last two pictures to be released in the United States (*Monsieur Verdoux* and *Limelight*) were generally panned here and did poorly at the box office, although they both won praise and prizes in Europe. Badgered by the public, press and the U.S. government (the then Attorney General of the United States, James P. McGranery, called him an "unsavory character" and ordered Immigration authorities to hold a hearing to determine whether Chaplin was an undesirable alien), he was English and had never taken out citizenship papers, an "affront" for which America would *never* forgive him, Chaplin finally chose exile in Switzerland in 1945.

We feared that the memory of Charlie's genius was fading, for almost nothing complimentary had been written about him in any large-circulation magazine in the previous half-dozen years, so we asked Charles Beaumont to write an article on Charlie, the talent, as distinguished from Chaplin, the man.

Beaumont's article began: "High on the list of America's pet hates is a man who, over a 30-year period, gave this nation -- and every other nation throughout the world -- a gift valuable beyond price and beyond estimation the most desirable and most difficult to receive: the imperishable gift of joy."

Beaumont continued: "An anti-Chaplin campaign was begun, calculated by its emphases and omissions to present a single image of Chaplin, so hateful an image that some European critics concluded that it was a classic admission of guilty conscience...."

"Not content to destroy the man, the columnists proceeded to attack the man's work. Learned students of the cinema, such as Hedda Hopper, began to have second thoughts about the "so-called Chaplin masterpieces." Were they really as funny as they were cracked up to be?

"Only a few months ago, a logorrheic Hollywood TV personality was asked why he persisted in slamming Chaplin. 'I'll tell you,' said the personality. 'I've got nothing against the guy personally. What he does is his own business. I'm sick of hearing all this stuff about what a great comic he was. You see one of his pictures recently? They're pathetic. Stupid. What's funny about a little schmo who looks like Hitler and acts like a queer? I'll tell you a great comic. Joey Frisco. There's a great comic....'

"So now even Charlie -- as distinct from Chaplin -- is under attack. It would be comforting to think the Little Fellow isn't in danger, that nothing so magnificent could possibly perish, but other magnificent things have perished, and at the hands of men. Why not Charlie too? Film doesn't last forever, and memory fades. And though we speak of a wonder that held the world enchanted for three generations, the wonder has demonstrably begun to dim. The young in America today do not know Charlie at all, except as the monster the press has built, and that is sad. Unless they live in the few great cities of the nation [in which some few Chaplin films are still shown], they don't know Charlie, either. And that is tragic. For the artist and his art, separable as they may and must be, are of vital importance to the cultural and moral development of America. If we allow ourselves to forget what we had, then we shall never understand what we lost, and that will make us poor indeed.

"I have a notion that he suffers from a nostalgia of the slums.' So wrote Somerset Maugham of his friend Charles Spencer Chaplin, touching upon one of the great secrets of Chaplin's art. From the beginning it has been a celebration and a mockery of the earth's poor. Celebration because while we breathe, even in the dankest air of the lowest slum, we live, and life is sacred; mockery because in Chaplin's words, 'The poor deserve to be mocked! What fools they are!' What holy fools, he should have added, for that must be the final description of his masterpiece, Charlie.

"...Dispensing love, he received love in return; and his fame grew, like a vast silvery balloon.

"That this must have its effect upon a man is, or should be, self-evident. Chaplin the man had always been withdrawn. The sudden overwhelming popularity caused him to withdraw further. People did not understand. They did not understand that Chaplin's way of repaying them for their love was to give them the best of him, through Charlie, and that having put into Charlie all that was wild and sweet in him, there was little left over.

"But people have a way of resenting great artists. A man may travel to the searing center of his soul and come out with a new vision, and the world will ask him why he hasn't changed his shirt.

"This is what the world -- our American world -- began to ask Chaplin. Over a 20-year period, working 20 hours a day, making the finest films anyone had ever seen, distilling his genius to its greatest perfection.... And people laughed, but they did not forgive. For while Chaplin was dishing up these delights, he was living a life described by columnists as 'unnatural.'

"To ask an artist to please everyone with his life as well as his art is both stupid and unfair. Even if all of the charges against Chaplin were true, America's attitude would be difficult to understand. As the charges are almost entirely false, the attitude is inexplicable." Beaumont concluded: "It is for these

reasons, for his occasional weaknesses as a person and for his incredible strengths as an artist, that Charles Chaplin became one of the most despised men in America. Now, in Vevey, Switzerland, he lives quietly with his wife and seven children -- one of whom this remarkable man sired only recently, despite the fact that he is in his 70s. Because he is in his 70s, Chaplin will, before long, die. And then, because his legend has been all but destroyed, he will probably be forgotten, as most men are.

"But what Chaplin created we must not allow to be forgotten: Charlie the fool. Charlie the clown. Charlie, the spirit of Man, walking with a goatlike skip in his oversize shoes and a hitch of his baggy pants -- bewildered, but unafraid -- into the unknown. Charlie, the best of us."

A bit later, near the end of his editorial, we plan to list a number of specifics in which Playboy believes. You may put one down now, ahead of time: We believe wholeheartedly in the Uncommon Man and his right to be uncommon. There is perhaps no single belief that is more important to us. It is in man's God-given differences, more than his similarities, that we find the very best of him. And our America was founded on the unique understanding that through man's differences, and the fullest protection of their free expression, we might create the most perfect society yet conceived.

Playboy has never done much direct editorializing -- this present piece is a rare exception -- but regular readers have come to know the things we believe in through the subjects we choose to write about and what we choose to say about them. One of the things we believe in is the Uncommon Man, and the magazine has included articles on the Uncommon Men from its earliest issues -- Chaplin, Frank Lloyd Wright, Hemingway, Charlie Parker, Stirling Moss. We've commented upon their uncommon natures and expounded their uncommon philosophies.

We have never been big on quotations or precepts, but we have two that we took for ourself in our early teens and they've formed a pair of guiding principles by which we've tried to shape our own life.

The first: "This above all, to thine own self be true, and thou canst not then be false to any man."

The second: "A man's reach should exceed his grasp, else what's a heaven for."

Our article on Chaplin produced more warm compliments and comment from readers than any other personality profile we have ever published: George Jessel wired, "THE PIECE ABOUT CHARLIE CHAPLIN WRITTEN BY CHARLES BEAUMONT IS THE MOST SENSITIVE AND TOLERANT PORTRAIT OF A MAN THAT I HAVE EVER READ, WITH THE POSSIBLE EXCEPTION OF BERTRAND RUSSELL ON TOM PAYNE." Hollis Alpert wrote, "...a wise, balanced and warm description of the artist and his career. About time, too, before his legend and reputation suffer completely from his vituperative, ignorant detractors. Congratulations on Playboy's judgment and courage in publishing the article." Paul DeWitt, "...An essay worthy of the highest praise. An eloquent tribute to one of the most misunderstood men of our time." Dore Schary, "The Chaplin article written by Charles Beaumont is a good piece; a warm and sympathetic recounting of a tragedy." Charles B. Yulish, "The 'protective' picketing of Chaplin films will no doubt continue, as well as Philistine panning of his genius. I am truly sorry for those who participate in such. I am more sorry, however, for the millions who will never share the experience of crying during the ending of *City Lights*, or roaring at Chaplin's comic mastery in *Limelight*." Herman G. Weinberg, "Bravo! I refer to that Chaplin piece by Beaumont. It needed to be said and I'm glad it was Playboy who said it."

These letters appeared in our July 1960 letters column. We had also recently published an article on the Academy Awards (*The Oscar Syndrome*, April 1960) by Dalton Trumbo, a man unusually well-qualified to write on the subject since he is one of Hollywood's finest screenwriters and had only recently won an Oscar himself, pseudonymously, for scripting *The Brave One* as "Robert Rich," because he had been blacklisted in Hollywood and could not write there using his own name. His article was personal, provocative and stimulating of thought. We published it before he succeeded in breaking through the blacklist barrier, so his thoughts were all the more vitriolic and searing. A few months later, his own name appeared on a screen credit, for the first time in 12 years -- first on *Spartacus* and then *Exodus*. We had also made the serious error of inviting Larry Adler to perform on our television show, *Playboy's*

Penthouse. Our only excuse, and we must admit it's a slim one, was because Adler is the virtuoso on the harmonica, the man responsible for getting the mouth organ accepted as a musical instrument instead of a toy, and we felt our viewers would find him entertaining. We had no idea that Adler, too, was on somebody's little black list, but he was. And we think it is only fair to add that if we had known he was on somebody's little black list, it wouldn't have mattered a bit.

Nevertheless, the profile on Chaplin, the article by Trumbo and the TV appearance of Adler were enough to prompt a few letters of quite a different sort, and we published those too, in July 1960: A.C. Cohn wrote, "Chaplin in you magazine, Larry Adler on your TV show. You are becoming a stink in the nostrils of the American people." T.F. Hanson asked, "What's the matter with Playboy? Is it beginning to follow the Communist party line?" And R.E. Chasen wrote, "Please cancel my subscription at once. First, the hearts-and-flowers for Chaplin, then Dalton Trumbo. As an ex-FBI agent, it becomes impossible to continue."

All this sound and fury (the ratio ranges nearly 30-to-1 in favor of the Chaplin and Trumbo articles) gave us one of our rare opportunities to spell out (in an answer in the letters column) a portion of Playboy's philosophy: *"Playboy sincerely believes that this nation is big enough, strong enough and right enough to give free expression to the ideas and talents of every man among us without fear of being hurt by any man's individual weaknesses or follies. We believe, too, that no good idea, no important work of art and no meaningful talent becomes less good, less important or less meaningful because it comes from a doubtful source. You don't have to be a homosexual to read Oscar Wilde or an alcoholic and a drug addict to appreciate the prose and poetry of Edgar Allen Poe. It is also possible to recognize the comic genius of Chaplin, read an article on the Academy Awards by Dalton Trumbo and enjoy the music of Larry Adler without necessarily approving of either the men or their personal philosophies of life. For the record, of course, none of these men has ever been proven a Communist -- a matter of some importance in this country that prides itself on fair play and believing a man innocent until proven guilty. But that's really beside the point -- for we also appreciate Picasso as one of the world's greatest living artists, and we know he's a Communist. Politics may be important in government, where national security is a vital consideration, but it has no place in art and literature. Not if America's art and literature, and indeed the country itself, are to remain free."*

We think it quite important to have a magazine of considerable circulation and influence establishing and re-establishing these basic concepts of freedom upon which our nation is built. If Playboy hadn't spoken up in behalf of Chaplin in 1960, no one else would have. At any rate, no one else did -- no other major magazine -- either before or after. Chaplin wasn't a very popular cause. But it's important to voice opinions on unpopular causes, too, when there is something that deserves to be said.

Back in the Thirties, there was a certain hue and cry for social reform and some of it was good and some of it wasn't, but almost no attention was given to the most important single item in a free society -- the significance of the individual and his right to be different.

The Invisible Man

Whether the country would have recovered from the psychic depression as readily as it did from the economic depression will never be known: The Second World War ushered in a half decade demanding a high degree of rigid conformity. So Americans gave up willingly what individuality they had left, and gladly, in order to exert a total and unified effort in the defeat of the enemy. In the silence that followed the firing of the last shot and shell, a quiet searching out of the things that we had won (and lost) in the war might have been expected, but instead the shrill voices of extremists at both the far Left and Right shattered any hope of a peaceful time at war's end. Americans became aware of the Communist threat from without and the demagogues among us used a fear of Communists within to trample human rights and individual liberty in a lusting after power. McCarthyism was born in America in the middle Forties. Congressional committees on un-American activities investigated and interrogated the common citizen, as well as our greatest scientists, our university faculties and our clergy; Americans demanded that other Americans sign loyalty oaths; the communications industry (movies, television and radio) drew

up blacklists that permanently barred individuals suspected of politically improper views or affiliations; neighbor spied on neighbor; brother turned in brother. Anyone who had ever been a member of the Communist Party, for whatever reason (except as an agent for the FBI) and at whatever time, was a Red (completely ignoring the fact that many misguided but sincere and loyal Americans joined the Party in the Thirties when Communist Russia was not our enemy and in the Forties when she was actually our ally); anyone who presently belonged, or had ever belonged to any of a hundred different clubs, organizations or affiliations that appeared on any of several hundred different lists (made up by almost anyone who had some names available and a mimeograph machine) as pro-Communist, a Communist front, Communist influences, Communist infiltrated, or sympathetic with any Communist cause, was a Red; and anyone who objected to, and spoke out against, the injustice, defamation and persecution of these individuals was a "Pinko" or a "fellow traveler." At no time in America's history was the label-libel technique more frequently, or successfully, put to use. A real, 100-percent, red-white-and-true-blue American was judged not by what he stood *for*, but for what he stood *against*. If it was unwise to voice an unpopular point of view during the Depression and War, it was positively foolhardy once the War had been won, for it could cost a man his job and his good name. Conformity was the safest road; to be outstanding or outspoken was to be exposed; to be invisible was to be secure. We had created a nation of conforming, security-conscious, stay-in-line, group-oriented, nonthinking, unquestioning, responsibility-avoiding Invisible Men.

In 20 years of Depression, War and Post-War pressures, we had very nearly managed to destroy the fundamental spirit and social, economic and political beliefs upon which this nation was founded and through which we had prospered and grown.

The Upbeat Generation

Somewhere in America in the late Forties a significant counterwave first began to be felt: A new generation was coming of age that seemed unwilling to accept the current shibboleths, chains, traditions and taboos. It was none too soon, for America was lagging woefully in education, the arts, the sciences and world leadership. There were and are pessimists who believe the nation drifted past the point of no return. We are not among them.

A small portion of this new generation, a colorful fringe only, broke from the fetters of conformity in what has been called a revolution without banners. These were the so-called Beat Generation, modern-day nihilists for whom it was enough, apparently, to flout and defy. For their few number and their profound negativism, the Beats attracted an incredible amount of national attention. So much so, in fact, that the nation was distracted from a much more significant and larger segment of the new generation, a group less colorful on the surface (without the beards, berets and dirty underwear), but sharing the rebellious spirit of the Beats, and equally ready to throw off the shackles of sameness and security. Both groups refused to accept the old ideas and ideals passed along by the previous conformity-ridden generation, but whereas the Beat part of this new generation rejected the old in a negative way, simply turning their backs on society and ceasing to communicate, the rest searched for new answers and new opportunities in a spirit that was positive in the extreme. We've named these, appropriately we think, the Upbeat Generation. They are bringing the country alive again and they are, we're certain, the only hope America has for the future.

Actually, the spirit and attitude of the Upbeats is right out of the first part of this century -- it's the same optimistic viewpoint and zest for living that made America great in the first place. In the Thirties and Forties we lost faith in ourselves, we hid our individual identities in groups, decisions were made by committees, companies were run by boards; today, a younger and less fearful generation seems willing to look the future straight in the face and spit in its eye. *Life* calls it the "Take-Over Generation" and they devoted an entire issue to the subject last fall. "Coming hard over the horizon," *Life* wrote in its introduction to the issue, "just beginning to make his presence and his power felt, is a new breed of American. He is filled with purpose and he thinks on a scale that often scares his elders. He demands responsibility, not because he craves authority but because he can get the job done. He is, at this moment in history, starting to take over our destiny."

"...Younger men and women [are] pressing into authority: in government, in business, in science, in education and the arts. 'The guy you give the job to is 23. The guy who tells him what to do is 25,' says the 39-year-old boss of one of the biggest nuclear laboratories in the U.S. where all of the concepts as well as the people are brand-new. Even in older American establishments the take-over has started. In the big corporation, where the old desire for job security is giving way to a new insistence on job opportunity, the daring young idea man is finally starting to lay the Organization Man to rest."

Life noted that the new generation was moving so fast that of the 1200 freshmen entering Harvard last September, over ten percent were well-enough prepared to be given the option of starting right off as sophomores. *Life* quotes young Dr. John Stuart Foster Jr., head of Lawrence Radiation Laboratory, as saying, "You can excel. You just can. There are very few things in this country that can't be figured out. Most people are just too prone to laziness." He has made his laboratory, located in Livermore, California, a place "where men have the ability to explore their own abilities."

"If I went by the book, I couldn't get a flight off the ground," says Lewis B. Maytag Jr., 36-year-old president of National Airlines, whom *Life* describes as having "monumental impatience with anything that stands in his way when he wants to get something done. He has always been equally impatient with himself.... He resents what he considers a too helpful, too protective society. 'Free enterprise,' he says, 'lets the cream top out. Suppress this, make everybody a common man, and society's in trouble.'

"Nothing moves fast enough for Richard L. Dorman, Los Angeles architect and designer," according to *Life*; Dick, winner of ten national awards, is co-architect and designer (along with Arthur Davis of New Orleans) of the Hollywood and San Francisco Playboy Clubs. "I want to change everything," *Life* quotes him as saying, "my letterheads, my office, the decorations. I want to upgrade everything."

After 20 years of stultifying conformity, a new generation has awakened America's natural optimism, rebel spirit and belief in the importance of the individual. A certain enthusiasm, restless dissatisfaction with the status quo, a yearning to know more and experience more is typical of youth in any time, but America is unique as a country in having most successfully put this youthful vigor and attitude to work as a national dream. The dream got lost for a time -- but the new generation, the Upbeat Generation, through it grew up through the Thirties and Forties, was relatively unaffected by the profound negativism of those two decades. Its members were too young to feel the hardship and humiliation of the Depression, and without the real fears and frustrations of the Thirties branded deep into their psyches, they were able to shake off the conformity of the War years and the threats of the Post-War period with relative ease.

The manner in which America finally rejected and struck down McCarthyism in the mid-Fifties should have proved the changing temper of the times. But there was other evidence of startling change available as early as the late Forties, for those who could read the signs: The new generation displayed the frisky and romantic side of its nature by starting a love affair with the Roaring Twenties -- the decade it has come to most resemble in mood and attitude. It began with the resurrection of F. Scott Fitzgerald, the author most associated with the Jazz Age: Fitzgerald had not been popular since before the Depression and when he died in 1940 every one of his books was out of print, but suddenly he was one of the most widely read and talked about writers of the day and his popularity, far from proving a fad, has continued undiminished over the last dozen years. Our women began wearing fashions adapted from those of the Twenties (the Chemise, the Sack) and some of the most popular styles were almost exact copies. We sang their popular songs; acclaimed their 25-year-old slapstick comedies the funniest thing to be seen in movies in our own generation; kept a slight British musical titled, *The Boy Friend*, running month after month after month on Broadway because it was an enchanting parody of the romantic musicals of the Twenties; made a brief national fad of the Jazz Age's most famous piece of wearing apparel, the raccoon coat, a craze that was over almost as soon as it had begun, but not before *Time* was able to report that Macy's was unable to keep enough in stock to handle the orders (we remember our reaction to that story in *Time*: an image of a dozen industrious ladies down in Macy's basement -- surrounded with piles of unsold Davy Crockett raccoon hats from stock -- sewing them together into coats for the new fad). And some of us even tried to learn the Charleston, before the Twist got us by default. The Upbeat Generation clearly feels a strong kinship with the Roaring Twenties and the two periods share much in common in

both spirit and point of view. The Upbeats can enjoy kicking up their heels, participating in the same sort of fun and frivolity for which the Twenties are most famous, but they are equally capable of knuckling down to a particular job and getting it done, as described by *Life* in its "Take-Over" issue. What some fail to realize (and this includes a number of Playboy critics) is the extent to which the lighter side of life truly complements the serious side: Either without the other would result in only half a man. The fellow who spends all of his time in leisure activities never knows the intense satisfaction that is to be had through real accomplishment; but the man who knows nothing but his work is equally incomplete. And because activity actually begets activity, the man who works hard, and plays hard too, will soon find that he is accomplishing more of both than if he had tried to concentrate all or most of his efforts in only one direction.

Playboy, of course, is primarily concerned with the lighter side of life, but we have always tried to view man and his world as the sum of all their parts and we believe that properly balanced all of the parts should fit together and complement one another.

One editorial emphasis is on entertainment and leisure-time activity rather than on the ways in which a man earns his daily bread and yet the articles, on the creature comforts and the infinite variety of man's more elegant, leisure-time possessions, clearly stress that these are the prizes available in our society in return for honest endeavor and hard work. Thus Playboy exists, in part, as a motivation for men to expend greater effort in their work, develop their capabilities further and climb higher on the ladder of success. This is obviously desirable in our competitive, free enterprise system, for only by each individual striving to do his best does the country itself progress and prosper. The fact that a man is motivated by material possessions and comforts does not mean that he has no other interests and that he is not also motivated by other nonmaterial considerations. The acquisition of property -- and in the Sixties property may mean a handsome bachelor pad, elaborate hi-fi rig and the latest sports car -- is the cornerstone of our American economic system. And a publication that helps motivate a part of our society to work harder, to accomplish more, to earn more, in order to enjoy more of the material benefits described -- to that extent, the publication is contributing to the economic growth and strength of the nation.

Religion and Free Enterprise

Americans actually suffer from a slight case of schizophrenia where money is concerned. Most of us would like to have a goodly supply of it on hand (preferably tax free), but we also refer to it as filthy lucre and the root of all evil. We believe in American free enterprise, but its natural benefits sometimes make us feel guilty. These mixed emotions are a reflection of a schism between our religious and our political, sociological and economic beliefs.

On the religious side, it is argued: Because we spend a relatively few years in this world and an eternity in the next, none of the things of this world really matter very much. Whatever we achieve and acquire on this earth is meaningless for, as some sage has observed: You can't take it with you, not even by Air Express. The body of a man is soon dead and gone, but the soul lives on forever, so it would seem only right and natural to give the bodily comforts, desires and needs relatively short shrift. From this point of view, it's easy to understand why Playboy's editorial interest in fine food and drink, male fashion, cars, hi-fi, apartment design, and such would seem superficial and our concern with sex nothing short of sinful. (We plan on exploring the matter of sex in some detail, but prefer to tackle it separately a bit further on.)

Unitarian minister John A. Crane criticized this so-called superficiality in a sermon on the magazine: "Playboy teaches polished consumership for older children," he said. And also: "The magazine presents, implicitly, a new image of the ideal man for its readers, the kind of man every modern, liberated, intelligent, red-blooded American boy may aspire to be. The ideal man is, above all, a skilled consumer of the bountiful flow of goods and services produced by our economy of abundance. He is a man of discriminating taste, style and polish. He knows how to spend money with flair."

Harvey Cox had this commercial aspect of Playboy in mind when he called us "dictatorial taste-makers" in an article on the magazine in *Christianity and Crisis* and Reverend Roy Larson wrote, in

Lowdown on the Upbeats for the Methodist publication *Motive*: "Playboy's readers...need never make the mistake of serving YMCA-type foods, for the magazine has a food editor whose knowledge of foods is matched only by his knowledge of the psychology of the young urban male. My favorite food article appeared in one of the early issues under the title *The Sophisticated Cheese*. After extolling the virtues of what he called 'certain urbane bacteria,' the author went on to suggest that one can measure the degree of one's maturity by one's choice in cheese.

"More specifically, he said: 'The best kinds of cheese are never eaten by youngsters. A growing boy will gobble down a Swiss cheese on rye at the corner drugstore, but he will consistently drown all the cheese flavor with a double-rich malted milk. After his graduation from college he'll learn to appreciate a Welsh Rabbit, but he'll not be able to tell the difference between French and Canadian Trappist until he reaches his late 30s.'"

If you are now weighing the full implications in this criticism of Playboy's "polished consumership," along with the church doctrine that lies behind it, you are about to make the rather disturbing discovery (or perhaps you'd already made it) that U.S. religion and free enterprise are, in certain respects, incompatible. The really basic beliefs in our religious life are intimately and inseparably entwined in our dream of a free democratic society, but certain of the old traditions and taboos, conceived in another world and another age, then passed down as a part of organized religion through the centuries, are as much in conflict with our present-day ideals in America as the Mormon belief in multiple wives was a few short years ago.

Perhaps the notions that poverty is holier than wealth, and the poor are more certain to receive eternal salvation than the rich, made some sense as religious preachment many centuries ago, when almost all men were paupers and certain to remain that way; they make very little sense in America today, however, where every man has an opportunity to better himself. Perhaps the solemn claim that the meek shall inherit the earth suited a time and place where nearly all men were slaves; but free men in a democracy have a right to be heard, have a right to disagree, have a right to be different and take pride in their differences.

If what many of us profess to believe religiously were actually applied to American social, political and economic life, we would have a system more nearly socialist than capitalist. Much of the dogma still remaining in today's organized religion tends to de-emphasize competition and the importance of the individual; a sort of selfless interest in helping others, without doing anything to help oneself is stressed, with more attention often given to man's inherent weaknesses than his strengths; accomplishments in this world are of relatively minor importance and physical comforts and pleasures are often frowned upon and sometimes thought to be sinful.

We're applying 16th century religion to a 20th century world; a more sophisticated time requires a more sophisticated faith. There's no logic in the belief that a man's body, mind and soul are in conflict rather than harmony with one another, and the idea that man was placed upon this world, but not expected to accomplish anything while here, seems especially inane. In man's success, and in his struggling for success, others benefit as well as he, himself; and civilization -- and sometimes truth or beauty, as well -- gets advanced another notch. If it were not for this, if man were not allowed to struggle and dream and accomplish wondrous things on his little planet, there would be no point to his existence here at all, and it would require a very strange and calloused God to play so pointless and cruel a joke on all mankind.

To some of us capitalism is almost a dirty word. It shouldn't be. It's time Americans stopped being embarrassed and almost ashamed of their form of government and their economy. It's the best two-horse parlay in the world and perhaps if we were more fully sold on it ourselves, we could do a better job of selling it to other countries. It is certainly essential for us to clean out any areas of confusion in our thinking -- like the free enterprise and religion conflict -- so that we fully understand what it is we do believe in. Whole countries are often won to one side or the other with ideas these days. This is not a time to be vague or uncertain.

The Playboy Philosophy

Maurice Stans, president of the nation's largest bank holding corporation, and author of a nationally syndicated newspaper column on business and government, recently wrote: "What we have in American free enterprise is an almost perfect blending of the forces that motivate people. It combines equality of opportunity and freedom of choice with our dominant individual traits of acquisitiveness and competitiveness."

If we were looking for additional evidence of the merits of the free enterprise system, we couldn't ask for much more dramatic proof than East and West Berlin today. The contrast between the two halves of that once whole city -- one rebuilding under a democratic free economy and the other under Communist socialism -- says more than any business or financial expert ever could. And so do the East Berliners scrambling to escape over and under the hated wall that separates the two sectors.

There's another bit of negative evidence here in the U.S. that deserves a comment, too. During the Depression of the Thirties, this country came as close to socialism as it ever has, with the government creating hundreds of thousands of jobs for the unemployed. During that period, the optimism, initiative and competitive spirit that supply a unique spark to our free enterprise system disappeared. As a result, this country literally stood still for ten long years and dragged its heels for another ten -- not just economically, but in almost every area of activity. We're feeling the effect of it now in the race for space. Russia used that generation to pull ahead of us in missile research and to shorten the gap between the two countries in many other areas. Where socialism has failed her -- as it has in many areas -- Russia has introduced various capitalistlike incentives. But one thing Russia has been unable to supply to its program is the spark that only a free society has. It can make the difference.

For today, in America, a new generation is taking over -- with all the upbeat spirit, questing impatience and rebel derring-do that are needed to put the United States back in the position of unquestioned world leadership.

CHAPTER 3

Introduction

The Upbeat Generation has arrived and its conflict with the old ways, the old traditions and taboos is evident all around us. After 20 years of Depression-bred and war-nurtured conformity, and compulsive concern with security and the common man, the Uncommon Man has at last come back into his own, along with a renewed respect for the uncommon mind, the uncommon act and the uncommon accomplishment.

A great many Americans now recognize that the de-emphasis of both initiative and education along with our lack of growth in the arts and sciences cost us the position of undisputed world leadership we once took for granted. Another country, hardly as high as our belt buckle three decades ago, is now reaching for the stars ahead of us. We've learned a bitter lesson, but if we've learned it well, it may well have been worth it.

By subverting our faith in ourselves, both as individuals and as a nation, by shaking our faith in the superiority of the free enterprise system, we managed to bring the greatest country in the world to a near standstill. By again stressing many of the basic tenets upon which this nation was founded, we have begun forcefully to move ahead once more.

If any of us were ever in serious doubt about the relative merits of group-oriented, collectivist socialism or communism versus self-oriented, individual initiative, free enterprise capitalism, we've witnessed irrefutable evidence of the strengths and weaknesses of both over the last generation. Setting aside the social significance of a free society for the moment -- and the fact that no government that places its emphasis on the importance of group good over individual good can long remain free -- capitalism has proven itself the superior economic system in country after country since the war.

It is not because of any inherent flaw in American capitalism that Russia has been able to catch up to us in many areas over the past 20 years -- quite the opposite: It is because this country drifted dangerously in the direction of socialism during the Thirties and Forties that we began to falter and fall behind. Several nations in postwar Europe have found a new economic strength through capitalism, and much of Western Europe is enjoying an unparalleled prosperity because of having taken the free enterprise system to the international level with the Common Market. America, on the other hand, has stifled her natural growth through initiative-inhibiting taxes and restrictive legislation regarding the roles of labor and management in business. Now there is a promise of change, however, as both political parties recognize that this country's economic health is intimately tied to the profit an individual or a company can hope to turn, after taxes, for additional effort or for risk capital invested in a new product, a new idea or a new enterprise. Last fall Congress gave the President sweeping powers over restrictive import and export tariff, so that the U.S. might successfully compete with the Common Market; this year and next, we are promised major tax reforms and reductions aimed at putting more enterprise back in our free enterprise system.

Truly dramatic evidence of the relative strengths in the two economic systems can be seen in East and West Berlin today. The contrast between the two halves of this once whole city -- one rebuilding since war's end under a democratic free economy and the other under a totalitarian Communist regime -- says more than any economic theorist or political philosopher ever could. And the Wall, with East Berliners risking death to scramble over and under it to West Berlin and freedom, says more about the social worth of the two systems than any words could, too.

Fidel Castro has all but destroyed the Cuban economy with his brand of Communist socialism. And while Red China falters and fails in its attempt to duplicate with communism what America achieved through capitalism, Japan has moved ahead to unprecedented wealth since the end of the Second World War by patterning its economy directly after the United States. As the limitations of communism become clearer, Russia has been subtly changing her own economic system, supplying capitalist incentives as

required. But Russia remains a totalitarian state and suffers the inherent weakness of all dictatorships: No nation can enjoy the full benefits of a free economy and the free enterprise system, if the nation's people are themselves not truly free. Thus freedom itself is the spark that a free competitive society requires to drive it at peak efficiency and that is why America can regain its position of world prominence and leadership if it never again loses sight, as a nation, of the fundamental faith in itself, belief in its uncommon citizens and in freedom and the free enterprise system that made it great in the beginning.

The entire world is presently benefiting from the competition between the U.S. and Russia in our "race for space," each country spurred on by the accomplishments of the other. Without this international competitive enterprise, man might well be waiting another generation or more to reach the moon and begin his exploration of the stars. If the same competitive spirit were brought to the research of the world's half-dozen most deadly diseases, the resultant money and man-hours expended would in all probability produce cures for all of them in our lifetime and the next generation could look forward to a life expectancy of 100 years and more. A properly controlled competitive society works with nations as well as individuals, supplying the maximum motivation and thus benefiting everyone in the society with the resulting maximum accomplishment or progress.

The mood is optimistic. In the Atomic Age, with the continuing threat of world conflict, no tomorrow can ever be a certainty, but certainty is a security the new generation does not require. There is, in its place, a new satisfaction in accomplishment -- a new savoring of life and all that it offers. The possibility of imminent extinction has given life a new significance. Too often in the past, man has lived almost entirely for tomorrow -- thereby living less, enjoying less and doing less. Many of the new generation are discovering that the ultimate satisfaction comes from living for *both* today and tomorrow.

What we have termed the Upbeat Generation (sharing the spirit of rebellion with that sliver of it called beat, but differing radically because of the far more positive, upbeat attitude about life and itself) bears little resemblance to the generation that preceded it. Yet some are still unaware of the change that has taken place and many do not realize the size of the gap that exists between two generations that followed one immediately upon the other. The great difference in feeling about Playboy and its editorial point of view is but one example of the gap: Playboy expresses itself in terms a great many members of the new generation understand, but that are incomprehensible to others only a single generation older.

The American Renaissance

In an introduction to a recent issue devoted to what they termed the "Take-Over Generation," *Life* magazine said: "Coming hard over the horizon, just beginning to make his presence and his power felt, is a new breed of American. He is filled with purpose and he thinks on a scale that often frightens his elders.... In the big corporation, where the old desire for job security is giving way to a new insistence on job opportunity, the daring young idea man is finally starting to lay the Organization Man to rest."

Science, both pure and applied, has accomplished more in the last dozen years than in the two dozen that preceded them. The same is true in architecture and design. In fine art, the U.S. had previously done little more than follow European trends, but in the Fifties and Sixties American painters set the pace and have maintained the lead: Jackson Pollock, Willem de Kooning, Franz Kline and their compatriots are the creators of the most important and most influential work of any artists of our time. The description of Pollock by English art critic Bryan Robertson in his introduction to a book of Pollock's paintings published in 1960 associates the artist with the rebel spirit he shared (until his death) with much of the new America: "For an entire generation Pollock has become a symbol of revolt against existing conventions in imagery and a touchstone in a commonly shared search for new methods to contain a new vision in painting. Apart from this, Pollock has emerged as the first American artist in history to influence European art.... The present work has as its mainspring the author's conviction that Jackson Pollock [is] second only to Picasso in the hierarchy of 20th century art."

Rebellion against the tried and not necessarily true has abounded everywhere. In jazz, America's one original art form, traditional sounds have given way to experimentation in a variety of unexplored

directions, from bop to third stream. In acting, classic styles have bowed to a new naturalism with Brando, et al., and something called The Method. In popular music, the moon-and-June syrup of Tin Pan Alley has been replaced by the earthy reality of folk music. The new spirit of rebellion has even shown itself in the growth of a new American humor -- Mort Sahl, Mike and Elaine, Lenny Bruce, Dick Gregory and the rest of what *Time* called the New School of comedy have replaced tired jokes with social commentary and have made us laugh at our fancies and foibles: politics, sex, religion, racial prejudice -- no cow remains sacred. True satire has returned to the American scene. And it can be argued that a nation's real inner strength is revealed through its ability to laugh at itself.

Serious social change has been taking place also. The inequality of the races has received increasing attention from all Americans concerned with the rights of others as well as themselves. Politics -- long an area of interest left almost exclusively to the politicians -- is now a matter of continuing discussion, debate and active participation by youthful citizens of both the right and left. Nor are most Americans' interests and concerns any longer limited to the continental boundaries of this country. The knowledge that this is indeed one world has never had greater acceptance by the majority of Americans: We now recognize as never before in peacetime, that what happens in Cuba, India or Berlin is of paramount importance to us all and conversely, what happens in Mississippi is of grave importance in Africa and throughout Asia.

Corruption in high governmental places, the TV quiz scandal, disc jockey payola, police crime in Chicago and other major cities, the indictment of top business executives for price fixing and restraint of trade, the Billie Sol Estes affair are seen by some as evidence of a trend toward decadence in our society, but they represent just the opposite to us. In each case, the significant fact is that the crime or corruption was brought to light -- no matter how high up and potentially protected the offenders -- and in almost every instance, justified penalties were meted out. Moreover, corrective actions were usually taken to preclude similar lawlessness. In the case of the Chicago police, not only were the men involved prosecuted, but Mayor Daley ordered a sweeping cleanup of the entire force -- and he got it. In times past, such a scandal would have been hushed up and things would have continued on as before. There will always be crime and corruption in the world, but recent public exposures suggest a moral rebirth in America rather than the reverse.

The way in which Americans rejected McCarthyism and subversives of the extreme right as well as those of the left in the early Fifties was a portent of the independent spirit rising up in this country and served notice that most Americans would not long submit to being herded about like so many gray flannel sheep. Hitler used a fear and hatred of the Jews to bind the German people together in a controllable mass. Similar attempts here immediately after the war, using the fear and hatred of American communism, were partially successful for a time (some neighbors actually did spy on neighbors, brothers turn in brothers, students intimidate teachers; there were loyalty oaths to sign, some books literally were burned and industry black lists cost a number of Americans their jobs), but the arrival of the new generation coupled with those free minds of every generation that refuse to be intimidated and herded, cut short the demagogic dreams of power. A few neofascist and hate groups have persisted up to the present, using the fear of the omnipresent Communist menace and/or the hate of Negroes, Jews, Catholics, non-candy eaters (a logical minority for Welch's John Birchers) or some other suitable group as their scapegoats. But the burgeoning independence and rebel individualism of the Upbeat Generation make it increasingly difficult for extremist groups of the right or left to gather any sizable portion of the population to itself. An American of the new generation may hate communism for its tyranny, but he is unwilling to submit to the tyranny of a professional hate cult in order to fight it, being aware that the best way to combat the ideology of totalitarian communism is not through some equally totalitarian concept or group, but through a strengthening of democracy and the free enterprise system.

American education today is receiving a much needed, if still not entirely satisfactory, shot in the arm. During the Depression we tended to de-emphasize education and intellectual pursuits (the uncommon mind was apt to be derided as an "egghead" as to be admired), because the nation's economic problems made higher education available to so very few. One of the best things to come out of World War II was the G.I. Bill offering, as it did to hundreds of thousands of young American men, the opportunity for a college education or training in a specialized profession or trade.

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Erasing the color line in education will, in the future, permit American Negroes to receive a far better and fuller education that they could have hoped for previously. This will benefit both the individual Negroes and the nation, for the total brainpower of any country is one of its most valuable natural resources. Until now, the United States has permitted a sizable percentage of its potential brainpower to go partially undeveloped by not offering full educational opportunities to its colored citizens. This is rather like leaving a part of a rich mineral deposit in the ground when you know that it's there and that if it was mined and processed it would be extremely valuable to the national economy and to the U.S. defense effort as well. Making sure that all American youth, regardless of race or economic position, receives the best and most complete education for which it is able to qualify makes sound economic sense for the nation and is, we feel, one of the obligations of our government.

At the grade school level, there has been considerable concern and debate over Johnny's inability to read. Playboy shares this concern, for when Johnny becomes old enough to subscribe to our magazine, we would like to think he is enjoying the fine fiction and the thought-provoking articles and not just ogling the current Playmate of the Month. But whether the ability to more fully appreciate Playboy figures in the new American concern over schooling or not -- and we rather suspect that it does not -- there is a greater awareness of the importance of education today than at any previous time in our history.

We appear to be moving into an American renaissance -- a period of growth and prosperity unequaled in the past. Art, science, philosophy, politics, education -- all are broadening their horizons and man is meeting the challenges and the opportunities of his world with unparalleled determination, delight and derring-do. Nothing seems impossible and man has never been more alive and aware. Life is a bold adventure and the new American Renaissance Man seems destined to make the most of it.

Man's new zest for living can be seen in his interest in a car that has style and speed, in his savoring the pleasures of the senses with good food and drink and stereo sound, in his involvement in the decor of his apartment and the cut of his clothes (the American male is the active participant in a minor fashion revolution that supplies still another example of the changing time: To the universal, gray flannel sameness of Ivy has been added the individual style and flair of Continental, with a new elegance and enough variety in its design to permit a re-emphasis of the individual within the clothes).

No conflict exists between the pleasure a modern American finds in material things and his struggle to discover a new scientific truth, or evolve a new philosophy, or create a work of art. The good life, the full life, encompasses all of these -- and all of them satisfy and spur a man on to do more, see more, know more, experience more, accomplish more. This is the real meaning, the purpose, the point of life itself: the continuing, upward striving and searching for the ultimate truth and beauty.

The Sexual Revolution

America has come alive again. And with the social revolution has come a sexual revolution as well. Gone is much of the puritan prudishness and hypocrisy of the past. But far from being representatives of a moral decline, as some would like us to believe, we are in the process of acquiring a new moral maturity and honesty in which man's body, mind and soul are in harmony rather than in conflict.

This revolution is nowhere more obvious than in the changing public taste in books, magazines, newspapers, movies, television and theater. A society's media of communication offer an especially sensitive gauge to the changing manners and mores of any time, and in this regard the contrast between the present generation and the one just past is remarkable.

In the Thirties and Forties Hollywood movies were never allowed to show a man and a woman in bed together -- not even if they were married in the picture -- not even if they were married in real life. If a scene had to be played in a bedroom, the couple appeared in that blight upon marital bliss: twin beds. In the same period, if a woman were to have an illicit affair in a film (which meant any relationship not

blessed by matrimony), the audience could be certain that before the final scene she would suffer the severest possible consequences. That some romances outside holy wedlock end happily or do not end at all would appear to be facts of life the movies of 20 and 30 years ago preferred to ignore. And the worst profanity heard in a film during more than a decade of picture making was Clark Gable's parting shot, "Personally, my dear, I don't give a damn!" to Scarlett O'Hara at the end of *Gone With the Wind*. *GWTW* was the only motion picture of the time that was allowed a single *hell* or *damn* (the line never failed to produce a titter from surprised audiences), and we tend to forget for how short a while such common expletives have been permitted in dramatic shows on television.

In 1938 an issue of *Life* magazine was banned in a number of communities in the United States, because it included a picture story depicting the birth of a baby. That was just 25 years ago. And it has been less than ten since New York City censored the birth of a baby buffalo from one of Walt Disney's award-winning wildlife features. Today Ben Casey delivers a baby on home TV and nobody even blinks.

A few short years ago the number of specific subjects that could not even be mentioned in movies included drug addiction, homosexuality, incest, nymphomania, necrophilia, abortion, masturbation and hand holding (we just slipped the last one in to see if you were paying attention). More recently, a number of these subjects (not including hand holding) have been the central themes of motion pictures and most all of them appear in interrelated combinations in films by Tennessee Williams.

If movies are badder than ever, books are even badder than that. Well, bolder, at any rate. The public has displayed a new willingness to accept the previously taboo in colloquial dialog (thus permitting James Jones' soldiers in his best-selling, prize-winning Army novel, *From Here to Eternity*, to use the same locutions real soldiers employ, even though this remarkable innovation prompted *Life* to waggle a warning finger in an editorial titled, "From Here to Obscenity"), in subject matter (Vladimir Nabokov's best-selling, prize-winning tale of the 12-year-old nymphet, *Lolita*) and in the first U.S. printing of long-banned books (James Joyce's *Ulysses*, D.H. Lawrence's *Lady Chatterley's Lover* and Henry Miller's two *Tropics* -- all outlawed for more than a generation and by now all very nearly modern classics).

One of the first books after the war to become a best seller because of sex was a statistical survey by Dr. Alfred C. Kinsey and his associates of Indiana University. *Sexual Behavior in the Human Male*, followed by *Sexual Behavior in the Human Female*, proved that the public earnestly wanted to know more about sex, and the sham and secrecy that had for so long surrounded the subject finally began falling away. "The Kinsey Report" was the first extensive scientific study of sex practices in the U.S., and it unquestionably affected behavior even as it reported it. America's sexual hypocrisy was out in the open -- we had been preaching one thing and practicing another. The country's puritanical zealots, who had successfully sustained the image of sex as sin by keeping it in the shadows, suddenly found that someone had let the sunshine in. And in the bright light of day, sex didn't seem so terrible to most of us.

In the mood of conformity that was still with us in the late Forties and early Fifties, various self-appointed civic and religious groups were extremely active in censorship. The very notion that one adult has the right to tell another what book he may or may not read and what movie he may or may not see is repugnant to most Americans, but we had been turned into a nation of sheep and there were few voices raised in protest. With the coming of the new generation, however, individuals began speaking out against such conformity and control over the minds of men.

The NODL (National Office of Decent Literature) prepares a monthly list of "disapproved" paperback books and magazines that is supposed to be a guide for Catholic youth, but the list was often used as a weapon of censorship instead, until various magazines and newspapers began to cry out against the practice.

In an editorial titled "The Harm Good People Do," in its October 1956 issue, *Harper's Magazine* stated: "A little band of Catholics is now conducting a shocking attack on the rights of their fellow citizens. They are engaged in an un-American activity which is as flagrant as anything the Communist party ever attempted -- and which is, in fact, very similar to Communist tactics. They are harming their country, their Church, and the cause of freedom.... This group calls itself the National Office of Decent Literature.... Its

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main purpose is to make it impossible for anybody to buy books and other publications which it does not like. Among them are the works of some of the most distinguished authors now alive -- for example, winners of the Nobel Prize, the Pulitzer Prize and the National Book Award."

Without intending to, a Post of the Catholic War Veterans in Hartford, Connecticut underlined the similarity between their tactics and those of the Communists in a letter to book dealers in their community aiming to suppress, through the threat of boycott, certain publications they considered undesirable. The letter was accompanied by the NODL list of "disapproved" publications and it quoted the Chinese Communists who had been conducting a campaign of their own against "disapproved" literature: "'These books and pictures seriously harm those workers who by constantly looking at them can easily become degenerate in their thinking,' cautions the *Peking Worker's Daily* as quoted by *Newsweek* magazine, January 23, 1956. We have to hand it to the Communists...who have launched a nationwide campaign against pornographic trash.... Should not this example provoke a similar literary cleanup in our land where the morality of our actions is gauged by service to God and not to an atheistic state?"

The NODL black list, which has included books by Ernest Hemingway, William Faulkner, John Dos Passos, George Orwell, John O'Hara, Emile Zola, Arthur Koestler and Joyce Cary, does not represent the attitude of all Catholics, of course, and the list has been used by a number of non-Catholic censorship groups as well.

Father John Courtney Murray, S.J., professor of moral theology at Woodstock College, Maryland, warned against such practices, and in an address on "Literature and Censorship" said, in part: "No minority group has the right to impose its own religious or moral views on other groups, through the use of methods of force, coercion or violence."

Dean Joseph O'Meara of the Notre Dame Law School expressed it like this: "Unfortunately many sincere people do not comprehend the genius of our democracy...such people would deny free speech to those with whom they are in fundamental disagreement.... They would establish a party line in America -- *their* party line, of course. This is an alien concept, a totalitarian concept; it is not consonant with the American tradition; it is antidemocratic; it is, in short, subversive and it should be recognized for what it is."

And another eminent Catholic, President John F. Kennedy, then a senator from Massachusetts, summed up the matter in these prophetic words: "The lock on the door of the legislature, the parliament or the assembly hall, by order of the King, the Commissar or the Fhrer, has historically been followed or preceded by a lock on the door of the printer's, the publisher's, or the bookseller's."

Censors wither before such criticism and the NODL has since gone back to its intended function: issuing a list by Catholics for their fellow Catholics to consult as a guide to reading -- if they wish.

A concern for the country's children has often been used as an excuse for censorship in the past -- certain words, ideas, pictures, stories or subjects might have a negative effect upon a young, impressionable mind -- might turn our children into a community of juvenile delinquents -- or so the thinking went. And there was no less an authority than J. Edgar Hoover supplying suitable statements about the multimillion-dollar pornography business in the U.S. and its effect upon the nation's youth. Unfortunately, J. Edgar has always been something of a nut on the subject of sex, and while his words carry the impact of his important position as head of the FBI, he is not an expert on the subject -- is not, in fact, even acquainted with some of the most fundamental research in the area. Hoover's statements notwithstanding, there is no multimillion-dollar pornography business in the U.S. Pornography has never become a well-organized national or even regional operation simply because, unlike gambling and dope, there simply isn't enough profit in it to make it worthwhile. Moreover, experts in the field of human behavior have never been able to find any causal relationship between reading habits and delinquency and do not believe that any exists -- except that delinquents are apt to read fewer books and magazines of all kinds than their nondelinquent brothers. In the most thorough studies of crime, delinquency and their causes, reading habits have not even been included as a possible factor, because of the recognition by experts that no correlation exists. But some citizens like to believe statements like Hoover's, because they

take part of the blame off the real, primary culprit -- the home environment, for which the citizen himself is responsible. And such statements have a similar effect on the other side, too -- taking attention away from the embarrassment of the nation's thriving crime syndicate that the FBI seems unable to do anything effective about, as it grows bigger and more prosperous year after year.

The implied hurt that a particular movie or article, piece of fiction or photograph might do to children wields a far greater power over the nation's publishers, the film industry, radio and television than one might at first suppose. For long before there is any question of censorship, the publisher or producer must himself determine what goes into his product and the pressure to make it "suitable for children" or "entertainment for the entire family" is a strong one. And the net effect of that, of course, is a society in which much of our popular culture and communication is strained to a thinness (all meat removed and sweetener added) pleasant to the taste and easily digested by children. Just what effect a society geared to the sophistication level of a ten-year-old is apt to have on its adults is another matter entirely. Instead of raising children in an adult world, with adult tastes, interests and opinions prevailing, we prefer to live much of our lives in a make-believe children's world. Without attempting to evaluate the results this is certain to produce in society as a whole over any period of time, it can be reasonably argued that it is also a lousy way to bring up kids and prepare them for taking their place in the world as mature adults.

The U.S. Supreme Court ruled on this question recently, striking down a Michigan statute as unconstitutional, because it used as its rationalization for state censorship the theory that it was thereby protecting its youth. The Supreme Court held that it is impossible to justify censorship in the adult community by referring to what may or may not be suitable for children without soon creating a community suitable for children only. Or, more probably, for no one at all.

The mind of the censor is often magnificent in its machinations and incredible in its incomprehensibility. Some examples of censorship would be amusing in the extreme, if fundamental rights and freedoms were not involved -- as when, a short time ago, one U.S. community contemplated banning the books of Tarzan, by Edgar Rice Burroughs, from their children's library, because Tarzan and Jane had never been joined in holy wedlock and thus must be living in sin in their jungle home. (We'd always assumed, as a youngster, that they kept things straight by relying upon the honor system. In the movie adventures, starring Johnny Weissmuller and Maureen O'Sullivan, you may recall that "Boy" came from heaven only in the sense that he was the sole survivor of an airplane crash and was adopted into the Tarzan family. It never occurred to us in our innocent youth that Tarzan and Jane were anything more than good friends. It was Cheetah, the chimp, that we were always a mite suspicious of. He always seemed to be hanging around the tree house, when Tarzan was off on one of his vine-swinging excursions.)

The would-be censor in any community is rarely the best informed and best qualified for such a job, and this is probably because real knowledge of a subject and an interest in suppressing it do not often go hand in hand. Even if the censor had the necessary insight, it would not justify the forcing of his own particular tastes and interests onto the rest of society, but most often it is actually a matter of dragging down the tastes and interests of the community to a decidedly lower level. Far more energy is expended, for example, in attempts to suppress appeals to the normally heterosexual than to the somewhat more subtle offerings to sadism, masochism, the homosexual and fetishism. Few censors comprehend the labyrinthian twistings and turnings that suppressed or perverted sexuality may take in the human animal.

The censor may be driven by any of several motivations: He may anticipate some personal or political gain for his involvement in censorship; he may enjoy the sense of power achieved through a control over what others can do and say; he may be a quite sincere, if misguided, citizen who believes that the world would be a better place if only the rest of the community held the same values and beliefs he holds; or he may be one of those whose dedication to the suppression of certain aspects of our society is itself a symptom of subconscious sexual needs and guilt feelings.

The U.S. Post Office has built a reputation in times past as a watchdog of public morality. Not because it was qualified for such a task and certainly not because it had any legal right to be involved, but

simply because some members of the postal authority wanted to use that authority to control the free communication of ideas. There have always been ample laws for the prosecution of illegal use of the mails, but it is a peculiar fact that censors -- whether from government or some civic or religious group -- rarely find due process of law satisfactory to their needs. The censor's methods are almost always illegal.

In the most famous case involving censorship and the Post Office, an attempt was made to deny second-class mailing privileges to *Esquire* magazine in the mid-Forties. The publication defended itself, finally winning a unanimous decision in the Supreme Court. In the landmark determination written by Judge Thurman Arnold, of the U.S. Court of Appeals, the postal authorities were told that their job was to deliver the mails, not censor them. Judge Arnold finished his decision as follows: "We intend no criticism of counsel for the Post Office. They were faced with an impossible task. They undertook it with sincerity. But their very sincerity makes the record useful as a memorial to commemorate the utter confusion and lack of intelligible standards which can never be escaped when that task is attempted. We believe that the Post Office officials should experience a feeling of relief if they are limited to the more prosaic function of seeing to it that 'neither snow nor rain nor heat nor gloom of night stays these couriers from the swift completion of their appointed round.'"

Incredibly, even after that decision, the Post Office continued its quite illegal activities in censorship right up until two years ago, when the new administration brought in a fresh Postmaster General who, unlike his predecessors, apparently feels that delivering the mails inexpensively and well is quite enough of a task for his department. Unfortunately, though they won their case unanimously in the highest court in the land (at a cost of over \$1 million), *Esquire* was badly frightened by the experience (if they had lost their second-class mailing privileges, they would have been put out of business) and the robust quality of the magazine's earlier issues was never to be seen again. Playboy locked horns with the Post Office twice in its first years of publication and thoroughly trounced them in the courts on both occasions. We've never been bothered since, nor have any threats or attempts at coercion from any quarter ever influenced our own editorial judgment.

Americans were so generally embarrassed by sex in the early part of this century that sex statutes still standing in some of our states do not even define the behavior or activity they prohibit. The legislators were seemingly able to spell out fornication and/or adultery with only an occasional blush, but when they moved into the slightly more exotic areas of fellatio, cunnilingus and pederasty, it appears that some of them broke into a cold sweat and were just too intimidated by the entire subject to explain what offenses the laws were intended to cover. Thus, in place of the specific, the state statutes prohibit "vile and contemptible crimes against nature."

Every state in the Union has some laws covering the sexual activity of its citizens, and it is a further indication of our changing mores that almost none of them, except those concerned with minors, acts of violence and prostitution, are regularly enforced. Dr. Kinsey and his associates have estimated that if all the sex laws in the United States were fully and successfully enforced, the majority of our adult population -- male and female -- would be in prison. Since they go unenforced for the most part, it would seem that we are finally reaching that level of maturity where we recognize that a man's morality, like his religion, is a personal affair best left to his own conscience. Some of our state laws are now being rewritten to reflect this enlightened attitude.

Freud and Kinsey must be given a maximum amount of credit for the awakening of the past few years -- Freud for setting the stage and Kinsey for trotting out the players. It is surprising that no popular philosopher stepped forward to shape and polish our new understanding of ourselves and form a consistent cohesive constant for living -- even as rugged individualism found its Ayn Rand and Little Orphan Annie -- but perhaps that lack partially explains Playboy's phenomenal impact and popularity. By default, as it were, and quite without planning, Playboy has become a voice for the new generation, reflecting a new view of contemporary man and the world in which he lives.

This is what the writers and critics, quoted earlier in this editorial statement, mean when they suggested that Playboy has become more than simply a magazine -- that it is, to use of their own terms:

"a way of life"... "a movement"... "more than just a handbook for the young-man-about-town: It's a sort of Bible."

If there is any truth in this, and we don't deny that there may be, it has not been as a result of conscious calculation. Playboy's attitude and point of view has always been an editorial expression of the things in which we personally believe. If Playboy's voice is one to which this particular, most remarkable generation responds, it is perhaps because most other publications (along with other media of communications in America today) are still in the hands of -- or at least under the ultimate control of -- the older generation, whereas we ourselves are a generation younger and think and feel naturally the same things others of our generation think and feel. The total of these thoughts and feelings is what makes up the Playboy Philosophy.

CHAPTER 4

Introduction

We have tried to show in previous issues how an improper emphasis on security and conformity stifled this country for a generation and we have pointed to signs that suggest, to us, that initiative and the individual may soon again be receiving their proper due. But there has been another stifling influence in America -- far more insidious -- that has pervaded our culture since the nation's beginnings, yet most of us are only vaguely aware of its continuing effect on every facet of our laws and our lives.

Puritanism -- as stultifying to the mind of man as communism, or any other totalitarian concept -- has been a part of the American culture since the country's earliest settlers landed on Plymouth Rock, or thereabouts. For it matters little if a book is burned because it contains an unpopular political idea or an unpopular moral or religious one -- the book has been burned just the same -- and society is little poorer for having lost perhaps just one small voice, one difference of opinion, one divergent thought or idea.

We must never forget that this democracy draws its matchless strength from the continuous free exchange of differing ideas and by keeping open the channels of communication for even the most unpopular points of view. Our founding fathers made the protection of every minority and every minority opinion of paramount importance in both our Constitution and the Bill of Rights. They recognized that down through history great men and great ideas have been unpopular in their own time. Man learns slowly and cultural changes that might otherwise take years require generations while those that might take generations sometimes take centuries. Socrates, teacher of Plato, and recognized today as one of the great philosophers of history, was accused in his own time of being without fixed principles and sentenced to die by drinking poison hemlock; Van Gogh, the brilliant and prolific impressionist, sold only four paintings during his lifetime, was driven mad by despair and killed himself; Galileo was twice tried by the Inquisition for daring to suggest that the earth revolves around the sun; Christ was nailed to the cross for teaching that man should love his fellow man.

Progress necessarily requires the exchange of outdated ideas for new and better ones. By keeping open all lines of communication in our culture, every new idea -- no matter how seemingly perverse, improper or peculiar, has its opportunity to be considered, to be challenged, and ultimately to be accepted or rejected by society as a whole or by some small part of it. This is the important advantage that a free society has over a totalitarian, for in a free exchange of ideas, the best will ultimately win out. A dictatorship, with its pre-established dogma, is chained to the past; a free society may draw from past, present and the future.

If much of the foregoing -- and of what follows -- seem obvious, even elementary, it is necessary, we think, to clearly spell out those accepted beliefs that form the common ground from which our philosophy is derived. Too often the most readily acknowledged precepts become clichés to which mere lip service is paid while their real intent and significance are lost.

In America, we have built an entire nation -- a social order, economy and government -- on this concept of freedom. And whatever shortcomings it may seem to have are, we believe, less inherent in the ideal of a free society than they are the result of our failing to keep faith with that ideal. This is not to suggest that a nation as large and as complex as this one is capable of remaining free for all without some supervision and control. The economic system of free enterprise, for example, would not continue to function successfully without certain necessary checks and balances. But it is important for us to never lose sight of the primary aim and purpose of our government, which should be to achieve and perpetuate the maximum amount of freedom and opportunity possible for all of its citizens.

True freedom also includes freedom from ignorance, sickness, poverty and fear, without which the other freedoms would be meaningless. Our government is sometimes likened to a parent, but it must be careful not to become a too overly protective parent, whose guidance and control smother initiative and self-respect.

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The *individual* remains the all important element in our society -- the touchstone against which all else must be judged. The individual's very individuality -- his right to look, think and act as differently from his fellows as he chooses (without, of course, interfering with the similar rights of others) -- supplies the divergent, interacting components that produce progress.

No group is necessarily more important than each individual member of the group. Group thought is not necessarily superior to individual thought and neither is group taste. It is our feeling, moreover, that actions taken to allegedly benefit almost no one group or another -- the taxpayer, the working man, the consumer, society, the nation -- too often benefit almost no one. So-called "group good" is sometimes a vaguery that shields an activity that could not be justified on any individual basis.

All totalitarian concepts place a particular group -- a race, a religion, a class, a country -- ahead of the individual. Thus the political extremes of right and left -- socialism and communism on the one hand and fascism and Nazism on the other -- have more in common, each with the other, than they do with democracy, whose system of checks and balances places it at the political center. Einstein's theory of curved space would seem to apply to the political universe as well as the physical one: The opposite extremes of political dogma eventually meet.

It is not enough to recognize that a nation is no more important than the sum of all of its people: A country is no more important than each of its citizens, taken singly, and apart from all the rest. For only through concern and respect for each member of society can the whole of society hope to achieve its ultimate potential.

American Puritanism

Our founding fathers established protections for America's individual citizens in both the Constitution of the United States and the Bill of Rights, assuring that this nation's rule by the majority would always be tempered with a concern for the rights and privileges of the most insignificant of our minorities.

American jurisprudence is especially concerned with the protection of the individual, differing from much of Europe's law in that a man must always be considered innocent until proven guilty; and further, that we would rather allow four guilty men go free than unjustly convict one who is innocent.

With such an acute awareness of the importance of protecting the rights and freedom of every individual in our society, it is interesting to see how and why many of these rights have been lost. Please do not consider us impious if we suggest it is American religion that is largely to blame.

Since many of the early settlers left Europe for the New World specifically because of religious persecution, it seems especially strange that they should adopt the very practices from which they had so recently fled. Nevertheless, this is precisely what they did.

Organized religion, as separated from any personal faith, has had a considerable civilizing influence upon mankind through all of history; it has fostered hope, charity and education. But bloody wars have also been fought because of it, and millions kept in abject poverty, tortured and executed in the vilest ways.

Presumably, a man's religion should make him a better person -- more tolerant, sympathetic and understanding towards his fellows. Too often organized religion has had the opposite effect, placing its emphasis on orthodoxy instead of understanding and emphasizing ritual and dogma rather than spiritual founding principles of faith and love. And make no mistake -- the tyranny of man over his fellow man is just as great an evil when it is wielded in the name of God as in the name of the state.

The early Puritans who settled in America did not see their religion as simply one aspect of life, but as the whole of it. As Puritan leader Jonathan Edwards wrote in describing the Christian's "practice of

religion": "It may be said, not only to be his business at certain seasons, the business of Sabbath days, or certain extraordinary times, or the business of a month, or a year, or seven years, or his business under certain circumstances; but *the business of his life*." The attitude is shared by a great many religious people, of various faiths, today. And as far as it goes, it can hardly be criticized. But it must be recognized that in defining the "practice of religion" as a full-time, 24-hour-a-day proposition, religion pervades, directs and controls the totality of human life and thought. Religion may thus be used to justify the regulation of all of man's activity -- and indeed, it has been.

The early Puritan in America is described by the Encyclopaedia Britannica as "a spiritual athlete, characterized by and intense zeal to reform, a zeal to order everything -- personal life, family life, worship, church, business affairs, political affairs, even recreation -- in the light of God's demand upon him." This religion required conformity and things went badly for those early Americans who proved unwilling to conform.

If unauthenticated cases of "witch burning" were relatively unknown in early America (compared to the thousands of religious executions in Europe by fire, drawing and quartering, boiling in oil, disembowelment and a great variety of other tortures too numerous to catalog here, throughout the 16th, 17th and 18th centuries), our Puritan forefathers had other subtler ways of keeping the citizens in line -- public floggings, the stocks, the scarlet letter, the ducking stool and an occasional hanging -- all for relatively minor infringements of the religious dicta of the time.

The Britannica further describes the daily routine of the Puritan as having involved "the keeping of a spiritual diary in which the events of the day were closely scrutinized and an accounting made of moral successes and failures as well as note being taken of the signal evidences of divine grace or displeasure that had been disclosed during the course of the day." And if all this strikes the reader as more like Orwell's *1984* than the beginnings of democracy in America, we can only add a solemn *amen*.

Freedom of and From Religion

When the leaders of the American Revolution sat down to draft the U.S. Constitution and the Bill of Rights, they were keenly aware of the excesses that may be perpetuated in the same name of the Almighty and the need for checks and balances if further abuses of power by either church or state were to be averted. John Cotton said: "Let all the world learn to give mortal man no greater power than they are content they shall use, for use it they will.... It is necessary that all power that is on earth be limited, church power or other.... It is counted a matter of danger to the state to limit prerogatives, but it is a further danger not to have them limited."

Historians generally credit the reaction to this puritannical society as a major factor in the early American denunciation of arbitrary power, the demand for liberty and development of our democracy. The founding fathers included necessary safeguards in both the Constitution and the Bill of Rights specifically establishing religious freedom and the separation of church and state. To this end, they had a much earlier reference: "Render therefore unto Caesar the things which be Caesar's, and unto God the things which be God's." (*Luke*, 20:25) But for all their precautions, we do not enjoy true religious freedom in America today. In a remarkable example of double-think, we've successfully sustained our freedom *of* religion, but not freedom *from* religion.

There is a clear and quite significant distinction between these two aspects of religious freedom in a democratic society: Most of us are able to worship God in a manner that suits us and there is never a question or concern about governmental pressure or intervention; only an occasional offbeat cult is apt to draw down civil censure for its meetings (we haven't heard of any Black Masses being broken up by the gendarmes lately, but there was a back-hills community holding services not long ago involving rattlesnakes that officials put a stop to after one of the faithful was bitten and died). Some of the present-day religious charlatans, who seem more interested in reaching into the pockets of the poor than in reaching heaven with their shorn flock, out-Gantry Elmer by holding their revival meetings on local radio and television, where the audiences can be counted in the hundreds of thousands (the offerings are taken

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by mail). Although these "services" are patently not as perilous as live serpents, they may provide some of us with cause to wonder whether there is actually too *much* freedom allowed in certain areas, in the name of religion.

By and large, the U.S. government goes out of its way to respect and protect the personal beliefs of its many religious minorities (and in America, *all* religious denominations are minorities): Though suicide is legally equated with murder in our society, a Christian Scientist is not forced to accept medicine or undergo surgery, even when a physician may know that without them he is going to die; nor does the government force an authentic conscientious objector to bear arms, even in wartime. Religious freedom is recognized as one of the most basic rights in our democracy, but we protect only one half of it.

The other half -- freedom *from* religion -- became an issue of considerable controversy recently in connection with a Supreme Court ruling against the reading of a state-prepared prayer at the beginning of daily classes in New York's public schools. The decision was widely misunderstood and irreligious in many quarters, including the floor of Congress, but it was actually just the opposite, being a reconfirmation by the High Court of our Constitution's guarantees regarding the separation of church and state powers, which are as much to safeguard religion from encroachment by government, as to protect government from undue religious pressures.

It should be understood that when we refer to freedom *from* religion, we are not simply contemplating the problems that a publicly professed atheist or agnostic may encounter in being accepted in certain areas of our society today, whether or not his religious beliefs (or, more accurately, disbeliefs) would work against him in any attempt to hold public office, become a schoolteacher or receive a promotion in most major business firms; and a good deal more is involved than religious phrases on our federal currency and prayers in our legislative forums. Our concern is the extent to which religious beliefs and prejudices have infiltrated and influenced our laws -- the men who enact them, execute them and judge by them.

Caesar and God

Just how important is true religious freedom and a total separation of a people's church and state? Certainly this country was founded by men with a fundamental faith in God. References to Him are to be found throughout the Declaration of Independence, the U.S. Constitution and the Bill of Rights. Why were these devout men so concerned, then, with keeping separate the things that are Caesar's and the things that are God's?

Our founding fathers had the whole of European history, as well as early American Puritanism, to prove only that by keeping religion and government separate is it possible to keep each free. The extent to which this is true may be illustrated by considering the differences in our more fundamental religious and democratic convictions.

At the heart of the matter is religion's belief in itself as an absolute: There are thousands of different organized religions throughout the world and each is convinced that its own basic beliefs are divinely inspired and true. So resolutely are these beliefs sometimes held that many of history's bloodiest conflicts have been waged over them. But a free democracy draws its strength from the exchange of many divergent ideas and the recognition that the best of all concepts may give way to a better one tomorrow.

Religion is based upon faith; democracy is based upon reason. America's religious heritage stresses selflessness, subservience to a greater Power and the paying of homage to Him in long-established, well-defined, well-organized ways; democracy teaches the importance of self, a belief in oneself and one's own abilities. Religion teaches that man should live for others; our democracy's free-enterprise system is based on the belief that the greatest good comes from men competing with one another. Religion offers a special blessing to the meek and the promise that they will inherit the earth; democracy requires that men speak out and be heard.

Most religion in America teaches that man is born with the stain of original sin upon him; a free democracy stands on the belief that man is born innocent and remains so until changed by society. Most organized religion in the U.S. is rooted in a tradition that links man's body with evil, physical pleasures with sin and pits man's mind and soul against the devil of the flesh; the principles underlying our democracy recognize no such conflict of the body, mind and soul. Religion tends to de-emphasize material things, discourage a concern over the acquisition of wealth, bless the poor and promise that they shall dwell with God in the kingdom of heaven; our free enterprise system is founded on the ideal that striving to materially better oneself is worthwhile and benefits not only the individual, but the world around him. Most religions are based upon the importance of this one.

We trust that we have stated the contrasts fairly. Remember that we are referring here to the underlying Puritan religious heritage that runs through all American history (most modern-day U.S. religion, of whatever denomination, shares at least some of these viewpoints with Puritanism). Recognizing that we are necessarily oversimplifying matters a good deal, if you take exception to any of the above, it matters little, so long as we have made our overall point -- that American religion and democratic government are built upon different premises, with a great many divergent, if not actually conflicting, ideas and ideals. That's as it should be, of course, and no one is obliged to pick one over the other -- only to recognize the necessity for keeping them separate.

With a need for separation of church and state so fundamental to a free democratic society, with a spelling out of that need by our founding fathers in both the Constitution and the Bill of Rights, with the urging of the Holy Bible to render unto Caesar the things that Caesar's and unto God the things that are God's, how is it that Americans have still allowed religion to enter their government -- their laws, their executive offices, their legislatures, their courtrooms?

Quite simply, because the traditions of our people opposed any such separation and traditions do not die easily; they cannot be killed by mere logic, whether voiced in the street or written into a constitution. Throughout European history there has been an intimate connection between religion and government. The Puritan faction that broke away from the Church of England introduced a number of reforms, but a separation of religion and law was not among them. Though early Americans cried out for freedom and hailed the new democracy, Puritanism was not dead. And because certain men continued to act as though church and state were not then, and from that time forward, to be wholly separate and distinct, they never truly have been.

Never on Sunday

How serious have been the results? Your point of view may depend upon how successful your own particular religion has been in affecting the laws of our land -- unless you share, with us, a greater concern for a truly free society in which no legislation, no court decision, no governmental action is based upon religious influence, intimidation or prejudice.

All of America's so-called Blue Laws have been religiously inspired. Every state in the Union except Alaska has its citizens controlled by some form of Sunday legislation. Recently a Pennsylvania justice of the peace convicted 225 people for engaging in "worldly work on Sunday"; included among his victims: stage actors and highway toll collectors. In New York City you can buy newspapers seven days a week (unless some irreligious union leader stops the presses), but you can purchase few of the items advertised therein on Sunday. Last year a Bronx motorist was arrested for changing his spark plugs on the wrong day. The Supreme Court of Arkansas ruled puzzlingly: "It does not follow that because a druggist sells soap on Sunday, a grocer has a constitutional right to do it, too."

Sunday legislation was quite general in colonial times, Puritan Virginia having enacted such a law as early as 1629. In Connecticut at about the same time, colonists drew up a set of laws that made the Scriptures the supreme guide in civil as well as religious affairs; only approved church members were allowed in politics and in 1644 the general court decided that the "judicial laws of God as they were declared by Moses" should constitute a rule for all courts "till they be branched out into particulars

hereafter." The theocratic character of the government thus established is clearly revealed in the series of strict enactments and decisions which constituted the 45 "Blue Laws" listed by Reverend Samuel Peters in his *General History of Connecticut*, more than four fifths of which existed in some form throughout the New England colonies. They included the prohibition of trial by jury; married persons were required to live together or be imprisoned; a wife was considered good testimony against her husband; the penalty for adultery was death, and the same for conspiring against the jurisdiction; it was against the law for a woman to "kiss her child on the Sabbath or fasting day"; no person was permitted to "travel, cook victuals, make beds, sweep house, cut hair or shave on the Sabbath day"; and there were heavy fines for "concealing or entertaining Quaker or other blasphemous heretics."

Blue Laws of one sort or another are still enforced in most states. The Vermont Supreme Court has held that a person hunting on Sunday in violation of the law is liable in civil action for any hurt that he may have accidentally inflict upon his companion, even though he would not otherwise be legally held responsible. In some states, notably in New England, persons have been denied the right to damages for injuries sustained while traveling or working in violation of Sunday laws, on the theory that the offense was a contributing cause to the injury; in some states contracts made or to be performed on Sunday are expressly declared unenforceable, though they are otherwise valid. In Georgia it is against the law to swim on the Sabbath "within sight of a road which leads to church"; in one Iowa town, it is against the law to go swimming in public at any time, any day, anywhere.

The validity of such laws has often been questioned, on the rather reasonable ground that they infringe Constitutional guarantees of religious freedom, but generally without success (for our courts have shown the influence of religious dogma fully as much as our legislators). In 1858 the California Supreme Court held a Sunday observance law unconstitutional on the ground that it sought "to enforce, as a religious institution, the observance of a day held sacred by the followers of one faith," but three years later it reversed its position.

Humming snatches of *It's a Blue World* and *Never on Sunday*, we confirmed in a heavy volume of our trusty Encyclopaedia Britannica (which we keep close at hand for just such emergencies) that since that time, the courts have upheld such laws with what the Britannica terms "substantial unanimity...at first on frankly religious grounds but later on the ground that to prescribe periodic days of rest from customary labour is a legitimate exercise of the legislative power to provide for the physical and moral welfare of the community." As neat a bit of double-talk as ever we've seen (for which we'll blame the courts and not our encyclopedia), and pardon us if we're a mite skeptical about a second set of reasons that is conveniently produced to justify an old opinion, when the first set of reasons begins to wear thin. If these Sunday laws were originally established for religious reasons and initially upheld by the courts for "frankly religious" reasons, let's not try to pawn off another set of reasons on us today. If we're not willing to permit full religious freedom to all of our citizens -- freedom of and from religion -- let's at least have the gumption to admit it to one another.

In 1961 the U.S. Supreme Court listened to attorneys from Massachusetts, Maryland and Pennsylvania who argued that Blue Laws violated the First and 14th Amendments to the Constitution. A split decision went against them, thus increasing the likelihood of more, rather than less, Blue legislation across the country in the future.

Since we usually stay abed most Sundays anyway, it's difficult to get too personally upset over laws concerning who can and cannot work on the seventh day; if God felt obliged to rest up after six days of toil, a mere mortal would probably be wise to do the same. But on the other hand, none of us spends his week putting together the heavens and the earth, which must have been pretty tiring work. Perhaps a highway toll taker can do whatever he wants seven days out of seven. But what really bugs us is the uneasy feeling that if we are able to justify one kind of Blue Law, what's to stop someone from slipping in a few others on us again when nobody's looking? No kiss from Mom on the Sabbath and a bullet in the head for adultery! And suppose a "Quaker or other blasphemous heretics" showed up at the Playboy Club some night and we got caught entertaining them?

Darwin and Prohibition

Puritan religious doctrine has infected our laws to a far greater degree than most of us probably realize. And consistent with what one might expect, with religion rather than reason dictates legislation and its adjudication, progress often becomes the victim.

In 1925 the state of Tennessee passed a religion-inspired anti-evolution law making it "unlawful for any teacher in any of the universities, normals and all other public schools of the state, to teach any theory that denies the story of the divine creation of man as taught in the Bible, and to teach that instead man has descended from a lower order of animals," which resulted in the world famous Scopes Trial later that year in which high school biology teacher John Thomas Scopes was charged with teaching Darwin's Theory of Evolution in his classes. The case caused a sensation, because Christian Fundamentalist William Jennings Bryan went to Dayton, Tennessee, to assist the local prosecutor, and the American Civil Liberties Union took an interest in the case, persuading Clarence S. Darrow, the most famous criminal lawyer of his generation, to accept the role of chief counsel for the defense, assisted by Dudley Field Malone, a liberal Catholic and one of the great courtroom orators of the time, and by Arthur Garfield Hays, the outstanding civil liberties attorney. The rulings of the judge prevented any testing of the constitutionality of the law and Scopes was found guilty on a technicality, but Darrow managed to get Bryan on the stand and subjected him to a devastating cross-examination on his Fundamentalist attitude regarding the conflict between science and the Bible that made Bryan the laughingstock of the nation; many believe that the experience hastened his death, which occurred five days after the close of the trial. The defense appealed the case to the state supreme court which, in 1927, *upheld the constitutionality* of the law, while clearing Scopes on another technicality.

Perhaps the most hurtful legislation ever effected in America was the Puritan-inspired 18th Amendment that in 1919 made Prohibition the law of the land. The Anti-Saloon leagues, the W.C.T.U. and other Christian temperance groups had been working toward this end for several decades and a number of states and local communities were voted dry years before national prohibition of the sale and consumption of alcoholic beverages took effect. Prohibition actually began as a Blue Law, when continuous agitation by the temperance societies resulted in a limited statewide prohibition by Indiana statute, in 1816, making the sale of liquor on Sunday illegal.

National Prohibition was a hotly debated moral issue, with strong and sincere feelings running high on both sides, but by World War I, when it came to a final vote, a considerable majority favored its passage and the absent soldier vote, if cast, would not have made any substantial difference at the polls.

The "Noble Experiment" undoubtedly had its benefits, but when weighed against the terrible negatives it produced, the deep social and economic consequences from which we have still not fully recovered as a nation, we have a dramatic lesson in the harm that most sincerely motivated people can do when they try to legislate the private lives and morals of their fellow citizens. In the failure to enforce the unenforceable laws of Prohibition, there was a general breaking down of law and order: A tremendous illicit liquor traffic developed, putting huge sums of money in the hands of well-organized criminal gangs; public officials were corrupted to protect the illegal flow of alcohol; the general administration of justice was hampered by the overflowing courts and prisons cluttered with Prohibition cases; secret dens of vice, much more difficult to control, replaced the open saloons of yesteryear; and previously respectable, law-abiding citizens flaunted law enforcement.

In the Borah-Butler debate in Boston in 1927, Dr. Nicholas Murray Butler argued: "The 18th Amendment must come out of the Constitution, because it does not belong there. It affronts and disfigures it. It contradicts every principle upon which the Constitution rests, and the difficulties, the embarrassments, the shocking scenes reported daily from every part of the land are the natural and necessary result of the inner contradiction that has been set up between the Constitution, as it was, and the 18th Amendment added to it in 1919...."

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"We talk of law enforcement. You cannot enforce conflicting laws -- something must give way; and, when it is the 18th Amendment and the legislation based upon it on the one hand and the whole body of the Constitution, the Bill of Rights, the whole of political English and American history on the other, which do you suppose will have to give way? It must be this new and invading element in our public law."

Repeal had become a national issue by the time of the presidential election of 1932 and national Prohibition came to an end in December of 1933. Its major scars are still evident, however -- some 30 years later. The general disrespect which a great many Americans still have for their laws and for local law enforcement agents is the direct result of the lawlessness in which the ordinary citizen participated during Prohibition; and the well-organized criminal gangs that developed to supply the demand for illegal liquor used their organizations and the millions of dollars in profit they gained from that "Noble Experiment" to build an impregnable crime empire that law enforcement officers, at the federal, state and local levels, seem at a loss to cope with today.

Prohibition, in one form or another, still exists in many parts of these United States. Whatever benefit these communities -- and some entire states -- believe they are reaping as a result must be weighed against the very real damage to law, government and public morality that the daily flaunting of prohibition produces. The hypocrisy that accompanies such legislation is sometimes beyond belief, as governmental bodies execute and enforce laws while simultaneously evolving complicated systems for circumventing the laws' intentions. And as we have already observed, when religion rather than reason dictates legislation, do not expect logic with your law: On Sunday, in the largest city in the land, it is perfectly permissible to drink in public in any of several thousand clubs or bars (after one p.m.), but you cannot purchase a packaged bottle of liquor in order to drink in the privacy of your own home.

In much of what we have written this month, it may have seemed that we have little regard for the religious side of life. Nothing could be further from the truth. Life could be a very bleak and empty experience without faith and hope to fill the black void of the unknown.

What we oppose is any man's attempt to force his faith upon others. Religion should be a personal matter between man and God; it has nothing to do with man's relationship with government. They must be kept separate -- totally separate -- and apart. If they are not, man will no longer remain free.

CHAPTER 5

Introduction

When we first began writing this editorial statement of our beliefs and purposes, we had no intention of still being at it in the early spring, but there are buds pushing up through the sod and we've just seen our first robin redbreast. What better time to be writing about Puritanism, sex suppression, lawlessness, censorship, divorce, birth control and abortion?

We expect to cover all of these subjects -- and more -- in the next month or two, and it may appear to some readers that we are wandering rather far afield in our delineation of this magazine's editorial credo, but we have been encouraged by the considerable response to the first parts of *The Playboy Philosophy*, to the extent that we have broadened the subject area to include many of the interrelated societal factors we feel have gone into the making of our modern American culture, some personal comment upon them, and an attempt to show how we feel this magazine is involved.

To that end, we have thus far discussed and tried to answer some of the criticism most commonly leveled at Playboy's content and concept. We have traced the lineage of the Uncommon Man through American history -- with the country's related accent on individualism and initiative; we have considered the Depression-conceived concern for, and eventual elevation of, the common man -- noting how the national emphasis shifted to an overemphasis on conformity and security. We have commented upon the arrival of the postwar Upbeat Generation and the beginning of what we feel may well become and American Renaissance; a comparison of capitalism and communism, with the relative strengths and weaknesses the two systems have displayed in countries throughout the world since the end of the war; the relationship between organized religion and democracy in the U.S.; the sexual revolution taking place in our society today; and last month, American Puritanism and the importance of the separation of church and state.

Yet to Come

If we appear to have left some loose ends dangling along the way, they will be tied together in subsequent issues, wherein we will explain Playboy's sometimes misunderstood attitude toward women; an analysis of the shifting roles of the male and female in our ever-changing, ever more complex civilization; an expression of concern over the resultant drift in the United States toward an Asexual Society; a vivisection of Momism and the Womanization of America, charting the manner in which one of the sexes has successfully wrested control of our culture from the other; a review of the effect Womanization has had on our manners and morals, on business, advertising, books, newspapers, television, movies and magazines; a comparison of the sex contents of this and a number of other specific periodicals, in an attempt to establish who really is confused, who sick and who well on the subject of sex, in our schizophrenic social order; a consideration of the schism that currently exists regarding American beauty and why we believe the *Vogue* Woman is unfeminine, antisexual and competitive rather than a complementing counterpart to the American male; and finally, a summary of this publication's views on the ideal interrelationship between modern Man and Woman, Man and Society, Man and Government, and Man and Religion, in which we challenge the cynics, the hypocrites, the aesthetes, the clowns and the critics with a choice selection of their own words on the subject of Playboy. We thus intend to end this editorial with something of a feast -- perhaps more humbly described as a small repast: Calling upon whatever culinary skills we may possess, with thanks to our long association with Thomas Mario, we will serve up a tasty dish -- prepared with spice and a dash of vinegar -- a fine fowl, well suited to the gourmet appetites of our most deserving detractors: fricassee of crow. And we wish them *bon appetit*.

Religious Freedom Reconsidered

In the previous issue, we pointed out that no nation can be said to have true religious freedom unless it possesses not only freedom *of*, but also freedom *from*, religion. There is nothing sacrilegious in this viewpoint -- it is a cardinal concept in our democracy and one that our religious and patriotic founding fathers took great care to spell out in both the U.S. Constitution and the Bill of Rights. They recognized that a complete separation of church and state was the only certain way of assuring that this country's religion and its government would remain free, one from the other. A free democratic society and organized religion need not be in conflict, but neither are they grounded on the same bedrock: Religion is founded on faith and a belief in its own absolutes; a democracy requires that men rely upon reason and the relative nature of truth -- the acceptance of the notion that ultimate truth is unknown and that what we observe as truth today may give way to a better truth tomorrow. Kept separate and distinct, our own particular religion and our government can function in harmony -- we can be both religious and good citizens at the same time; but if either power is allowed to intrude into areas rightfully the domain of the other, an erosion of our most fundamental rights has begun and will be, to that extent, less free.

Considering the emphasis that our founding fathers placed upon religious freedom when writing the Constitution and the Bill of Rights, and the continuing lip service we give the concept today, there is real irony in the extent to which various religious pressures and prejudices have infiltrated our laws, our court decisions, the running of many of our cities and states, and innumerable secular aspects of our daily lives. This strange state of affairs is only understandable when we remember that most of our deeply rooted traditions come from Europe and that throughout European history, church and state have been intimately interinvolved. It matters not at all that history thus supplies centuries of documentation on the evil abuses that may result when religion and government are not kept separate -- cultural traditions exist on a nearly subconscious level in a society and they cannot be extirpated by logic alone.

Though many of the first settlers came to America to escape religious persecution, they were soon practicing themselves what they had left Europe to avoid. Early American Puritanism required the observance of a rigid religious dogma that permeated every aspect of life. And the Puritans had little respect or tolerance for any beliefs other than their own: Dancing on the Sabbath meant a night in the stocks or a session on the ducking stool; heretics and witches (i.e., those who espoused unpopular beliefs or acted too peculiarly) were hung. Trial by jury was outlawed in Connecticut and several other New England colonies; only church elders could vote or hold office; civil law was drawn directly from the Puritan interpretation of Holy Scriptures.

The prejudice and prudery, bigotry and boobery of Puritanism did have one unintentionally beneficial effect, however: the extreme importance our founding fathers placed upon the separation of church and state. But while most Americans in the time of the Revolution fervently favored this newfound freedom, the roots of religious Puritanism thrived and spread underground. With two strokes -- the Bill of Rights and the Constitution -- these first American patriots cut down the twisted tree of Puritanism (and all other forms of overpowering religious oppression), but the roots remained alive in our cultural earth.

Thus, in these United States today, we speak of an ideal called religious freedom as though it were a reality, but an uncountable number of the rights and privileges we might reasonably expect in a truly free society have been subverted, distorted or taken away through the encroachment of religion and religious prejudice into almost every aspect of American life.

If you believe that you are relatively free of religiously inspired restraints (restraints established by other people's religions, not simply your own), check your state statutes for the number of Sunday Blue Laws that force certain businesses to close their doors on the Sabbath, while allowing others to remain open; place legal restrictions on what you can and cannot do on Sunday; prohibit the purchase and consumption of alcoholic beverages at certain times and on certain days, and in some communities, at all times and on all days.

At the close of last month's editorial, we expressed the belief that religion ought rightly to be a personal matter between man and God and should have nothing to do with man's relationship with government. For when religion, rather than reason, dictates legislation, we cannot expect logic with our law.

But the so-called Sunday Blue Laws are only a small fraction of religion's continuing infringement upon our most basic freedoms. We would like to explore now a number of other ways in which religion has become involved in the nonreligious areas of our society and consider some of the consequences.

A Lesson in Lawlessness

Religious influence in government can produce a breakdown in law and order through the enactment of laws that many of the people do not believe in and will not obey. Puritan-prompted Prohibition turned previously respectable, law-abiding citizens into lawbreakers; a tremendous illicit liquor traffic developed, putting millions of dollars into the hands of well-organized criminal gangs; public officials were corrupted to protect the illegal flow of alcohol; and the general administration of justice broke down. National Prohibition, forced upon an unwilling public by do-gooders and religious zealots, is widely recognized as a classic example of the harm that even the most sincerely motivated people can do when they attempt to legislate the private lives and personal morals of their fellow citizens.

More than 30 years after Prohibition's repeal, some scars from the nation's "Noble Experiment" still have not healed: Many Americans retain and unwittingly pass on to their offspring a general disrespect for their laws and contempt for local law enforcement officers as a direct result of the lawlessness in which the ordinary citizen participated during the Twenties; and the criminal gangs that developed to supply the demand for illegal liquor have utilized the illicit organizations and profits spawned by Prohibition to build giant crime cartels that law enforcement agencies are largely unable to cope with today. This is the Frankenstein monster that we wrought as a nation when we attempted to play God and create a more perfect man -- not through education or moral persuasion, but by legal edict. Today we still suffer the mark of a mistake that lasted for little more than a decade and ended in 1932. And the saddest aspect of the "Noble Experiment" is not that we attempted it, or that it failed, but that many of us learned so little from its failure.

Divorce American Style

Marriage is a legal relationship, but the bonds of holy matrimony may also have deep religious significance. The marriage laws of church and state differ for many Americans, of course, but any conflict that may arise between them is a matter of individual concern, which is as it should be. *The same is not true for divorce.*

In all too many states, divorce legislation has been religiously inspired. As a result, there are almost as many laws establishing criteria for the dissolution of marriage as there are states in the Union.

In New York, the only legal ground for divorce is adultery. And since the real reasons for the breakup of most relationships are complex and varied, couples desiring a divorce must be willing to swear under oath to something that is not necessarily true. Or as comedian Dick Gregory has expressed it: "The Bible says, 'Thou shalt not commit adultery.' But the State of New York says, 'You *must*!'" And so respect for our laws receives yet another serious setback.

In other countries, where the concept of a separate church and state does not exist, the results can be far more devastating. The Roman Catholic Church does not recognize any justification for divorce, though it may sometimes offer the equivalent through an annulment, under certain rigidly circumscribed circumstances. In the U.S., a Catholic may receive a civil divorce decree, but he is still married in the eyes of the Church and is forbidden to marry anyone else. This places no improper restraint upon an American, because he has accepted the Catholic Church and its doctrines of his own free will and he can reject them any time he chooses.

In Catholic-controlled Italy, however, where religion dictates much of the law, the only way a marriage can be terminated -- as broadly spoofed in the film *Divorce - Italian Style* -- is through the death of one or both of the marriage partners. It doesn't matter what religion an Italian may or may not want as his own, this religious doctrine is the law of the land. Thus there must be thousands of tragedies involving unknown couples for every well-publicized injustice like the one perpetrated against Carlo Ponti and his voluptuous wife, Italian movie star Sophia Loren. Although they had been married for five years, Ponti had been married before, and his Mexican divorce had no legal standing in Italy. The Italian government has therefore announced that Carlo and Sophia are living in sin in the eyes of both the Roman Church and State and they were recently threatened with legal prosecution for bigamy. The injustice in all of this is not caused by the Catholic dogma forbidding divorce, but by the fact that religious doctrine is the basis of Italian law, affecting Catholics and non-Catholics equally.

Religion and Education

Religion can hinder as well as help the educational progress of a society: Organized religion has played a major role in the development of education throughout history and is responsible for the creation of many of our major schools and universities here in America and throughout the world. But when organized religion moves outside its proper spheres of influence, it can have a suppressive effect upon education in both the classroom and through the control exercised over a society's speech and press. Since most religions are based upon beliefs in certain absolutes, it is easy to understand why the strongly religious person might object to any idea taught in school or expressed in a book, magazine or newspaper that did not coincide with his own particular religious orientation. From his viewpoint, why permit the promulgation of a clearly fraudulent doctrine when the simple truth is so evident (to him).

But it is this very logic, built upon personal religious absolutes, that makes the curbing of any church influence upon our public schools, our speech and our press, so essential.

Last month we commented upon the famous "Monkey Trial" of the Twenties, in which a biology teacher named John Thomas Scopes was arrested in Tennessee for teaching Darwin's theory of evolution, in violation of a newly enacted state statute prohibiting anyone from espousing a "theory that denies the story of the divine creation of man as taught in the Bible, and to teach instead that man has descended from a lower order of animals." The prosecution, led by religious fundamentalist William Jennings Bryan, attacked the notion that man was related to the monkey, whereupon famed criminal lawyer Clarence Darrow proceeded to make monkeys out of William Jennings Bryan and the prosecution. But the Tennessee court found the teacher guilty just the same, and in the appeal the State Supreme Court *upheld the constitutionality of the law*, while finding the teacher not guilty on a technicality.

There may seem to be no such blatant legal restraints upon teaching today, but how many public high schools in America have little or no sex education because of religious influence expressed through either actual laws or less formal pressures? Protestant Puritanism has made the public discussion of sex taboo in America for generations, and all of Christian and Hebrew tradition includes a certain amount of antisexual folklore; in addition, many U.S. Catholics fear that any comprehensive program of sex education in the schools might soon include information on birth control -- which it should, of course, and almost never does.

Another popular method of Puritan control over education is through the banning of books in school libraries and on teachers' prescribed reading lists. In Tulsa, Oklahoma, a group of parents demanded that a teacher in Edison High School be fired because she assigned J.D. Salinger's *The Catcher in the Rye* to her 11th-grade English class; in San Jose, California, obeying parental protests, Andrew Hill High School removed five novels from its library and from its recommended reading lists for seniors -- *The Catcher in the Rye*, Ernest Hemingway's *The Sun Also Rises*, Thomas Wolfe's *Look Homeward, Angel*, William Saroyan's *Human Comedy* and Aldous Huxley's *Brave New World*, prompting the *San Jose News* to editorialize, "Involved here is culture, genius, literature and American pride that is being snuffed out for no reason at all and by people who apparently have never read a hard-cover book since their adolescent years." In Miami, Florida, the Dade County School Board approved the withdrawal

of *Brave New World* and *1984*, George Orwell's frightening contemporary classic about a future society subjected to rigorously enforced thought control.

Free Speech and Free Love

It is still just as possible for a biology teacher to find himself vilified and ostracized for expressing an unpopular point of view in the Sixties as it was in Tennessee in the Twenties. In 1960, at our own alma mater, the University of Illinois, biology professor Leo Koch responded to a student editorial in the *Daily Illini* on ritualized necking and petting on campus with a letter that stated: "With modern contraceptives and medical advice readily available at the nearest drugstore, or at least a family physician, there is no valid reason why sexual intercourse should not be condoned among those sufficiently mature to engage in it without social consequences and without their own codes of morality and ethics."

And then the professor included an all-too-prophetic paragraph that none of the major newspapers or wire services that reported on the incident cared to include in their coverage: "The...important hazard is that a public discussion of sex will offend the leaders of our religious institutions. These people feel that youngsters should remain ignorant of sex for fear that knowledge of it will lead to temptation and sin."

As though to prove the accuracy of that statement, Reverend Ira Latimer, of the Bureau of Public Affairs, Institute of Economic Policy in Chicago and member of the University of Illinois Dad's Association, sat down and wrote a letter to the parents of female students of the university. The letter included:

"Professor Leo F. Koch's exhortation to sexual promiscuity -- evidently timed to appear when a large number of high school students were visiting the campus for the annual basketball tournament -- is an audacious attempt to subvert the religious and moral foundations of America. It calls for immediate action by the faculty of the university, the board of trustees, the governor, or, if all of these fail in their responsibility, by the people of the state.

"The standard operating procedure of the Communist conspiracy is to demoralize a nation as a necessary preliminary to taking over.... Professor Koch's letter follows this formula point by point.

"...he [Koch] concludes [in his letter] that 'the heavy load of blame should fall on the depraved society which reared them.' This is also perfect Communist party-line technique -- to call that which is good 'bad' and that which is bad 'good.'

"...Animal Koch would reduce us to a sub-animal level.... All this, of course, is a calculated appeal to the appetites of young men who thoughtlessly suppose that a college campus would be a paradise if coeds were no more 'inhibited' than prostitutes. The bait for women is the suggestion that they are discriminated against by 'a double standard of morality.'

"...The central target, of course, is Christianity, and Professor Koch openly deplores 'the hypocritical and downright inhumane moral standards engendered by a Christian code of ethics which was already decrepit in the days of Queen Victoria....'

"Professor Koch's...letter is proof that something is terribly wrong in the University of Illinois. This is the university whose trustees recently voted that students getting handouts from the Federal Treasury should not be asked to sign statements that they are not engaged in conspiracy against the United States. It would seem that a majority of the trustees believe that Communists have a right to be supported by the American taxpayers....

"I herewith offer to address any student organization or campus church on the subject of 'Koch and Subversion.'"

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With biology professor Leo Koch clearly established as a part of the Communist conspiracy (the next logical step is to begin labeling sex itself as subversive; with the old bugaboo *sin* having lost much of its original potency, it may not be too farfetched to suspect that sexual intercourse outside of marriage will soon be attacked as a Commie invention -- or a sign of liberal, leftist, pinko leanings, at the very least), several hundred distraught Illinois parents demanded his dismissal. David D. Henry, president of the University of Illinois, hesitated hardly a moment: He promptly suspended his biology professor with the statement that Koch's letter was "offensive and repugnant, contrary to accepted standards of morality."

The *Christian Century*, a prominent Protestant magazine, was disappointed in the reason President Henry gave for the suspension, considered it "deficient" in that it was "humanistic" and failed to state that the religious taboos violated by Koch are based on "revelation."

The nation's newspapers had a field day with distorted headlines like: PROFESSOR TO BE FIRED FOR URGING FREE LOVE. And the Illinois campus witnessed a student demonstration that would have warmed the hearts of those who have criticized American youth for being too passive and unresponsive to public issues: President David D. Henry was hung in effigy -- a well-dressed likeness complete with spectacles and a mustache -- just outside the University YMCA, complete with a sign that read, "Hanged for Killing Academic Freedom." (The general secretary of the Y said that the students who had hung the dummy there were "plotting against the YMCA.")

More than 2000 students held a rally to protest the professor's suspension. One poster held aloft by a student during the demonstration expressed the matter nicely: NOT "FREE LOVE" BUT FREE SPEECH. W. Thomas Morgan, former FBI agent, who is now the university's chief security officer, said the demonstrations had been kept under close surveillance: University photographers took a number of pictures of the *students closest to the speaker's platform*. (Apparently based on some sort of "guilt by proximity.")

There were other, more literate protests. One student wrote to the *Daily Illini*: "President Henry felt that Dr. Koch's views were a reflection on the university. I feel that the university's action is a reflection on me. The cynicism implied in the act must not be allowed to speak for the students...."

A report to President Henry from the "University Committee on Academic Freedom" stated: "In this university...21.8% [of the students] are already married and the remainder are at a stage of development and maturity at which they can and do weigh and debate advice on relations between the sexes. It is doubtful if the reading of the Koch letter could have had any significant effect on their sexual behavior."

The Illinois Division of the American Civil Liberties Union -- a national, nonprofit organization dedicated to preserving the fundamental freedoms guaranteed by the U.S. Constitution and Bill of Rights, made up largely of lawyers who donate their time without charge and that also played a prominent part in the defense of biologist Scopes in the "Monkey Trial" of the Twenties -- issued the statement: Koch's dismissal will "leave the young with the impression that conventional morality cannot stand the scrutiny of public discussion."

Dr. Leo Koch himself observed: "The controversy here is over the definition of Academic Freedom. My opponents are working for a definition limited by 'academic responsibility.' In their mind, this means not embarrassing the university administration by expressing views which are so controversial that outside pressure is exerted on them. In this view a professor has less freedom of speech than a ditchdigger."

A few weeks later Professor Koch's suspension was confirmed by the University Board of Trustees and he was officially fired. Such is sometimes the result when religion becomes too involved in education.

Censorship for Adults

American religious beliefs have placed unconstitutional curbs on our freedom of speech, press and other media of communication: Just as organized religion sometimes exerts an undue influence on teaching and the administration of our public schools, so it also affects the free exchange of ideas among the people themselves -- whether spoken, printed or projected on a movie or television screen.

In part three of *The Playboy Philosophy* (February 1963), we commented on the sexual revolution presently taking place in the U.S. and the effect this is having upon the purityrannical censorship that has for so long been a part of our American culture. The sexual naivete of our nation little more than a generation ago is almost beyond belief: Important books were banned (not just in schools, but for the entire adult population), movies were precensored, the U.S. Post Office was the official arbiter of taste in periodicals; a national magazine was outlawed in a number of communities for publishing pictures of the birth of a baby; venereal disease, contraception and abortion were subjects taboo to the public press; a number of words common in our language were never allowed in popular books and magazines.

Times have changed and today America enjoys a freedom of expression unparalleled in its history. But we still have a long way to go, for beneath the surface of this freedom-loving nation still runs a strain of comstockery waiting to be exploited by the neurotic, the ignorant, the misguided and the well-intentioned.

Congresswoman Kathryn Granahan of Pennsylvania fits at least three of these aforementioned characterizations. As Chairman of the House Subcommittee on Postal Operations, she allows neither snow nor rain nor heat nor gloom of night to stay her from her self-appointed task of hunting and exposing "smut and filth." In her subcommittee hearings she has included, along with other investigatory chores, the exposure of "dirty" foreign movies. She sounded the hunting horn in a speech she gave in Washington, D.C. not long ago. "I am most gravely concerned at the influx of foreign films that evidence a sense of moral values so remote from ours as to be completely repugnant," she said, adding that the "overemphasis and distortion of sex" in those movies might well be part of the Communist plot to sap U.S. moral strength. (Gosh darn, we were right -- sex *is* subversive! Now *there's* something Mother never told us.)

A more aware comment about sex in cinema came from producer-director Elia Kazan: "Art should help us digest and understand our own experience," he said. "The issue is not one of making immoral movies. Our problem is to prevent moral values from being oversimplified. People see a film that has a phony happy ending, and they get a distorted view which hurts them later. They expect life to be what it isn't."

Comedian Lenny Bruce, perhaps the most perceptive and certainly the most provocative gentleman working on an American nightclub stage today, whom Steve Allen recently called "a true philosopher" on a recent TV panel show, seeks with his wit and verbal shock therapy to provoke people into seeing life very much as it really is. In the past year he has been arrested and jailed three times for his pains -- in San Francisco, Los Angeles and Chicago. The charge has always been the same: obscenity; for Lenny's act includes a dissertation on so-called "obscene" words and an analysis of why they are considered obscene.

It didn't matter that a nightclub audience is traditionally composed almost exclusively of adults and that these same words appear in considerable abundance in dozens of popular books of fiction, available to anyone in inexpensive paperback editions at the nearest drugstore. Lenny's San Francisco trial has already ended; he was acquitted. The cases in Los Angeles and Chicago are still pending as this issue of *Playboy* goes to press; in Chicago the liquor license of The Gate of Horn, the club in which Lenny appeared, is presently involved in a revocation proceeding because of the allegedly obscene act (the revocation proceeding is taking place *before* the trial to determine if Bruce's act really was obscene).

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The Chicago arrest also had some unfortunate religious overtones. Lenny Bruce explores the entire spectrum of society's foibles and frailties in his act and it is perhaps inevitable that organized religion gets more than its share of abuse in the process. One of his lines, "Let's get out of the churches and back to religion," is typical.

Bruce has been arrested or threatened and driven out of other cities on a number of previous occasions, but this is the first time that the club in which he worked has had revocation proceedings brought against it.

Variety reported, after the first day of hearings on the liquor license revocation: "After nearly a full day of hearing prosecution witnesses, it is evident that, in essence, Bruce is being tried *in absentia*.

"Another impression is that the city is going to a great deal of trouble to prosecute Allan Ribback, the owner of the club, although there have been no previous allegations against the caf and the charge involves no violence or drunken behavior.... [The Gate of Horn is Chicago's most important caf specializing in folk music.]

"Testimony so far indicates that the prosecutor is at least equally as concerned with Bruce's indictment of organized religion as he is with the more obvious sexual content of the comic's act. It's possible that Bruce's comments on the Catholic Church have hit sensitive nerves in Chicago's Catholic-oriented administration and police department."

A few days following the arrest, one of the arresting officers cornered club owner Ribback and said, "I want you to know that I'm a Catholic and the things Lenny Bruce said in here are offensive to my religion and to me. And I want you to know he's not going to get away with it and you're not going to get away with it either."

Shortly after the Chicago arrest, Bruce received a letter from the Reverend Sidney Lanier, Vicar of St. Clement's Church in New York, which said: "I came to see you the other night because I had read about you and was curious to see if you were really as penetrating a critic of our common hypocrisies as I had heard. I found that you are an honest man, sometimes a shockingly honest man, and I wrote you a note to say so. It is never popular to be so scathingly honest, whether it is from a nightclub stage or from a pulpit, and I was not surprised to hear you were having some 'trouble.' This letter is written to express my personal concern and to say what I saw and heard on Thursday night.

"First, I emphatically do *not* believe your act is obscene in intent. The method you use has a lot in common with most serious critics (the prophet or the artist, not the professional) of society. Pages of Jonathan Swift and Martin Luther are quite unprintable even now because they were forced to shatter the easy, lying language of the day into the basic, earthy, vulgar idiom of ordinary people in order to show up the emptiness and insanity of their times. (It has been said, humorously but with some truth, that a great deal of the Bible is not fit to be read in Church for the same reason.)

"Clearly your intent is not to excite sexual feelings or to demean, but to shock us awake to the realities of racial hatred and invested absurdities about sex and birth and death -- to move toward sanity and compassion. It is clear that you are intensely angry at our hypocrisies (yours as well as mine) and at the highly subsidized mealy-mouthism that passes as wisdom.

"You may show this letter to anyone you wish if it can be of help. Please call me when you come back from Chicago. May God bless you."

Some religious leaders really are leaders, in the best sense.

A Rose Is a Rose

Can a single word or phrase -- apart from its overall meaning or intent -- be considered obscene? Some people seemingly still think so, despite the Supreme Court ruling that obscenity must be judged within the context of the total work in which it appears.

Just how much our attitude on what's in a name has changed over the past 15 years may be seen by considering the following: *Life* -- the same magazine that was outlawed in a number of cities across the U.S. for publishing photographs of a baby's birth in the late Thirties -- editorialized against the use of four-letter words in the prize-winning novel *From Here to Eternity*, by James Jones, just ten years later. *Life's* editorial was titled "From Here to Obscenity" and the editors objected to the strong language included in the speech and thoughts of the soldiers in the book. They didn't suggest that the language was not authentic -- they knew it was -- but they expressed the notion that the same words may have a different effect when read in a novel and when spoken by soldiers in barracks and battle. They also pointed to *The Red Badge of Courage*, the powerful novel about men fighting in the Civil War, written by Stephen Crane, who had never been in battle himself, as proof that it was possible to write about war without the use of certain words they found objectionable. And in this, they are undoubtedly right, though it hardly appears to make any point. It might also be possible to write a great book without ever once using the letter "e" -- but for what purpose? Their suggestion, if taken seriously, would turn the art of writing into a semantic parlor game. No writing can capture completely the full emotion of experience. But their proposal would defeat one of the major purposes of literature -- to make the world a bit more real and comprehensible by exploring subjects and experiences with which the reader may very well not be personally familiar. Or, as distinguished literary critic, lecturer, teacher and author Leslie A. Fiedler expressed it in his *Playboy* article, *The Literati of the Four-Letter Word* (June 1961): "The unexamined life, Socrates once remarked, is not worth living; he might have gone on to note further that the unexpressed act is not fully lived. What we cannot say we cannot examine, and what we cannot examine we do not really experience. These are the simple truths which make clear why literature has meaning in our lives, and our lives total meaning only when they have become *also* literature."

That a rose by any other name may have a decidedly offensive odor was made exceedingly clear in a CBS-TV interview with Mrs. Christine Gilliam, housewife and head of Atlanta's five-member movie-censorship board, in explaining why she banned *Never on Sunday* in her city: "I might call your attention to the fact that some of the other films that have had a similar theme have not used the word whore," she told the interviewer and several million television viewers. "We've called them tramps; we've called them ladies of easy virtue; we've called them callgirls; we've called them...girls of the night; but that is a word that we have not customarily allowed on our screens in Atlanta, because we consider it just a bit too rugged for family audiences." (The good lady's concern over what words were to be allowed on the screens of Atlanta apparently did not include TV screens.)

As the head of the Memphis censor board, also a housewife, commented a while back: "I have heard twice in pictures a word that I have never heard used before: 's-l-u-t.'"

The Kansas Board of Review is typical of the groups that are appointed watchdogs of public morality in movies and, despite all the unexpurgated films they see, these good citizens never seem to be driven to crime or debauchery: The Chairman of the Board is Mrs. Kitty McMahon, who attended junior college but did not graduate; other members are Mrs. C.E. McBride Jr., a high school graduate; and Mrs. Cecile Ryan, who attended Central College for Women in Lexington, Missouri. All three were appointed by the governor.

The following excerpts are quoted verbatim from the Kansas Board's monthly reports: "Eliminate shouting of word 'bitch' (*Tiger Bay*); eliminate where Elizabeth Taylor says to her mother, 'I'm the slut of all times' (*Butterfield 8*); eliminate last part of dance scene of the first queen, showing the pelvic motions (*Esther and the King*); eliminate where Danny shouts to his mother, 'What are you doing shacking up with him?' (*The Young Savages*); eliminate dialog where wife says to husband, Harold, 'Martin did not rape me' (*Last Woman on Earth*); eliminate where pregnant woman says to other woman, 'Bastards have only

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bastard children'...also eliminate rape scene (*The Virgin Spring*); eliminate where Dominique is in bed and turns over and exposes nude buttocks (*The Truth*); eliminate where guest says to girl 'Hi, bitch,' also where Magdalena says to Marcello, 'I want to amuse myself like a whore,' also where blonde says to man, 'That bitch is in love with you,' also where Emma tells Marcello, 'Go back to your whore,' also where blonde says, 'I've always been a whore all my life and I'm not going to change now' (*La Dolce Vita*)."

None of this concentrated activity on the part of the well-meaning ladies of Kansas is apt to bring movies any closer to what Kazan described as their more serious aim: "to help us digest and understand our own experience."

Is it too much to suggest that no single word or phrase should be so objectionable, so repugnant to the normal adult that it cannot be spoken, printed or projected on a motion picture or television screen? (And good sense dictates, and the Supreme Court has confirmed, a complex contemporary society must be run on terms suited to the normal adult, not some perverted exception and not children, lest the society thus be reduced to the level of the pervert or the child.)

The very notion that a solitary word could be vile and harmful enough to warrant expurgating it from a book, a movie or a play appears preposterous on the face of it. These "filthy" and "obscene" words are produced from the same familiar 26 letters of our alphabet as those suitable for the most proper and polite society. How can inoffensive letters produce an obscene word when put together in a certain way? Even the very same letters are impotent unless arranged in precisely the proper order -- clearly demonstrating that the taint is upon the word itself and not upon the component letters. (Reassurance for any of you who may have been inclined to suspect those little letters of any mischief on their own.)

Equally apparent, upon consideration, is the more remarkable fact that it is not the thought, the action or the object *described* by an obscene word that makes it obscene; for the idea, activity or entity can almost always be described by other "acceptable" words -- "clean" words that mean precisely the same thing as the "dirty" ones. It is clear then that it is the word -- and the word alone -- that commits the offense.

An emotionally charged response to a word rather than to its meaning -- to the symbol rather than the thing symbolized -- is as primitive and illogical as totem worship or other forms of idolatry (which the Ten Commandments specifically forbids). The image of 20th Century Man -- splitter of the atom, conqueror of space, healer of the world's most dread diseases -- groveling on his knees before the magic potency of a four-letter word may be just ludicrous enough to sway the least convinced of our readers. It may hopefully raise doubts about the logic underlying society's commonly accepted attitude toward not only obscene words, but *all* so-called obscenity.

Mortimer J. Alder, director of the Institute for Philosophical Research, recently wrote, in response to a query on the pro and con of censorship in a democratic society: "Censors today object to certain words as well as to certain subject matters. They wish to ban the public use of common terms for sexual and excretory functions and organs. This leads to a certain difficulty, since many of the greatest writers in our tradition -- including Aristophanes, Rabelais, Chaucer, Shakespeare and the translators of the King James version of the Bible -- use some or all of the earthy terms. If we are to follow the verbal criterion of obscenity, then we must ban some of the greatest works in our tradition, or we must inconsistently permit in the classics of the past what we will not permit in contemporary works.

"Again, it is hard to determine the exact moral effect of ordinary terms, which, as Judge Woolsey remarked in his [favorable] decision on James Joyce's *Ulysses*, are in fairly common usage. For one thing, their directness and simplicity may be more wholesome than the sniggering indirectness of artful erotica."

Judge Thurman Arnold, past assistant attorney general of the U.S. Court of Appeals, offered an observation on the extent to which a symbol can itself become obscene, as a participant in the Playboy Panel on "Sex and Censorship in Literature and the Arts" (Playboy, July 1961): "In 1911 a book was widely sold named *Three Weeks*," said the judge, "in which the obscene passages consisted only of

pages of asterisks at appropriate places. The book was passed from hand to hand in every college. Certainly it is unhealthy to be stimulated by asterisks.... A strict standard of obscenity contributes to such unhealthy [possibilities]." Judge Arnold stated that when strong sexual connotations are given to symbols (such as words) it tends to "create attitudes toward sex which are akin to fetishism."

CHAPTER 6

Introduction

The other afternoon, while drawing up an outline of subjects to cover in this month's editorial, we received a telephone call from a New York agent (showbiz, not literary) and in the course of the conversation, we mentioned that we were working on *The Playboy Philosophy* for May. He said that a few evenings earlier he had read the current *Philosophy* aloud to his wife and they had spent most of the evening discussing it. If this editorial series can get very much of that sort of thing going around the country -- prompting discussion and debate on the relative merits of the common and the uncommon man, individual initiative vs. security and conformity as motives in modern society, the deeper significance of religious freedom in America and the other subjects we've been expressing our own views on the last few issues -- it will have been well worth the writing. We must confess that we feel closer to our readers while working on each new installment of *The Playboy Philosophy* than we have at any time since we began editing this journal nearly ten years ago and nothing we've previously done here at Playboy has given us any greater satisfaction or pleasure.

It's an interesting experience -- organizing and setting down the fundamental ideas and ideals that have influenced and motivated one over the years. You find that in the very process of spelling out what you believe in, new truths begin taking form, new perspectives and relationships that you had previously only been vaguely aware of start falling into place. It's a very stimulating process.

We try to personally read all the mail that comes in on the *Philosophy* and there has been a considerable amount of it -- more than on any previous article, series or feature we've ever published. The letters are all carefully considered and we try to take them into account as we draw up the subject outlines for future parts of this editorial.

We don't expect very many of our readers to agree with all the points we make in *The Playboy Philosophy*, though most will probably agree with most of them -- for it is the unusual rapport between editors and readers that has made Playboy such a remarkable publishing phenomenon. But the single most significant point we have tried to establish here is the importance of many varied and divergent opinions -- it is through their free exchange and interplay that a democracy thrives.

In the March issue, we discussed the importance of religious freedom and the separation of church and state in any society that is to remain truly free; we traced the history of American Puritanism and, last month, we pointed out how it has managed to insert itself into many of our laws and traditions, so as to frustrate some of the guarantees of freedom that our founding fathers wrote into the U.S. Constitution and the Bill of Rights. Religious puritanism is never more insidious than when it succeeds in undermining the free expression of words and ideas amongst us. In the April issue, we also pointed out that censorship can become so confused that single words -- treated as symbols, separate and apart from the action, object or idea they may represent -- are often considered "obscene" in our culture; although granting such power to mere symbols might be likened to the worship of idols -- specifically forbidden by the Bible -- and is, according to Judge Thurman Arnold, creating attitudes toward sex that are akin to fetishism.

Obscenity and the Law

The U.S. courts no longer accept the position that a single word or phrase can be legally obscene, so such censorship or suppression in America is actually extralegal or outside the law; the U.S. Supreme Court has ruled that a work of art or literature -- and this includes any book, magazine, movie or play -- must be judged in its entirety and no part of it may be considered alone. But while the courts have become increasingly liberal in their interpretation of what constitutes obscenity in recent years, they still persist in judging our art and literature on the premise that obscenity does indeed exist and that it is illegal and outside the protections guaranteed to our freedoms of speech and press. It is with this premise that we want to take issue.

Is there any idea, no matter how repellent it may seem to some, that we can hope to expunge from the mind of man or afford to disallow in his writing or speech? As we have already said -- and said again -- our democratic way of life is built upon ideas, and our nation's inner strength is drawn from their free, unhampered exchange -- not, as Congresswoman Kathryn Granahan would have us believe, from censoring those notions that do not particularly suit us at a particular time. History has proven, over and over again, that the most important ideas are often not recognized as such when they are first expressed.

Thomas Jefferson, author of the Declaration of Independence, stated in his second inaugural address: "The press, confined to truth, needs no other restraint...no other definite line can be drawn between the inestimable liberty of the press and demoralizing licentiousness." And in 1799 James Madison, chief hand in the drafting of the Constitution of the United States, wrote that to make a "distinction between the freedom of and the licentiousness of the press" would subvert the First Amendment.

Madison stated further: "Some degree of abuse is inseparable from the proper use of everything and in no instance is this more true than in that of the press. It has accordingly been decided by the practice of the States, that it is better to leave a few of its noxious branches to their luxuriant growth than, by pruning them away, to injure the vigour of those yielding the proper fruits."

The founding fathers of this great democracy were unalterably opposed to any exception in this nation's guarantees of the freedoms of speech and press because of supposed immoral, licentious, obscene or otherwise objectionable ideas that might be expressed, for they were convinced that no man, or group of men, or any government had the right to curtail the opinions of any other man or their free expression.

Nothing in the intervening years has given us any reason to disagree with the wisdom of these first American patriots; in fact, a greater insight into the psychological factors that influence man's behavior supplies additional reasons for agreeing with Jefferson and Madison that these most basic freedoms should not be abridged. Nevertheless, religious puritanism has subtly eroded both the spirit and letter of this doctrine so that today it is virtually lost to us.

Only with the sexual revolution of the last decade have we begun to win back some of this long-lost freedom. We would like to establish here why we, ourselves, are opposed to any manner of censorship and why the label of "obscene" is no just cause for suppressing any man's endeavor, no matter how significant or trivial.

The Problem of Definition

We do not believe that a satisfactory definition for obscenity can ever be established.

The Supreme Court of the United States attempted a definition in 1957 in a split decision (7 to 2) in the case of *U.S. vs. Roth*. The High Court ruled that a work is obscene when "to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest." This is the definition currently used by the courts.

It had the virtue of seriously curtailing the kind of arbitrary censorship that had previously prevailed. It included several specific directives: A work must be judged as a whole, not piecemeal; the predominant theme must be prurient; the standard for judgment must be an average member of the community, not an emotionally retarded adult and not a child. It confirmed that a mere discussion or portrayal of sex was not enough to automatically stamp a work "obscene"; on the contrary, the Supreme Court clearly recognized that material dealing with sex was an essential part of the exposition of ideas protected by the Constitution and only those works devoid of the "slightest redeeming social importance" were considered to be outside the protective arms of the fundamental law; unorthodox ideas, controversial ideas, even ideas hateful to the prevailing climate of opinion have the full protection of the First Amendment. It also attempted to establish a distinction between erotic realism and pornography.

However, as much-censored author D.H. Lawrence observed: "What is pornography to one man is the laughter of genius to another."

And how does one go about "applying contemporary community standards"? The community standards of a sophisticated urban area like San Francisco are certainly not the same as those of a small town in Massachusetts. The community standards in the heart of a major city may not be the same as those of its suburbs; and both may differ from those to be found in the outlying rural areas; or in any particular part of a city where one particular ethnic or religious group predominates. Whose particular community standards do we apply? Is it to be the will of the majority? Or is it the will of a well-educated and enlightened minority? And in any case, have we the right to deny the laughter of genius to one group on the ground that it is pornography to another?

Justice William O. Douglas of the Supreme Court has observed: "The standard of what offends 'the common conscience of the community' conflicts, in my judgment, with the command of the First Amendment that 'Congress shall make no law...abridging the freedom of speech, or of the press.' Certainly that standard would not be an acceptable one if religion, economics, politics or philosophy were involved. How does it become a Constitutional standard when literature treating with sex is concerned?

"Any test that turns on what is offensive to the community's standards is too loose, too capricious, too destructive of freedom of expression to be squared with the First Amendment. Under that test, juries can censor, suppress and punish what they don't like, provided the matter relates to 'sexual impurity' or has a tendency to 'excite lustful thoughts.' This is community censorship in one of its worst forms. It creates a regime where, in the battle between the literati and the Philistines, the Philistines are certain to win."

Moreover, the judicial assumption that pure pornography is without any "redeeming social importance" is open to serious question. There is presently a considerable school of scientific opinion amongst authorities on human behavior suggesting not simply that pornography is harmless, but that it may actually have some value as a sublimation and release for pent-up sexual frustrations and desires.

Any person who feels the censor's vengeful wrath may find some comfort in the knowledge that he is in illustrious company, for many of the world's most honored writers, artists, poets and philosophers -- the giants and the geniuses down through the ages -- have known the scorn of their contemporaries and seen their works expurgated, bowdlerized, banned, burned and otherwise disfigured and destroyed. The list of the censored is a veritable Who's Who of philosophy, art and literature: Homer, Confucius, Dante, Galileo, Shakespeare, Bacon, Voltaire, Gibbon, Martin Luther, John Calvin, Thomas Paine, Thomas Jefferson, Goethe, Shelley, Balzac, Victor Hugo, Hawthorne, Hans Christian Andersen, Elizabeth Barrett Browning, Darwin, Whitman, Ibsen, Tolstoy, Mark Twain, Gilbert and Sullivan, Zola, De Maupassant, Shaw, Oscar Wilde, Kipling, Jack London, James Joyce, D.H. Lawrence, Eugene O'Neill, Faulkner, Hemingway and Walt Disney, to name but a few.

Since the beginning of recorded history there have been individuals determined to force their own standards upon their fellow men. And time inevitably proves that the "dangerous" work of art or literature of one generation is the classic of the next -- that any contemporary condemnation of the spoken or the written word appears ridiculous to succeeding generations.

Even the Bible has faced a long history of censorship in many countries. When William Tyndale translated the Bible into English, his work was suppressed and in 1536 he was imprisoned, strangled and then burned at the stake along with his translations.

Judge Thurman Arnold, past assistant attorney general of the U.S. and celebrated associate justice of the U.S. Court of Appeals, who wrote the famous decision in the *Esquire* obscenity case in 1946, has commented on the frustration and unintentional humor sometimes involved in a court's attempt to determine what is, and is not, obscene; as a participant in the *Playboy Panel* on "Sex and Censorship in Literature and the Arts" (*Playboy*, July 1961), Judge Arnold observed: "I remember that in the case of *Sunshine Book Company vs. Summerfield* -- involving a nudist magazine -- in the District Court, Judge

Kirkland examined each nude in the magazine and tried to analyze which would cause prurient thoughts. He condemned some and passed others. The spectacle of a judge poring over the picture of some nude, trying to ascertain the extent to which she arouses prurient interest -- and then attempting to write an opinion that explains the difference between that nude and some other nude -- has elements of low comedy." Judge Arnold once commented that the only way to avoid argument over what is obscene and what is art in cases of this kind is to hold that "no nudes is good nudes," which he was unwilling to do.

Arnold pointed out that William James made a most telling -- and amusing -- comment on the desperate futility of "playing the game of definitions," in trying to determine just what "hard-core pornography" is: James wrote, "Such discussions are tedious -- not as hard subjects like physics or mathematics are tedious, but as throwing feathers endlessly hour after hour is tedious."

Dr. Albert Ellis, clinical psychologist and psychotherapist, authority on sex and marriage, author of *The Folklore of Sex* and co-author of the two-volume *Encyclopedia of Sexual Behavior*, said, during the same *Playboy Panel* on "Sex and Censorship": "I don't believe that the word 'obscene' can ever be properly, conclusively defined."

Creeping Censorship

One of the great difficulties with censorship of any sort is its unwillingness to stay put. It has a tendency to spread -- and to contaminate other things around it. Once we accept the basic premise that any man or group or government has the right to dictate what the rest of us may read and listen to, what movies, plays and television programs we may watch, we've surrendered the ability to control the excesses that are certain to follow. Once the creepy, crawly creature is let inside the house, there is no predicting where it may get to and whom it may infect. A list of banned books begins with something called *White Thighs* and winds up with *The Sun Also Rises* by Ernest Hemingway and J.D. Salinger's *The Catcher in the Rye*; a local movie censor begins by clipping all the nudes out of a "nudie" film (leaving almost nothing but the credits), graduates to snipping Brigitte Bardot's bare fanny out of *The Truth* and winds up mutilating Ingmar Bergman's *Virgin Spring* (or cutting "s-l-u-t" out of a soundtrack, as a Memphis censor explained she'd done, because it is "a word I have never heard used before").

The charge of obscenity itself is sometimes used as a cover for other things to which the censor objects: Political, philosophical, social, medical, religious and racial ideas have all been damned at one time or another for being "obscene." This aspect of speech, art and literature that experts like Ellis doubt will ever be "properly, conclusively defined," but which the U.S. Supreme Court has ruled outside the protection of the Constitution, can thus be used by freedom's enemies to thwart and throttle almost any opinion they oppose.

We quoted newspaper reports last month on the Chicago case against comedian Lenny Bruce, indicating that while the formal charge was obscenity, "testimony so far indicates that the prosecutor is at least equally concerned with Bruce's indictment of organized religion...."

Criminal charges of obscenity were brought against the comic and a license revocation proceeding was instituted against The Gate of Horn, the club in which he was performing at the time of the arrest. Within the last 12 months, Bruce has also been arrested on charges of giving obscene performances in San Francisco and Los Angeles; he had already been acquitted in a jury trial in San Francisco and the Los Angeles case was still pending at the time of the Chicago arrest and trial; in neither of the previous cases had any legal or administrative action been taken against the club in which he appeared.

The liquor license revocation proceeding was held *before* the trial to determine whether or not Bruce's act really was obscene. *Variety* reported, "After nearly a full day of hearing prosecution witnesses, it is evident that, in essence, Bruce is being tried *in absentia*."

"Another impression is that the city is going to a great deal of trouble to prosecute Alan Ribback, the owner of the club, although there have been no previous allegations against the caf and the charge involves no violence or drunken behavior...."

The Gate of Horn, Chicago's foremost caf specializing in folk music, had its liquor license suspended for 15 days as a result of the hearing and owner Alan Ribback was forced to sell controlling interest in the establishment, because he was financially unable to reopen it on his own.

The trial was as incredible a spectacle as the hearing, though not for precisely the same reasons. In our opinion, Lenny Bruce is one of the most brilliant, perceptive performers to appear on a nightclub stage in the last decade (a viewpoint we share with a diverse group of critics and commentators on the performing arts that includes Steve Allen, Kenneth Tynan, Irv Kupcinet, Nat Hentoff, Dan Sorkin, Paul Krassner and Ralph Gleason); Bruce is also compulsively careening down a road of personal self-destruction from which there seems to be no turning back, which only made the trial doubly pathetic. Lenny decided to act as his own defense attorney.

As luck would have it, Playboy was taping the performance the night of the arrest for a review we were planning on his act (favorable); we have the entire evening on four-track and it was introduced as evidence at the trial by Bruce. We weren't at Gate that evening, but we have played the tape and, in our opinion, the judge should have handed down a verdict of not guilty. The lawyer who worked along with Bruce on the case made a motion to the effect, but it was denied.

The religious considerations in the case arose again during the trial, as *Variety* reported in a second news story: Legal authorities "have been puzzled by the arrest, since it is the general opinion of many caf observers that performances with similar sexual content have been overlooked at other Chi clubs. It's thought that Bruce's attacks on organized religion may have been a deciding factor in making the arrest, or so the line of prosecution questions would indicate to date."

Variety further stated: "The religious aspect popped up inadvertently on the final day of the prosecution's testimony when 30 girl students from a Catholic college, who dropped in on a tour of the courts, were asked to leave [by the court]. The girls were in their late teens and early twenties."

The jury, applying their own particular concept of "community standards," found Bruce guilty. Judge Daniel J. Ryan denied a defense plea for more time to prepare a motion for a new trial (needed because a new lawyer for the defense had just come into the case) and the comedian was sentenced to one year in jail and a fine of \$1000, the *maximum* penalty allowable under the Chicago obscenity statute. This sentence was pronounced in the United States of America, in the year 1963, because a man exercised his Constitutionally guaranteed right of free speech before an adult audience who had voluntarily gone to hear him speak and paid for the privilege. The sentence was pronounced because certain others in the community did not like the things that Bruce was saying, and objected to his saying them, even though they themselves were free to *not* go and pay to hear him. You don't have to be a Lenny Bruce fan to be appalled by this.

Since -- the acts of this particular judge and jury notwithstanding -- the Lenny Bruce performance was not actually obscene, the decision will most certainly be reversed on appeal to a higher court. But one concerned with the underlying question of human rights must recognize that those opposing Bruce's freedom of speech will most probably be winners in any case -- for few, if any, Chicago club owners will risk booking the comedian in the future, with the threat of a possible license revocation hanging over their heads.

Lenny was not in court on the final day of the trial; he had a court appearance scheduled in Los Angeles on two new arrests from the previous week. LA police had tagged him with another obscenity charge during his opening night performance in a club on the Sunset Strip, although his previous Hollywood case had not yet come to trial. A few days later the Los Angeles police arrested him in a cab for suspicion of possessing narcotics (the third LA arrest on this charge within a year). The narcotics

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charge could bring up to ten years imprisonment, if they can make it stick; authorities sentenced stripper Candy Barr to 15 down in Texas for possession of marijuana on a first offense -- 15 years!

Lenny himself is to blame for much of his trouble, if it's possible to blame a lost soul for being lost. But we keep getting images of Billie Holiday and remembering the kind of police harassment she went through during her last night here on earth. A few days before his Chicago trial, Bruce received a letter from the Reverend Sidney Lanier, Vicar of St. Clement's Church in New York, who wrote, in part: "I came to see you [in a New York club performance] the other night because I had read about you and was curious to see if you were really as penetrating a critic of our common hypocrisies as I had heard. I found that you are an honest man, sometimes a shockingly honest man.... It is never popular to be so scathingly honest, whether it is from a nightclub stage or from a pulpit, and I was not surprised to hear you were having some 'trouble.'"

Lenny's "trouble" has included a dozen arrests in as many months -- six of them in Los Angeles, his hometown; he has lost his Beverly Hills house and is deeply in debt; the number of nightclubs in which he can work has steadily decreased to a small handful; the money he can earn in a club has decreased proportionately. Most of his friends and business associates have deserted him -- many driven away by his unpredictable manner and moods -- but the Vicar of St. Clement's Church in New York offered -- out of profound conviction and with true Christian charity -- to come to Chicago and be a witness at his trial. Hip and perceptive Chicago disc jockey Dan Sorkin (best DJ in the Midwest and remembered nationally as second banana-announcer on the Emmy-winning Bob Newhart television show) withstood tremendous local pressures and literally risked his Chicago career to testify at the trial in Lenny Bruce's behalf. It was a matter of principle and a defense of free speech that many around and over Sorkin could not understand; he offered to resign and seriously contemplated leaving the city rather than succumb to the coercion that was applied in opposition to his testifying.

Will Lenny Bruce be silenced? Perhaps. And if he is, the world will be a little poorer for it. Who else but Bruce could conceive of avoiding the newspapers' cameras after a Los Angeles court appearance by printing four-letter words all over his face with Mercurochrome?

Reverend Lanier wrote: "I emphatically do *not* believe that your act is obscene in intent. The method you use has a lot in common with those of most serious critics (the prophet or the artist, not the professional) of society. Pages of Jonathan Swift and Martin Luther are quite unprintable even now because they were forced to shatter the easy, lying language of the day into the basic, earthy, vulgar idiom of ordinary people in order to show up the emptiness and insanity of their times. (It has been said, humorously but with some truth, that a great deal of the Bible is not fit to be read in church for the same reason.)

"Clearly your intent is not to excite sexual feelings or to demean, but to shock us awake to the realities of racial hatred and invested absurdities about sex and birth and death -- to move toward sanity and compassion. It is clear that you are intensely angry at our hypocrisies (yours as well as mine) and at the highly subsidized mealy-mouthism that passes as wisdom.... May God bless you."

In 1951 both Chicago and New York banned the Italian film, *The Miracle*, starring Anna Magnani, on the grounds that it was "sacrilegious." The film's distributor fought the ban through the courts and the Supreme Court ruled that sacrilege was not a proper basis for banning a movie; whereupon the City of Chicago promptly banned the motion picture again -- this time on the ground that it was "obscene." Again the film distributor took the case through the courts and again the Chicago censors' decision was overruled, but by the time the movie was finally cleared in the second Supreme Court decision, so much time had elapsed that there was no longer any meaningful market for the movie.

The Chicago censors' attempt to cut several "objectionable" words out of *Anatomy of a Murder* was successfully thwarted through a court appeal by the movie's producer, Otto Preminger; one of the "objectionable" words was "contraceptive," a medical term that can only be objected to on certain religious grounds.

The *Chicago Tribune*, self-proclaimed "The World's Greatest Newspaper," announced to its readers a little over a year ago that, henceforth, because of the number of popular books that its book editor found offensive, its list of "Best Sellers" would no longer include the titles of those volumes that did not measure up to their concept of community standards. Anyone turning to the *Tribune's* Book Department list of "Best Sellers," because of an interest in learning which books are currently most popular with the public, must receive, therefore, a slightly distorted view of what America is reading. From expurgated books, we have moved to expurgated book lists.

In the South, the charge of "obscenity" may be applied to unpopular ideas about miscegenation or some other racial issue. In Memphis last December the French film, *I Spit on Your Grave*, involving a light-skinned Negro who witnesses the lynching of his brother in a Southern town and decides to go up North and pass for white, was approved by the city censor board only to be seized in mid-showing by the Memphis vice squad and the print confiscated. The theater manager said he had "never heard" of such a thing as "seizing a film" (which he did not own, but only rented). He stressed the fact that the movie had been viewed and approved by the Memphis censor board and said, "What is confusing to me is exactly what power a censor board possesses when its power can be usurped by another authority."

Apparently even a city's fire department can get into the censorship act if they've a mind to. In Columbus, Ohio, in the same month (December) as the Memphis arrest and confiscation, the city fire department held a "routine" inspection of the Parsons Folies Theater a few days after the theater's manager had been arrested for giving an "immoral exhibition" (for showing the French film, *Les Liaisons Dangereuses*), found several violations of local fire regulations and closed the theater.

A few weeks ago we were asked by David Susskind to participate in a panel discussion in New York on "The Sexual Revolution," along with Dr. Albert Ellis, Reverend Arthur Kinsolving, writer Maxine Davis, sociologist-columnist Max Lerner and Ralph Ginzburg, publisher of *Eros*, for Susskind's syndicated television show, *Open End*. The discussion was a frank one, including a particularly direct criticism of our society's sexual hypocrisy and an undisputed statement, by Dr. Ellis, that American Puritanism is responsible for much of our marital unhappiness and divorce. The show will never be aired. It was killed by the Metropolitan Broadcasting Company, which syndicates *Open End* in major cities across the country, because, a spokesman for the syndicator explained, "The show is in very questionable taste." *Open End* producer-host Susskind said, however, he considered the two-hour panel discussion "an excellent show...unusually adult, with a wonderfully balanced panel." *Open End* is scheduled for late night, adult viewing by the stations that carry it.

Not all TV sex discussion is suffering such censorship, however. At about the same time as the *Open End* incident, a group of experts held an unusually candid and honest discourse on adult sexual behavior, homosexuality and prostitution in a three-part series on the Norman Ross *Off the Cuff* show, on station WBKB, in which they concluded that all such activity came under the heading of personal morality and should not be legislated against by the government. Father James Jones expressed the opinion, during the panel discussion, that when private sexual practices become a public affair and are outlawed by the state, it tends to drive the activity underground and makes it more difficult for social, moral and religious leaders to effectively reach the people and influence their behavior.

Several successful television series of varying quality have been developed around lawyers and court procedure, adding considerably to the interest and understanding of the general public in U.S. jurisprudence. Far and away the best of these -- indeed, one of the finest, adult and admirably articulate programs on all of TV -- is the award-laden Saturday-evening hour of courtroom drama, *The Defenders* (Playboy, *On the Scene*, January 1963), which explores both the strengths and weaknesses of our judicial processes and regularly offers stories probing such societal problems as capital punishment, mercy killing and abortion. (And what is altogether unique about *The Defenders* is not simply a concern with controversial subject matter, but the fact that the show continually makes a strong case against commonly accepted attitudes on these subjects -- arguing against capital punishment and in favor of mercy killing and abortion -- thus appealing to the rational mind of man rather than to his prejudices.) The popularity of the program proves not only that a significant part of the public will respond to thought-provoking television fare, but is today willing to accept a show whose mature content consistently

stresses the lag between our law and changing social needs and requirements of a modern, evolving morality. The show's most frequent situation is one in which the individual is thwarted by the outmoded prescriptions of established authority -- a theme that finds a receptive audience in a time when we are finally searching for new and better answers to the problems of society that have for so long been resolved on the basis of the prejudices and prudishness of antiquated traditions and taboos.

But despite such encouraging signs that suggest a better, more rational tomorrow, antisexual sentiment is still so strongly imbedded in our society that the label of "obscene" is one of the most effective means of damning a variety of otherwise unrelated unpopular viewpoints. In the same way, since the label of "Communist" is currently even more damning than "obscene," persons intent upon forcing the rest of us to conform to their personal moral standards sometimes utilize the utterly fantastic, but nonetheless effective, technique of calling sex subversive and sexual ideas with which they do not concur a Communist plot! (As observed in last month's editorial, Reverend Ira Latimer, in his scathing denunciation of University of Illinois Professor Leo Koch, and Congresswoman Kathryn Granahan, in her attack on the "smut and filth" in today's movies, both saw Red in any more-liberal view of sex than their own and said so. In actual fact, of course, their attempt to smother differing viewpoints is standard operating procedure for the Communists.) A liberal attitude toward sex is not subversive, but the attempt to coercively control such attitudes surely is. The Communists -- like any other totalitarian group or government -- use censorship to establish a single standard or approved point of view.

It should be mentioned also that the Communist State is, at its heart, antisexual. Most dictatorships are. Sexual freedom only grows naturally in a free society; totalitarianism is more apt to beget sexual exploitation, prostitution and perversion. We commented in the third part of this editorial (Playboy, February 1963) that the Chinese Communists had been conducting a campaign against "disapproved" publications ("These books and pictures seriously harm those workers who by constantly looking at them can easily become degenerate in their thinking," cautioned the *Peking Worker's Daily*) and a Post of the Catholic War Veterans in Hartford, Connecticut, unthinkingly congratulated and emulated the Communists in a letter to book dealers in their community aiming to suppress, through the threat of boycott, certain publications they considered undesirable: "We have to hand it to the Communists...who have launched a nationwide campaign against pornographic trash," wrote the well-meaning American veterans to their fellow citizens. "Should not this example provoke a similar literary cleanup in our land where the morality is gauged by service to God and not to an atheistic state?" The letter was accompanied by the NODL list of "disapproved" literature.

The late President Franklin Delano Roosevelt stated in a speech delivered on May 8, 1939: "The arts cannot thrive except where men are free to be themselves and to be in charge of the discipline of their own energies and ardors. The conditions for democracy and for art are one and the same. What we call liberty in politics results in freedom of the arts."

Judge Thurman Arnold wrote in the decision of the U.S. Court of Appeals that quashed an attempt on the part of the U.S. Post Office to rescind the Second Class mailing permit of *Esquire* magazine in 1946: "A requirement that literature or art conform to some norm prescribed by an official smacks of an ideology foreign to our system."

President John F. Kennedy warned about the dangers of censorship in a nationally televised news conference in February of 1961: "The lock on the door of the legislature, the parliament, or the assembly hall by order of the King, the Commissar or the Fhrer," he said, "has historically been followed or preceded by a lock on the door of the printer's, the publisher's or the bookseller's." President Kennedy made it clear that he was skeptical regarding the value of censorship and that the responsibility of choice should rightly rest with the individual and the family, not with external groups, including the government.

But less than two years later, Kennedy's administration was itself under criticism for government "manipulation of the news" relative to the Cuban crisis, and control over federal news sources is being justified by government spokesmen on the basis that "news can be an effective weapon in winning the Cold War." How easily censorship spreads from area to area, and how easily it is rationalized, once we condone and permit the first exception to our total freedom of speech and press.

Critics of the administration's action suggest that such censorship is more apt to be used to cover up government mistakes than for any strategic advantage in the Cold War. And most of the newspapers of the nation have editorialized against the so-called "manipulation" on the ground that the people in a democracy have a Constitutionally guaranteed right to know.

It can be effectively argued that a free society's greatest strength is its freedom and we will not effectively challenge our totalitarian adversaries and eventually win out over them by curbing the very rights that set us apart from all dictatorships.

Whose Foot Is to be the Measure?

Another perplexing problem with censorship of any kind is determining just who is qualified to do the censoring. In 1814 Thomas Jefferson stated that he was "mortified" to find that the sale of a book could become a subject of inquiry in the United States of America. Rhetorically, he asked: "Are we to have a censor whose imprimatur shall say what books may be sold and what we may buy?.... Whose foot is to be the measure to which ours are all to be cut or stretched?"

Those most interested in promoting censorship are usually least qualified to act as censors and those most qualified are most strongly opposed to the very idea of censorship in a free society. Even if the "ideal censor" were to be found (and the very words are, to us, incompatible) -- a Solomon who truly tried to adjust his decisions, not to his own likes and dislikes, but to the Supreme Court's concept of a community standard -- we have already seen that no single standard can ever be said to exist for the many and varied educational, social, ethnic and religious parts of a community and certainly not for the thousands of separate communities all across this broad country of ours. And we have previously quoted Justice Douglas of the Supreme Court who has stated: "Any test that turns on what is offensive to the community's standards is too loose, too capricious, too destructive of freedom of expression to be squared with the First Amendment."

If that most improbable Solomon of Censorship does exist, few communities have made any concerted attempt to find him. Instead, we are asked to shape our foot to the size of an arbitrarily selected officer of the police department or a censorship board composed of housewives with spotty educational and cultural backgrounds. Attorneys for the award-winning French film *The Game of Love*, a faithful adaptation of a classic novel by Colette, clearly demonstrated the questionable qualifications of a great many censors, when they appealed to the Illinois courts the City of Chicago's refusal to grant the motion picture a permit for exhibition.

Having entered into evidence the facts that the film had been awarded the Diploma of Merit at the Edinburgh Film Festival and the *Grand Prix du Cinéma Français* (Grand Prize of the French Motion Picture Industry) and that the American premiere of the film had been sponsored by the Fresh Air Fund of the *New York Herald-Tribune*, the attorneys brought out through testimony of members of the Police Censor Unit that there were no rules of procedure under which the Censor Unit operated and that they sought no outside opinions on movies being considered -- neither the distributor's, nor drama critics', nor movie reviewers'. Lt. Ignatius J. Sheehan, head of the Censor Unit, testified that he did not read many books, did not attend many plays, did not attend art exhibits, did not read the book-review sections and had never read any of Colette's novels. He knew nothing about the awards that the motion picture had received nor anything about the honors which had been given Madame Colette during her lifetime. He stated that he could not define a classic or name any classic. He stated that he took the entertainment value of a motion picture into consideration in determining whether a picture would be accepted or rejected and he did not find the film entertaining. Lt. Sheehan testified that one of the things indecent was that a group of girls in the movie presumably saw the private parts of an adolescent boy who came out of the water after swimming nude. He stated that he thought that the young girl in the picture was "sex minded" and that this was abnormal in a girl 15 years old.

A Mrs. O'Hallaren testified that she was a movie censor for the City of Chicago, for which she receives \$304 a month and that she views movies eight hours a day, five days a week. She stated that

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she was a high school graduate and that she read movie reviews after she had passed upon a film, "but I don't read too much before. I don't go for that, because I like to see the movie my way and enjoy it and censor it, and then I am going to do it from my thinking. Then I am going to check to see how close I came." She testified that she had never read any of Colette's works and did not know too much about her. She stated that she did not think the motion picture *The Game of Love* had any entertainment value and that she thinks that movies should provide entertainment. She stated that the absence of entertainment value could be one of the reasons for rejecting a picture. She stated that it was unusual for a girl of 15 to have sexual desires. She stated that she thought the movie was offensive to the standards of decency and that it was unfit, immoral and obscene. She defined a classic as "a work accepted by the standards of excellency," stated that it was accepted by the people generally and that Shakespeare's writings were classics because she had "never heard anyone really talk against Shakespeare." She testified that "there are a lot of things true to life that we cannot put on the screen."

Mrs. Joyce, another of the movie censors, testified that she was a high school graduate, that her tastes did not lean to classics, and expressed the opinion that most classics were written in the 18th century. She stated that she would be "surprised and amazed" to find that Colette's novels circulated freely in the Chicago Public Library and that if any books like the movie were circulating, such books ought to be looked over before they get into the Public Library. Mrs. Joyce testified that she rejected the picture because "it was immoral, because it was against my parental rearing. Anyway, it was immoral, corrupt, indecent, against my religious principles, unclean, sinful and corrupt."

To put control of the communication of ideas within a community in the hands of the police is to open the door to the establishment of a police state and yet this is precisely the governmental authority endowed with the power of censorship in most American cities today. Are the housewives who were dictating the level of taste and sophistication in cinema for all the citizens of Chicago, second largest city in the United States, qualified for their job?

Who really is? The late Judge Jerome N. Frank of the U.S. Court of Appeals wrote in his opinion in *U.S. vs. Roth*: "To vest a few fallible men...with vast powers of literary or artistic censorship, to convert them into what J.S. Mill called a 'moral police,' is to make them despotic arbiters of liberty products. If one day they ban mediocre books as obscene, another day they may do likewise to a work of genius. Originality, not too plentiful, should be cherished, not stifled."

The job of censorship often goes, by default, to those in the community who have nothing better to do with their time -- or worse -- to someone who has a preternatural interest in censorship.

Dr. Benjamin Karpman, chief psychotherapist at St. Elizabeth's Federal Hospital in Washington, D.C., has stated: "Crusading against obscenity has an unconscious interest at its base."

Judge Thurman Arnold responded to this statement, during the *Playboy Panel* on "Sex and Censorship" with the comment: "Apparently to be a good censor one should be possessed of a real prurient interest. There is a genuine comedy in the contradictions that roam throughout the area of pornography. At the same time that men insist on suppressing obscene literature and punishing those who write it, they enthusiastically go on collecting it and preserving it in libraries of priceless value."

Judge Arnold might have gone on to observe that almost every major library of reputation in the world possesses a goodly number of so-called obscene books and every major art museum some "pornographic" paintings (many done by the most famous artists of history); the most valuable collection of erotica in the world is housed in the Vatican in Rome.

Dr. Albert Ellis responded to Dr. Karpman's statement by saying, "There are people, like the famous John Summer and Anthony Comstock who, in all probability, do have an unconscious or semiconscious prurient interest in pornography, and they sublimate this by making their life's work the legal suppression...of pornography. But there's no reason to believe that every single individual -- every clergyman, for example -- who's against pornography and violently campaigns against it, has any great

sexual interest in it. Many censors have a *nonsexual* interest in curtailing other people's liberty. And I'd say that most of them are very hostile and disturbed individuals, but not necessarily sexually disturbed."

Maurice Girodias, editor-publisher of Olympia Press in Paris, who pioneered in the publication of works by Henry Miller and other controversial writers and was the first to publish Nabokov's *Lolita*, said, during the same *Playboy Panel*: "Nobody has ever offered a coherent explanation of censorship, and yet one is supposed to submit to it as if it were a part of a God-given code of conduct. Why? Censorship is obviously inspired by individual feelings of modesty, of decency.... But these feelings are rooted in what I would call a sexual inferiority complex: a fear of sexual inadequacy, of failure; or the realization of a physical disgrace, or a lack of experience. People suffering from such a complex want to bring down everybody to their level.... This complex has held sway over us for [generations]; it has taken the social form of censorship -- moral and mental censorship. In short, describing sex is a crime in the eyes of those who are ashamed of their own sex, and who wish to burden others with their sense of sin."

Another member of the panel, Ralph Ginzburg, editor-publisher of the quarterly *Eros* and author of the book *An Unhurried View of Erotica*, commented that Arnold Gingrich, publisher of *Esquire*, believes that we are entering a new era of puritanism and favors this direction. "Actually," said Ginzburg, "there is no question but that puritanism is fading.... [Gingrich] has stated that the world is about to embark on a great new voyage of morality, by which he apparently means puritanism. He feels that freedom in literature and the arts is going to produce a counteraction, that people are going to get fed up with honesty regarding sex and throw it out in favor of a sort of mid-Victorian hypocrisy -- though he doesn't say it in those words, of course. But if Gingrich thinks that the public is becoming bored by sex, or upset about its prevalence, I think he is projecting onto the public something which may be the result of his own increasing age."

Which reminds us of the impudent verse by James Ball Naylor:

King David and King Solomon
Lied merry, merry lives
With their many, many lady friends
And many, many wives;
But when old age crept over them --
With many, many qualms,
King Solomon wrote the Proverbs
And King David wrote the Psalms.

Whatever the multiple motivations that prod the prude and the censor, it should be clear that much more is involved than simply the considered protection of the public from ideas that might prove harmful. Moreover, our democracy is founded on the premise that people have a God-given right to knowledge -- a *right to know*. And no human being has the right to tamper with the free flow of ideas among his fellows.

The attitude that some ideas are best kept from the citizenry advances a concept of totalitarian paternalism that is contrary to the most basic ideals of our free society. It is akin to the colonialist concept that a new nation may not be ready to rule itself. The only way in which the people of the country can ever *become* mature enough for self-rule is by setting them free to *practice* self-rule. Similarly, the only way in which a society can mature sexually, socially and philosophically is by allowing it naturally free and unfettered sexual, social and philosophical growth. By treating our own citizens like so many overprotected children, we have produced our present, too-often-childlike, immature, hypocritical social order.

The Evil Effect of Obscenity

Having considered the harmful effects that censorship of any kind can have on a society, it is reasonable to assume that the obscenity it is intended to protect us from must be even more harmful.

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That would be the only reasonable justification for allowing the censor to exist at all. It may be surprising to some to learn, therefore, that there is no real evidence to support the supposition that obscenity is harmful at all. In fact, there is a serious and not inconsiderable school of professional scientific opinion that suggests that obscenity may actually be beneficial to society.

Dr. Benjamin Karpman, the chief psychotherapist at St. Elizabeth's Hospital, whom we quoted earlier, has stated: "Contrary to popular misconception, people who read salacious literature are less likely to become sexual offenders than those who do not, for the reason that such reading often neutralizes what aberrant sexual interests they may have."

Not everyone agrees on the subject, of course, though most of the disagreement comes from outside the scientific community. But with or without scientific credentials, those opposed to obscene material are usually far more vociferous in expressing their views than are the proponents of a same sex policy as regards both behavior and literature.

FBI Director J. Edgar Hoover has stated: "We know that in an overwhelmingly large number of cases, sex crime is associated with pornography. We know that sex criminals read it, are clearly influenced by it. I believe that if we can eliminate the distribution of such items among impressionable children, we shall greatly reduce our frightening crime rate."

This is a certainly a strong indictment coming, as it does, from one of the chief law enforcement officers in the country.

What facts does J. Edgar have to substantiate his concern over pornography as being what he has termed "a major cause of sex violence"? Well, it's difficult to say, because no truly comprehensive and reliable study has ever been made on the relationship between sex crime and erotic or obscene matter; and the primary reason for relatively little research in the area is that those scientific studies that have been undertaken are almost unanimous in their conclusion that *no cause-and-effect relationship exists between pornography and sex crime*. Without any evidence of a causal relationship, there is no scientific motive for pursuing what is apparently a fruitless path to its predictable dead end.

Dr. Albert Ellis considers the conclusions drawn in Hoover's statement, and others like it, "meaningless." That is, as Ellis expresses it, the correlation between pornography and the sex criminal is no higher than between pornography and the average male; if anything, it is probably slightly lower, since the sex criminal and the juvenile delinquent tend to read less than the normal male of the same age and background. "Hoover's allegation is meaningless," says Dr. Ellis, "for the simple reason that it would be difficult to find many nondelinquents or nonsex criminals in our society who did not have a considerable acquaintance with pornography. If this is true, then pornography is 'associated' with the higher arts, with religion, with government, with practically everything.... We could conclude, from this 'logic,' that their acquaintance with pornography caused them to write great books or compose great music."

Drs. Phyllis and Eberhard Kronhausen, noted psychiatric team specializing in family therapy and group guidance and the authors of *Pornography and the Law*, state in that book, in the chapter on "Psychological Effects of Erotic Literature": "We would point out that for academic psychologists to speak dogmatically about the psychological effects of reading 'obscene' books would, in the present state of our knowledge, be as unbecoming as venturing guesses about the nature of the Oedipus complex in outer space. The truth of the matter is that there are not sufficient conclusive research data available to answer the question directly and with the same assurance as one could, for example, state that unhealthy family life is one of the contributing causes of juvenile delinquency."

"It is amazing, nevertheless, how many people have felt called upon to voice the most authoritative opinions about the effects of 'obscene' writings, including law-enforcement officers, educators, clergymen, housewives, women's clubs, men's fraternal organizations -- in short, all those who are least qualified to give an authoritative opinion on a subject of such confusing dimensions and such width of scope, but who, because of their own deep emotional involvement, have felt no hesitation in expounding 'ex cathedra' and with omniscient finality on the matter."

Noting that it is the intention of a particular work taken as a whole, rather than any particular part of it, that is used as the criterion for judging obscenity, but that "*there is no legally workable definition of obscenity*," the Drs. Kronhausen attempt to supply the needed "workable definition," by making a distinction between "obscenity" or "hard-core pornography," where the only or major purpose of the work is sexual stimulation, and "erotic realism," where any sexual stimulation inherent in the work is incidental to its main purpose, "the honest portrayal of man's sexual nature which no sane society can afford to suppress."

The Drs. Kronhausen confirm that what is termed "hard-core obscenity" or "pornography" does, in their opinion, sexually stimulate the majority of the people who come in contact with it.

"We also affirm that works of erotic realism, such as *Lady Chatterley's Lover*, may have similar psychological effects as to those passages which are descriptive of sexual activities, or even with regard to realistic portrayals of physical beauty. But in that respect, erotic realism is no different from any other psychological stimulus of an erotic nature, e.g., perfume, certain types of music, sexually provoking advertising, fashions in dress, the use of cosmetics to enhance attractiveness, or any other of the many psychological aphrodisiacs with which our culture is so familiar, and on which it is dependent."

The Kronhausens state a bit further on in the chapter: "Every day, the newspapers carry some release from pro-censorship quarters, blithely linking 'obscene' literature with the perpetration of the most ghastly crimes, making everything erotically provocative responsible for every social evil from juvenile delinquency and the disintegration of the American family to the increasing rate of mental breakdown and communism...."

"Let us, however, not fall into the same trap. The basis of one's attitude toward 'effects' lies in one's attitude towards sexuality. If sex in and by itself is considered shameful, undesirable, dangerous, unethical or damaging to the individual and to society, then the effect of 'obscene' as well as of erotically realistic books and art is definitely to be viewed with the utmost suspicion and alarm, *along with*, presumably, all other sexual stimulants of any kind.

"But from a mental health point of view, it is established that such negative sex attitudes are not only regrettable, but can, indeed, be dangerous. As previously stated, all the clinical evidence indicates that guilt-based sexual inhibitions, restrictions and repressions result in perversions of the sexual impulse, general intellectual dulling, sadomasochistic inclinations, unreasonable (paranoid) suspiciousness and a long list of neurotic and psychotic defense reactions with unmistakable sexual content or overtones."

Having established their belief in man's God-given right to the free use of his own body, the Drs. Kronhausen continue: "If, therefore, erotic literature or art tend to lead to sexual acts, we would consider this a phenomenon that much more likely than not would enhance mental and human happiness, provided that it met the conditions of not being forcefully or fraudulently imposed on another person.

"If the pro-censorship leaguers believe that an erotic stimulus may lead to physical violence, this strangely paradoxical belief demands some further explanation. It would be totally absurd, were it not for the unspoken corollary that the normal sexual outlets of the individual are to be blocked and frustrated to the extent that he (or she) will then have to turn to sadism, rape and murder as a substitute for the natural sexual activities which the reading may have stimulated. For the welfare of society then, no less than for individual mental health, it is incomprehensible why one would not want to accept the normal sex drive rather than to try and remove all temptation toward it, even if that were possible.

"But anti-sexualists cannot contemplate with equanimity the free acceptance of man's sexual role, nor any literature which tends to inform, educate or increase interest in that role. The best proof of this is that literature of an erotic nature is the constant and foremost target of self-appointed censors who connect this type of reading to crime and acted-out violence, but who virtually ignore the vast body of books dealing with violence in the most gruesome detail...."

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It has long seemed quite incredible -- indeed, incomprehensible -- to us that detailed descriptions of murder, which we consider a crime, are acceptable in our art and literature, while detailed descriptions of sex, which is not a crime, are prohibited. It is as though our society put hate above love -- favored death over life.

CHAPTER 7

Introduction

IN EXPRESSING OUR VIEWS about the importance of the individual and his freedom in a free America, we have pointed out how essential a total separation of church and state is to our concept of democracy. We have also tried to show how religiously inspired puritanism has been allowed to subtly undermine certain of our most precious freedoms. Nowhere is this more insidiously dangerous than in the continuing erosion of our Constitutionally guaranteed rights to free speech and press, for it is these freedoms that assure the protection of all our other freedoms. It is for this reason that we are personally opposed to censorship in any form.

The U.S. Constitution and the Bill of Rights assure these freedoms and our legislatures, courts and officials of government continue to pay lip service to their protection, but in the brief lifetime of this nation, exceptions have been introduced -- small cracks in the wall that encircles and protects our democracy's ideals -- cracks that will surely spread, and thus weaken and eventually destroy the wall, if they are not mended.

The right of the individual to speak and write what is on his mind -- to express himself freely and without fear of any action against him by his government -- does not allow for any exceptions. "It is time enough for the rightful purposes of civil government," wrote Thomas Jefferson, "for its officers to interfere when principles break out into overt acts against peace and good order." Our speech and our press cannot be *half* free or they are not truly free at all.

We have quoted Jefferson, James Madison, Justice William O. Douglas, Judge Thurman Arnold, and Presidents Franklin D. Roosevelt and John F. Kennedy on the importance of free and unhampered speech and press to our democratic way of life. We have shown how the U.S. Supreme Court has continually upheld these freedoms, *but* we have also pointed out an exception that the highest Court -- itself composed of fallible men, influenced by our puritan traditions -- has allowed to coexist with these Constitutional guarantees, thus making us truly only *half* free.

The exception is sex and the courts have ruled that "obscenity" is outside the protections of the First Amendment. We have argued, however, that so-called "obscenity" cannot and must not be considered outside the protections of our law or the law itself will soon break down and the broader protections of speech and press inevitably disappear. We argued that "obscenity" can never be satisfactorily defined and that the Supreme Court's definition, while curtailing the most wanton, wholesale censorship, is nonetheless, in the words of Supreme Court Justice Douglas, "too loose, too capricious, too destructive of freedom of expression to be squared with the First Amendment." Justice Douglas stated further that the Supreme Court's standard for obscenity as what offends "the common conscience of the community" would certainly "not be an acceptable one if religion, economics, politics or philosophy were involved. How," asked the Supreme Court Justice, "does it become a Constitutional standard when literature treating with sex is concerned?"

It clearly should not, for we have shown that no true community standard or "common conscience of the community" exists. As Justice Douglas has stated, "Under that test, juries can censor, suppress and punish what they do not like.... This is community censorship in one of its worst forms. It creates a regime where, in the battle between the literati and the Philistines, the Philistines are certain to win."

What is more, even if a satisfactory community standard ever could be established, that is no argument for suppressing other minority opinions. For the High Court has ruled that the Constitution rightfully protects even the most unpopular and distasteful ideas and history has shown us that some of our greatest literature and art met with public disfavor when it was first produced and was banned and censored as "obscene" in other times and places.

We have previously established that our founding fathers did not intend "obscenity" to be outside the protections of the Constitution. Jefferson stated, "The press, confined to truth, needs no other restraint...no other definite line can be drawn between the inestimable liberty of the press and demoralizing licentiousness"; Madison wrote that to make a "distinction between the freedom of and the licentiousness of the press" would subvert the First Amendment.

Last month we attempted to show not only the impossibility of ever adequately defining what is "obscene," but also demonstrated how the charge of "obscenity," once established as being outside the protections of the Constitution, can spread to include philosophical, political, social, medical, religious and racial ideas of which the censor does not approve.

Lastly, we pointed out that the very premise upon which the censorship of "obscenity" is based -- that "obscene" and "pornographic" literature and art include acts of sexual violence and crime -- is without foundation; there is, in fact, a serious school of scientific opinion that believes that "obscenity" actually makes a valuable contribution to the mental health of a society, since it may act as an outlet for sexually repressed desires that might otherwise take the form of overt sexual offenses in the emotionally unstable or maladjusted. Drs. Eberhard and Phyllis Kronhausen subscribe to this belief, as does noted sex authority Dr. Albert Ellis. A report by a committee of Brown University psychologists (Drs. Nissim Levy, Lewis Lipsitt and Judy F. Rosenblith) concluded, after reviewing all available U.S. research on the subject: "There is no reliable evidence that reading or other fantasy activities lead to antisocial behavior." Dr. Benjamin Karpman, chief psychotherapist at St. Elizabeth's Hospital in Washington, D.C., stated in a report before the American Medical Association, that "contrary to popular misconception, people who read salacious literature are less likely to become sexual offenders than those who do not, for the reason that such reading often neutralizes what aberrant sexual interests they may have."

The Drs. Kronhausen wrote in their book, *Pornography and the Law*: "Erotic books may fulfill several eminently useful and therapeutic functions. We have already elaborated on the principle of catharsis through vicarious participation by reading. It always strikes us as strange that this ancient idea should be considered by some to be so novel and highly controversial. And as far as we know, the concept is at least as old as Aristotle, who recommended that Athenians go and watch the tragedies in the theater to avoid succumbing to antisocial impulses. We believe that this may apply equally to the antisocial sex impulses which are often given free rein in so-called 'hard-core obscenity'...."

Supreme Court Justice Brennan has written, in a decision in an obscenity case: "Implicit in the history of the First Amendment is the rejection of obscenity as utterly without redeeming social importance," then, based upon the professional scientific opinions cited herein, it can be argued that -- since all erotic literature and art may have some therapeutic value as a release for sexual tensions -- no work can ever be judged "legally obscene," because -- by this definition -- *no such thing as "legal obscenity" can ever exist.*

Justice Black and the Constitution

In a recent interview, Supreme Court Justice Hugo Black expressed his personal views on our American ideal of absolute freedoms of speech and press. The occasion of the interview was a banquet in New York City honoring Justice Black on his completion of 25 years of service on the United States Supreme Court. The interview was conducted by Professor Edmond Cahn, of the New York University School of Law, who stated in his introduction: "Hugo Black [is] one of the few authentically great judges in the history of the American bench.... He is great because he belongs to a select company of heroes who, at various crises in the destiny of our land, have created, nurtured and preserved the essence of the American ideal.

"...The torch of [such a man's] spirit leads first a few, then the vast majority of his countrymen...toward freedom, equality and social justice.

"This is what happened at the very birth of our country.... It was the same kind of inspiration that gave us our national Bill of Rights. The original Constitution, drafted at the Philadelphia Convention, contained no bill of rights. The Federalists contended that though bills of rights might be necessary against emperors and kings, they were needless in a republican form of government. They argued that the people ought to repose trust in popularly chosen representatives. But Thomas Jefferson indignantly referred them to the words of the Declaration of Independence, which announced that governments derived their just powers from the consent of the governed: words to be taken literally, absolutely and without exception. He declared, 'A bill of rights is what the people are entitled to against every government on earth.' His demand succeeded, and the Bill of Rights was added to the Constitution. The Bill of Rights protects us today because Jefferson stood firm on the inspired text.

"Then there is the next momentous episode, the series of court decisions in which Chief Justice John Marshall held that acts of legislation that violated the Constitution of the United States were null and void. What was the clause on which Marshall relied in asserting this awesome power for the Supreme Court? It was the provision, to which all Americans had pledged themselves, that the Constitution of the United States must be 'the supreme law of the land.'

"President Lincoln also drew guidance and inspiration from a single basic text. He opposed the institution of slavery because, as he said, the country was dedicated to the proposition that 'all men are created equal.' Our own epoch has again demonstrated the explosive validity of that proposition.

"What does one see happening in each of these historic instances? The majority of the people, at least at the beginning, are wont to say that though the basic text may embody a fine ideal, it cannot work in practical application. They say it is utopian, visionary, unrealistic. They remark condescendingly that any experienced person would know better than to take it literally or absolutely. Accepting the words at face value would be naive, if not simple-minded. In 1776 Worldly Wisemen of this kind said that while the colonists might be entitled to the rights of Englishmen, they ought to put their trust in the King and Parliament and submit to a few convenient adjustments in the interest of imperial security. In 1788 they said that while a bill of rights might be desirable in theory, the people must learn to show confidence in their rulers. Why not leave it all to a majority, whether in Congress or in the Supreme Court? In every generation, the lesser minds, the half-hearted, the timorous, the trimmers talked this way, and so they always will. Ours would be a poor, undernourished, scorbutic freedom indeed if the great men of our history had not shown determination and valor, declaring, 'Here are the principles to which we are dedicated. Let us hold ourselves erect and walk in their light.'

"It is to this rare company of inspired leaders that Hugo Black belongs. He has been inflamed by the political and ethical ideals that Jefferson, Madison and other libertarians of the 18th century prized the highest.... He draws his inspiration from the First Amendment in the Bill of Rights, which forbids the government to abridge our freedom of speech, freedom of press, freedom of religion and freedom of association.... [These freedoms] are, to him, the meaning and inner purpose of the American saga.

"Justice Black's major premise and point of departure is the text of the Constitution, which he emphasizes in all his decisions. He believes that the main purpose of the Founders, in drafting and adopting a written constitution, was to preserve their civil liberties and keep them intact. On their own behalf and on ours, they were not satisfied with a fragment or fraction of the basic freedoms; they wanted us to have the whole of them.

"Some people display a curious set of values. If government employees were to come into their homes and start slicing off parts of the chairs, the tables and the television set, they would have no doubt that what was happening was absolutely wrong. Not relatively or debatably, but absolutely wrong. But when the same government slices their civil liberties, slashes their basic freedoms or saws away at their elementary rights, these people can only comment that the case is too complicated for a doctrinaire judgment, that much can be said on both sides of the matter, and that in times like these the experts on sedition, subversion and national security know what they are doing. (Sometimes I wonder whether it is quite fair to assume that experts know what they are doing; perhaps it would be more charitable to assume that they do not know.)

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"Justice Black's uncompromising zeal for freedom of speech, press, religion and association might not have seemed so urgently necessary in previous periods of our history. In Lincoln's day, men naturally felt more excited about food, employment and social welfare. But today, when democracy stands here and on every continent presenting its case at the bar of destiny our supreme need is to share Hugo Black's devotion to the First Amendment and his intrepid defense of the people's rights.

"The American covenant was solemnly inscribed on the hearts of our ancestors and on the doorposts of our political history. It is a covenant of freedom, justice and human dignity. Through keeping it in a quarter-century of judicial decisions he has proved himself a great jurist. Through keeping it in all the transactions of our public life, we can prove ourselves a great and enlightened nation."

After this most impressive introduction, Professor Cahn recalled a lecture that Justice Black had delivered two years before in which he had stated, "It is my belief that there are 'absolutes' in our Bill of Rights, and that they were put there on purpose by men who knew what words meant and meant their prohibitions to be 'absolutes.'"

Cahn began the interview by asking the Supreme Court Justice to explain what he had meant by this, to which Justice Black replied, "I believe the words do mean what they say. I have no reason to challenge the intelligence, integrity or honesty of the men who wrote the First Amendment.* Among those I call the great men of the world are Thomas Jefferson, James Madison and various others who participated in formulating the ideas behind the First Amendment for this country and in writing it.

[*The First Amendment states: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.]

"...The beginning of the First Amendment is that 'Congress shall make no law.' I understand that it is rather old-fashioned and shows a slight naivete to say that 'no law' means no law. It is one of the most amazing things about the ingeniousness of the times that strong arguments are made, which *almost* convince me, that it is very foolish of me to think that 'no law' means no law. But what it says is 'Congress shall make no law respecting an establishment of religion,' and so on.

"I have to be honest about it. I confess not only that I think the Amendment means what it says but also that I may be slightly influenced by the fact that I do not think that Congress *should* make any law with respect to these subjects.

"Then we move on, and it says, 'or prohibiting the free exercise thereof.' I have not always exercised myself in regard to religion as much as I should, or perhaps as much as all of you have. Nevertheless, I want to be able to do it when I want to do it. I do not want anybody who is my servant, who is my agent, elected by me and others like me, to tell me that I can or cannot do it.

"...Then I move on to the words 'abridging the freedom of speech or of the press.' It says Congress shall make no law doing that. What it *means* -- according to a current philosophy that I do not share -- is that Congress shall be able to make just such a law unless we judges object too strongly. One of the statements of that philosophy is that if it shocks us too much, then they cannot do it. But when I get down to the really basic reason why I believe that 'no law' means no law, I presume it could come to this, that I took an obligation to support and defend the Constitution as I understand it. And being a rather backward country fellow, I understand it to mean what the words say. Gesticulations apart, I know of no way in the world to communicate ideas except by words. And if I were to talk at great length on the subject, I would still be saying -- although I understand that some people say that I just say it and do not believe it -- that I believe when our founding fathers, with their wisdom and patriotism, wrote this Amendment, they knew what they were talking about. They knew what history was behind them and they wanted to ordain in this country that Congress, elected by the people, should not tell the people what religion they should have or what they should believe or say or publish, and that is about it. It says 'no law,' and that is what I believe it means."

Professor Cahn then mentioned that some of Justice Black's colleagues believe it is better to interpret the Bill of Rights so as to permit Congress to take what it considers "reasonable steps" to preserve the security of the nation even at some sacrifice of freedom of speech and press and association, and he asked the Judge's view of this.

Justice Black replied: "I fully agree with them that the country should protect itself. It should do whatever is necessary to preserve itself. But the question is: preserve what? And how?

"...I want it to be preserved as the kind of government it was intended to be. I would not desire to live in any other place where my thoughts were under the suspicion of government and where my words could be censored by government, and where worship, whatever it was or wasn't, had to be determined by an officer of the government. That is not the kind of government I want preserved.

"I agree with those who wrote our Constitution, that too much power in the hands of officials is a dangerous thing. What was government created for except to serve the people? Why was a Constitution written for the first time in this country except to limit the power of government and those who were selected to exercise it at the moment?

"My answer to the statement that this government should preserve itself is yes. The method I would adopt is different, however, from that of some other people. I think it can be preserved only by leaving people with the utmost freedom to think and to hope and to talk and to dream if they want to dream. I do not think this government must look to force, stifling the minds and aspirations of the people. Yes, I believe in self-preservation, but I would preserve it as the founders said, by leaving people free. I think here, as in another time, it cannot live half slave and half free."

In response to a question about allowing full and sometimes sensational newspaper reports about a crime and the possible effect this might have upon a fair trial, Justice Black replied, "I do not myself think that it is necessary to stifle the press in order to reach fair verdicts.... I want both fair trials and freedom of the press. I grant that you cannot get everything you want perfectly, and you never will. But you won't do any good in this country, which aspires to freedom, by saying just give the courts a little more power, just a little more power to suppress the people and the press, and things will be all right."

Professor Cahn asked, "Is there any kind of obscene material, whether defined as hard-core pornography or otherwise, the distribution and sale of which can be constitutionally restricted in any manner whatever, in your opinion?"

To which Justice Black replied, "My view is, without deviation, without exception, without any ifs, buts or whereases, that freedom of speech means that you shall not do something to people either for the views they have or the views they express or the words they speak or write.

"...It is the law [because the courts have held that it is the law] that there can be an arrest made for obscenity. It was the law in Rome that they could arrest people for obscenity after Augustus became Caesar. Tacitus says that then it became obscene to criticize the Emperor. It is not any trouble to establish a classification so that whatever it is that you do not want is within that classification. So far as I am concerned, I do not believe there is any halfway ground for protecting freedom of speech and press. If you say it is half free, you can rest assured that it will not remain as much as half free. Madison explained that in his great Remonstrance when he said in effect, 'If you make laws to force people to speak the words of Christianity, it won't be long until the same power will narrow the sole religion to the most powerful sect in it.' I realize that there are dangers in freedom of speech, but I do not believe there are any halfway marks."

In conclusion Judge Black said, "The Bill of Rights to me constitutes the difference between this country and many others. I will not attempt to say most others or nearly all others or all others. But I will say it constitutes the difference to me between a free country and a country that is not free.

"...[The Bill of Rights] is intended to see that a man cannot be jerked by the back of the neck by any government official; he cannot have his home invaded; he cannot be picked up legally and carried away because his views are not satisfactory to the majority, even if they are terrible views, however bad they may be. Our system of justice is based on the assumption that men can best work out their own opinions, and that they [the opinions] are not under the control of government. Of course, this is particularly true in the field of religion, because a man's religion is between himself and his Creator, not between himself and his government.

"I am not going to say any more except this: I was asked a question about preserving this country. I confess I am a complete chauvinist. I think it is the greatest country in the world. I think it is the greatest because it has a Bill of Rights. I think it could be the worst if it did not have one. It does not take a nation long to degenerate. We saw, only a short time ago, a neighboring country where people were walking the streets in reasonable peace one day and within a month we saw them marched to the back of a wall to meet a firing squad without a trial.

"I am a chauvinist because this country offers the greatest opportunities of any country in the world to people of every kind, every race, of every origin, of every religion -- without regard to wealth, without regard to poverty. It offers an opportunity to the child born today to be reared among his people by his people, to worship his God, whatever his God may be, or to refuse to worship anybody's God if that is his wish. It is a free country; it will remain free only, however, if we recognize that the boundaries of freedom are not so flexible; they are not made of mush. They say 'Thou shalt not,' and I think that is what they mean.

"...I am for the First Amendment from the first word to the last. I believe it means what it says, and it says to me, 'Government shall keep its hands off religion. Government shall not attempt to control the ideas a man has. Government shall not abridge freedom of the press or speech. It shall let anybody talk in this country.' I have never been shaken in the faith that American people are the kind of people and have the kind of loyalty to their government that we need not fear the talk of Communists or of anybody else. Let them talk! In the American way, we will answer them."

As *Time* observed a few weeks ago, in reporting on three cases in which the Supreme Court overturned or amended its own previous decisions: "Ideally, the flow of U.S. law should run straight and true. In fact, it has countless twists and turns [and] often reverses its course...." It is our feeling that in its decisions of the last few years, under Chief Justice Earl Warren, the Supreme Court has moved the course of U.S. law closer to the original intent of our Constitution than at any previous time in history. While approving the High Court's intent in putting an end to segregation in 1954, *Life* magazine, nonetheless, expressed the opinion in an editorial that the decision was based more upon sociology than law. *Life* was not the only one to voice this view, but -- in truth -- just the opposite was the case. In reversing an earlier Supreme Court decision that had upheld the principle of "separate but equal," the present Court re-established the guarantees and protections of the Constitution for a number of our citizens who for too long had been forced to live without them.

The High Court did the same in the three cases *Time* reported: "A VOTE FOR ALL. On four previous occasions...the Court had in effect declined to upset Georgia's county-unit voting system. Under that system, politicians with rural backing have been able to hold state power even though they failed in winning a popular majority.... The Federal District Court judges ruled against it. The Supreme Court decision erased the system once and for all. In its opinion, the Court held that 'the concept of political equality can mean only one thing -- one person, one vote.'

"APPEAL FOR ALL. Amending its long-held principle that state prisoners may not turn to federal courts until all avenues of state appeal have been exhausted, the Court ruled that convicted murderer Charles Noia could be released from a New York State prison on a federal writ of *habeas corpus*. Two other men, convicted with Noia in 1942 for the same murder, appealed to the state that they had made confessions under coercion. They were released. But Noia waited until after the state time limit for such an appeal; a lower federal court therefore refused to entertain his petition. The Supreme Court ruled that

its doctrine of 'exhausting state remedies' did not mean keeping a man in jail because of that sort of procedural fault.

"COUNSEL FOR ALL. By a unanimous vote, the Court ruled that the states, under the 14th Amendment, must provide free legal counsel to any person charged with a crime and unable to pay for his own lawyer. It thereby reversed its 1942 decision in *Betts vs. Brady*, in which it held that such aid is required only if the defendant is charged with a crime punishable by death." The majority opinion stated: "In our adversary system of criminal justice, any person hauled into court cannot be assured a fair trial unless counsel is provided for him. This seems to be an obvious truth."

The Supreme Court justice who wrote the majority opinion in the last case was Hugo Black, who was one of the three dissenters in the 1942 case.

In the same way, we hope that Justice Black's minority opinion on the Constitutional guarantees of absolute freedom of religion, speech, press and association may become the opinion of the majority while Black is still serving his country and his fellow man as a member of the U.S. Supreme Court. It would be a fitting tribute if this American -- whom Professor Edmond Cahn called a "torch" of "freedom, equality and social justice" -- were the one to write the then majority opinion for the Court, re-establishing the full and absolute protections of the First Amendment.

Protecting the Young

The argument most often advanced for the suppression of certain ideas and images -- especially sexual ones -- is the protection of our youth.

It is not necessary to reduce the adult population of our nation to the level of children in order to protect the young, however.

The Supreme Court has ruled that it is illegal to censor literature on the basis that it may harm minors. In finding unconstitutional that section of the Michigan Penal Code which prohibited circulation of publications that might tend "to incite minors to violent or depraved or immoral acts," Justice Felix Frankfurter spoke for the unanimous Court when he said: "The State insists that, by thus quarantining the general reading public against books not too rugged for grown men and women in order to shield juvenile innocence, it is exercising its power to promote the general welfare. Surely, this is to burn the house to roast the pig.... We have before us legislation not reasonably restricted to the evil with which it is said to deal.... The incidence of this enactment is to reduce the adult population of Michigan to reading only what is fit for children. It thereby curtails one of those liberties...that history has attested as the indispensable conditions for the maintenance and progress of a free society."

Matters of religion and personal morality should rightly be the concern of the individual and his family, with one generation passing its own traditions on to the next, to be accepted, rejected or modified and passed, in turn, to the generation that follows. But if the champions of censorship are sincerely concerned with the moral upbringing of our country's children -- to the point that they are willing to override this American tradition -- it should be pointed out that there are ways of accomplishing this end without curtailing the freedom of the adult population, ways that remain largely unexplored. The United States is, for example, one of the few major countries in the world that does not use some method of classification for its movies. England breaks down all motion pictures into three categories: A -- adult films, which children under 16 may see only if accompanied by a parent or a bona fide guardian; U -- approved for adults and children alike; and X -- films to which no one under 16 is admitted under any circumstances.

Books and magazines could be classified in the same way and a serious penalty invoked if a dealer sold an adult book or magazine to someone underage.

The Playboy Philosophy

For television and radio, all programs before a certain hour could be produced for family consumption; but after the designated time, all restrictions would be lifted and the stations would be free to program uncensored shows for adults.

The fact that those who cry out for censorship in the name of our youth do not promote these more reasonable alternatives prompts us to suspect that invoking child welfare may be -- as often as not -- a subterfuge and what the would-be censors are really after is thought-control over our adult population.

The classification of all methods of mass communication into what is suitable for children, and what is not, is certainly no ideal solution. But it is preferable not only to official censorship, but also far better than any related kind of control introduced by the media themselves. The self-imposed restrictions of an individual writer, director, producer, editor or publisher are desirable, to be sure -- and the acceptance of freedom from undue outside supervision leads naturally to the development of a more responsible and mature self-discipline the majority of the time; but industry-wide controls are not the same as individually imposed restrictions and we need look no further than Hollywood's recent experiment in so-called "self-censorship" to see how thoroughly an entire industry can throttle its own freedom and creativity.

"Self-censorship" is usually imposed by a medium of communication to avoid outside pressures or the threat of actual outside censorship. It is rarely introduced to improve the medium or its product and, naturally enough, the medium and product are rarely improved. Such was the case in the Twenties, when the Hollywood filmmakers -- fearing that growing national criticism of movie morals might prompt some form of government control -- joined to establish what is now the Motion Picture Association of America and hired Will Hays, then Postmaster General, at an annual salary of \$100,000 to become czar of the industry with power not only to regulate picture-making, but also to act as a sort of moral guardian over the private lives of the stars themselves.

Hays did his job only too well. A rigid Production Code was introduced in 1934 that gave seals of approval only to films that adhered to the most simon-pure standards. By defining morality as a lack of sex and swear words, Hays kept the movies out of controversy and, for the most part, totally removed from the real stuff of life. Suggestiveness replaced honest sexuality. The only bows to realism were violent crime films glorifying such cinematic gangsters as Scarface and Little Caesar. Not until Howard Hughes released *The Outlaw* in 1946, successfully introducing his new double-feature discovery Jane Russell without benefit of a Code seal, did any major film producer consider issuing a motion picture sans Association approval. Otto Preminger carried the fight for freedom further by releasing *The Moon Is Blue* (1953) and *The Man With the Golden Arm* (1957), both excellent films, without seals. The emergence of the independent Hollywood producer, who was outside major studio control, coupled with the increasing popularity of foreign films in America, supplied the coup de grace to the old, unrealistic and inflexible Production Code. In 1961 the Production Code Review Board reversed its previous verdict on both of Preminger's pictures and granted them each a seal.

The Supreme Court has had this to say about the effect upon freedom of not only censorship, but the very existence of the *threat* of censorship, which so hobbled Hollywood for a generation: "It is not merely the sporadic abuse of power by the censor but the pervasive threat inherent in its very existence that constitutes the danger to freedom of discussion."

It should be mentioned that in most of Europe it is not sex that primarily concerns those who classify the movies as suitable for children or only for adults, but scenes of crime, violence and brutality -- the sort that enjoyed the widest distribution in the U.S. when sex was being most severely suppressed by the Hays Office during the Thirties. The point of view that depicting acts of amour on the screen is more harmful than acts of terror, violence and hate is peculiar to our own Puritan America. It is perfectly permissible to show one man destroying the life of another, but the *creation* of life is the prime target of the censor -- whether it is the act of coition, banned everywhere, or the birth of a baby bison, which New York censors cut from a Walt Disney nature film.

This is the level of the sociological, theological and philosophical thinking that we bring to the Atomic Age and the terrifying task of coping with the destructive forces that our technological advances have produced. Nothing is more frightening to contemplate than the gap that exists between man's social and scientific progress as we move into the second half of the 20th century. We are attempting to deal with the realities of the most complex of modern societies with a cultural sophistication rooted in superstitions some of which are more than 2000 years old.

Because the modern world does require such real sophistication and maturity, we do not personally favor any technique for raising our young that fails to fully equip them for adult life -- so a classifying of our mass communication into categories for "adult" and "underage" consumption is suggested only as a far better answer than any continuation of the present tendency to bring even our adult society down to the level of the child. The suggestion is made, also, to emphasize that more reasonable alternatives than totalitarian thought-control do exist -- if we insist upon this "protection" for our offspring -- so as to reveal to the cold light of logic the true motives of many who cry out for censorship over all, to save from "harm" (knowledge) the young and immature.

Let's now consider the virtues of censorship for children. Before seriously advocating a desexualized, sanitized, cellophane-wrapped society for our youngsters, we should seriously weigh the opinions of child psychologists and experts in juvenile behavior. They seem unanimous in their belief that an overly protected child will find it more difficult adjusting to an adult society after he is grown. A youngster who is reared in an environment sufficiently removed from the real world may never fully mature and become capable of accepting the responsibilities of adult life.

On the other hand, what are the dangers inherent in a young and impressionable mind being allowed to mature naturally as a part of an adult society? Will frankly adult books, magazines, television and motion pictures tend to lead a child into patterns of antisocial and delinquent behavior? There is no evidence to suggest that this is so.

Drs. Sheldon and Eleanor Glueck, leading specialists in the field of child behavior, published in 1950 the results of ten years' research into the causes of juvenile delinquency of 1000 boys in the Boston area. In the 399 pages of what has been termed a "classical study," the subjects of pornography, or of the reading or viewing of erotic materials of any kind, are never even mentioned as contributory or causative factors in delinquency.

In the same vein, a prominent children's court judge, George S. Smyth, of New York, informed an inquiring state commission that of 878 causative factors which troubled children, reading was not on his list, but that *difficulty* in reading was.

The Brown University Psychologists Report, commenting on a series of statements linking delinquent behavior to obscenity, called attention to a series of similar scientific studies and statements disputing any correlation between obscene material and the antisocial activity of children, including a recent comprehensive report on 90 cases of delinquency by Mitchell in the *Australian Journal of Psychology*. The study reported such complex conditions as personal tension, defective discipline, insecurity, lack of home guidance and emotional instability as the prime contributors to delinquency and the Drs. Kronhausen point out that "all of these factors refer to deep-seated emotional problems and disturbances in interpersonal relations, in comparison to which the reading of [sexual materials] or even 'hard-core obscenity' appears a rather trifling surface concern."

Another report, based on research in the United States, presented at roundtable conferences headed by Dr. Benjamin Karpman at two annual meetings of the American Orthopsychiatric Association, concluded that there are three major causes of delinquency: (1) organic brain damage; (2) faulty relations in the family unit; and (3) social dislocation. Once again there was no mention of the viewing or reading of salacious or obscene materials and Dr. Karpman has expressed the belief that, contrary to popular misconception, contact with obscenity tends to curb antisocial behavior rather than foster it, by offering an outlet for abnormal sexual interests.

Dr. Wendell Sherman of the University of Chicago has stated: "I have never seen one instance of a child whose behavior disturbance originated in the reading of books, nor even a case of a delinquent whose behavior was exaggerated by such reading. A child may ascribe his behavior to a book he has read or a movie he has seen. But such explanations cannot be considered scientific evidence of causation."

Edwin J. Lucas, director of the Society for the Prevention of Crime, has stated: "I am unaware of the existence of any scientifically established causal relationship between the reading of books and delinquency. It is my feeling that efforts to link the two are an extension of the archaic impulse by which, through the ages, witchcraft, evil spirits and other superstitious beliefs have in turn been blamed for antisocial behavior."

Dr. Robert Lindner, noted psychoanalyst and author (*The Fifty-Minute Hour, Rebel Without a Cause*), specialist in the treatment of juvenile offenders, has said: "I am utterly opposed to censorship of the written word, regardless of the source of such censorship or the type of material it is directed against. As a psychoanalyst who has had more than a decade of experience with the emotionally disturbed, and especially with delinquents, I am convinced of the absurdity of the idea that any form of reading matter...can either provoke delinquent or criminal behavior or instruct toward such ends.... I am convinced that were all so-called objectionable books and like material to disappear from the face of the earth tomorrow this would in no way affect the statistics of crime, delinquency, amoral and antisocial behavior, or personal illness and distress. The same frustrating and denying society would still exist, and both children and adults would express themselves mutinously against it. These problems will be solved only when we have the courage to face the fundamental social issues and personal perplexities that cause such behavior."

Drs. Eberhard and Phyllis Kronhausen have written, on the subject of "Psychological Effects of Erotic Literature": "It is our view that instead of the comics, 'lewd' magazines or even hard-core pornography causing sex murders, or other criminal acts, it is far more likely that these 'unholy' instruments may be more often than not a *safety valve* for the sexual deviate and potential sex offender. This is not only our own view, but that of many other experienced clinicians, especially among those who have worked with more severely disturbed patients and delinquents."

In *The Playboy Panel* on "Sex and Censorship in Literature and the Arts" (Playboy, July 1961), we commented that one of the evils of pornography, according to James Jackson Kilpatrick, in his book *The Smut Peddlers*, is that "when a youth accepts the idea of sex without love he is stained inside."

To which Judge Thurman Arnold replied: "Sounds like gobbledygook to me. I don't know what he's talking about." Film producer Otto Preminger said, "It is an old-fashioned point of view, in my opinion. We know very well that sex without love exists -- only hypocritical people can say that nobody has sex without love or that nobody should have sex without love." Author-publisher Ralph Ginzburg observed, "Is Mr. Kilpatrick trying to suppress sex without love? Is that what he is trying to do indirectly by getting at pornography? Well, I think he's got a great big job ahead of him, even *after* he gets rid of all the pornography."

Maurice Girodias, editor-publisher of Olympia Press, of Paris, said, "Protecting children against moral corruption has always been the last-resort argument of the champion of censorship. It is the weakest and the most idiotic justification invoked to suppress books written for adult readers. Mr. Kilpatrick's remark is too elliptical not to be misleading. Sex is the primary agent of love between males and females. Should we hide the fact from young people? Should we teach them that sex is corrupting in some cases, and not in others? Then I leave to Mr. Kilpatrick the task of explaining to our young friends what is sex and what is love, when sex is just sex and when sex is sex with love. Such guidance will probably make the whole continent frigid, but that shouldn't bother Mr. Kilpatrick."

"Seriously, if we want to restore mental sanity to our world, we must first of all save the young from the lies and hypocrisy inherited from the generations of Puritans. Modern man must find his path in a world which has become infinitely dangerous and dense. Our society will only survive if it starts producing

individuals endowed with full freedom of judgment; we do not need an elite of specialized thinkers, but positive and personal thinking at every level. Those children that Mr. Kilpatrick is so concerned about are not corrupted by bad books. I don't think they are interested in books, or pornography, which is a game for adults. If they feel they were born in a dry, cold and hopeless world, this can not be corrected by more censorship."

The Sexual Nature of Man

Those who favor censorship are often motivated by what they believe to be the best principles. We have government agencies to ban harmful foods and medicines -- why not do the same thing with "harmful" art and literature, they reason. What they fail to recognize is that a bad food or drug is a matter of indisputable fact, but a "bad" book or movie is a matter of taste and opinion, and nothing more. And in our free society, we are fundamentally opposed to the suppression of ideas with which we do not agree, or the forcing of our own ideas onto others. The fact that the bulk of scientific and enlightened opinion favors the dissemination of frankly sexual and erotic material for the mental health and well-being of our society is beside the point, for no one is *forced* to buy or read the book that does not please him, or attend the movie or watch the television program that offends his personal sensibilities. We are left the freedom of choice, as we should be in a free society, without the specter of censorship hanging over us.

Those who fear and oppose the erotic in our literature and art do so because of personal repressions and feelings of frustration, inadequacy or guilt regarding sex. They are unwilling to accept the basic sexual nature of man. Literature and art are a mirror in which man sees his own reflection. Only a man who carries the obscenity within him will see the obscenity in a book, a painting or a photograph. If you find the obscene in a work of art or literature, or in life itself, you have manufactured the idea of obscenity yourself. And you have no one to blame but yourself for having made it obscene. If it is true that "beauty is in the eye of the beholder," one must accept its logical corollary, that ugliness is, too.

What the antisexual amongst us do not recognize is that they themselves are the major perpetrators of pornography. Most deliberate pornography has little enough artistic merit to commend it. It persists in a society where prudishness and hypocrisy are the rule. Editor-Publisher Girodias was quoted in *The New York Times Book Review* as saying: "The publication of pornography is a defensible, even a socially useful undertaking." We asked him, in *The Playboy Panel*, to explain what he meant by this.

Girodias answered by reading something he had written in a letter published in the *London Times Book Supplement* a short time before: "What is known as pornography is a simple and elementary reaction against an age-old habit of mental suppression, of deliberately conditioned ignorance of 'the facts of life.' True, pornography is very crude and excessive form of protest -- but the very intensity of the protest proves that it is not gratuitous, and that there is a deep and general need for free expression which is still far from being gratified. In other words, contrary to current belief, pornography is simply a consequence of censorship. Suppress censorship and pornography will disappear."

The very attempt to ban a book will create an interest in it that the book may not deserve; the would-be censor may thus do more to promote the sale of salacious material than curb it. If the censor could be counted upon to only publicly damn worthwhile books, his existence might almost be justified for creating considerable public curiosity in good literature that would not otherwise be so widely read (no one can doubt that Vladimir Nabokov's delightful *Lolita* found her way into hundreds-of-thousands of additional American homes, because of the hue and cry created over her by the blue noses). But, unfortunately, the censor has never been particularly noted for his ability to discern between the erotic wheat and the salacious chaff -- partly, we suspect, because the distinction is of no real importance to him. He may come up with a work of real literary merit one month and a piece of trash the next -- and give them both the same publicity. No, the censor really can't be counted upon as a dependable guide to our reading habits. He would have us reading many of the right books, but for the wrong reasons; as well as many of the wrong books, for the right reasons.

The Playboy Philosophy

The antisexual in our society so fail to understand the true sexual nature of man that they try to suppress what is insuppressible. In so doing, they hurt society in three distinct ways.

1. *The censor curtails our freedom.* As we have seen, censorship attempts to thwart our God-given and Constitutionally guaranteed rights to freely use our own minds and bodies, so long as we do not impair the similar rights of others: the right to speak and write our own ideas -- whatever those ideas happen to be -- and to accept (or reject) the ideas expressed by others, equally free; the right to worship our own God, in our own way -- or to no God at all, if it suits us; the right to associate with whomever we choose, whenever we choose -- without fear or prejudice of others.

2. *The censor attempts to control our thoughts.* By limiting our speech and press, by disapproving certain words and ideas, the censor in fact tries to practice thought control.

In his book *1984*, George Orwell demonstrated how it is possible to actually control thought through the censorship of words. In Orwell's society of the future, the political party in power is called Ingsoc (for English Socialism), with Big Brother as its leader ("Big Brother is watching you!"). The Ingsoc had created a new language, called Newspeak, to serve its political ends: Orwell had the following to say about Newspeak: "The purpose of Newspeak was not only to provide a medium of expression for the world-view and mental habits proper to the devotees of Ingsoc, but to make all other modes of thought impossible. It was intended that when Newspeak had been adopted once and for all and the Oldspeak forgotten, a heretical thought -- that is, a thought diverging from the principles of Ingsoc -- should be literally unthinkable, at least so far as thought is dependent on words.... To give a single example. The word *free* still existed in Newspeak, but it could only be used in such a statement as 'This dog is free from lice' or 'This field is free from weeds.' It could not be used in its old sense of 'politically free' or 'intellectually free,' since political and intellectual freedom no longer existed even as concepts, and where therefore of necessity nameless. Quite apart from the suppression of definitely heretical words, reduction of vocabulary was regarded as an end in itself, and no word that could be dispensed with was allowed to survive. Newspeak was designed not to extend but to *diminish* the range of thought, and this purpose was indirectly assisted by cutting the choice of words down to a minimum."

Orwell described how this censorship of language could affect the concept of sex for a person living in this future society: "His sexual life, for example, was entirely regulated by the two Newspeak words *sexcrime* (sexual immorality) and *goodsex* (chastity). *Sexcrime* covered sexual misdeeds whatever. It covered fornication, adultery, homosexuality, and other perversions, and, in addition, normal intercourse practiced for its own sake. There was no need to enumerate them separately, since they were all equally culpable, and, in principle, all punishable by death. In the C vocabulary, which consisted of scientific and technical words, it might be necessary to give specialized names to certain sexual aberrations, but the ordinary citizen had no need of them. He knew what was meant by *goodsex* -- that is to say, normal intercourse between man and wife, for the sole purpose of begetting, and without physical pleasure on the part of the woman; all else was "*sexcrime*."

Orwell's *1984* is a work of fiction -- a tale of horror that prophetically envisions the end results of totalitarianism. It seems far removed from present-day America, but it is actually closer in some respects than most of us may realize. Consider how limited are the socially acceptable words for sex. In addition to medical and technical terms, there are literally dozens of common English words to describe the sexual parts of the human body and every form of sexual activity, but all of them are considered objectionable or obscene. It is virtually impossible to describe a pleasurable sexual experience in personal conversation without having to resort to unromantic medical terms or, alternatively, to words with such obscene connotations that they permeate the telling with a prurience that may not have been present in the act itself.

And don't we have the equivalent of Newspeak's *goodsex* and *sexcrime* in the U.S. today? Isn't "normal" intercourse within marriage the only sexual activity society considers acceptable and right; isn't any other sexual activity between a man and wife, as well as *all* sex between those not married, considered immoral and wrong? Many states have actually made any other sexual activity, between those married or unmarried, illegal. And when the state legislators wrote the laws concerning sexual

activity other than "normal" intercourse, one might almost assume they were limited in their language to some colorful version of Newspeak, so incapable were they of bringing themselves to specifically name or describe the activity they wished to ban. Consider this statute from the Criminal Code of the State of Rhode Island, Chapter 10, Section 11-10-1: "*Abominable and detestable crime against nature*. -- Every person who shall be convicted of the abominable and detestable crime against nature, either with mankind or with any beast, shall be imprisoned not exceeding twenty (20) years nor less than seven (7) years."

A number of the states have similar statutes prohibiting any "crime against nature," but the term is almost never defined, and those states that have attempted a definition do not always agree with one another. A few look for a reasonable definition within the phrase itself, a "crime against nature, with mankind or animal" might seem to refer, in the first instance, to going out with a neighbor and cutting down a Christmas tree in the state park or, in the second, shooting deer out of season, but we have reason to believe that isn't what the lawmakers had in mind. The colorful nature of the adjectives "abominable and detestable" leads us to suspect that what they were referring to probably has something to do with sex, since only sex comes in for such vague and emotion-tinged language in our laws. Whether Arizona's "infamous" crime against nature is the same as Rhode Island's "abominable and detestable" crime, we're not sure, but in any case, it would probably be wise to do your Christmas-tree chopping somewhere else.

Abominable, detestable, or just plain infamous, a "crime against nature" is usually a catchall to include any sexual activity other than intercourse of which the legislators, the courts and the law enforcement officers do not approve. And what is often not recognized, even by many of those practicing law, is that none of these statutes make any distinction between the married and unmarried.

We have commented before that our archaic religious teachings have pitted man's body and spirit against one another, whereas common sense would suggest that God intended the body, mind and spirit of man to be in harmony.

But the world of words reveals most clearly how, even without Newspeak, we have been taught that the spiritual, religious, Godly side of man is in opposition to sex, the body and material accomplishments and pleasures. Consider these definitions in the Second Edition of *Webster's New International Dictionary*:

Spiritual is defined as pertaining to, or consisting of, the spirit; not material; of, or pertaining to, the moral feelings or states of the soul; pure, holy, divine; of or pertaining to sacred things of the church, or religious affairs; the opposite of spiritual is, according to *Webster's*, carnal.

Carnal is defined as fleshly, bodily, sensual, sexual, animal, flesh-devouring, bloodthirsty, unregenerate, worldly, material, temporal, secular; the antonym of carnal is listed as spiritual. The opposite of intelligent is stupid; the mind of man is seen only in qualitative opposition to itself. How curious then that the opposite of spiritual should be carnal; with the spirit and body of man opposing one another.

The definitions of these words are in our dictionaries, because centuries of common usage have put them there. What strange sort of religion have we evolved that places the Godly part of man in opposition to the whole of his physical being? In simple theological truth, are not heaven and hell opposites, rather than heaven and earth? Is it not the devil who is opposed to God, rather than man's mortal flesh? The devil can exist as easily in the mind of man as in his body; and there are times when he takes control of the spiritual side of man, as well. How else can the religious among us explain the Inquisition and the countless horrors perpetrated by organized religion down through history?

But built into our very language are these man-made conflicts which torture and torment us and destroy the natural God-intended unity of mind, body and spirit. The whole man is not confronted with a choice among the three -- or between any two of them. Perhaps in this lies the wellspring of his humanity.

3. *The censor impairs our mental health and well-being.* By suppressing the frankly sexual speech and writing that embarrasses and disturbs him, the censor unwittingly eliminates an emotional outlet that, most authorities agree, is healthful for society.

What is more, the censor so little understands the nature of the thing he is about that he usually attacks first the more positive aspects of our sexual literature and art. The book, magazine or movie that equates sex with sin and suffering is less apt to bring down the censor's wrath than one that makes sex seem pleasurable or appealing, for the former can be said to have a "moral." That the seeming "moral" is in actuality an abnormal and quite unhealthy association between sexual activity and ugliness, grief and guilt seems to matter not a bit to the censor. He is thus quite successful in projecting his own negative attitudes toward sex onto the rest of society.

The sexual content of the stories and articles in the family and women's magazines over the past 30 years has invariably been of this negative variety, as was pointed out with such hilarious effectiveness in the now near-classic Playboy article, *The Pious Pornographers*, by Ivor Williams (October 1957).

And we are all familiar with the "Stella Dallas" syndrome with which Hollywood suffered throughout most of the Thirties and Forties, when Will Hays' Production Code required all cinematic sexual intemperance to end in disaster: If the heroine allowed herself a night of sexual dalliance with the hero in the first reel, the moviegoing public *knew* that not only would the next scene be a teary-eyed discovery that she was pregnant (or better still, a cut directly to a scene in the maternity ward), but the rest of the picture would be one long series of heartbreaks and suffering, in which the hero conveniently became unavailable (death in the war or betrothal to another were usually preferred), the heroine was forced to give up the child ("It's for the baby's own good -- you've got to think of him [her] now....") and the heroine became destitute, an alcoholic, threw herself under a train or died of pneumonia (from walking in the rain without any coat, hat or galoshes) -- or a clever combination of all four.

It is not difficult to understand why the censor attacks sex that is depicted as happy and healthy and leaves sex that is sick, suffering and sin-ridden pretty much to itself. Why the censor is more apt to attack heterosexual sex than homosexual or other deviate sex might require a deeper probing of the censorial psyche, however. Perhaps it is simply that the average censor is too naive about the subject he has chosen as his specialty to recognize the often more subtle projections of sexual perversion in the public print.

Whatever the reason, the censor goes his merry way blithely banning magazines that contain photographs of female nudes, while overlooking a number of the "health and strength," "body-building" and "muscle" magazines that are tailored to the tastes of the homosexual. The censor expunges a movie's scenes of sexual love-play between a boy and a girl, but passes by the scenes of violence with sadomasochistic overtones. For many years before Robert Harrison made his bundle with *Confidential*, through the public exposure of the private lives of celebrities, he published a series of so-called "girlie" magazines that conscientiously catered to fetishists (offering sexual stimulation to the pervert with photography of models thoughtfully posed in unusually high heels, boots, lace undergarments, long hair, rubber rainwear), sadists and masochists (with spanking, whips and scenes of torture and gore), transvestites, lesbians and male homosexuals (with pictures of women dressed as men and vice versa) and other deviates -- all with relative impunity, because his female models were never without their bras and panties. If they had been nude, you see, they might have appealed to normal heterosexual instincts in man -- and that's what the prudes and censors are apparently against. And if the models happened to be attractive in both face and figure, fresh, healthy and well-scrubbed in appearance, and appealingly posed and photographed -- then the citizenry should become really outraged, because such a picture not only appeals to the heterosexual side of man, it gives the sexual response a clean and wholesome quality that suggest sex may indeed be a thing of beauty and joy.

The censor fails to comprehend that sexual responsiveness can be conditioned to a variety of stimuli in human society just as Pavlov conditioned his dogs to salivate at the sound of a bell. If we remove the primary heterosexual sources of stimulation from society, or through practiced propagandizing make an individual feel guilty about his natural responsiveness to such stimulation, then

he will affix his responses to something else -- other men, perhaps, or perhaps a shoe or a bit of lace underwear. This is the kind of sickness that the unknowing censor can bring to society. This is what the Drs. Kronhausen meant when they wrote, "All clinical evidence indicates that guilt-based sexual inhibitions, restrictions and repressions result in perversions of the sexual impulse, general intellectual dulling, sadomasochistic inclinations, unreasonable (paranoid) suspiciousness, and a long list of neurotic and psychotic defense reactions with unmistakable sexual content or overtones."

Playboy and Pornography

It should be clear to even the casual or occasional reader of Playboy that our arguments for a more liberal, censor-free society are not, in any sense, a defense of this magazine of prompted by any commercial self-interest. To the contrary, a freer, less taboo-ridden, less hypocritical society would probably have less interest in (and less need for) the rebel part of Playboy's personality. (Though we do like to think that our overall editorial excellence would retain for us the majority of our present readers.)

Our own more serious censorship concerns are now many years behind us and an easing of the censor's tight control would only bring to wider distribution and sale a host of bolder imitators of this publication that have long been a bane to our existence and a source of not a little embarrassment (for they make more difficult, the explanations -- to those who do not read us and know us only by reputation - of what Playboy is really all about and what sets it apart amongst present-day magazines in America).

Nor would Playboy change very much in such a censor-free society. The magazine has never attempted to push to the outer boundaries of what was censorable or what could be considered objectionable by the more sophisticated part of our society. We have always chosen to set our own standards of taste and propriety, and to communicate with that number of other urban fellows whose view of life is similar to our own.

Our interest in a society free of the shackles of censorship is as a citizen who believes he will be happier living in an America in which all men are allowed to exercise full freedom of speech, of press, of religion and of association. It is the kind of America we believe in. It is the America our founding fathers meant us to have. We believe we should have it.

CHAPTER 8

Mark Twain expressed himself on America's oft seemingly schizophrenic sexual attitudes in his *Letters From the Earth*, long suppressed by his family and just recently published for the first time: A fallen angel visits earth and describes, with some incredulity, what he finds there to archangels St. Michael and St. Gabriel. "There is nothing about man that is not strange to an immortal. His heaven is like himself: strange, interesting, astonishing, grotesque. I give you my word, it has not a single feature in it that he actually values. It consists -- utterly and entirely -- of diversions that he cares next to nothing about, here on earth, yet is quite sure he will like in heaven. Isn't it curious? Isn't it interesting? You must not think I am exaggerating, for it is not so. I will give you details.

"The human being, like the immortals, naturally places sexual intercourse far and away above all other joys -- yet he has left it out of his heaven! The very thought of it excites him; opportunity sets him wild; in this state he will risk life, reputation, everything -- even his queer heaven itself -- to make good that opportunity. Yet it is actually as I have said: It is not in their heaven; prayer takes its place."

Religious puritanism pervades every aspect of our sexual lives. We use it as a justification for suppressing freedom of thought, expression and, of course, personal behavior. By associating sex with sin, we have produced a society. By associating sex with sin, we have produced a society so guilt-ridden that it is almost impossible to view the subject objectively and we are able to rationalize the most outrageous acts against mankind in the name of God.

But what sort of God would have man deny his God-given sexual nature?

Some members of our society sincerely believe that sex has a single purpose: procreation. As such, sexual activity is logically limited to coitus within the bounds of marriage, since children benefit from the presence of both parents, and a stable familial environment is best established within the bounds of wedlock. But life is more complex than that. To deny the true emotional and physical significance of sex in society is to turn our backs on all the knowledge about man that the sociological and psychological sciences have given us. In suggesting that the sole purpose of sex is the perpetuation of the species, we reduce man to the level of the lower animals.

So intimately is sex interrelated with the rest of human experience that it is impossible to conceive of a society existing, as we know it, without benefit of the primal sex urge. Most certainly, if such a society did exist, it would be a very cold, totalitarian and barbarous one. The existence of two sexes, and their attraction for one another, must be considered the major civilizing influence in our world. As much as religion has done for the development and growth of society, sex has done more. The tendency in modern times to reduce the differences between the sexes and create the cultural illusion, if not the physical fact, of a single sex has grave implications for society and we shall explore them at length a bit later.

Stimulation and Sublimation

Religiously inspired sexual suppression is harmful to society: It is never desirable to have a significant gap between the professed principles of a society and its actions; as with an individual, any serious conflict between beliefs and behavior produces emotional instability. When it is a normal physical drive that is being rejected, the resulting trauma is apt to be more severe; when an entire nation attempts to deny a basic urge, the results can be catastrophic. Human sexual behavior remains relatively unchanged generation after generation, but man's attitudes toward that behavior vary greatly.

As recently as 1959, in the preliminary report of the California State Subcommittee on Pornographic Literature, there appeared the following statement: "It is still the principle of our nation that premarital and extramarital sexual activity is an undesirable thing, and anything that incites or lures or glorifies premarital or extramarital activity is objectionable."

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On such a premise, the censor and the prude are free to do their dirtiest deeds -- ban our books, suppress our speech and take from us any semblance of free choice in our most private affairs.

If the report of the California State Subcommittee is to be taken seriously, then the "pornographic literature," with which they were concerned, is only one small and relatively insignificant aspect of their problem. If they really considered objectionable "anything that incites or lures" men and women into premarital and extramarital intercourse, they would have to face up to the banning of all tight or revealing clothing, bathing suits, romantic music, dancing, liquor, perfume, makeup and -- if those ads from Mad Ave are to be believed -- most every deodorant, mouthwash, toothpaste and hair oil on the market. And even after that, their job would not be done.

Kinsey has listed a seemingly endless number of sources of erotic stimulation reported in preadolescent boys, including such nonsexual stimuli as taking a shower, punishment, fast elevator rides, skiing, sitting in church, boxing and wrestling, swimming, anger, being late to school, seeing a policeman, being alone at night, looking over the edge of a building, big fires, marching soldiers, seeing name in print, running away from home, fear of a big boy, long flights of stairs, motion of a car or bus, receiving report card and hearing the national anthem.

Kinsey has commented that preadolescent boys are sexually aroused by "a whole array of emotional situations, whether they be sexual or nonsexual." By his late teens the male has been so conditioned that he rarely responds erotically to anything except direct physical stimulation or to psychic situations that are for him specifically sexual; in the still older male even physical stimulation is rarely effective unless accompanied by the proper psychological atmosphere. The pattern is a continually contracting one in which a person responds initially to a wide variety of stimuli which then becomes more specific, through experience and conditioning, as he matures.

Kinsey stated: "For most males, whether single or married, there are ever-present erotic stimuli and sexual response is regular and high."

If any group like the California State Subcommittee on Pornographic Literature ever hoped to eliminate those "objectionable" sources of stimulation that might serve to "incite or lure" the unwary into premarital and extramarital sexual activity, they would be doomed to failure before they began. For even if they could successfully eliminate every anticipated source of sexual arousal, the potent human sex drive would simply affix itself to some other psychological and/or physical stimuli. And the danger of attempting to eliminate the more direct heterosexual sources of stimulation in society is the obvious possibility that the sex urge will become conditioned to less socially desirable stimuli.

In *The Playboy Panel* on "Sex and Censorship in Literature and the Arts" (July 1961), Dr. Albert Ellis commented on the diversity of sexual stimuli thusly: "How can you ban desire? Some people go out on the street and look at a clothesline with drawers hanging on it and get aroused. Should we therefore censor clotheslines?"

Which reminded Publisher Barney Rosset, of Grove Press, of a book by the French new-wave author Robbe-Grillet, about a man who derives sexual stimulation from a piece of string. Rosset said: "He sees this piece of string throughout the book and concocts extremely erotic fantasies around it. He uses it in various ways; it might be a clothesline in one instance, and the next instance he is imagining tying a girl up with this piece of string. It gets down to almost anything being used as subject matter for erotic fantasy."

Judge Thurman Arnold then warned about the danger of removing one source of sexual stimulation only to have it replaced by another more objectionable one: "Human beings can be trained like Pavlov's dog, so that they are stimulated by sights and sounds completely unrelated to the things they desire. A strict standard of obscenity contributes to such unhealthy training. Taking the pin-up girls away from American soldiers would not make their minds more pure. It would only mean that they would be aroused by some less healthy or attractive substitute. At the turn of the century the old *Police Gazette* had a nationwide pornographic appeal. A dance called the cancan in which the chorus girls kicked up

their legs covered with black stockings was wicked and highly stimulating. Today a person with an appetite for pornography would not pay ten cents to see either the magazine or the dance. This is how censorship makes material sexuality stimulating which would not have any stimulation at all if that censorship did not exist. And that is why anything but the most tolerant standards creates an unhealthy psychology."

The possibility of conditioning a person to less healthy erotic stimuli is especially pronounced in the preadolescent period and we think about this whenever anyone tells us, somewhat self-consciously, that he enjoys Playboy himself, but he doesn't like to leave it around the house where his children might get hold of it and look at the pictures. We wonder just what sort of stimuli this parent would like his children to associate with sex instead of the beauty of the human body.

This attitude is prompted by this mistaken idea that the sex urge is only aroused by the more obvious erotic stimuli and that without them it would remain quiescent. But if a normal child is denied sexual stimulation by beautiful images he will be stimulated by ugly images; if a child is not stimulated by heterosexual sources, he will be stimulated by homosexual ones. And with any luck at all, the misguided parent will succeed in passing on his own feelings of guilt or shame to his offspring also.

A related misconception surrounds Freud's theory of sublimation. A great many people assume that the basic sex urge itself can be "sublimated," with the need for sexual fulfillment being redirected into other, more socially acceptable, activities. This is untrue. Dr. Theodor Reik has stressed that the primal sex drive, while easily satisfied, "is entirely incapable of being sublimated.... The satisfaction of this particular urge cannot be fulfilled by the substitution of another goal."

Reik points out that it would make as much sense to try to convince us that other natural urges, like thirst or hunger, could be redirected into the accomplishment of cultural achievements, as to suggest that man's basic sex drive would be put to such use. What can be used for cultural achievements is, rather, the energy of ego-drives, says Reik, of which love itself is one of the main ingredients, along with the need for social recognition, competitiveness, vanity and vainglory, its less popular relatives.

Sexual Behavior

Before Dr. Alfred Kinsey and his associates of the Institute for Sex Research, at Indiana University, published their first two volumes, *Sexual Behavior in the Human Male* (1948) and *Sexual Behavior in the Human Female* (1953), social scientists had at least a general knowledge of the extent of human sexual activity, but the public knew very little of the matter. There had been sex surveys published before, but never so extensive or so scientifically accurate. The first "Kinsey Report" hit the American people like a bombshell. Here was indisputable scientific evidence (though a great many tried to dispute it) that our entire society was living a lie. We were professing one set of standards and living quite another. In a moment, it became clear that all manner of sexual behavior previously considered abnormal by most was not only normal, but commonplace. Hidden guilts over secret sexual indiscretions were now relieved through the knowledge that much or the rest of the chastity-loving American public was practicing the same indiscretions quite wantonly, while preaching a completely different set of standards. We had come to grips, at last, with the true sexual nature of man.

Sexual Behavior in the Human Male became an immediate best seller at \$6.50 a copy and the small scientific-book publisher that had produced the hefty 820-page volume was unable to keep up with the demand. Every major magazine in America reprinted, paraphrased or commented on it. Ordinary people, on buses, in offices, and over cocktails, were discussing frequency of sexual outlet, premarital, extramarital and homosexual activity, using words like orgasm and masturbation that were previously seldom used in polite company and fellatio, cunnilingus and pederasty, with which they had not even been acquainted before.

In a moment, it became clear that our commonly accepted sexual mores were woefully unrealistic and our sex laws totally unrelated to the facts of human behavior. Quite reasonably, one might have

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expected this revelation to have precipitated a complete re-evaluation of our sex standards and a thorough overhauling of our absurd sex statutes. No such thing occurred.

There is always a time lag between the acquisition of knowledge and the social and personal changes which might be expected to ensue; where deep-seated traditional beliefs and ingrained behavior are involved, the cultural lag is considerably prolonged. To be sure, a sexual revolution is taking place in the U.S., but 15 years after the publication of Kinsey's first book, we still suffer under much of the same social pressure and suppression as before.

What did Kinsey's two volumes on American sexual behavior reveal? Eighty-five percent of the total male population had had premarital intercourse. With extramarital intercourse, Kinsey's researchers found a greater tendency for cover-up or outright refusal to answer questions than in any other part of the study, especially among the older married males of better-than-average educational and social levels. Kinsey considered the social consequences attendant on the revelation of adultery to be the primary reason for the reluctance of many to contribute to his research and believed that this reservation also affected the statistics that were gathered, by perhaps as much as "ten to 20 percent." He wrote: "...allowing for the cover-up that has been involved, it is probably safe to suggest that about half [50 percent] of all married males have intercourse with women other than their wives, at some time while they are married."

Fifty-nine percent had had some heterosexual mouth-genital experience; 70 percent had had relations with prostitutes; 50 percent had had some homosexual contact and 37 percent had had homosexual contact to orgasm; 17 percent of all men raised on farms had had animal intercourse (the percentage of animal intercourse for the entire male population is much lower, because of the lack of opportunity for such contact among men raised in the city); 92 percent of the total male population had masturbated to orgasm and this figure jumped to 96 percent for male college graduates, when considered separately (Kinsey felt that if the tendency for cover-up were eliminated from the statistics, the percentage would have been closer to 98 for the total male population).

As to the sexual activities of American women, Kinsey and his staff found that 64 percent had "responded to orgasm" by one means or another prior to marriage. Forty-eight percent had had premarital intercourse; and among college graduates, this figure increased to 60 percent. Twenty-six percent admitted to extramarital intercourse; among college graduates, the number of wives who admitted to having intercourse with a man other than their husband, while married, was 29 percent. Forty-three percent had had heterosexual mouth-genital experience; when the better educated of the youngest generation included in the female sample were considered by themselves, the figure was 62 percent. Twenty-eight percent had had homosexual contact to orgasm. Twenty-eight percent of the female sample, with only a grade-school education, had masturbated to orgasm; 59 percent of the females with a high-school education had reached orgasm through masturbation; the percentage is 57 for those females who graduated from college and 63 percent for those with a postgraduate education.

Kinsey found that educational background had a marked effect upon the sex lives of both men and women, with the lower educated male being less inhibited about ordinary coitus than his upper educated brother (98 percent of the lower educated men had had premarital intercourse) and the upper educated female being much freer than her less educated sister; the better educated of both sexes proved less inhibited in all sex behavior other than ordinary coitus, however (including variety of positions, mouth-genital contact and homosexual experience).

A Nation of Hypocrites

If the vast majority of all American men and nearly half of all women engage in premarital intercourse and one half of the married males and one quarter of the females of extramarital intercourse, one might rightly wonder who the California State Subcommittee on Pornographic Literature had in mind, when they stated that Americans still find such activity objectionable. Who's objecting? Or are we really such a nation of hypocrites that we take exception to such behavior for anyone else, while engaging in it

ourselves? In many ways, it appears that we are just such a nation of hypocrites. The sexual activity that we pompously preach about and protest against in public, we enthusiastically practice in private. We lie to one another about sex; and many of us undoubtedly lie to ourselves about sex. But we can not forever escape the reality that a sexually hypocritical society is an unhealthy society that produces more than its share of perversion, neurosis, psychosis, unsuccessful marriage, divorce and suicide.

Now we can accept the argument that it is some flaw in the nature of man, some weakness or devil in the flesh, that produces our sexual yearnings and behavior; we reject as totally without foundation the promise of the prude, who would have us believe that man would be healthier and happier if he were somehow able to curve these natural desires. Nor is it true, as some suggest, that those who indulge in early and frequent sexual experiences dull their capacity to enjoy and gain satisfaction from such experiences or invariably live to regret them.

Kinsey found that, contrary to popular prejudice, relatively few of the men and women in his study who had had premarital or extramarital intercourse reported regretting the experience. Nor is there any evidence that it harmed them. To the contrary, there is every indication that in most cases the experiences were beneficial. Kinsey reported that those who engaged in sexual experiences before marriage were more apt to indulge in extramarital activity after marriage, but he also found that premarital sex statistically increased a woman's chances of getting married and of making a success of her marriage. Kinsey wrote, in his *Sexual Behavior in the Human Female*, "...premarital socio-sexual experience, whether in petting or in coitus, should contribute to [the] development of emotional capacities. In this, as in other areas, learning at an early age may be more effective than learning at any later age after marriage." He also observed, "The record on our sample of married females shows that there was a marked, positive correlation between experience in orgasm obtained from premarital coitus and the capacity to reach orgasm after marriage."

On the relationship of sex to a successful marriage, Kinsey wrote, "Sexual adjustments are not the only problems involved in marriage, and often they are not even the most important factors in marital adjustment.... Nevertheless, sexual maladjustments contribute in perhaps three quarters of the upper level marriages that end in separation or divorce, and in some smaller percentage of the lower level marriages that break up...." Kinsey found "considerable evidence" that sexual experience prior to marriage contributed "to the effectiveness of the sexual relations after marriage."

The simple act of sex performed prior to marriage does not, per se, increase the chances of a successful marriage, of course. It is the attitudes that lead to the act that will determine how well a person adjusts both to sex and to marriage. There is a good deal more to sex than just the learned physical techniques (although the techniques themselves are largely underrated in our society and a majority of adults live out their lives with only the most rudimentary knowledge of the most vital of all human activities). Sex is often a profound emotional experience. No dearer, more intimate, more personal act is possible between two human beings. Sex is, at its best, an expression of love and adoration. But this is not to say that sex is, or should be, limited to love alone. Love and sex are certainly not synonymous, and while they may often be closely interrelated, the one is not necessarily dependent upon the other. Sex can be one of the most profound and rewarding elements in the adventure of living; if we recognize it as not necessarily limited to procreation, then we should also acknowledge openly that it is not necessarily limited to love either. Sex exists -- with and without love -- and in both forms it does far more good than harm. The attempts at its suppression, however, are almost universally harmful, both to the individual involved and to society as a whole.

This is not an endorsement of promiscuity or an argument favoring loveless sex -- being a rather romantic fellow, myself, we favor our sex mixed with emotion. But we recognize that sex without love exists; that it is not, in itself, evil; and that it may sometimes serve a definitely worthwhile end.

We are opposed to wholly selfish sex, but we are opposed to any human relationship that is entirely self-oriented -- that takes all and gives nothing in return. We also believe that any such totally self-serving association is self-destructive. Only by remaining open, and vulnerable, can a person experience the full joy and satisfaction of human existence. That he must also, thereby, know some of the

sorrow and pain of this world is without question, but that, too, is a part of the adventure of living. The alternative -- closing oneself off from experience and sensation and knowledge -- is to be only half alive. The ultimate invulnerability is death itself.

This is not at odds with what we have previously expressed about the need for a greater *enlightened self-interest* in society. Too many people today live out their entire existence in a group, of a group and for a group -- never attempting to explore their own individuality, never discovering who or what they are, or might be. Searching out one's own identity and purpose, taking real pleasure in being a person, establishing a basis for true self-respect -- these are the essence of living.

We believe that life can be a greater pleasure if it is lived with some style and grace and comfort and beauty, but we do not believe that these are the all of it. It is possible to become so caught up in the trappings -- both the form and the accoutrements of living -- that the real satisfactions become lost. Each man -- and woman -- should try to know himself, as well as the world around him, and take real pride in that knowledge.

The do-gooder, the prude, the bigot and the censor have no such self-knowledge and their concern is continually with the affairs of *others*. A concentrated interest in the affairs of others may produce some worthwhile ends, but it can also be the basis for the meddlesome disruption of other people's private lives. We have always been a little suspicious of those too aggressively concerned with the welfare of their fellow man. This is not to say that man should not be willing to aid those less fortunate than himself. He certainly should be -- and that willingness to help the rest of humankind should know no boundaries of race, religion or country. But when you help a man, you also rob him of a measure of his self-reliance; if, however, you help him to help himself, you give him the means of establishing his own life in his own way. If we truly respect ourselves, it is impossible not to respect our fellow man as well -- we must respect his individuality, the things that make him different from us, that set him apart and make him a person. One of the things that sets man above the lower animals is the distinctly individual nature of each of us; we should be as proud of these differences as we are of the similarities that make us all members of the family of man.

What we believe in, first and foremost, is the individual -- and in his right to *be* an individual.

If a man has a right to find God in his own way, he has a right to go to the devil in his own way, also. It sometimes happens that the man most other men would agree is surely "going to the devil" has, instead, discovered a new truth that is leading him away from established thought and tradition to a better way that, in time, other men will understand and follow. The Bible singles out the meek and the poor in spirit for special blessings. We'd like to add one of our own: Blessed is the rebel -- without him there would be no progress.

Religion's Changing Morality

We do not want to suggest that all organized religion is guilty of being antisexual. There is a growing awareness of the true sexual nature of man within the more-liberal elements of both the Christian and Jewish religions. Our quarrel is not, therefore, with the whole of organized religion, but only with that part of it that continues to deny man's sexual nature and pits man's body, mind and soul against one another.

It is, paradoxically enough, the Protestant side of Christendom, originally responsible for Puritanism and the strongest advocate of prudery and antisexualism -- that is now forming a new, more liberal religious view of sex. While the official Roman Catholic position still holds that the principal function of sex is procreation and that sex is not to be indulged in for pleasure alone (*Beginning Your Marriage*, a Catholic handbook, sums up the position of the Roman Church: "The reproductive processes have not been entrusted to man primarily for his pleasure, but rather for the continuation of the species.... Although the immediate result of sexual union is intensely pleasurable physical release and a sense of intimate unity, these are the accompanying effects of the act and not its primary purpose"), a great many members

of the Protestant clergy now share the view expressed by fellow theologian Dr. Seward Hiltner, who believes that no conflict exists between the flesh and the spirit of man: Since man is a "whole or total being, sex is good if it serves the fulfillment of man as a total being."

In an article titled *A 20th Century Philosophy of Sex*, Joseph Fletcher, teacher of social ethics at the Episcopal Theological School, Cambridge, Massachusetts, recently wrote: "The Christian churches must shoulder much of the blame for the confusion, ignorance and unhealthy guilt associations which surround sex in Western culture.... The Christian church from its earliest, primitive beginnings has been swayed by many puritanical people, both Catholic and Protestant, who have treated sexuality as inherently evil."

In *The Bible and the World of Dr. Kinsey*, William Graham Cole, professor of religion at Williams College, put it even more strongly: "There can be no quarrel with the secular world at this point. It is right and the church has been wrong. Sex is natural and good.... It is attitudes which are good and evil, never things.... Those who take the Bible seriously must stop apologizing for sex...they must begin with a concession to the secular mind, granting that sex is natural."

"In its efforts to prevent irresponsible procreation, Western civilization has used the device of what Freud called the walls of loathing, guilt and shame. On the whole this method of social control has worked reasonably well, but a price has been paid for its success -- the price of sexual perversion, which is the product of fear and anxiety.... The method of moralism has been weighed in the balance and found wanting, partly because it moves in the wrong direction and partly because it has based its case on fear."

In *Religion and Sex: A Changing Church View*, David Boroff wrote in the August 1961 issue of the now defunct *Coronet*, "Much of Protestantism no longer wishes to be identified with repression and Puritanism. 'In fact,' says Professor Roger Shinn, of New York's Union Theological Seminary, 'repression is a Christian heresy.' ...In this country, Puritanism...has been hostile to the expression of sexual feeling. But in recent years, Protestant theologians have re-examined these concepts. They now argue that Puritanism, when it insists that sex is evil, is actually a distortion of Christian doctrine. These thinkers have been influenced not only by recent Biblical scholarship, but also by the findings of psychiatry -- especially the revelation of the psychic damage that may be done by sexual repression."

England is undergoing a not-so-quiet sexual revolution of its own, as *Time* reported in its issue of March 22, 1963: "...the British are deeply concerned with their search for what some call 'a new morality' to fit the hushed-up facts of life. 'The popular morality is now a wasteland,' said Dr. George Morrison Carstairs, 46, professor of psychological medicine at Edinburgh University, in a recent BBC lecture. 'It is littered with the debris of broken convictions. A new concept is emerging, of sexual relations as a source of pleasure, but also as a mutual encountering of personalities, in which each explores the other and at the same time discovers new depths in himself or herself.'

"In a violently controversial report," reported *Time*, "a group of the Religious Society of Friends attacked the onus attached to 'a great increase in adolescent sexual intimacy' and premarital affairs. 'It is fairly common in both young men and women with high standards of conduct and integrity to have one or two love affairs, involving intercourse, before they find the person they will ultimately marry.' ...This, concluded the report, is not such a sin. 'Where there is genuine tenderness, an openness to responsibility and the seed of commitment, God is surely not shut out.'"

The same month, Associated Press carried a story, datelined London, which reported that a Church of England pastor challenged religious taboos against extramarital sex: "In a sermon delivered from the pulpit of Southwark Cathedral in London, Canon D.A. Rhymes declared the traditional moral code implied that sex is unavoidably tainted. 'Yet there is no trace of this teaching in the attitude of Christ,' he said. 'He does not exalt virginity over marriage, or marriage over virginity -- He merely says in one place that some have chosen virginity to leave them free for the work of the kingdom.'

"Nor does Christ ever suggest that sexuality, as such, is undesirable or that marriage is the only possible occasion of any expression of physical relationship."

"...Canon Rhymes said the moral code of today is being ignored because it is outdated. 'We need to replace the traditional morality based upon a code with a morality which is related to the person and the needs of the person....' The pastor concluded that if we want to live full and healthful lives, 'we must emphasize love,' not an inflexible, impersonal and unfeeling morality.

The Ostriches of Sex

In the face of such a tide of reason and research from psychologists, psychotherapists, sociologists, mental-health experts and enlightened theologians, the firing of Biology Professor Leo F. Koch from the University of Illinois, as discussed in our fifth editorial (*The Playboy Philosophy*, April 1963), seem all the more incredible. For Professor Koch was removed from the faculty of the university for expressing substantially the same ideas, in a letter printed in the student newspaper, that the English pastor stated in a sermon from his pulpit. If anything, the professor was somewhat more conservative in his views, noting that "there is no valid reason" why premarital sex should not be condoned "among those sufficiently mature to engage in it without social consequences and without violating their own codes of morality and ethics." For this he was publicly vilified and fired.

The occurrence prompted Dr. Robert A. Harper, President-elect of the American Association of Marriage Counselors to issue this statement: "As a veteran family life educator, marriage counselor and writer and lecturer on premarital and marital topics, I should like to state flatly that the conventional moral code regarding premarital chastity does a great deal more harm than good in contemporary American society. This code not only leads some young people into firmly fixed pornographic attitudes and prudishly repressive sexual behavior (from which matrimonial ceremonies, alas, cannot free them), but it instills guilt feelings in countless other youth who proceed to violate the stupid premarital taboos.

"Fortunately, however, a growing number of young people have been able to perceive the false, superstitious basis of the outmoded sanctions against premarital coitus and are proceeding maturely, stably, wisely, and happily with wholesome and desirable premarital sexual relations which greatly aid them in their marital sexual adjustments...."

In an article in *Esquire* titled "Sex: The Quiet Revolution," David Boroff stated: "Attitudes toward sex among those who grew up after World War II...are strikingly different from those of earlier generations. It can be summed up in this way: Sex is one of life's principal goods. The degree of pleasure one derives from it is a measure of one's self-realization. And since the old moral sanctions have lost much of their authority, there is far less reluctance about premarital sex. In fact, Dr. [Albert] Ellis reveals that when he lectures on sex before college students, there is almost invariably a wild cheer when he endorses premarital sex. Before World War II, to be a virgin was good; today, after a certain age, it is bad. The loss of chastity is no longer the fall from innocence; it is the fall upwards, so to speak, to maturity and self-fulfillment.

"Paul Goodman, the brilliant author of *Growing Up Absurd*, was recently asked his view of premarital sex by a college student. 'In sex, anything you get pleasure from is good,' he said peremptorily. 'And that's all there is to it.'"

But the ostriches remain. *The Realist*, Paul Krassner's impudent periodical of parody and social commentary, honored psychologist James E. Bender as "Unrealist of the Month" for his comment: "Anything more intense than a goodnight kiss, which should be nothing more than a gentle brushing together of the lips, should be reserved until marriage or, at least, until there is a definite engagement."

And advice columnist Ann Landers, counselor of millions, still honors and promotes what she calls "white-flower girls" (virgins). What is more, in a recent syndicated column, she agreed with a reader that chaste girls should insist on chaste men for husbands. That such chastity before marriage is likely to promote sexual incompatibility after marriage is apparently less important than upholding the sex standards passed down from previous centuries, noted for their superstition, repression and perversion.

A horrified mother wrote to Miss Landers, because she had read a letter addressed to her son from his girlfriend and learned that the pair had been sexually intimate: "I am so shocked at the contents of the letter," said the mother, "that I've been half sick ever since I read it. Both my son and the girl are 19. They have been intimate on several occasions. I can't understand how two young people who were reared in respectable, Christian homes could have gone over the line of moral decency."

Ann offered no word of wisdom to the suffering mother that might suggest that it was not abnormal for a 19-year-old boy and his 19-year-old girl to be sexually intimate; that this experience might be expected to heighten their chances of marital happiness, whether with one another or someone else; and that a majority of both men and women have similar sex experiences before they marry. Miss Landers counseled: "He [the son] should be told in plain language that the dangerous game he's playing can wreck the girl's life -- and his as well. Countless teenagers have paid a devastating price for premarital experimenting. And they all thought it couldn't happen to them."

Never mind the "devastating price" that such prudery extracts from our marriages -- the frigidity, the heartbreak, the frustration and divorce -- that's another problem, perhaps to be answered in one of next year's columns.

This letter and response remind us of a story in *Life* that we read many years ago, when we, ourselves, were an impressionable teenager. It told about a hapless young couple, who were in love, and whose parents would have been as deeply shocked as Miss Landers' correspondent if they had known that their children were being sexually intimate. The girl became pregnant, but they were both afraid to face the parental wrath that would follow either an admission of what had happened or a hasty wedding. And so, being a pair of foolish romantics, they decided to kill themselves. The girl read passages from *Romeo and Juliet* aloud to her boyfriend on the day they chose to carry out the suicide pact. The boy shot and killed her -- and then lost his nerve and called the police. Both sets of parents stood by the boy during the trial and he was acquitted; the parents blamed themselves, but it was too late to make any difference. How long, we wonder, will it take for us to learn the devastating toll that such prudery produces?

Ann Landers expresses a point of view toward sex and chastity that is still common in America -- and the heartache and havoc that it causes are incalculable. In an informative little booklet titled *Necking and Petting -- and How Far to Go*, Ann tells us: "Civilized people are expected to curb their 'natural instincts.'... Teenagers should realize that their sexual attitudes have a direct bearing on other people. It is not just a 'private' affair.... Teenagers who get into trouble injure not only themselves but their families.... If necking is the evening's entertainment, something to do instead of going bowling or going to the movies, it is WRONG...the basic rules for necking [are] All hands should be on deck and accounted for. Four feet should be on the floor at all times. Count 'em.

"And now, what is petting? Petting is necking that has gone out of control. It is kissing and hugging, plus wandering hands, with one or both parties reclining, and getting altogether too comfortable for anyone's good. Petting is the forerunner of going all the way. THIS can lead to heartbreak, pregnancy, disgrace and a sudden, unenthusiastic marriage at an early age."

Is it any wonder America has spawned generations that are frigid, impotent and sexually maladjusted? Dr. Kinsey stated, in *Sexual Behavior in the Human Female*: "A great deal has been written about the damage that may be done by premarital sexual activities, and particularly by petting; but relatively little has been said about the psychologic disturbances and subsequent marital difficulties which may develop when there is such condemnation and constant belaboring of any type of behavior which has become so nearly universal, and which is as likely to remain as universal, as petting is among American females and males."

Sex Digested

The *Reader's Digest* is the most widely read magazine in the English language; with a monthly circulation of some 15 million, it is far and away the most influential in the entire world. This is all-the-more

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true, because it is so highly regarded by America's impressionable middle class and the magazine is given wide distribution in U.S. schools.

In the July 1962 issue, the *Digest* reprinted an article which they first published in 1937 titled "The Case for Chastity" by Margaret Culkin Banning. The article was reprinted, the *Digest* said, because of the large number of requests for it from readers. In a brief introduction, the editors stated: "The problem it discusses is as acute as it was 25 years ago, and the sound advice contained in the article is, if anything, more pertinent."

We'll restrain the temptation to comment on a magazine that apparently believes sex has stood still in America over the last 25 years, and that any article written on sex attitudes in 1937 is as "pertinent" today as it was then, but because the article itself has reached such a very large audience and because it is filled with what we consider to be a great number of inaccurate and illogical statements, we feel a rather extended response is in order. Dr. Roger W. Wescott, of the African Language and Area Center in East Lansing, Michigan, former Associate Professor of Social Science at Michigan State University and a Fellow of the American Anthropological Association, expressed a similar criticism of the article in a recent issue of *The Realist* and we'll refer to his comment at some points along the way.

In her opening paragraph, Miss Banning takes exception to "the frequent denial that any moral issue is involved in sex conduct." But the sexually liberal deny no such thing. They argue, rather, that chastity is just another word for repression; that repression is harmful; that anyone who knowingly inflicts harm on another -- including himself -- is cruel; and that cruelty is immoral. In other words, as Dr. Wescott expresses it, "What the sexual liberals advocate is not the abolition of sexual standards, but the substitution of humane and reasonable standards for inhumane and unreasonable ones."

Miss Banning next deplores the fact that young people "make up their minds with insufficient knowledge" about sex. This statement is misleading, in that it implies that those holding to the more traditional ideas about sex generally have more knowledge on the subject than do the sexually liberal and that they are more willing to impart this knowledge to the younger generation. Just the opposite is the case. This is, in fact, one of the major issues between the sexual liberals and traditionalists -- with the liberals favoring more sex education for the young and the traditionalists generally opposing it. And as Dr. Wescott observes, "What little sexual education the traditionalists do dispense -- whether it be formal or informal -- is usually calculated more to intimidate than inform the young."

Miss Banning then states, "We must remember that unchastity, common though it may be, is not the norm." Since Kinsey found that upward of 85 percent of the male and 60 percent of the female population have premarital intercourse, we wonder what this writer means by "norm."

In place of sex, Miss Banning suggests such "wholesome social activities" as "study, sports and domestic tasks," implying, of course, that sexual activity is not "wholesome." This suggests that the basic sex drive can be sublimated into more "worthwhile," socially acceptable activities -- a point of view that, as we commented earlier, Dr. Theodor Reik has taken great pains to label fallacious. Dr. Wescott comments: "...insofar as 'wholesome' means 'healthy,' there is something paradoxical about the inference [that sexual activity is not wholesome]. For most psychologists and physiologists would define a healthy capacity or organ as one which has full and free scope for the exercise of its appropriate function. Miss Banning would presumably not deny that it is, before all else, walking which keeps the legs healthy. Yet she denies the implicit corollary that sexual inactivity can hardly lead to sexual health."

Miss Banning next claims that the sexually liberal are too "casual" about sex and announces: "But it is revealing that no reputable physician is equally casual. No psychologist who has seriously investigated the problems of sexual relations outside of marriage treats them as trivial." She thus suggests that the bulk of knowledgeable scientific opinion is on her side in this matter, when precisely the opposite is the case. And if, by "casual," she means that the sexually liberal wish to see people as less nervous and more relaxed about sex, she is certainly correct in that and most knowing psychologists certainly favor such a "casual" attitude.

And then, as we might expect, Miss Banning reaches down into her bag of tricks and produces that old scare pair -- venereal disease and abortion. (Which rather confirms Dr. Wescott's earlier comment about traditional sex instruction being intended more to frighten than enlighten.) As Dr. Wescott points out, Margaret Banning neglects to mention that venereal disease and abortion are equally real dangers within marriage as without (over half of all illegal abortions are performed on married women) and thus hardly valid arguments against a lack of chastity outside marriage any more than inside of it. The only real answer to venereal disease is, of course, not chastity, but a greater public awareness about the diseases (since both syphilis and gonorrhea are easily recognized and cured -- which was not true in 1937) -- and we must again remind ourselves that it is the sexual traditionalists, for whom Miss Banning speaks, who traditionally thwart attempts at broader sex education.

Abortion, the second specter revealed to our already presumably cowering youth by the lovable Miss Banning, with its potential aftermath of trauma, sterility or death, is again no argument against extramarital sex, but what Dr. Wescott calls an "indictment of a heartless and joyless social justice system." For it is the illegality of abortion that forces it to be performed under circumstances that are often less than ideal and sometimes dangerous.

Miss Banning also condemns petting (Can she be a distant relative of Miss Landers?) on the grounds that "Early and casual sex experience often inhibits and spoils mature experience...." and, because it "is apt to create habits which...unsuit a girl emotionally for marriage." ("The dean of a women's college" is the source of this second psychophysical observation.) The writer is too delicate to specify what these evil "habits" might be, but the reader can only infer that they are the techniques for achieving orgasm. And with this reasoning, of course, we are taken out of the 20th century altogether and implicitly urged to revert to the Victorian view that women should regard sexual activity, not as their natural and joyously fulfilling birthright, but only as an unavoidable duty. Miss Banning's statements regarding the harm in petting, whether before or after marriage, are wholly false -- though it is certainly preferable to continue such intimacy through to coitus.

Miss Banning then warns against the influence of drinking (we had a feeling she would): "Alcohol inflames the senses, is an acknowledged aphrodisiac...." In this, of course, the dear lady is scientifically incorrect. Alcohol, as Dr. Wescott explains, is an intoxicant, not an aphrodisiac (Dr. Wescott adds: "In the strict sense of the word, no aphrodisiac has yet been discovered") and is incapable of inflaming the senses. What it does do, the doctor goes on to explain, is dull the inhibitions and "permit more natural impulses to express themselves. There being few impulses more natural than the erotic, it is hardly surprising that alcohol therefore appears to sex-negators magically to magnify the sex urge."

Miss Banning next comments that a girl may carry "into early sexual experience a sense of sin," ignoring the obvious fact that it is those who would repress the natural sex urge who are responsible for promoting this notion of "sin"; and then: "The effect of unchastity on the nervous system is also serious." Exactly the opposite is the case in those fortunate enough to be free from the stultifying, unnatural taboos which imbue the young with sensations of guilt and fear concerning the expression of their natural impulses.

Miss Banning then wags a warning finger at young lovers with the admonition that circumstances surrounding premarital sex are almost always secretive, ill-housed and uncomfortable. "Think," she says, "of the motels, the cheap hotels, the back seats of cars as an environment for 'love.' Hurried, watchful, fearful...." Once again her observation amounts to an indictment of a society too uncharitable to grant proper privacy, comfort and understanding to its youth.

"The promiscuous woman is usually in doubt of her attractiveness," writes Miss Banning (who we are obliged to assume is chaste, but who we simply cannot picture as being very attractive), "and is seeking reassurance by repeated and varied experience with men. The fact of inferiority is also true of promiscuous men, who in such ways prove a virility which they secretly doubt.... Promiscuity makes people lose the greatest experience in life -- love."

As Dr. Wescott points out, this statement is difficult to discuss until we know what is meant by all the terms in it, especially "promiscuity" and "love." "If 'promiscuity' is defined as 'wholly indiscriminate mating,'" notes the doctor, "we can safely dismiss it as a pseudo-problem, since even [lower] animals show at least minimal discretion in mating. If on the other hand, it is simply a slur-word for extramarital love, we may dismiss it as an antinomy since what it amounts to is a statement that love destroys love."

Any implication that extramarital sexual activity on the part of either the male or female, with one or a number of partners, presupposes a neurotic motivation is simply untrue. There is a little item called the basic sex drive that explains such behavior far more accurately. Miss Banning's banning pronouncements remind us of the Playboy cartoon by Phil Interlandi in last January's issue, with two women marooned together on a desert island -- one, young and voluptuous, exclaims to the other, who is elderly: "Look, do me a favor and stop saying, 'Who needs it?!'"

To Miss Margaret Culkin Banning, apparently, all sexual liberalism seems little more than a pose. "It is all very well," she writes, "to say, 'People look at these things differently today.' They may look at them differently, but they feel about the same." If this were true in the absolute way in which Miss Banning expresses it, then one could aver with equal validity that since people once worshipped the sun, the rain, fire, trees and rocks, they must feel the same reverence for them. Such religious beliefs were undoubtedly of the utmost importance to our early ancestors, who fervently believed that society simply could not exist without them. Yet today most people not only feel no need to worship rocks, and rain, and fire, they seem to be free from even nostalgia for such worship. Civilization moves onward and upward -- the ostriches notwithstanding -- and people do progress, and learn to look upon and feel about things in new ways -- given time, experience and the opportunity for enlightenment.

Miss Banning warns us that, "We cannot ignore man's preference for a virgin as a bride." To which Dr. Wescott replies, "True enough. But to acknowledge need not be to encourage. And the sexual liberal tries to show the determined virgin-hunter that his insistence on the magical virtue of the unruptured hymen is due to his implicit conception of women as property, and that it is far from flattering to 'the fair sex' to treat its members as salable commodities with only two possible labels -- 'used' or 'unused.'"

"It is," Miss Banning says, "as true now as ever that in sacrificing chastity a girl may be gambling away her later chances of lifelong married happiness." And Doctor Wescott responds: "Although happiness is, at best, an elusive and subjective concept, what few statistics there are on the subject of marital bliss are extremely melancholy. Even in the days of the pioneer German erotologist Iwan Bloch, prospects for betrothed virgins were bleak; and they seem to have declined since then. Virginity, in other words, seems to be a very poor passport to happiness.

"In fact, about the only prediction one can fairly make about the girl who is a physiological virgin before marriage is that she is more likely than her unchaste sister to remain an emotional virgin after marriage. In this case as in that of premarital petting, it seems that practice makes perfect. The sexual 'rules' are much the same as those for other vital functions: We must learn to walk before we can expect to run. And if we are not permitted to use, or even to mention, our legs, how can we learn to do either?"

Kinsey makes a strong point in his studies. It is especially true for upper-class males, who are far more "heterosexually restrained" in their early years than are lower-class males. Kinsey notes that after being thus repressed for ten or 15 years, getting married does not transform them overnight into Don Juans. And the sexual adjustment with their new mates is, at best, quite often a difficult matter.

Summarizing Miss Banning's "case for chastity," we find that she attempts to threaten and frighten more than persuade with any reason and that she also creates or perpetuates several myths that science rejects as untrue or unsound: Among these is the notion that romantic love is more natural and wholesome than sexual arousal; that work is intrinsically healthier than play; that petting makes a girl unsuitable for marriage; that the problems of venereal disease and abortion are caused more by lack of chastity than society's prudery, and the resultant suppression of knowledge in the case of VD and the legal use of that knowledge in the case of abortion; that alcohol is an aphrodisiac; that promiscuity robs

one of the ability to love or be loved; that attitudes and feelings do not change with time and experience; that premarital chastity is more conducive to a successful marriage than unchastity; that chastity is the norm; and that exalting virginity is really healthful and good for society. Most experts in the field of sexual behavior would reject all of the foregoing assumptions or conclusions as fallacious.

For the future, we share with Dr. Wescott the hope that the general reading public will be offered "more substantial fare than these venerable clichs and that it will have ever-increasing opportunity to escape from those sex-Banning attitudes that have hitherto robbed its life and its love of so much joy."

Dr. Wescott also recognizes clearly the underlying significance of sexual freedom in a free society, as he states in the conclusion: "Ultimately, of course, the case for sexual freedom is the same as the case for any other kind of freedom -- political, social or religious: Liberty releases and fulfills human potentialities, while restriction cramps and distorts them. Let us therefore no longer refuse free rein to that immense potential for good which resides, too often mute and unrealized [within each of us]."

We think it an apt conclusion, also, for this installment of *The Playboy Philosophy*.

Because of the considerable response to "The Playboy Philosophy," beginning with this issue Playboy is introducing a new feature, "The Playboy Forum," in which readers may offer their comments -- pro and con -- on subjects and issues raised in this series of editorials. No previous feature published by this magazine has elicited so much reaction and so much debate -- in and outside the pages of Playboy -- and since many of the subjects discussed are, we feel, among the most important facing our free society today, we will continue the "Forum" just as long as the letters from readers warrant.

CHAPTER 9

One of the major controversies in contemporary society concerns sex. The gap between our supposed sexual morality and our actual behavior is extreme and when an entire nation practices such hypocrisy, the results can be calamitous. Since the behavior is based upon a natural sex drive that, when repressed, results in perversion, impotence, frigidity and unnatural feelings of guilt and shame, society is searching for a new morality more in keeping with the newly recognized "facts of life."

To better understand this Sexual Revolution, it is worthwhile to explore the origins of our present-day traditions and taboos regarding sex. As we have seen, our sexual mores are based primarily on religious teachings. But where did our religions acquire their strong antisexual nature? Man hasn't always equated sex with sin and his concepts of sexual morality have varied greatly through the centuries. Where did the ideal of chastity come from? And the notion that virginity is a virtue? Who devised the idea of chaste "romantic love" to replace natural sexuality? Has organized religion always been antisexual in concept?

Historically, religion and sex always have been intimately interwoven. Sex played an important role in early religious beliefs and rites, and vestiges of its celebration are apparent in many of our contemporary religious rituals. The first religions of primitive man defied sex and fertility. In the quite complex, sophisticated and intellectual societies of pre-Christian Rome and Greece, the gods were patterned after men and they were as sexually potent as one might expect a god to be: Roman and Grecian mythology are filled with tales of their sexual prowess. But the Jewish and Christian faiths perceived a less human God, and in this more ethereal state, He had no need of sex. The psychoanalytic might also point out that the Christian God has all the attributes of a father figure, with whom sex would be considered incestuous; and it is certainly true that incest and Oedipal fears played a major role in the early history in Christendom.

Though it is not generally recognized today, the concept of virginity as a virtue in women is actually antifemale in origin, derived from a period when women were thought of as property, owned first by their fathers and later their husbands. And as Dr. Roger W. Wescott wryly observed: "...it is far from flattering to 'the fair sex' to treat its members as salable commodities with only two possible labels -- 'used' or 'unused.'"

The term "virgin" did not mean to the Classical world what it means to us. The early Romans distinguished between *virgo* -- an unmarried woman, and *virgo intacta* -- a woman who had never known a man; the same distinction was made by the Greeks. To them a virgin was a woman who had retained her personal autonomy by not submitting herself to the restrictions of marriage. Virginity was more a social and psychological state than a physical one. It was the married woman, who had lost her independence through matrimony, who was no longer considered virgin. Indeed, it was believed that sexual relations with a god magically restored virginity.

In early Rome and Greece, sexual behavior was largely a matter of personal taste, though there were civil laws protecting individuals from abuse, such as rape. R. Rattray Taylor states, in his book *Sex in History*: "Husbands had property rights in their wives; a wife's adultery was severely punished by the husband, because it made the paternity of the children doubtful. A husband, on the other hand, could have what sexual experience outside of marriage he liked, subject only to the fact that that he would incur the wrath of another husband if he seduced a married woman, and might be killed for so doing. An unmarried man was equally free.... There was no admiration of virginity as a good in itself [however] and among the populace an [unmarried] woman was free to sleep with a man at her own discretion."

Sex in Early Judaism

The early Jews, according to Taylor, "believed strongly that one should enjoy the pleasures of life, including those of sex (see *Deuteronomy* 21:10-14) and some teachers held that at the last day one would have to account to God for every pleasure that one had failed to enjoy." Jewish law was derived

from the Babylonian code of Hammurabi and the only sexual injunctions in the Ten Commandments are against adultery and coveting of a neighbor's wife. On this, Taylor states: "It must be understood that in this period, just as in Rome and Greece, adultery was a property offense and meant infringing the rights of another man. It did not mean that a man should restrict his attentions to his wife; indeed, when a wife proved barren, she would often give one of her handmaidens to her husband that she might bear children for him. Moreover, as the Bible often reminds us, men were free to maintain mistresses, in addition to their wives; on the number of wives a man might have there was no restriction.

"Nor was there any ban on premarital sex; it is seldom appreciated that nowhere in the Old Testament is there any prohibition of noncommercial, unpremeditated fornication -- apart from rape, and subject to a father's right to claim a cash interest in a virgin. Once a girl had reached the age of 12 years, she was free to engage in sexual activity, unless her father specifically forbade it. Prostitution, though frowned on, was common, and in Jerusalem the whores were so numerous that they had their own marketplace. Nor in pre-Exilic days was sodomy a crime, except when committed as part of religious worship of non-Jewish gods."

But in the post-Exilic period there was a remarkable change in the Jewish attitude toward sex. There developed a feeling that all pleasure, but especially sexual pleasure, was wicked. Reubeni speaks of "the power of procreation and sexual intercourse with which, through love of pleasure, sin enters in." In *Ecclesiastes*, we find the blame for sin being laid on women: "Women are overcome with the spirit of fornication more than men and in their heart they plot against men."

As with early Christianity, it is probable that the persecution of the Jews had a great deal to do with this increase in sexual suppression and feelings of guilt. Coupled also with this change in attitude, as seems always to be the case, went a tightening of restrictions and a loss of personal liberty. Whereas previously the sexes had mingled quite freely, it now became a sin for a man to speak to, or even look at, a woman unless it was unavoidable.

L.M. Epstein states, in *Sex Laws and Customs of Judaism*: Virginity now began to be praised -- "Happy is the barren that is undefiled...and happy is the eunuch" -- whereas, previously, rabbinical tradition had regarded celibacy as a crime. Josephus reports of the Essenes: "They reject pleasure as an evil, but esteem continence and conquest of the passions to be a virtue. They neglect wedlock." This period was marked with a new concern over afterlife and intensely increased feelings of guilt, shame and suspicion. According to one teacher, boys should not be allowed to play with girls, and a mother-in-law should not live with her married daughter for fear she might seduce the husband. Rabbi Samuel Glasner writes, in his chapter on Judaism and sex, in *The Encyclopedia of Sexual Behavior*: "...The Talmud prohibits a widow's keeping a pet dog, for fear of the suspicion of sexual abuse (*Abodah Zarah* 22b; *Baba Betziah* 71a), and in later times both Maimonides and Karo advised against unchaperoned association between young males (*Yad I.B.* 22, 2; *Eben Ha-Ezer* 24, 1). Ideas of contamination became widespread - with women considered the source of infection; a man was not permitted to pass within four ells of the house of a prostitute for fear of disease.

The attitude toward homosexuality changed markedly, as the warning against young men being allowed together unchaperoned suggests, and not only was it made a capital crime, punishable by death, but the law was applied to non-Jews as well. The intensity of these new homosexual anxieties is perhaps best illustrated by the special ban placed upon a father appearing naked in front of his sons, although no such specific prohibition was thought necessary in the case of his daughters. Ham, one of Noah's sons, was condemned to slavery, and his children after him, and his children's children -- hence the rationalization for the subjugation of the Negro race, for Ham was black. His crime was that he entered the tent of his father and found him lying there dead drunk and naked. In general, Taylor reports, exposure of the sexual parts of the body was regarded as a crime, and within a family, a form of incest. Complete nudity was considered even more obscene and sinful. Homosexual fears seem to also be suggested by the rule that a mother might kiss her sons, but not her daughters, and conversely for a father.

Taboos against masturbation are certain to produce feelings of guilt in any society, since masturbation is a nearly universal sexual activity, especially among young males, and the post-Exilic Jews laid tremendous stress on such prohibitions. The Zohar called it the most reprehensible sin of all and Rabbi Glasner reports that one Talmudic authority declared it to be a crime warranting death. Clerical regulations on the subject display an obsession with detail: For example, a Jew was forbidden to sleep on his back, wear tight trousers or touch his sexual parts while urinating, for fear of sexual arousal. Even an involuntary seminal emission rendered the individual ritually unclean and required a ritual bath for purification (*Leviticus* 15:16-17; *Deuteronomy* 23:10-12).

Sex in Early Christianity

In such a time, Christianity had great appeal, as Taylor views it in his authoritative and comprehensive *Sex in History*, for "it affirmed the sense of guilt [so prevalent among the people of that time] and authorized self-punishment to relieve it."

The officially favored religion in Rome at the end of the Second Century A.D. was Mithraism, which came from Asia and spread throughout much of Europe, including portions of England. It was an aggressive, outgoing religion. Taylor writes, "Mithraism specifically preached that good lay in action, in conquest, in grappling with the world...." As such, it had a considerable attraction to the Roman emperors, to soldiers, administrators and extroverts, but offered no place for women. In contrast, Christianity, in its early stages, was primarily a passive religion and it thus appealed to women, introverts, slaves and many of the common people of a lesser station. If a psychoanalytic interpretation of Mithraism reveals its sadistic nature, early Christianity may similarly be characterized as primarily masochistic. Taylor notes, "Mithraism adopted as its symbol the Cross, an instrument of torture and death.... The choice of Christianity in preference to Mithraism therefore not only represents a choice of masochism as against sadism, and a turning in of the death instinct against the self, but also a victory for death instincts as against life instincts."

A flood of Iranian and Semitic concepts was sweeping the Mediterranean world, threatening to submerge the elaborate cultures erected by Greece and Rome, and early Christianity adopted many of these beliefs into its own religion. In *Social Control of Sex Expression*, Geoffrey May states that Christian asceticism comes not so much from the teachings of Jesus as from the element of Oriental dualism, implying the antithesis of the spiritual and the physical, found in the teachings of St. Paul. Moreover, under the persecutions of the Roman Empire, Christians came to desire suffering and revolted against the sexual excesses of the Romans.

As with the Jews, persecution of the Christians produced a masochism that made deprivation, suffering and pain a virtue. In *Love and the Sex Emotions*, W.J. Fielding notes that adherents of the new religion soon developed an obsessional horror of sex and multiple methods of self-torture quite different from the asceticism of earlier religions. Fanatical monks retired to the burning deserts of North Africa to mortify their flesh: fasting, flagellating themselves, going without sleep and refusing to wash. Ammonius tortured his body with hot irons until he was entirely covered with burns; Macarius went naked in a mosquito-ridden swamp and let himself be stung until nearly unrecognizable; St. Simeon ulcerated his flesh with an iron belt; Evagrius Ponticus spent a winter's night in a fountain so that his flesh froze.

The association between these masochistic practices and sexual desire is indicated by the confessions of the fathers themselves. Thus Jerome says: "How often when I was living in the desert, which affords to hermits a savage dwelling place, parched by a burning sun, did I fancy myself amid the pleasures of Rome. I sought solitude, because I was filled with bitterness.... I, who from the fear of hell had consigned myself to that prison where scorpions and wild beasts were my companions, fancied myself among beves of young girls. My face was pale and my frame chilled from fasting, yet my mind was burning with the cravings of desire, and the fires of lust flared up from my flesh that was as a corpse. I do not blush to avow my abject misery."

How closely the whole psychological process depended upon the suppression of sexual desire is further indicated by the preoccupation of these early Christians with the subject of castration. Taylor reports, "The tonsure of the priest is a recognized symbol of castration, and his adoption of a skirted cassock perpetuates the adoption of female clothes, in just the same way as the priests of Astarte, after castration, assumed female attire. The Jews had adopted circumcision -- another symbolic castration -- as part of a religious convention that made every man a priest, and thus able to read the sacred books. But symbolic castrations were not enough for some early Christians. Thousands hastened to castrate themselves in truth...and a sect sprang up so enthusiastically addicted to the practice that its members castrated not only themselves, but also any guest rash enough to stay under their roofs." Since the continuance of any religion depends upon the fact that children usually follow in the faith of their parents, a sect which fails to reproduce itself is in danger of dying out. The Church recognized this simple truth and soon forbade the practice.

Medieval Sex

The earliest Christians had sought to transcend sex -- to be above temptation; but that didn't prove very successful, so the Church abandoned this technique in favor of repression. The relative merits of the two methods were not entirely resolved, however, and debate over the alternative techniques was to arise numerous times in the centuries that followed.

The medieval Church was obsessed with sex to an extreme degree, according to Taylor. "Sexual issues dominated its thinking in a manner which we should regard as entirely pathological." The Christian code was based, quite simply, "upon the conviction that the sexual act was to be avoided like the plague, except for the bare minimum necessary to keep the race in existence. Even when performed for this purpose, it remained a regrettable necessity. Those who could were exhorted to avoid it entirely, even if married. For those incapable of such heroic self-denial, there was a great spider's web of regulations whose overriding purpose was to make the sexual act as joyless as possible and to restrict it to the minimum." Taylor points out that it was not the sex act itself which was damnable, "but any pleasure derived from it -- and this pleasure remained damnable even when the act was performed for the purpose of procreation...." This idea reached its crudest expression with the invention of the *chemise cagoule*, a sort of heavy nightshirt with a suitably placed hole, through which a husband could impregnate his wife while avoiding any other contact with her. The belief that, even with marriage, the sexual act should not be performed for pleasure still persists in some Christian sects to this day.

Not only was the pleasure of the sexual act held to be sinful, but also the mere desire for a person of the opposite sex, even when unconsummated. Since the love of a man for a woman conceived of as, at least partially, sexual desire, this led to the concept that a man should not love his wife too much. In fact, Peter Lombard maintained, in his apologetic *De excusatione coitus*, that for a man to love his wife too ardently is a sin worse than adultery.

By the eighth century, the Church had begun to develop the strict system of laws which ruled the Middle Ages. A series of "penitential books" appeared that explored the subject of sinful sex in minute and intimate detail; every misdeed was described at length and penalties were prescribed for each. Celibacy was the ideal and for those with priestly functions, it became obligatory. Since chastity was a virtue, it was virtuous for wives to deny sex to their husbands, which many apparently did. It is doubtful if this actually increased the sum total of chastity, however, since many husbands were driven to extramarital relations as a consequence, to such a degree that the Church felt obliged to intervene.

Shame of the body and a near-pathological modesty came with this increasing emphasis on chastity and soon extended beyond the areas of sexual activity, as with a virgin named Gorgonia, who "with all her body and members thereof...bruised and broken most grievously" refused the attentions of a doctor because her modesty would not permit her to be seen or touched by a man; it was reported that she was rewarded by God with a miraculous cure.

In some penitentials, fornication was declared a worse crime than murder. Attempting to fornicate, kissing, even thinking of fornication, were all forbidden and called for penalties: In the last case, the penance was 40 days. Nor was intention a necessary requisite for sin, for involuntary nocturnal emissions were considered sinful: The offender had to rise at once and sing seven potential psalms, with an additional 30 in the morning.

The penitentials also devoted a disproportionately large amount of space to penalties for homosexuality and bestiality, but the sin upon which the greatest stress of all was placed on masturbation. In *Social Control of Sex Expression*, Geoffrey May observes that in the five comparatively short medieval penitential codes, there are 22 paragraphs dealing with various degrees of sodomy and bestiality, and no fewer than 25 dealing with masturbation on the part of laymen, plus a number of others dealing separately with masturbation on the part of the laymen, plus a number of others dealing separately with masturbation by members of the clergy. According to Aquinas, it was a greater sin than fornication. And as we previously observed, taboos surrounding masturbation are particularly significant, since this activity is so common, they are certain to produce feelings of guilt. Taylor observes that modern psychiatric insights indicate the belief that sexual pleasure is wicked springs primarily from parental taboos on infantile masturbation. Since the child is punished when he is too young to understand its significance, and when masturbation is his primary means of pleasure without outside assistance, a fear of this specific pleasure becomes imbedded in the unconscious, which later becomes generalized until it turns into a fear of pleasure in all of its forms. It is easy to understand why the early Church seized upon this willingness of parents to frown on infantile masturbation as a means of maintaining its system of sexual repression and, therefore, concentrated a considerable amount of attention on the matter.

The more general discouragement of pleasure, of even a nonsexual nature, was a part of earliest Christendom. In the third century, Porphyry set the tone by condemning pleasure in all its forms. May comments, "Horse racing, the theater, dancing, marriage and mutton chops were equally accursed; those who indulged in them were servants, not of God, but of the devil." Augustine called Porphyry the most learned of all the philosophers and established this doctrine on a formal basis.

Most of us have at least a vague awareness of the existence of the sexual prohibitions of the medieval Church, since many of them are still maintained, if in diminished strength, today. What is less generally recognized is the extent to which the Church attempted to limit and control not only sex outside of marriage, but within it, too. The sexual act could be performed in only one prescribed position, with the male above, and penalties were prescribed for any variance. This concept was described from the notion that other positions were more sexually enjoyable, and was consistent with the idea that sex should be kept as pleasureless as possible.

Not content with this, the Church proceeded to reduce the number of days per year during which even man and wife might legitimately perform the sex act. First, sex was made illegal on Sundays, Wednesdays and Fridays, which effectively removed the equivalent of five months out of every 12. Then it was made illegal for 40 days before Easter and 40 days before Christmas, and for three days before attending communion (and there were regulations requiring frequent attendance at communion). Marital sex was also forbidden from the time of conception to 40 days after birth. It was, of course, also forbidden during penance.

These are the principles from which our modern Western sexual ideals have been principally derived. Taylor points out that the Christian attitude of antisexuality, even within wedlock, was in marked contrast to that of Mohammedans, who held that there were grounds for divorce if the sexual act was not performed at least once a week.

It would be a mistake, however, to imagine that the early Christian Church prepared these codes of sexual conduct with the brutal single-mindedness of the Nazis preparing to pop another batch of humans into the ovens. Rather, it was a case of these dicta being promulgated in a passion of despairing guilt by a group of individual men like Augustine, Aquinas, Damiani and Bernard, who knew nothing of the true sexual nature of man, and who were tormented by the virtual certainty of eternal damnation for all who so much as thought about sexual pleasure. All about them, they witnessed sensuality and in a frantic

attempt to save the people from themselves, they instituted and perpetuated ever more rigid rules of abstinence. Never mind the cruelty, never mind the injustice, if only this frightful and damning disaster could be somehow prevented.

Pious Fraudulence

That these ideas were pathological, there can be no doubt. But the motives were pure, even if the end results were grotesque in the extreme. "Only real desperation is enough to explain the ruthlessness with which the Church repeatedly distorted and even falsified the biblical record in order to produce justification for its laws," says Taylor. For such extreme antisexual sentiment is not to be found in the Bible and certainly not in the New Testament. As W.H. Lecky states, in *The History of the Rise and Influence of the Spirit of Rationalism in Europe*, "The fathers laid down a distinct proposition that pious frauds were justifiable and even laudable...[and] immediately, all ecclesiastical literature became tainted with a spirit of the most unblushing mendacity."

The Church claimed that its stringent taboos on sex had been proclaimed by St. Paul, but in actual fact, although Paul had gone much further than anyone before him in disallowing sexual activity, he had never suggested anything as radical as the sexual code of the medieval Church. Paul also made it clear he was not propounding the official teachings of Christ, but was simply giving his personal opinion, in reply to a number of questions put to him at the Church of Corinth.

Attaching, as they did, so much importance to preventing masturbation, the medieval churchmen sought biblical justification and finding none, evidenced no great reluctance in twisting the Scriptures to suit their purpose. *Genesis* 38 refers to Onan's seed falling upon the ground and his subsequently being put to death. The idea was established -- and is still widely believed -- that this passage refers to masturbation, from which is derived the word onanism as a synonym for the practice. Actually, the biblical passage refers to *coitus interruptus* and it had a property interest as its *raison d'être* rather than a sexual one; N.E. Himes, in *A Medical History of Contraception*, confirms that the reason that Onan was put to death was that he had violated the law of the levirate, by which a man must provide his deceased brother's wife with offspring, so that the family's possessions could be handed down to direct descendants. The Catholic writer Canon E. de Smet, in his book *Betrothment and Marriage*, also comments upon this: "From the text and context, however, it would seem that the blame of the sacred writer applies directly to the wrongful frustration of the law of the levirate, intended by Onan, rather than the spilling of the seed."

"It was part of its comprehensive attempt to make the sexual act as difficult as possible," observes Taylor, "that the Church devised laws against the practice of abortion." The Romans, Jews and Greeks had not opposed abortion, but Tertullian, following an inaccurate translation of *Exodus* 21:22, which refers to punishing a man who injures a pregnant woman, popularized the notion that the Bible held abortion to be a crime. Rabbi Glasner states, "The Bible itself does not mention it at all.... One might argue that the therapeutic abortion, at least, would not be considered objectionable, since the embryo was considered a part of the mother (like a limb), and not a separate entity." Taylor states that though the error in translation has long since been recognized, the Church still maintains its position opposing all abortion, and this opposition has become incorporated into secular law. Which nicely demonstrates that moral laws may not as often be derived from biblical authority, as biblical authority is sought to justify the particular prejudices and predilections of the time.

The Church's interpretation of the story of Adam and Eve in the Garden of Eden provides an even more striking example of construing Scripture in ways not inherent in the text. To support its general position on sex, the story was changed to suggest that the "forbidden fruit" Adam tasted in the Garden was sex, with Eve cast in the role of the temptress. Thus the Original Sin that Adam handed down to all of us was sexual in nature. But the Bible makes no such statement; the *Book of Genesis* indicates that Adam ate from the tree of the knowledge of good and evil and it is for acquiring this knowledge, which made him godlike, that he was expelled from Eden. No reference is made to sex in connection with Adam's fall from Divine favor. (It should be noted that in the story of the Garden of Eden, the female is

again viewed in an unfavorable light -- not only is she created from one of Adam's ribs, placing her in a position of being his possession, but Eve is also the one who tempts Adam into breaking God's commandment, thus causing his downfall. In a variation of the story, menstruation was explained as a "curse" imposed upon women for Eve's treachery in seducing Adam.)

Sexual Contamination in Women

The sexual obsessions of the Church were especially hard on women. Pre-Christian societies had treated women as property; the medieval Church perpetuated this belief and considered them the source of all sexual evil as well. One philosopher of the period stated, "A Good Woman is but like one Ele put in a bagge amongst 500 Snakes, and if a man should have the luck to grope out that one Ele from all the Snakes, yet he hath at best but a wet Ele by the Taile."

Taylor points out that the Church's concern over sex was derived from earlier pagan superstitions. It preserved the primitive belief in the power of sex to contaminate. It was for this reason that married couples were required to abstain from intercourse for three nights after marriage -- the so-called Tobias nights -- and once having performed the sexual act, they were not allowed to enter a church for 30 days, and then only on condition of doing 40 days of penance and bringing an offering. Theodore further extended the belief in sexual contamination when he ruled that it was a sin for a menstruating woman to enter a church and imposed a penance for any infraction of this dictum.

We remarked earlier on the incest fears that pervaded early Christianity and these further emphasize the superstitious nature of the Church's attitude toward sex. Many cultures, though by no means all, have regarded it as incestuous to marry a parent or sibling. But in the 11th century, the Church became increasingly obsessed with incest fears and extended the ban to first, then to second, and finally to third cousins. But this was not all. So strongly was the notion of sympathetic contagion embedded in the collective psyche, so intense were the anxieties concerning incest, that godfathers and godmothers were included in the ban; next, even the relatives of the priests who had baptized or confirmed an individual were included; finally, even the two adults who had been the sponsors to the same child in baptism or confirmation were restrained from ever marrying one another. In some small villages, it is not too far-fetched to imagine that these regulations sometimes eliminated every available candidate and condemned individuals to a lifetime of celibacy in the same way, as Taylor points out, as the complicated exogamic regulations of the Australian blackfellow.

As a further restriction on marriage, Christians were forbidden to marry Jews, or followers of any other religion. In fact, copulation with a Jew was regarded as a form of bestiality and carried the same penalties. And in this there is a certain irony, since it was from the Jews that the Christians derived their laws against bestiality.

It might be assumed that such a lengthy list of prohibitions would have exhausted the ways which zealots found to complicate and hinder the performance of the sexual act, but there is yet one more: The Church proclaimed that no one could marry for a second time, even if the first partner had died -- a doctrine which was allegedly supported by the Pauline text stating that a man who puts away his wife and marries another commits adultery; even though St. Paul had made it clear that in this he referred to putting away a living wife. It was part of this same program that the medieval Church opposed polygamy, though the Jews had been polygamous, and the early Christian fathers did not object to multiple marriage either. Even the strict St. Augustine considered it permissible to take a second wife if the first was barren.

Because it considered marriage a contaminating process, the Church at first refused to perform the marriage ceremony, but later -- as a part of its comprehensive attempt to control all sexual matters -- it urged couples to their marriage vows in the Church; because its negative position regarding the married state, however, it did not assert that a civil marriage was invalid, for to do so might have indirectly implied a greater approval of the marital state that they were then willing to accord. It was the Tudor monarchs, untroubled by such questions of theology, who first proclaimed church marriage compulsory. The Church then refused to perform marriage ceremonies at certain times of the year; Taylor reports that at one point

"there were only 25 weeks in the year when marriages were legal...." The Church also restricted the hours during which the marriage vows could be taken; first declaring that such an occurrence should be done openly, "it established that marriages must take place in daylight, but later defined daylight as eight a.m. to noon."

Since it was the intent of the Church to reduce sexual opportunity to the minimum, it recognized divorce for a limited number of reasons, including barrenness and religious incompatibility, and the penitential books allowed divorce in cases of prolonged absence, or capture by the enemy in wartime, but the fully developed medieval code conceded only especially granted Church annulments and separations (the latter allowing for no possibility of marriage to another).

It is from the Church's superstitious or near-magical view of the sex act that we get our idea that marriage has not been truly consummated until coitus has been performed. By "logical" extension of this premise, it was considered bigamous for a woman to marry if she had previously committed fornication with someone else; it was also considered bigamous for a husband to continue to sleep with his wife after she had slept with another. The performance of the sex act was thus believed capable of creating some new relationship between individuals and could even retroactively destroy a previously licit relationship.

It was felt that sexual evil really dwelt within woman, since she tempted man, who would otherwise remain pure. Thus, not only sexual intercourse, but the very presence of a woman was thought to attract evil and contamination. During the plague it was considered inadvisable to sleep with women or even go near their beds, as this increased the risk of infection implying that the spread of disease is a uniquely heterosexual phenomenon.

This degradation of the female and the lowering of her status was very different from the position she held in earliest Christian times. In Christian Rome, women had enjoyed a status nearly equal to that of men; they had been allowed to preach, to cure, to exorcise and even to baptize. All these rights had been gradually taken away, and by the Middle Ages married women ceased even to have legal existence. Blackstone commented: "The very being or legal existence of the woman is suspended during the marriage...for this reason a man cannot grant anything to his wife or enter into any covenant with her; for the grant would be to presuppose her separate existence, and to covenant with her would be only to covenant with himself."

Because a wife was her husband's property, to seduce her remained an offense against property (even as in early pagan times), and as late as the Victorian era, the husband's first recourse was to bring civil action for damages against a wife's lover. A husband had the right to inflict "moderate chastisement" upon a wife who did not obey him and civil law allowed him to "beat her violently with whips and sticks." J.C. Jeafferson, in *Brides and Bridals*, notes that it was permissible to thrash a woman with a cudgel, but not to knock her down with an iron bar.

Romantic Love

A quite different attitude toward women also began to develop during the Middle Ages, and from it we derive many of our own traditions regarding romantic love. A school of poets sprang up, who called themselves troubadours, and who extolled the virtues of a relationship between a man and a woman, in which the woman was placed on a pedestal and the man sought to win her favor. The rules governing "courtly love," as it was called, were elaborately worked out and were written down about 1186 by Andrew the Chaplain, of the Court of Queen Alienor; this *Treatise of Love* was soon translated into the principal foreign languages and became a standard work throughout Europe.

The Church opposed the troubadours because they elevated the position of women, but the concept of courtly love was not a sexual one; it was the preliminary wooing that was the important thing, and the underlying antisexual nature of these romantic relationships (which is responsible for some of today's most persistent notions about chaste romance) indicates that this was simply one more attempt to sublimate the tremendous feelings of guilt, about any male-female association, that Church-perpetuated

repressions had produced. Andrew's *Treatise* listed a number of reasons for not bringing a romantic affair to any physical conclusion and listed as the "worst" of crimes, "engaging in the work of Venus." A majority of the troubadours' poems were actually rife with religious references and they did much to glorify the Virgin Mary.

Each troubadour extolled the virtues of a particular woman whom he both loved and obeyed -- whom he wooed, but hoped never to win, whom he considered superior in every way. Taylor comments that it would probably be a good psychiatric guess that the troubadours were, or would have been, troubled with impotence if finally faced with their mistresses; this is consistent with the observation of Rilke to the effect that the troubadours feared nothing so much as the success of their wooing. Many were probably passive homosexuals. Thus the troubadour Rambout of Orange says that if you wish to win women, you should "punch them in the nose" and force them, as this is what they like. "I behave differently," he adds, "because I do not care about loving. I do not want to be put to trouble for the sake of women, any more than if they were my sisters; and so with a woman I am humble, obliging, frank and gentle, fond, respectful and faithful...." In Dante's *Purgatorio*, two troubadours are found in the sodomites' circle of Hell.

L'amour courtois of the Middle Ages was, according to Morton H. Hunt, author of *The Natural History of Love*, in his chapter in Julian Huxley's *The Humanist Frame*, "...a compelling relationship which could exist only between a man and woman not married to each other, and in which the man was the pleading, humble servitor and the woman the disdainful, cruel tyrant. It was compounded of quasi-religious exaltation, much public discussion of aesthetic matters and of etiquette, 'purified' and often unconsummated sex play, and the queer fusion of chivalric ideals and concepts of good character with the practice of secrecy, deception and illicit relationships...." Hunt says in addition: "[Courtly love's] proto-romantic qualities of sadness, suffering, distance from the beloved, difficulty of attainment of desire, secrecy and the like can all be explained in psychological terms, but they would never have been admired and idealized had love not been forced by...religious asceticism, and the subservient status of the wife, to remain outside and alongside marriage.

"...Courtly love, during its early centuries, was ideally functional for both the individual courtier and the courtly class. But for the bourgeois of the Reformation, it was dysfunctional in that, among other things, it required more time, money and cultivation of taste than the middle class possessed; moreover, it was in conflict with their general sense of morality. When, however, it was modified enough to be amalgamated with marriage, these dysfunctions disappeared. Thereafter, romantic love leading to romantic marriage ideally suited the commercial and business classes...." It is in this modified form that romantic love found its way down to the present time, reaching its apex in the 19th century. Of this period, Hunt says: "...The 19th century -- that high-water mark of romantic and sentimental feeling -- was a time when many men were made impotent or masochistic by the prevailing love mores and many women were warped by frigidity and frustration."

In *The Medieval Manichee*, S. Runciman reports that the very same area which gave birth to Courtly Love (Provence and the Languedoc) developed a related religious movement known as Catharism. Though soon declared by the Church to be heresy, it became so popular that it was openly preached, was supported by many nobles and seems to have replaced, to a large extent, the orthodox Church until the savage persecutions of Simon de Monfort wiped it out, and wiped out most of the troubadours, too. Catharism stressed sexual abstinence: Fully initiated members were required not to sleep with their wives. They felt it was desirable to forgo all fleshly pleasure, not because it was "wicked," but because they believed it slowed up the attainment of enlightenment. A number of similar sects sprang up, which were related to the chaste romanticism of the period. In these, women were accorded a higher status than they enjoyed within the orthodox Church, but chastity was stressed, even between man and wife.

The notion that man should, and could, rise above sexual temptation was not a new one, by any means, and we have mentioned that the earliest Christians first sought to transcend sex and, failing in that, turned to repression, which the Church found worked far better. The orthodox Church vigorously attacked all of these sects as heresy, but it was, in time, itself affected by the ideals of this romanticism.

Taylor observes that in the hands of the saints, the notion of transcending sex "was twisted into a more athletic and masochistic form, becoming the famous 'trial by chastity,' in which one sought to demonstrate one's self-control by finding the greatest extremes of temptation...." It is said that St. Swithin constantly slept in one bed with two beautiful virgins, which led fellow clergymen to rebuke him for the risk he was incurring. St. Brendan attempted a similar feat, but found that, though he could resist the temptation, he was unable to get off to sleep, and returned to his monastery discomfited.

Sex and the Church Courts

The ecclesiastical courts had the exclusive right to try all offenses against the Church, which included not only matters of religion, but questions of morality and sex, as well. The system and content of canon law which gradually developed was completely different from the common law, which was used by the civil courts. Whereas the common law was primarily concerned with the protection of the rights, person and property of the individual, canon law frequently regarded as offenses actions which harmed no one. Thus they proceeded against individuals for "impure thoughts," in exactly the same manner as modern dictatorships practice "thought control." The Church attempted to prescribe behavior in not only the major matters of life, but in many minor matters also, such as enjoying the sight of a priest in trouble, refusing to sing in church, sitting in the wrong pew and even for passively encouraging or favoring such "crimes."

One of the most remarkable laws evolved by the Church court used marriage as a punishment for fornication. In 1308 the Archbishop Winchelsey developed a procedure whereby a contract was drawn up at the time of the first offense stating that, in the event of a third offense, the parties were to be considered as having been man and wife from the time of the first offense.

Nor can it be argued that such laws were established for any logical or ethical reason, or to foster lasting personal relationships, for the Church also held that it was a worse crime for a priest to marry than to keep a mistress, and to keep a mistress was worse than to engage in random fornication. In *A History of Sacerdotal Celibacy in the Christian Church*, H.C. Lea writes that when a priest was accused of being married, it was a good defense to reply that he was simply engaged in indiscriminate seduction, since this carried only a light penalty, whereas the former might involve total suspension.

The Church courts had at their disposal the ultimate penalty of excommunication which, in more serious cases, could include the loss of civil rights, and imprisonment, if the offender persisted in his sin. In time the Church so influenced public opinion that the secular courts began to support and reinforce the ecclesiastical courts and, without the protection of a separate church and state, many of the Church's extraordinary prohibitions eventually became embodied in the civil law (where some of them still persist today).

Nonetheless, it was apparent that no mere physical system of supervision could hope to regulate the most private behavior of men and even their very thoughts -- only a more subtle psychological control, based upon terror, could do that. The Church had continually emphasized afterlife -- the advantages of heaven and the disadvantages of hell. But now an additional emphasis was placed upon the horrors of eternal damnation and what it would mean to spend an eternity roasting in hellfire. It must be recognized also that the continually increasing repression of sex by the Church might be expected to have produced a greater interest in fantasies of sadistic horror in both the clergy and the general public, since modern psychiatric preception has revealed the intimate link that exists between sex and pain and how a repression of the sex urge tends to produce sadomasochistic and other abnormal inclinations. It is not surprising, therefore, that Taylor reports: "By the beginning of the 12th century, some of the predictable results of sexual repression had begun to appear: references to perversion, flagellation, sexual fantasies and heresy abounded...."

A great number of Christian ascetics have described how they were unable to escape all feeling of sexual desire, and how they tormented themselves and subjected their bodies to excruciating tortures in the vain attempt. Taylor writes, "In this unenviable state, men are quick to find sexual overtones in

every object, every action of others. And it was just these men -- restless, unhappy, obsessed, driven by the energies of their bottled-up libidos -- who were apt to attain positions of power in the Church and stamp it with their character."

The more these men of God attempted to deny their inborn sexual nature, the more perverse they became; the more perverse, the more concerned they were with sexual sin; greater concern led to greater repression; perversity became perversion and still more repression was thought necessary. The Church's obsession with sex created a self-perpetuating chain reaction that continued to increase through the centuries until it finally burst in the holocaust of the inquisitions, leaving mangled, bloody corpses spread all across the face of Europe.

Sex and Witchcraft

Near the end of the Middle Ages, Pope Innocent VIII issued the Bull *Summa desiderantes*, most often referred to as a bull against witchcraft, but the sexual nature of its content indicates that it was something more than that. Innocent was actually prodded into issuing the declaration by two of his subordinates, Sprenger and Kramer, who returned from Germany with wild tales of sexual excesses and witchery; the churchmen and people of the community violently denied the charges, but the declaration was issued just the same, and Sprenger and Kramer were appointed Chief Inquisitors. Soon after, they prepared and had published a famous handbook on the subject, *Malleus Maleficarum*, which stated: "All witchcraft comes from carnal lust, which in women is insatiable." With perfect logic, it then adds that the primary source of witchcraft is the quarreling of young women and their lovers. This small volume might be considered today a near-classic casebook of sexual psychopathy. The popularity of *Malleus*, which rapidly went through ten editions, gives some indication of the perverted preoccupation the general public had in such matters at the time. The three main subjects of the book were impotence, conversion hysterias and sexual fantasies; all of these were said to be caused by witchcraft. And since the incidence of impotence, hysteria and sexual fantasy in such a sexually repressed society must have been staggering, it is not surprising that the witch hunters had no difficulty in finding an ample number of "victims" as evidence of witch magic.

Once they had found a "victim," finding the witch was a relatively simple matter. The techniques used by the Inquisitors guaranteed results: The victim was first asked to name whomever he thought might have cast the spell upon him; failing in this, neighbors were interrogated and asked to name the witch; the Interrogators might select a likely prospect themselves; or the general public was sometimes asked to pick a candidate. The suspect was then arrested; tortured until he "confessed," and then burned at the stake, or otherwise disposed of.

Persons of both sexes and all ages -- from small children to the most elderly -- were accused, though the biggest group consisted of young girls in their teens. Both the accused and the accusers came from every stratum of society and many prominent persons were involved. To cite a single example from C. Williams' book, *Witchcraft*: In the mass persecutions in Bamberg between 1609 and 1633, when 900 persons were burned to death, one of those executed was Johannes Junius, a burgomaster of the city. Under torture, he confessed to witchcraft; asked to name his accomplices, he denied having any, but, tortured again, named some. Shortly before his execution, he was permitted to write to his daughter. He told her not to believe what he had confessed -- "It is all falsehood and invention.... They never cease the torture until one says something."

In his article, *The Sabbats of Satan*, in last month's Playboy, E.V. Griffith described some of the rituals purportedly practiced by witches of the time and it is undoubtedly true that in a period of such extreme sexual repression some devil worship really did exist. It was during the 14th century that the Black Mass was born, in which the holy sacrament of the Church was turned into a ritual honoring Lucifer, and the nude body of a young woman was used as an altar, from which were read the Devil's Commandments, with the "Thou shalt nots" of the Ten Commandments changed to "Thou shalt." But it is doubtful that these practices were as common as it is generally assumed. The actual number of devil

worshippers will never be known, but it is certain that only a small percentage of those executed for witchcraft were actually guilty of any crime whatever.

Torture was not always required to elicit confessions, however. Many came forward of their own free will and admitted such sins, even though they knew that such admissions virtually assured their deaths. If this seems strange, one need only be reminded that even today any major murder brings forth a number of "false confessors," who admit to having perpetuated the crime (see *The False Confessors*, Playboy, January 1958). Psychiatry would explain this as an overwhelming need for punishment that some deranged individuals experience because of inner feelings of guilt that is completely unrelated to the act that they confess. In a time when an entire society was so thoroughly guilt-ridden, it is easy to understand why so many willingly came forward with confessions that were pure fantasy.

Though the inquisitions spread to include other forms of heresy, the predominantly sexual nature of the trials continued to the end. In fact, the very term "witchcraft trials" is a misleading misnomer, since it was sex that the Church wished to suppress and the inquisitions were a means of suppressing it.

It was a basic assumption, during the trials, that all witches (of both sexes) had had sexual relations with the devil. All inquisitors worked with an established manual of questions, and since these were almost wholly sexual, they were usually successful (with the help of a little torture) in producing sexual guilt.

In early Christianity, the devil had played a relatively minor role. But early in the 14th century, Satan became a very definite and prominent figure in religious dogma, with detailed appearance, habits and intentions. He was viewed as the immortal enemy of God, exclusively occupied in trying to mislead men into denying or perverting Christian morals and practices. Various lesser demons were described as the members of the devil's staff of subordinates, all organized in a hierarchy very similar to that of the Church. Not only were Satan's chief lieutenants given names, the exact number of his army of demons was calculated: 7,405,926. The devil frequently engaged in those forbidden sexual acts that were prohibited to man and in some accounts he is described as having a forked penis, so that he could commit fornication and sodomy at the same time. The Devil was both insatiable and sadistic, sometimes demanding intercourse 50 and 60 times a night. Though he lives in the bowels of the earth, mid fire and brimstone, he was often described as icy cold to the touch -- especially his sexual parts. The clergy had an explanation for this iciness that was, if nothing else, ingenious: "Having no semen of his own, he gathers up that of mortal men wasted in their night dreams or masturbations, storing it up in his own abhorred body for later usage." The devil's demons were either male (incubus) or female (succubus), and could change from one to the other at will. Griffith writes, "Practicing this quick-change artistry was, in fact, a favorite trick of the hellish visitors: Often a man would be locked in amorous embrace with a succubus...when the devil would transform [herself] to a male incubus, with attendant complications which the demon found hilarious. The reverse also took place, when the female witch, at the height of her abominable ravishment, found her hellish gallant had gone aglimmering, leaving her in the arms of a succubus." The subconscious fears of homosexuality in such imaginings is obvious. The devil, who was "Prince of the Air" as well as of the Darkness, could also make himself invisible and thus have intercourse with his converts in the very presence of the godly.

In order for the Church to undertake these "witch hunts," it was necessary to reverse a position held for several centuries: The Church had previously declared that witchcraft was a baseless superstition. In 785 the Synod of Paderborn had ordered death to anyone who killed another for being a witch; Charlemagne confirmed this ruling and the Canon of Episcopi ordered bishops to combat the belief in witchcraft and to excommunicate anyone who persisted in such beliefs. An Irish council had ruled, "Whoever, deceived by the devil, believes in the fashion of the heathen that anyone can be a witch and burns her on this account is to undergo punishment of death." John of Salisbury, Archbishop of Canterbury, displayed remarkable psychiatric perception for his time when, in the 12th century, he stated that "some falsely believed that what they suffered in imagination...was real and eternal. We must not forget that those to whom this happens are poor women or simple and credulous people."

The change from this enlightened view started with John XXII, who -- gathering together all the wildest fragments of superstition -- issued the Bull *Super illius specula*, which formulated the new attitude. His quite maniacal campaigns against the new sin helped to develop in the people a paralyzing sense of dread and danger. A papal bull issued by Pope Lucius III instructed the bishops to investigate heretics, forcing persons "found marked by suspicion alone" to prove their innocence or be punished. Officers of the law who did not cooperate were excommunicated. Further enactments followed in 1374, 1409, 1418, 1437, 1445 and 1451, and the witch-hunting craze became a dominant reality throughout Europe.

Prominent theologians wrote fervent appeals to the public (Sprenger and Kramer actually coerced the Senate of the University of Cologne into endorsing their *Malleus Maleficarum*).

It was finally asserted that to deny the reality of witchcraft was heresy. The ecclesiastical courts elicited the cooperation of the civil courts, for the Church did not wish the responsibility of shedding blood itself; the religious court turned the hapless person accused over to the civil authorities with the sanctimonious recommendation to avoid the shedding of blood, and the state then usually hanged or burned the victims, since this did not involve bloodletting, in the strictly legal sense.

It was during this period that the civil courts consented to recognize copulation with the devil as a capital crime. The proposition that witches engaged in night flights became dogma in 1450: This made it possible to argue that accused persons committed sinful witchcraft many miles away without being seen en route or having to rely on customary means of transportation.

The frenzied state into which many of those who made the accusations and attacks managed to work themselves can only be understood by recognizing the subconscious sexual pleasure that was undoubtedly linked to much of the sadism of the inquisitions. Only a society as sexually repressed, and consequently perverted, as the one we have described could have produced such an appalling spectacle. The accused of both sexes and all ages, from 5 to 75, were often stripped naked during the questioning. Their bodies were poked and prodded, especially the genitals, for it was believed that witches could be identified by the existence of insensitive spots on their anatomy. A long needle was sometimes used for this purpose -- the inquisitors pricking every inch of skin to the bone; this was considered a form of examination, incidentally, and not torture. If a spider, louse or fly was found in the victim's cell, while he was being held prisoner before or during the trial, this was recognized to be a demon in disguise, come to visit the accused, and provided additional evidence of guilt.

"Trial by Water" was another technique for determining guilt. The accused was trussed and tossed into a river. If he floated, he was believed to be a witch and was put to death; if he sank and drowned, his innocence was established.

In *The Sabbats of Satan*, E.V. Griffith describes the trial and execution of a comely young woman of 24, a Hildur Loher of Wurzburg, who was typical of the many who were put to death in that period. She was a bride of a few months; her husband had been the chief witness against her and the court record is still intact; her crime was having had sexual relations with the devil.

The owner of a brothel in Bologna was condemned in 1468 for keeping a house staffed exclusively with succubi. He was sentenced to have his flesh "torn from his bones by red-hot pincers," after which he was burned and his ashes "spat upon."

In the German community of Lindheim, which in 1664 had a population of 600, 30 persons were executed. In 1589 at Quedlinburg in Saxony, a town of some 12,000 inhabitants, 133 were burned in a single day. In Toulouse the number burned in one day was 400. It was claimed that in some towns there were more witches than houses. According to H.C. Lea, "a Bishop of Geneva is said to have burned 500 persons within three months, a Bishop of Bamberg 600, a Bishop of Wurzburg 900." Eight hundred were condemned, apparently in one body, by the Senate of Savoy. Paramo, in his *History of the Inquisition*, boasts that in a century-and-a-half, from 1404, the Holy Office had burned at least 30,000 witches.

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Nicolas Remy (1530-1612), an inquisitor from Lorraine with 800 executions to his "credit," stated, "So good is my justice that last year there were no less than 16 killed themselves rather than pass through my hands." H. Williams, in *The Superstitions of Witchcraft*, writes that in Spain, Torquemada personally sent 10,220 persons to the stake and 97,371 to prison.

No one knows the total number of human beings exterminated in this manner and estimates range from a conservative few hundred thousand to several million. It may be safely assumed, however, that more persons were put to death for religious reasons by our Christian ancestors than were killed in all of the European wars fought up to 1914.

The blame, of course, does not attach itself only to the Catholic Church. The Protestant reformers were, if anything, even more fanatical and they persecuted "witches" with even greater ferocity. In Scotland, the church porches were equipped with a box built there especially to receive anonymous denunciations. Taylor reports that "Calvin, in Geneva, with crocodile tears of compunction, burned heretics of all kinds. Luther attributed all insanity to the devil."

The records include numerous confessions that were denied after the torture ceased, but this did not save the accused from death. In Spain and England, investigations into some of the trials were instituted and some real attempts were made to arrive at the truth. James I was so distressed by much of the typical "evidence" that he completely altered his previous attitude in favor of witch hunting, insisted on fair trials for the accused, exposed false confessions and accusations, and saved the lives of five women charged by a hysterical boy. In Spain, when Salazar was sent to investigate a wave of accusations in 1611, he reported that among 1300 persons accused, there was not a single genuine case. After he made this report, the preaching of sermons on witchcraft was prohibited and from that time forward, little more was heard of the subject in Spain.

But the overall impression one is left with is not that of a gradual emergence from honest error to enlightenment, so much as a sudden awareness of the mass madness that had dominated European life for so long and that stands as a horrifying monument to the effect extreme sexual repression can have upon a society and the form that it can take when church and state are one.

Because of the considerable response to this editorial series, Playboy has introduced a new feature, "The Playboy Forum," in which readers can offer their comments -- pro and con -- on subjects and issues raised here. No previous feature published by this magazine has prompted so much reaction and debate -- both in and outside the pages of Playboy -- and since many of the subjects discussed are, we feel, among the most important facing our free society, we will continue the "Forum" just as long as the letters from readers warrant.

In the tenth installment of "The Playboy Philosophy," which appears next month, Editor-Publisher Hugh M. Hefner completes his analysis of the history of religious sexual suppression and begins a consideration of the effect this tradition of guilt and shame has had upon contemporary society.

CHAPTER 10

In an attempt to better explicate the sexual revolution currently taking place in society, and Playboy's own part in this search for a "new morality," we offered last issue a brief history of sexual suppression since early Christendom through the Middle Ages, and this month we will complete that historical analysis with a consideration of the Renaissance, the Reformation, Puritanism, Victorianism and their relationship to present-day sex prohibitions and taboos.

We have already noted that earlier pagan religions did not suffer from similar suppression and that pre-Christian Roman and Grecian societies were relatively free of symptoms of sexual guilt and shame. Virginity was prized in the female, but not because of any religious or moral convictions: Women were considered property and a virgin female had a greater value, even as a new and unused piece of pottery, furniture or clothing might; similarly, adultery was a crime against property, like stealing another man's ass or plow. These prohibitions applied only to women and it is directly from this concept of the female as being the property of the male that we evolved our own present moral views of virginity as a virtue and as adultery as a sin.

The coming of Christianity did not increase the status of women in society -- indeed, the opposite proved true and the antisexual nature of the new religion produced a far greater antifemale attitude than had existed previously. Women were considered "vessels of sin," according to one authority of the period, and a source of temptation and lust that could lead men to their downfall. Robert Briffault, the noted English historian and anthropologist, writes that the early Church "pronounced a curse upon sex, stigmatized woman as the instrument of Satan..... Woman was regarded not as 'impure' only, but as the obstacle to purity, the temptress, the enemy; she was the 'gate of hell.'"

This Christian view of sex and the female as inherently sinful did not come from Christ. It was derived largely from the teachings of St. Paul, who was influenced by the asceticism of the Asiatic religions then spreading throughout the Roman Empire. Paul had a personal aversion to sex and he also believed that the Second Coming and the end of the world were imminent, and that man should put away all things material and prepare himself for that moment. Nathaniel S. Lehrman states, in "Some Origins of Contemporary Sexual Standards," in the *Journal of Religion and Health*, "Neither the doctrine of virgin birth nor the as yet unenunciated view of sex as original sin played any part in shaping the thinking of St. Paul, whose exaltation of celibacy was so important in determining Christianity's entire subsequent attitude and history. His eschatology, with its anticipation of the imminent, cataclysmic end of the world, and his personal preference for the unmarried state, probably an overreaction against the sexual promiscuity of his times, were probably the most important factors underlying his viewpoint." John Short writes of Paul, in *The Interpreter's Bible*, "Obviously the marriage relationship did not appeal to him...[he] seems to have regarded the more intimate sex relationship with some distance. He is of the definite opinion that it is better for Christians to follow his personal example and remain unmarried." St. Paul had an extremely guilt-ridden and pessimistic view of both man and sex: He wrote, "It is well for a man not to touch a woman"; and further, "For I know that in me dwelleth no good thing.... For the good that I would do, I do not; but the evil which I would not, that I do.... Oh wretched man that I am! Who shall deliver me from the body of this death?"

But St. Paul's antisexualism was slight compared to the twisted theological thought that followed him. William Graham Cole, while chairman of the Department of Religion at Williams College, wrote in his book *Sex in Christianity and Psychoanalysis*, "All unwittingly [St. Paul] marked the transition point between the healthy and positive attitude toward the body which characterized the Old Testament and Jesus, and the negative dualism which increasingly colored the thought of the Church.... Although in most other respects the Church successfully defended the ramparts of naturalism, the citadel of sex fell to the enemy. Increasingly, virginity became a cardinal virtue, marriage a concession to the weak...sex had become an evil necessity for the propagation of the race, to be avoided and denied by the spiritually strong.... Even those who were 'consumed with passion' were urged not to marry, to discipline themselves, to mortify the flesh, for the flesh was evil...."

Henry C. Lea, author of the classic English studies on the Inquisition, wrote in his *History of Sacerdotal Celibacy*, "[Jesus'] profound wisdom led him to forbear from enjoining even the asceticism of the Essenes. He allowed a moderate enjoyment for the gifts of the Creator; and when he sternly rebuked the Scribes and Pharisees for imposing...burdens upon men not easily to be borne by the weakness of human nature, he was far indeed from seeking to render obligatory, or even to recommend, practices which only the fervor of fanaticism could render endurable."

Early Judaism accepted sex as a natural part of human existence. Lehrman states that premarital virginity and extramarital fidelity were "not demanded of Hebrew men. Prostitution, both sacred and profane, existed in Israel and the sexual use of captured women was also specifically permitted, although limited." Morton M. Hunt writes, in *The Natural History of Love*, "Men in the Old Testament were patriarchal and powerful, and often guiltlessly enjoyed the services of several wives and concubines." Lehrman states further, "Because the bearing of children was regarded as such a blessing, dying in the virgin state was considered unfortunate rather than desirable.... Sexuality and eating would...seem to have been regarded rather similarly by the Old Testament. It permanently forbade certain types of food and of sexuality, and sometimes temporarily prohibited all eating and sexual activity. Permanent and total sexual abstention seems to have been as foreign to its thinking, however, as permanent and total abstention from food."

"Although sexuality was accepted without question throughout early biblical times, and in the Mosaic code in particular, various aspects of the latter have given rise to the erroneous belief that the Old Testament is antisexual. Such asceticism appears to be altogether foreign to the traditions of Israel."

David Mace writes, in his *Hebrew Marriage*, "The entire positive attitude toward sex which the Hebrews adopted was to me an unexpected discovery.... I had not realized that it had its roots in an essentially 'clean' conception of the essential goodness of the sexual function. This is something very difficult for us to grasp, reared as we have been in a tradition which has produced in many minds the idea that sex is essentially sinful...."

Roman society was sexually liberal and this turned the Christians away from sex toward asceticism; the first Christians were a persecuted people and the religion early developed a masochistic nature which it has never completely shaken. Roman society had also tended to upgrade the status of women, compared to earlier times, and Ira L. Reiss, professor of sociology at Bard College, states in his book, *Premarital Sexual Standards in America*, "The Christians opposed from the beginning the new changes in the family and in female status..... They fought the emancipation of women and the easier divorce laws. They demanded a return to the older and stricter...ideas, and beyond this, they instituted a very low regard for sexual relations and for marriage.... Ultimately, these early Christians of the first few centuries accorded to marriage, family life, women and sex the lowest status of any known culture in the world."

Sexual liberalism has often erroneously been cited as the cause of the fall of the Roman Empire. Concerning this, Hunt writes, "By the fifth century, Saint Augustine and other Christian writers would state flatly that sexual sin was directly responsible for the crumbling away of the Empire, the afflictions of which were interpreted as the punishment visited upon mankind by a wrathful God. The evidence of comparative anthropology, however, proves that many societies have permitted extramarital sexual activities and love affairs without major damage to themselves.... Historians differ with the early Christians in assessing the role of love in the overall decline of Rome."

Hunt then enumerates the reasons most often adduced by historians for Rome's decline: "...the squandering of resources, the indolence of the proletariat, the corruption and greed of the upper classes, the growing political power of the army...more generally, these are all related to the parasitism, excessive leisure and purposelessness of imperial Roman life."

As Christianity spread, so did its antisexuality. Following the Babylonian Exile, Judaism developed related repressions and feelings of sexual guilt and shame previously unknown in Hebrew history. Hunt states, "A growing current of asceticism and antifeminism" manifested itself. By the fifth

century, "an increasing cynicism and weariness [had] affected the Western Empire as well as the Eastern, maturing into a widespread soul-sickness.... Oriental, Jewish and barbarian ideas were mingled and fused with the Christian contempt for women; the concept of the wife was that of an inferior and sinful creature.... It is true in all monogamous family life that children must repress the sexual impulses they feel toward the parents they love; but it was early Christianity that made a philosophy of the situation and turned it into a lifelong problem, rather than a problem of childhood alone."

William Graham Cole states, "If Christianity had not in some measure spoken in accents to which the ear of the age was attuned, it would have remained an obscure sect.... Origen castrated himself in order to escape the temptations of lust; John Chrysostom declared that 'virginity is greatly superior to marriage'; and Tertullian regarded sex even with marriage as sinful."

Hunt comments, "The struggle against lust produced an explosive state of mind; the personality could be held together only by the tenacious cement of irrationality. The desert fathers saw and worked little miracles every day. In themselves, these sound harmless enough, but the same intellectual orientation could lead further, and did; not by mere coincidence, it was a towering figure of asceticism, Tertullian, whose formula for finding the truth of Christianity was *Credo quia absurdum* (I believe because it is absurd), while Pope Gregory -- later sainted and called 'the Great' -- burned the Palatine library because he considered it a hindrance to Bible study. Asceticism led thus to intolerance, obscurantism and overt aggressiveness. The ascetic was not content to master himself; inevitably his route led him to try to master other men's flesh, and their minds as well."

In such a time, it was not illogical for the Church to rewrite religious history to suit its antisexual attitude, including the story of Adam and Eve and their Fall in the Garden of Eden. Cole states, "The preponderance of theological opinion, in both Jewish and Christian circles, has interpreted the Original Sin as pride and rebellion against God. The Church's negative attitude toward sex has misled many into belief that the Bible portrays man's Fall as erotic in origin. Neither the Bible itself nor the history of Christian thought substantiates such a belief."

The twisting of the tale of man's Fall from Paradise to suit the Church's obsessive concern over sex helped St. Augustine and others substantiate the ideal of celibacy. Roland H. Bainton comments upon St. Augustine's attitude toward sex in *What Christianity Says About Sex, Love and Marriage*: "Since procreation is definitely approved, the sexual act cannot be wrong. Nevertheless, it is never without wrongful accompaniments. There is never an exercise of sex without passion, and passion is wrong. If we could have children any other way, we would refrain entirely from sex. Since we cannot, we indulge regretfully. Augustine almost voices the wish that the Creator had contrived some other device." Cole states, "Augustine's prejudices against the passions, particularly the sexual passion, is thoroughly un-biblical...."

The new Church concept of the Fall also suited its antifemale attitude, since it was Eve who tempted Adam into tasting the "forbidden fruit." Tertullian proclaimed to all of womanhood: "Do you not know that each one of you is an Eve? The sentence of God on this sex of yours lives in this age: The guilt must of necessity live, too. You are the devil's gateway...you are she who persuaded him whom the devil was not valiant enough to attack...."

Nor were such attitudes held by a few members of the clergy only. Robert Briffault states, "These views were not, as has been sometimes represented, exceptions at the extreme.... [The Fathers of the Church] were one and all agreed.... The principles of the Fathers were confirmed by decrees of synods, and are embodied in the canon of the Council of Trent."

John Langdon-Davies states, in his *Short History of Women*, "To read the early Church Fathers is to feel sometimes that they had never heard of the Nazarene, except as a peg on which to hang their own tortured diabolism, and as a blank scroll upon which to indite their furious misogyny." Havelock Ellis says in *Man and Woman*, "The ascetics, those very erratic and abnormal examples of the variational tendency, have hated woman with a hatred so bitter and intense that no language could be found strong enough to express their horror."

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Since control over sex constitutes tremendous power, it was perhaps predictable that the Church would eventually modify its position sufficiently to permit a more direct regulation of the sexual behavior of the faithful than was possible when it stood in opposition to sex in any form.

The Church originally refused to perform marriages, since their sexual consummation was considered a sin, but this attitude gave way to one in which the Church eventually included the marriage ceremony as a religious ritual, while continuing to accept civil ceremonies as legitimate also; and not until much later was it decreed that only marriages performed in and by the Church would be considered bona fide -- a position still held by the Roman Church today. This placed the Church in the position of being the sole licensor of sex.

As we described in detail last month, the Medieval Church wielded this power mercilessly. The Church Fathers increasingly codified every aspect of sexual behavior to the point where only coitus between man and wife, for the purpose of procreation, in a single approved position, was considered "right" and "natural." In some of the penitential books, fornication was declared a worse crime than murder. Attempting to fornicate, kissing, even thinking about fornication, were all forbidden and called for penalties; not was intention a necessary requisite for sin, for involuntary nocturnal emissions were considered sinful: The offender had to rise at once and sing seven penitential psalms, with an additional 30 in the morning. Sex was also restricted to certain days of the week and times of the year: G. Rattray Taylor states, in his *Sex in History*, that at one time in the Middle Ages, "the Church forbade sexual relations -- even between man and wife -- for the equivalent of five months out of every year."

Celibacy remained the ideal, though it did not become universally required of the clergy until the 11th century; and this, Lehrman indicates, "was more the result of political than psychological or even theological factors." Seward Hiltner, in *Sex and Religion Today*, asserts that this enforcement of sacerdotal celibacy among the secular clergy "was not primarily a sexual matter, but a strategic and political attempt to enhance the power of the Roman Church by relieving priests of the distractions of family life."

Our modern idealization of asexual romantic love evolved from the concept of "courtly love" developed by a school of poets, called troubadours, during the Middle Ages. In contrast to the Church attitude, which still considered the female the primary source of sin, the troubadours placed woman on a pedestal. This, too, was a primarily antisexual concept, replacing honest sexuality with a complicated ritual in which the emphasis was placed more on the wooing of a woman than on winning her. *L'amour courtois* was, according to Hunt, "...a compelling relationship which could exist only between a man and a woman not married to each other, and in which the man was the pleading, humble servitor and the woman the disdainful, cruel tyrant. It was compounded of quasi-religious exaltation, much public discussion of aesthetic matters and of etiquette, 'purified' and often unconsummated sex play, and the queer fusion of chivalric ideals and concepts of good character with the practice of secrecy, deception and illicit relationships...." Hunt concludes, "[Courtly love's] proto-romantic qualities of sadness, suffering, distance from the beloved, difficulty of attainment of desire, secrecy and the like can all be explained in psychological terms, but they would never have been admired and idealized had love not been forced by...religious asceticism, and the subservient status of the wife, to remain outside and alongside marriage."

The Church enjoyed increasing influence over all of society throughout the Middle Ages. Without the protections of a separated church and state, Church law became -- in many instances -- civil law as well; and any opposition to Church doctrine and authority was vigorously prosecuted as heresy.

Mass sexual repression resulted, predictably, in mass perversion, frigidity, impotence and sexual delusions, which finally produced the hysteria necessary for the almost unbelievable atrocities of the witch trials of the 15th, 16th and 17th centuries. Pope Innocent VIII declared witchcraft a Christian heresy in 1484 and the *Malleus Maleficarum*, the famous book on witchcraft that was authored by the Pope's two Chief Inquisitors, Sprenger and Kramer, declared: "A belief that there are such things as witches is so essential a part of the Catholic faith that obstinately to maintain the opposite opinion savors of heresy."

Numerous authorities have pointed out the predominately sexual nature of the Inquisitions and G. Rattray Taylor expresses the opinion that the very term "witch trials" is a misnomer, since the papal bull that began the witch persecutions; the *Malleus Malleficarum*; and the trials themselves, were all concerned with impotence, sexual delusions and hallucinations, and depended upon the sadomasochistic nature of the times for their savage success.

It was understood that all "witches" had sexual relations with the devil or with one of his demons, who were both male (incubus) and female (succubus), and the clergy who sat as judges at the trials indulged in intensive questioning about the sexual habits of the accused. R.H. Robbins includes a typical list of obligatory questions that was "used by the judges at Colmar, in Alsace, year after year, throughout the three centuries of the witch mania. It was headed: 'Questions to be Asked of a Witch.'" Included therein were, "Who was the one you chose to be your incubus? What was his mane? Where did you consummate your union with your incubus? What did your incubus give you for your intercourse?"

Getting confessions from those accused was a relatively simple matter, since in addition to the sexual fantasies so prevalent among the people of the period, it was the practice to torture alleged witches until they said precisely, and in detail, whatever it was the Inquisitors wanted them to say. A number of the records of these witch trials are still in existence and Robbins quotes from one of a trial in Rhineland in 1637: "After three floggings, she says that the devil, dressed in black, came to her prison cell last night and this morning. Last night he...had intercourse with her, but he caused her so much pain that she could hardly hold him, and she thinks that her back and thighs are falling apart. Furthermore, she promised to surrender her body and soul to him again...and to remain true to him only...."

Hunt states: "...in the opinion of several eminent psychiatrists who have intensively and independently studied the evidence, the descriptions of the witches' Sabbath bear the unmistakable characteristics of abnormal sexual fantasies, which the celibate Inquisitors eagerly, even hungrily, seized upon and accepted as objectively real."

A. Guirham offers a further psychoanalytic consideration of this phase of Christianity in his book, *Christ and Freud*, in which he states: "Modern psychiatry permits us to see that the Inquisitors were themselves, below the conscious level, afflicted with doubts. Men so doubting, and reacting with guilt toward their uncertainty, could atone and reassure themselves wither by the punishment of themselves or others. The flagellants were recruited from the former, and the Inquisitors from the latter class...."

"Why should Christianity be based to the degree that it is, on a sense of guilt? What, if anything, is there in common between a faith which has enriched our culture and the crudities of tribal religion? Do we exaggerate the element of guilt in Christianity? I do not think so. Suppose we reject altogether Freud's theories as to the unconscious factors...there is still abundant evidence on the conscious level. We have the system of confessions and penances in the Roman [Church].... In the Dissenting Churches, there is less insistence on the verbal ritual of guilt and penitence, but the Nonconformist psychology reveals itself as riddled with guilt [also] which expresses itself in clinical terms...."

"To induce such a sense of guilt was a partly political aim, the maintenance of which became an ecclesiastical tradition. Such a policy...ensured that the priests should be the guardians of the public conscience. Coercion in the spiritual sphere has been practiced in different religions.... The ecclesiastical preoccupation with a sense of guilt is something which, if not entirely characteristic of the Jewish and Christian religions, is especially developed in them."

Renaissance Sex

Though it was a complex period that defies any simple label, the 14th, 15th and 16th centuries are generally referred to as the Renaissance. A most significant and far-reaching change began taking place in society during this time: Whereas previously man had tended to accept a set of strict rules laid down for him by the Church, as the official spokesman for divine authority, freedom of choice now began to be emphasized. In the Middle Ages, not only sexual expression had been suppressed, but all other

freedoms as well. Art, literature, science and education had suffered and overwhelming feelings of guilt and despair had gripped all Europe. Now a new enlightenment and emancipation from medieval barbarism was introduced, accompanied by a renewed interest in the humanities. By making a knowledge of literature and the arts the mark of a gentleman, the Renaissance established an international secular culture that was, as *The Columbia Encyclopedia* states, "outside of, independent of, and often hostile to, the Church." An emphasis was placed on the importance of the individual man -- autonomous, versatile and creative. Scientific activity centered around philology, ethics, biography, education, psychology, government and history, but the arts, architecture and literature received the major attention. The Renaissance was characterized by a more optimistic view of the world and a belief in the goodness of man; it also evinced a greater interest in societal problems and sympathy for the common man than is generally assumed.

The Church's control was markedly weakened and there was a considerable increase in sexual freedom. As a part of the lessening of the feeling that pleasure was evil, the festivity accompanying marriage became markedly more uninhibited and there was a general heightening of the status of women. Hunt states, "...between the early and the later phases of the Renaissance, a notable change had begun to show itself. As the power of medieval repressions abated, men began hesitantly to see women as complex creatures who united within themselves both good and bad attributes. If a real woman was somewhat less divine than the Lady, she was also considerably less vile than the Witch. Men could begin to feel the emotions of affectional love where they also felt animal heat, and to envision in the ideal wife the qualities that produced both."

But for all the rejection of ecclesiastical regulations, Renaissance Man still lived under the shadow of the magical-religious sanction: In Elizabethan dramas, for example, a woman who had earned the title "adulterous" was most often doomed to destruction, regardless of any extenuating circumstances, and there was nothing anyone could do to save her from her fate.

Sex in the Reformation

These years of comparative grace, freedom and enlightenment came to a rather abrupt end with the arrival of the Protestant Reformation. Though on the surface, the birth of Protestantism seems a further rejection of the rigid dogma of the Roman Church, the men who sparked this new religious movement proved more fanatical and totalitarian in their thinking than any then alive in Rome. They objected not only to the corruption that had permeated the Roman hierarchy, but to the more liberal sexual morality that had developed, both inside and outside the Church, and they set about doing something about it -- with frightening efficiency. Far from reforming their religion, in the positive sense of the word, the leaders of the Reformation re-established many of the pagan ideas, superstitions and regulations of the medieval Church.

The Protestant movement started on the Continent and though it was Martin Luther who first instituted the religious schism, it was John Calvin who best exemplifies the severe authoritarianism of the movement and who had the greatest influence on Britain and the English Puritanism that, in turn, influenced our own puritanical tradition in America.

Calvin believed in the Bible as an absolute statement of the word of God and rejected the divinity of the Pope; he was convinced of the utter depravity of human nature; under Calvinism, the status of women was once more radically reduced; and he was a firm believer in witchcraft. Extreme Protestants persisted in this pagan superstition long after the rest of Europe had abandoned it: Wesley, a Protestant forefather of considerable note, was a firm believer in witchcraft and many of the Puritans carried the belief with them to the New World.

In 1536 Calvin completed and had published his *Institutes of the Christian Religion*, a systematizing of Protestant thought, which most religious historians consider to be one of the most important theological works of all time. *Britannica* states, "From this time forward his influence became supreme, and all who had accepted the reformed doctrines in France turned to him for counsel and

instruction. Renan, no prejudiced judge, pronounces him 'the most Christian man of his time,' and attributes to this his success as a reformer." Calvin spent considerable time in Geneva, where he became extremely influential, and in 1541, according to *The Columbia Encyclopedia*, he "set himself to the task of constructing a government based on the subordination of the state to the Church." Once the Bible is accepted as the sole source of God's law, he argued, the duty of man is to adhere to it and preserve the orderly world which God has ordained. He set out to achieve this end through the establishment of ecclesiastical discipline, in which the magistrates had the task of enforcing the religious teachings of the Church, as set forth by Calvin.

Calvin's emphasis on authority is quite striking; he not only stressed divine authority, but all paternal authority was sacrosanct. In Geneva a child was beheaded for striking his father; in Scotland, too -- a country most strongly affected by Calvin's teachings -- severe penalties were prescribed for any child who defied his father. If there was anything worse than defying a father's authority, it was to defy Calvin's. Special penalties were prescribed for addressing Calvin as Calvin, and not as Mr. Calvin. Citizens who commented unfavorably on his sermons were punished by three days on bread and water.

Gruet, who had criticized Calvin's doctrine and who had written "nonsense" in the margin of one of his books, was beheaded for blasphemy and treason. Bethelieu, who challenged the right of the Consistory to excommunicate, was beheaded, along with several of his supporters. Calvin's most formidable opponent within the Protestant movement was the renowned Michael Servetus. Calvin betrayed the more liberal theologian to the Catholic Inquisition in France and then covered his part in the matter by lying about it. Servetus, having escaped the French Inquisitors, went to Geneva hoping to discuss his differences with Calvin, only to be seized, tried without benefit of legal representation, and burned alive -- on Calvin's express instructions. (Before the trial began, "the most Christian man of his time" gave orders that Servetus was not to leave Geneva alive.") Calvin's principal differences with Servetus concerned the nature of the Holy Trinity. Of Calvin's action in having Servetus killed, Castello commented: "If thou, Christ, dost these things or commandest them to be done, what is left for the devil?"

As with any authoritarian or totalitarian dogma, Calvinism was fanatically opposed to intellectual freedom. Calvin himself stated that he had submitted his mind "bound and fettered" in obedience to God, and he expected a similar subservience from others. Taylor notes, "Not only Servetus and Gruet, but many others who dared to query the official teaching were condemned and imprisoned or killed; and since Church and State were one, to hold the wrong opinion was not only heresy but treason."

One interesting aspect of Calvinism which differentiated it from the doctrines of the Middle Ages was a tendency to generalize feelings of guilt to cover every conceivable form of pleasure. Whereas the medieval authorities tended to dwell on sex in all of its details and deviations, Calvinists devoted their ingenuity to the regulation of all the minutiae of daily life, just as the Puritans in England and America did after them. The guilt-ridden character of Calvin's doctrine is evident in his *Institutes of the Christian Religion*, as when he quotes with approval Christ's words, "The world shall rejoice, but ye shall weep and lament," and then asks, "Do not our innumerable and daily transgressions deserve more severe and grievous chastisements than those which His clemency inflicts on us? Is it not highly reasonable that our flesh should be subdued, and as it were accustomed to the yoke, lest it should break out, according to its propensities, into lawless excesses?" And we no longer need a psychiatric footnote to inform us that the forbidden "excesses," from which men had to be protected, concerned "the licentiousness of the flesh, which unless it be rigidly restrained, transgresses every bound."

Taylor states, "So terrible were the forces of guilt and destructiveness animating Calvin, that he not only revived Augustine's doctrine of predestination, but carried it to an even more fearful extreme, and resolutely condemned to eternal torment, not only all babies who died before baptism, but all persons in non-Christian countries -- including, of course, all persons living prior to the time of Christ." As E. Troeltsch points out, in *Protestantism and Progress*, the doctrine of predestination effectively precludes the possibility of divine intervention, love or mercy -- psychologically, it is the reaction of one who, having been treated with cruelty as a child (which Calvin undoubtedly was), reacts by suppressing his own natural instincts of tenderness.

The Playboy Philosophy

It is therefore quite understandable that John Calvin constructed at Geneva what Taylor terms "probably the strictest theocratic society ever devised, and treated with savage severity all those who held views opposed to his own." In Calvin's world, not only were fornication and adultery strictly prohibited, but so were even the mildest forms of spontaneity.

Records reveal that bridesmaids were arrested for decorating a bride too gaily. People were punished for dancing, spending time in taverns, eating fish on Good Friday, having their fortunes told, objecting when a priest christened their child by a different name than the one they had chosen, arranging a marriage between persons of disparate ages, singing songs against Calvin, etc. Pierre Ami, one of those responsible for bringing Calvin to Geneva, was imprisoned for dancing with his wife at a wedding; his wife later had to flee the country. Attendance at church on Sundays and Wednesdays was compulsory, and the police went through the streets, shops and homes to make certain no one was evading his duty.

In order to impose such rigid standards, Calvin had to resort to wholesale violence, torture and execution: 150 of those who disagreed with him were put to death in Geneva.

Calvin seems to have had a special preoccupation with the idea of adultery, and introduced references to it in almost every matter he discussed. Since repression usually stimulates what it sets out to repress, it is not too surprising that his sister-in-law gave herself in adultery in 1557 and his daughter did the same five years later.

The influence of Calvinism spread throughout the entire Western world, realizing its purest forms through the influence of John Knox in Scotland, and through the clergymen and laymen of the Puritan Revolution in England and the Puritan settlers in the New England colonies.

Martin Luther's influence on Protestantism was far less profound than Calvin's, but he was only slightly less authoritarian in principle. Luther's dominating characteristic appears to have been an intense subconscious fear of the father figure. He writes about how fearfully, as a boy, he studied a stained-glass window in his church depicting "Jesus the Judge," a figure with a fierce countenance holding a flaming sword. When, following his admission to the Roman priesthood, he first had to officiate at Mass, he was frightened almost to incapability. This becomes easily understood when we learn that his father, a miner, used to beat him so severely that he ran away from home; his schoolmaster was equally harsh and his mother was scarcely less severe: She once beat him until blood flowed for eating a nut he found on the table. Despite his rejection of the Catholic hierarchy, his viewpoint was extremely authoritarian. The *Cambridge Modern History* states that he believed thoroughly in the propriety of using force, placing absolute power in the hands of the church-dominated state, and encouraging its use by saying, "No one need think that the world can be ruled without blood. The civil sword shall and must be bloody."

Luther was even more pessimistic about sex than Calvin. He considered it uncontrollable and, according to Hunt, "sought simply to confine its raging within marriage." For this reason he opposed the Catholic prohibition of sacerdotal marriage and considered it, according to Henry Charles Lea, in *The History of Sacerdotal Celibacy in the Christian Church*, "the origin and cause of excessive vice and scandal [among the clergy]...he stigmatized the rule of celibacy as angelical in appearance but devilish in reality, and invented by Satan as a fertile source of sin and perdition." Cole states, "Luther departed from Aquinas and followed Augustine in his view of the defects [in man] arising from Original Sin. He insisted that man was 'totally depraved,' corrupted in mind, body and will, rather than merely deprived of supernatural gifts.... But with regard to the effects of sin on sex and marriage, Luther had in general very little disagreement with Aquinas. The first penalty of Original Sin was the ravages of lust. Once more, sex is regarded as evil because of the 'brutellike' quality of passion."

Sex in the Counter Reformation

The Reformation prompted the Counter Revolution -- the attempt of the Roman Catholic Church to correct the abuses it felt had caused the defection of much of northern Europe to Protestantism. Taylor

states, "For the ordinary historian, this is a movement opposed to the Protestant Reformation and contrasted with it. Psychologically, however, it can be regarded as an exactly similar movement.... There were certain points of difference, naturally. The Catholic Church made no attempt to substitute the infallibility of the Bible for that of the Pope.... While it revived its former attitude of seeing sexual sin as infinitely worse than other sins, it did not make the general attack on lighthearted gaiety which the Calvinists were making. But in broad terms, its reforms were [the same]. In particular, it reverted to sadistic persecution and masochistic self-torture in the medieval manner, and it opposed the growth of research and inquiry even more rigidly than had Calvin. The Council of Trent, summoned by the Pope, reiterated all the medieval regulations and, as Lord Acton, himself a Catholic, has observed, 'impressed on the Church the stamp of an intolerant age and perpetuated by its decrees the spirit of an austere immortality.' The enactments of this ill-attended body remain the Catholic code to this day."

Lehrman states that the reaction of the Roman Church to the Reformation was "an increased strengthening of its suppressive, dictatorial and aggressive internal trends. Two outstanding events in this reaction were the founding of the Jesuits in 1538 [described by Harry Elmer Barnes, in *The History of Western Civilization*, as], 'a belligerent and aggressive order devoted to contraverting Protestantism and preventing its spread,' and the 1871 Declaration of Papal Infallibility. Since the 'faith and morals' with which the latter is concerned seem to include areas ranging from public education to communism to sexual attitudes -- among them celibacy itself -- this declaration would seem to represent a significant tightening of papal control within the Church as well as an increasingly suppressive attitude toward differences within it."

The principal maxim of the Jesuits was "If the Church preaches that a thing which appears to us as which is black, we must proclaim it black immediately." Taylor says, "Nothing conveys better than this phrase the contemptible acceptance of authoritarianism, the miserable abandonment of the faculties of judgment and initiative, the blank lack of interest in truth and learning, which characterized the Counter Reformation. Following in the wake of the conquering Spanish armies, the Jesuits re-established the terror of the Inquisition. Paul IV enlarged its powers and instituted the index of prohibited books. Speculative inquiry became mortally dangerous. In 1600 Giordano Bruno was burnt for holding, what the Greeks, Romans and Chaldeans had realized ages before, that the universe evolved.... The already dead body of Archbishop Antonio de Dominis, a Dean of Windsor, was formally burnt, together with his writings on the nature of light. Galileo was tortured and imprisoned by the same man who, as a Cardinal, had befriended him. Campanella was tortured seven times for defending Galileo. Descartes, whose *Principia* had narrowly escaped the charge of being heretical, was so discouraged by the fate of Galileo that he abandoned his plan for a magnum opus, the *Treatise of the World*. When G.P. Porta, inventor of the camera obscura, founded a society for experimental research, Pius III banned it -- probably because he was the first man to write a treatise on meteorology, whereas the Church held that storms were caused by God or by witches. Once Florence had been the seat of learning and enlightenment; but here too the Church intervened, destroying the Accademia del Cimento, which Borelli had founded 'to investigate nature by the pure light of experiment.'

"Papal infallibility had its setbacks, of course. In 1493, for instance, Alexander VI, on the basis of his belief that the earth was flat, drew a line on the map and ruled that all territory east of it belonged to the Portuguese, all territory west to the Spaniards. The Portuguese promptly confounded his intention by reaching South America by the eastward route and claiming Brazil. Shortly after, Magellan circumnavigated the globe. Yet the flatness of the earth was taught for another two centuries in Catholic territories."

Sex in English Puritanism

The overblown reaction to the Keeler-Protumo affair notwithstanding, England is presently undergoing a sexual revolution that is, if anything, even more pronounced than America's. It is needed, for England has long suffered from the same Puritan sex suppression as the U.S. In a recent page on the subject, *Time* editorialized, "There is a widespread feeling that Britain's moral machinery is not grinding as harshly as it used to. Much in English life today suggests decadence and dissolution. Since the girls were

driven off the streets four years ago, they have taken to advertising their services in shop windows as 'masseuses,' 'models,' or 'French teachers.' London's booming striptease parlors offer some of the crudest live pornography to be seen publicly in Europe. Its parks in summer are pre-empted by couples who aren't just necking. One third of all teenage brides in Britain are already pregnant. Innumerable scandals preceding the Profumo case suggest considerable promiscuity, along with sexual arrangements infinitely more complex than the old-fashioned triangle. And, as everyone knows, homosexuality is 'the English vice.' Dr. George Morrison Carstairs [professor of psychological medicine at Edinburgh University] said recently [in a BBC lecture]: 'Popular morality is now a wasteland, littered with the debris of broken conventions. Concepts such as honor, or even honesty, have an old-fashioned sound, but nothing has taken their place.'

"This harsh judgment may overlook the fact that Britain was never the sort of place Victorian morality pretended it was. If London today resembles Babylon-on-the-Thames, it is little more than a deluxe model of the brutal, carnal 18th century city whose brothels, boudoirs and gin shops ('Drunk for a Penny. Dead drunk for Tuppence.') were pictured by Hogarth, Richardson and Fielding. Says Malcolm Muggeridge: 'There's always been a lot of high-grade whoring in this country.'" *Time's* conclusion: "There is a lot of past evidence to prove him right.... Thus the state of sexual morality in Britain today is probably no worse than it ever was, and there is much evidence that it is better. Britain may not be a moral wasteland but a battleground in which a more realistic, less hypocritical generation is attempting to win legal and social recognition of the facts of everyday life."

Nor was Dr. Carstairs as "harsh" in his judgment as *Time's* editorial may suggest. In an earlier issue, "The Weekly Newsmagazine" reported his BBC lecture more fully: The doctor also said, "A new concept is emerging, of sexual relations as a source of pleasure, but also as a mutual encountering of personalities, in which each explores the other and at the same time discovers new depths in himself or herself."

England has had her sexual ups and downs over the centuries -- paying the price of sexual repression and hypocrisy that came with the Puritan Revolution. English Puritanism was derived largely, as we have noted, from the teachings of Calvin and in Scotland, John Knox was quite successful in imposing the Calvinist dogma, with the same suppressive and authoritarian results as Calvin had achieved in Geneva.

The doctrine of Calvin and the Puritans, making work a virtue and emphasizing frugality rather than ostentatious expenditure, had considerable appeal to the emerging middle class of England. A civil war resulted in the overthrow of the monarchy and the execution of King Charles I in 1649; for more than a decade England was kingless and was under the rule of the Puritan Commonwealth and the Protectorate. Oliver Cromwell was virtual ruler of the country until his death in 1658. Puritan rule proved far more oppressive and restrictive than the people had expected, however, and popular feeling swept it out of power shortly after Cromwell's death and restored the monarchy.

Even before the Puritans gained control of the government, they attempted to regulate behavior in various less obvious ways, as with the establishment of "Puritan Sunday," from which we derive our own Blue Laws. (Puritan Sunday was an especially effective means of controlling activity at the time, since Sunday was the only day the working classes had to themselves.) Jeremy Collier, an English clergyman, wrote, "The Puritans having miscarried in their operations upon the Church, endeavored to carry on their designs more under covert. Their magnifying the Sabbath Day, as they called Sunday, was a serviceable expedient for the purpose."

Henry VII had been responsible for introducing the Reformation into England, but during his reign Sunday was a day of sports, fairs, drinking, archery and dancing. Frith, a pre-Puritan Reformer, said, "Having been to church, one may return and do one's business as well as any other day."

Elizabeth, who completed the work of the Reformation begun by Henry, regularly transacted State business on Sundays, and so quite naturally refused to pass a Sunday-observance act in 1586; instead, she licensed others to organize Sunday games for her subjects. The Stuarts continued this

tradition -- Charles reissuing an official *Book of Sports* in 1633 that James I had originally prepared for Sunday pleasure.

But between 1645 and 1650 there were a series of acts, ordinances and proclamations prohibiting Maypoles; abolishing Christmas, Whitsun and Easter as pagan festivals; ordering the *Book of Sports* to be burned; and even banning "idle sitting at doors and walking in churchyards." As one non-Puritan member of the House of Commons observed, "Let a man be in what posture he will, your penalty finds him."

The Puritans opposed dancing, drinking, sports, games, carnivals, masquerades, mumming and all other pleasurable pursuits and pastimes, as well as idleness, since the wasting of time was as serious as the wasting of money. Theirs was an austere, severe, strict and restrictive theology -- and a pattern of prohibitions emerges that Taylor sees as the product of two subconscious fears: a fear of pleasure and a fear of spontaneity -- rooted in the Puritan belief that only through control could they hope to keep man's baser nature in check -- that if left unchecked and to itself, *anything* might happen. "And it was primarily this fear of spontaneity and feeling," Taylor suggests, "which caused the Puritans to object to color and richness of decoration, and hence to insist on sober clothing and bleak churches...."

All theaters were permanently closed and when a company of actors attempted to ignore this law, they were arrested and the theaters were ordered torn down. In place of festivals, Days of Publique Humiliation were established, on which all shops were shut and all travel -- except to church -- forbidden, as was "any unnecessary walking in the fields or upon the Exchange or other places."

For some, two sermons on Sunday became "a necessity of salvation." Labor of any kind was prohibited on the Lord's Day and some objected to the preparing of roast meat for Sunday dinner -- a lead which kitchen maids quickly followed by declaring that it was sinful to wash dishes on that day, also.

Cromwell was hostile to art, learning and, most of all, the democratic process. The general disapproval of free inquiry is also illustrated by the Puritan condemnation, a few years later, of the Royal Society for the Advancement of Science as "impious."

In *Mrs. Grundy*, Leo Markun wrote, "The Scottish ministers identified the natural with the sinful.... The ministers called on their parishioners to live in such a way as to please a jealous divinity who could not approve of frolicsome conduct, who would surely send a dreadful plague if wedding guests danced and joked and enjoyed themselves in the good old Scottish way. The Reverend Mr. Abernathy said, 'Pleasures are most carefully to be avoided, because they both harm and deceive.... Beat down thy body and bring it into subjection by abstaining, not only from unlawful pleasures, but also from lawful pleasures and indifferent delights....'"

When they were in power in England, the Puritans attempted to make "immorality" impossible by imposing the harshest of penalties. For adultery and for incest (the latter being any degree of relatedness in which marriage was prohibited), the death penalty was instituted. In *Puritan, Rake and Squire*, J. Lane reports that a man of 89 was executed for adultery in 1653 (which, age considered, may seem more a compliment than an injustice) and another for incest (with his brother-in-law's daughter) in 1656. But juries generally responded to such trials by refusing to convict. Whereupon the Puritans introduced specials to control the court and enforce the law -- and when a jury failed to bring in a verdict to their liking, it was dismissed.

The Puritans made great and extensive use of public humiliation as a means of chastisement and control, with the pillory, the stocks and the scarlet letter -- techniques they carried with them to the colonies in the New World. In Scotland, even more feared than the pillory was the punishment of having to appear in Church every Sunday for a given number of weeks (the number varied, but not infrequently it was 26 or 52) to be harangued for half-an-hour in front of the congregation by the minister; in some churches, when the sin committed was considered serious enough, the offenders (both men and women) were fastened to the wall of the church by an iron collar, or joug.

The main body of public opinion was opposed to the extremes of Puritanism and was especially against the Puritan control of Parliament. The members of Parliament discovered to their dismay that they had allied themselves with authoritarians far more ruthless than the Stuart kings. Rebellious crowds filled the streets, crying, "Give us a free Parliament," and the sarcastic dismissal of the crowd by General George Monk, head of Cromwell's armed forces: "You shall have a free Parliament," was taken as a promise, causing a chain of beacons to be lighted which carried the supposed good news throughout England, and prompting such a widespread reaction that the Puritan fathers were forced to accede to the demand. In 1660 the monarchy was restored and Charles II returned from exile to accept the throne.

Some indication of the sadistic cruelty that was still natural to an age that had tortured and burned so many witches, and produced the severe authoritarianism of the Reformation and Puritanism can be perceived from a reading of the sentence of the court, pronounced on the five judges who had condemned Charles I to death: "You shall go from hence to the place from whence you came, and from that place shall be drawn upon a hurdle to the place of execution, and there shall hang by the neck till you are half dead, and shall be cut down alive and your privy members cut off before your face and thrown into the fire, your belly ripped up and your bowels burnt, your head to be severed from your body, your body shall be divided into four quarters, and disposed as His Majesty shall think fit."

The Restoration and Romantic Love

England was freed for a time from the yoke of Puritanism and the Restoration that followed the return of the monarchy was primarily a reaction against the Puritan influence and an era of reawakening prosperity and vigorous political activity. The arts and trades of an increasingly complex civilization led to new triumphs of creative endeavor; the people rejoiced over the curtailing of Puritan power, strong opposition developed to undue authoritarianism of any kind and the new freedom produced a considerable relaxing of sexual morality and a greater status for women in society. The theaters were re-opened and, *The Columbia Encyclopedia* says, "The drama of the period was marked by brilliance and wit, and by a moral laxity which reflected the looseness of court manners."

A new romanticism emerged, partly as a reaction against the dehumanizing materialism of a growing industrialization, and sought to establish aesthetic values in place of utilitarian ones. The Romantic Movement in England was more sexual than the earlier conception of "courtly love" held by the troubadours and the Romantics introduced a new concept of marriage, based upon mutual love and respect on the part of both man and wife. Taylor states, "Not only did the Romantics reject the Christian assumption of feminine inferiority which has ruled for more than a millennium, but they went further and put forward the claim that romantic love should be the *raison d'être* of the marriage relationship.... [They held] that the lover should enjoy with his beloved both sensual passion and platonic companionship.... Furthermore, they held that sexual experiment was necessary if one was to find the ideal mate -- which is to say that they abandoned the Christian doctrine of strict prenuptial chastity. Moreover, they revived Plato's theory that every individual is but one half of a complete entity, so that somewhere there is to be found the twin-soul, the missing half, the only person in the world who provides the full complement for one's own personality.... Here was born the sentimental notion, to be enshrined in popular song when [these] ideas finally triumphed in the 20th century, of 'the only girl in the world' -- an idea in complete contrast with the view previously [held] that any two people, not previously antipathetic, could probably make an effective marriage."

When the ideal partner has been found, in keeping with this new Romantic view, "no mere mundane obstacle -- such as one of the parties being married already -- must be allowed to stand in the way of fulfillment."

Such an extreme conception of romantic love, while not without considerable virtue -- when contrasted with the strict, antifeminine, antisexual views of medieval Christianity and Puritanism -- obviously has its impractical, naive and inhuman side. Yet it is upon just such a doctrine -- interlaced with even more impractical, naive and inhuman Puritanism -- that our own present-day conception of romantic love and of marriage are based.

Victorian Sex

At about the same time as this Romantic quest, England began to swing back in the direction of puritanism. The new trend was officially endorsed by George III, who issued a Proclamation Against Vice, and this led to the restrictive period we refer to as the Victorian Era -- though it actually reached its peak before Victoria's reign and began to decline during her rule.

The prudery and puritanism of the 17th century were less drastic than that which flourished from the middle of the 18th and well into the 19th centuries. A new Evangelical campaign, undoubtedly based upon sexual anxieties, inveighed not only against sexual indulgence and all forms of pleasure, but also all spontaneity in emotion and behavior. And to a marked extent, people accepted these stricter values. Woman's status was again reduced to the medieval level of submission, modesty and hard work, but whereas medieval man had regarded woman as a source of sin, the Victorians considered her pure and sexless.

The publication of "Mary Wollstonecraft's *Right of Women*, at the height of this trend, created a scandal. Even the worldly Horace Walpole referred to her as a 'hyena in skirts.' The *Ladies Magazine* published a case history of four girls who had, it asserted, been perverted by reading this work: One of them not only rode to hounds, but even groomed her own horse, while another committed the unpardonable sin of quoting from the classics in social conversation."

Hunt asserts, "In the Victorian scheme, woman was denied every form of status and achievement except one, but in an industrial urban world that one was no longer as meaningful as it once had been. She yearned, instead, for the achievements reserved for men, and her feminist spokeswomen argued that she was the natural equal of man and deserved the same opportunities as he. But the very nature of the argument created in her mind a confusion as to what part she could, or should, play in life: The choice seemed to be between that of the unwed, childless, career woman, and the subjugated, dependent, housewife-mother. If there were some other answer, some other personality she could assume, Victorian women had no idea what it might be...."

"The role in which Victorian man had cast woman had its inevitable effects on man himself. Patriarchal he might be, stern to his children, frock-coated, mightily bewhiskered, and not to be trifled with, but he played this part at the expense of his own sexual expressiveness and his own peace of mind. If he were a libidinous man, he was driven to resort secretly to brothels. If he were weakly sexed, the emphasis on the purity of woman might actually unman him. If he were an average man with an average drive, he might live his entire life galled by the need for self-denial and self-restraint."

Victorian man, if without much foundation in fact, considered himself far more civilized than the men of the preceding century -- more rational, refined and virtuous. The Puritans considered sex a sin; the Victorians regarded it as undignified, irrational, bestial and disgusting.

While Victorian man urged women to purity, he distrusted them also. He wanted them to be virgins, but suspected secretly that they were whores. He was therefore compelled to divide the female sex into two categories: "good" women, who had no taste for sex; and "bad" women, who had. It is tellingly symptomatic of the times that W. Acton asserted, as a supposed statement of fact in a scientific work, *The Functions and Disorders of the Re-productive Organs*, that it was a "vile aspersion" to say that women were capable of sexual feeling. In *A History of Courting*, E.S. Turner states, "Sexual instincts became something no nice girl would admit to possessing; her job was to make man ashamed of his."

In *To Deprave and Corrupt*, published by Association Press, an affiliate of the Young Men's Christian Association, John Chandos writes, "...the industrial revolution and the expansion of opportunities which it created brought into existence a new and growing commercial middle class. The members of this class were very naturally insecure, ambitious and snobbish.... In their anxiety to be respectable, to be 'ladies and gentlemen,' they struck exaggerated postures of propriety, flattered their superiors, bullied their inferiors and set great store on following a strict code of conduct. In the course of

their advancement they brought with them, usually from humbler origins, an assertive prudishness -- part of the paraphernalia of respectability -- a worship of industry for its own sake, a suspicion of pleasure as being a trap of the devil and a complete lack of aesthetic taste or tradition.... The spontaneity of the English personality was attacked by a paralyzing disease from which it has never since fully recovered. Standards no longer evolved from or through the aristocracy.... They developed a veritable obsession with sin, especially sexual sin, and since the only way they could with propriety maintain constant contact with the forbidden pleasure was by censoring its presence in others, they nosed out sex with an industry as indefatigable as it was ingenious...."

The reformers did not, as a rule, succeed in getting Parliament to provide legal sanctions against the activities they criticized, frequently because their requests were so extreme. Thus in 1800 and again in 1856 and 1857, attempts were made to have Parliament impose the death penalty for adultery, but the motions were defeated. On the other hand, private societies for the suppression of vice multiplied and were responsible for a great number of prosecutions. As early as 1757, a Society for the Reformation of Manners was founded, but five years later it was disbanded, after being convicted of employing false testimony (in that five-year period it had instituted more than 10,000 prosecutions).

In 1789 the Proclamation Society Against Vice was formed to implement the royal Proclamation Against Vice; the announced purpose of the Proclamation Society was to suppress "licentious publications," but as usual, the attempt was made to suppress all free speech on matters which the Puritans found objectionable. Its offspring, the Society for the Suppression of Vice, was used to prosecute *The Republican*, a paper defending free speech and a free press. Tom Paine was forced to flee the country following the publication of his *Rights of Man*, and subsequently had to flee from France to America, where his *Age of Reason* was no better received. In 1820 a so-called Constitutional Association was formed to prosecute "seditious works." Among the works it thought seditious, and against which it successfully brought prosecutions, were Palmer's *Principles of Nature* and Shelley's *Oedipus Tyrannus* and *Queen Mab*. Byron's publisher was so fearful of the Association's activities that he hesitated to print the first two cantos of *Don Juan*.

In 1793 the *Evangelical Magazine* declared that "All novels, generally speaking, are instruments of abomination and ruin." Joshua Collins said that parents would be wise to establish "an immutable law" forbidding their offspring from reading novels. "It is much to be questioned," he said, "whether my sort of fictional representation ought to be put into the hands of youth." In any case, it was pointed out, to compose fiction was to assert what was not true and was, therefore, a form of lying.

The theater had long been a target of Puritan hatred and the attacks upon it were, of course, resumed in the Victorian Era: It was declared that to visit a theater was not merely unsuitable, but absolutely unlawful for a Christian. John Styles, a Methodist minister, earned himself a certain kind of fame by declaring that it was a "luckless hour" when Shakespeare became a writer for the stage.

The Victorian period was marked by a quite incredible preoccupation with symbolic representations of sex, especially verbal ones. In the Middle Ages, the Church had preached against sex in the strongest terms, but it never hesitated to use sexual words and phrases in referring to it: Nor had it objected to representations in art of the sex organs and of the sexual act in all its variations. No such sexual frankness was permitted in Victorian times, however. Thus not only words used repeatedly in the Bible, such as "whore" and "fornication," became taboo, but the prohibitions were increasingly extended until words and objects only remotely connected with sex could not be named, but had to be referred to euphemistically. In time even the euphemisms became objectionable and had to be replaced by expressions even more indirect: The more colloquial "with child" was replaced by "pregnant" -- which in those days had a half-metaphorical connotation which is almost entirely lost today; but then "pregnant" also became offensive and was replaced by the more ambiguous phrase, "in an interesting condition." Undergarments, and eventually even men's trousers, became "unmentionables"; it became indelicate to offer a lady the leg of a chicken -- hence the still existent custom that it is more proper to offer her the breast, though this was properly referred to as the "bosom" in the 19th century. Such taboos led to the desire to ignore all animallike aspects of existence, so that the lower creatures might "sweat," but proper men and ladies would "perspire" -- and this was finally refined to "glow." References to the lower

extremities were generally avoided and a "leg" was called a "limb" -- even on a chair or table. Proper women also took to covering the legs of furniture with crinoline skirts and Captain Marryat tells of visiting a ladies' seminary where the piano had each of its legs clothed in "modest little trousers, with frills at the bottom of them."

Any physical complaint between the neck and the knees was referred to as "liver." And when it was necessary for a doctor to treat a female patient, he was sometimes handed a doll upon which the location of the affected part might be pointed out.

This extreme Victorianism was carried over to America and it is recorded that a preacher in Athens, Georgia, bowdlerized the Bible, reading "stomach" for "belly" and "a certain fowl" for "cock." The improper parts of nude paintings and statutes were covered over; old maids became reluctant to go to bed in rooms containing men's portraits; and some private libraries violated alphabetical order, separating books by sex, to prevent volumes by men and women from resting against one another on the shelves.

Far from de-emphasizing sex, such actions had the opposite effect, and so instead of remaining aloof from it, the Victorian Era must be seen as sexually obsessed -- as all such periods of repression must be.

Modern American Morality

We have already commented, in earlier issues, upon the similarly suppressive sexual traditions that were carried over to Puritan America and that form a part of our own history and heritage. Modern American morality is an amalgamation of the superstitious paganism and masochistic asceticism of early Christianity; the sexual anxieties, feelings of guilt and shame, witch-hunting sadism and sex repression of the medieval Church; the desexualized courtly love of the troubadours; England's Romantic Age, wherein love was presumed to conquer all; and the prohibitively strict, severe, joyless, authoritarian, unresponsive, book-banning, pleasure-baiting dogma of Calvinist Protestantism, Puritanism and Victorianism.

This is a morality that virtually assures us our high incidence of unhappy marriages, frequent divorces, impotence, masochism, frigidity, frustration and perversion. Perhaps this review of the origins of many of the unreasoned and unreasonable traditions and prohibitions of our present society may afford some additional insights as we next consider contemporary religions' changing views on sex, the unchanging U.S. sex laws, and modern man's need for a new, more realistic, rational, human and humane sexual morality.

CHAPTER 11

The Playboy Philosophy is a sometimes rambling, disorganized discourse, because the writing of each new installment brings forth a succession of ideas and feelings that vie for expression. We put them down as they occur to us. When we have concluded the series, we will probably edit it into a more disciplined form as a book, but for magazine publication, this more direct, organic approach suits our purpose, since the *Philosophy* is intended as a living statement of our beliefs, our insights and our prejudices.

This issue we had intended discussing modern America's sex attitudes and behavior, but that fascinating subject will have to wait for a month or two, for another related concern -- censorship -- has been too forcibly and personally thrust upon us to be denied additional comment. On June 4th, we were arrested in our home on charges of "publishing and distributing an obscene publication." If that fact seems incredible to our readers, the full story behind the arrest is even more unbelievable. It serves to emphasize a point we discussed in earlier installments of the *Philosophy* regarding the importance of the separation of church and state in a free society.

The arrest was allegedly prompted by the nude photographs of Jayne Mansfield appearing in the June issue of Playboy. Were these photographs the real reason for the action taken against us? Or is it possible that *The Playboy Philosophy* itself, critical of the church-state implications in the Chicago justice recently meted out to comedian Lenny Bruce, and emphasizing that true religious freedom means freedom from as well as freedom of religion, supplied the motive?

Knock, Knock. Who's There?

The Mansfield melodrama began late on a Tuesday afternoon. We were asleep in our home (or, as *Time* reported it, in our "humble 40-room pad on Chicago's North Side"). We had been working all through the previous day and night on the August installment of the *Philosophy* and retired in the late morning to grab 40 overdue and badly needed winks. We'd gotten about half that number when the intercom beside our bed buzzed us awake. It was our housekeeper, who informed us that four of Chicago's finest were at our arrest and that CBS-TV was there also, with cameras.

The charge, we were told, was obscenity -- someone had objected to the pictures of Jayne Mansfield in the June issue and managed to get a warrant for our arrest. Now, it should be mentioned that a violation of the Chicago obscenity statute is a misdemeanor carrying a maximum fine of \$200 for the guilty; it is not uncommon, when the charge is a minor one, to serve the warrant and arrange for the booking and posting of bond at a time convenient to all concerned. We asked our housekeeper, therefore, to request that the officers contact our attorneys the following morning and make arrangements through them for accepting the warrant, etc. At this point the melodrama took on some of the attributes of high comedy as our housekeeper misunderstood our instructions -- which were given, we must confess, while only three quarters awake. She went downstairs and gave our message, not to the police, but to the men with the TV cameras, who took it to mean that we would have a statement to make to the press through our attorneys the following morning.

We turned over, only half believing that we weren't still asleep and the whole thing just a bad dream caused by the frankfurters and Pepsi we'd consumed just before retiring; we'd managed to get another 1 winks when the intercom buzzed us awake a second time. We got our instructions straightened around and our housekeeper signed off to carry them down to the officers of the law; a wink later the intercom buzzed again. The policemen had refused to listen to her, she said; what's more, they had followed her back into the house and were, at that moment, in the hallway just outside our room. She was trapped in another part of the house -- unable to return to her office, which opens onto our private quarters, for fear they would follow her there also.

Now fully awake, and convinced that the franks and cola had nothing to do with the situation, we decided it was time to call our lawyer; we reached him, appropriately enough, at a meeting of the Civil

Liberties Union. We dressed to the thumpity-thump-thump of police fists pounding on our bedroom door. The protectors of law and order were contemplating breaking it down when our attorneys arrived.

From that point on, with our legal representatives on the scene, the police were most courteous. We drove to headquarters, were booked, posted bail (\$200), and were free in less than half an hour.

But why, Irv Kupcinec wondered in his column in the *Chicago Sun-Times* the next day, had four armed huskies of the Chicago police force been required to arrest "one nonviolent publisher"? Perhaps, we suggested to Kup, they sent extra men along on the chance that one or two might get lost in our swimming pool with the Bunnies. But we couldn't help speculating on the obvious attempt to make a public spectacle of the arrest. Who, for example, had tipped off the TV stations, so that television cameras were at the house waiting when the police arrived?

Whatever Happened to Baby Jayne?

The Number One Question is, of course, what prompted the arrest in the first place? Very obviously Playboy is not obscene -- previous attempts to censor the magazine when we first began publishing were vigorously and successfully fought in the courts and Playboy has firmly established itself, in the years since, as a major publication on the contemporary American scene.

The press and news commentators of radio and TV tended to treat the arrest as a joke, and if the implications of governmental censorship were not so serious, we would have, too. "Just to balance things out," said Alex Dreier on his WBKB-TV news show, "the *National Geographic* also has a great issue this month!" Tony Weitzel commented in his column in the *Chicago Daily News*: "Now that four husky gendarmes have succeeded in pinching Hugh Hefner for printing Jayne Mansfield unretouched, the June Playboy mag is a collector's item." Walter Winchell wondered whether or not it might just be another publicity stunt perpetrated by Jayne herself. It wasn't. Jayne, in fact, expressed surprise over the photographs' appearing in Playboy. "Those pictures were supposed to be used to publicize the European version of the film," she said. "I have no idea how PLAYBOY got them. But when Hefner wants something, he usually finds a way of getting it." Actually, Miss Mansfield and the producers of the movie had invited Playboy's photographers onto the set to shoot the exclusive pictures and Jayne had posed in a separate session for the June cover.

Irv Kupcinec wrote, in his *Sun-Times* column: "The obvious question about the arrest of Playboy publisher Hugh Hefner on obscenity charges based on the Jayne Mansfield nudes in the June issue is: Why now? Playboy has been publishing nudes of voluptuous dishes for years." Conceding that Jayne is a bit more voluptuous than most, the question is still a good one: Why now? Jayne first appeared in Playboy as a Playmate of the Month back in February of 1955, and we chronicled her career in a half-a-dozen issues after that, as she went from a bit part in the Broadway show *Will Success Spoil Rock Hunter?*, wearing a towel even smaller than her role, to stardom in Hollywood, where she eventually dispensed with even the towel, in her *Promises, Promises!*

The June 1963 issue of Playboy includes eight pages of photographs of Jayne Mansfield nude in bed and bubble bath during the filming of *Promises!*, co-starring Tommy Noonan, Mickey Hargitay and Marie McDonald. Some of the pictures show a man (Tommy Noonan) on the bed, too. It is this, explained Chicago Corporation Counsel John Melaniphy, when pressed for an explanation by the press, that makes the June issue of Playboy obscene. Besides, he continued defensively, he's received a lot of complaints, and the caption under one of the photographs states, "she writhes about seductively"; and in another, she is described as "gyrating." The captions, according to Melaniphy, "arouse prurient interests and defeat any claim of art."

Mr. Melaniphy thus appears to be making an interesting legal assumption -- that a picture of a nude must either be obscene or a work of art. That, of course, is one of those assumptions that is aptly described as unwarranted. It is quite possible for a nude to be neither -- and failing to qualify as one in no way establishes any criteria for assuming it to be the other. The pictures of Jayne in the June issue are, in

our opinion, simply candid photographs of a movie in the making. The important thing is, they are *not* obscene -- clearly and conclusively -- for pictures *far* more brazen than these have been cleared of obscenity by the Supreme Court, appear regularly in a number of other magazines available on newsstands and by subscription (via Post Office approved second class mail) throughout the U.S. and in motion pictures, also, *including films that have been passed by the Chicago Film Censor Board!* (And we'll have more to say about this a bit later.)

A Definition for Obscenity

At this time, we think some attempt should be made to define just what constitutes legal obscenity and try to determine how the June issue of Playboy squares with this definition. Every corporation counsel, district attorney, judge, police chief, and state or local official, whose position includes the power to censor what his fellow Americans may read, view or listen to, should be familiar with the following facts. And every newspaperman, columnist, and radio and TV commentator, who has the opportunity to comment upon censorship when it occurs in his community, should be familiar with them also.

No one needs to be told that the freedoms of speech and press are among the most precious guaranteed by our Constitution. Without them, all other freedoms would soon vanish and our democracy itself would disappear. The Supreme Court has declared, however, that obscenity is outside the protection of the First Amendment. If obscenity is to be an exception to these most basic freedoms, then it is imperative that we clearly understand just what constitutes obscenity. And we must be constantly on the alert to make certain that the label of "obscene" is not used to censor other areas of free speech and press that are our precious heritage, but to which some fellow member of society -- for whatever reason -- may object. The Supreme Court has stated, "The door barring federal and state intrusion into [the fundamental freedoms of speech and press] cannot be left ajar; it must be kept tightly closed and opened only the slightest crack necessary to prevent encroachment upon more important interests." And Supreme Court Justice Harlan wrote, in a recent majority decision, "We risk erosion of First Amendment liberties unless we train out vigilance upon the methods whereby obscenity is condemned no less than upon the standards whereby it is judged."

The principal problem in dealing with this exception to free speech and press is, of course, that "obscenity" must always remain, in the final analysis, subjective. Obscenity, like beauty, is in the eye of the beholder. As D.H. Lawrence has brilliantly observed, "What is pornography to one man is the laughter of genius to another." Recognizing this problem, the Supreme Court has established, in decisions over the past half-dozen years (principally in *Roth vs. United States*, 1957; and *Manual Enterprises, Inc. vs. J. Edward Day*, 1962), criteria to be used as a guide in determining what can and cannot be considered legally obscene.

In *Roth*, the Supreme Court supplied this *partial* definition for obscenity: "Whether to [the] average person, applying contemporary community standards, [the] dominant theme of [the] material taken as a whole appeals to prurient interest."

While we share the opinion of Justices Douglas and Black that this standard is too subjective and vague (see *The Playboy Philosophy*, June 1963), the Supreme Court further clarified its position in the *Manual Enterprises* decision, in June 1962, and the present definition is more than satisfactory for the discussion at hand. (Justice Douglas argues convincingly: "The Supreme Court's standard for obscenity as what offends 'the community conscience of the community' would certainly not be an acceptable one if religion, economics, politics or philosophy were involved. How does it become a constitutional standard when literature treating with sex is concerned?" It is, according to Justice Douglas, "too loose, too capricious, too destructive of freedom of expression to be squared with the First Amendment." Justice Black states, on the subject of obscenity: "My view is, without deviation, without exception, without any ifs, buts or whereases, that freedom of speech [and press] means that you shall not do something to people either for the views they have or the views they express or the words they speak or write.")

But whatever the shortcomings of the present Supreme Court test, it has established criteria for censorship that are more specific and limiting than any that preceded it and makes the majority of the current censorship activity across the U.S. extralegal - or without any legal justification - including, as we shall see, the June PLAYBOY arrest.

In the *Roth* case, the Court attempted to separate what is protected under the Constitution from what is unprotected, by use of the term "obscenity." It confirmed that "sex and obscenity are not synonymous...[and the] portrayal of sex, e.g., in art, literature and scientific works...[is entitled to] the constitutional protection of freedom of speech and press." The Court has held in a number of separate decisions (*Parmalee vs. United States*; *Sunshine Book vs. Summerfield*; *Mounce vs. United States*; *Manual Enterprises vs. Day*) that the portrayal of nudity does not, in and of itself, make a picture obscene. And these decisions include total nudity of both sexes, appearing together in a single photograph, with pubic areas exposed.

In *Roth* the Court established that in order for material to be judged obscene, it must be "utterly without redeeming social importance." The Court also rejected the "isolated excerpt" and "particularly susceptible persons" tests -- that had been encroaching on Americans' freedom since the *Regina vs. Hicklin* decision of 1868 -- and established in their place the "dominant theme of [the] material taken as a whole" and the "average person, applying contemporary community standards."

In the *Manual Enterprises* decision, the Supreme Court confirmed that its intent in *Roth* had been "to tighten obscenity standards." The Court then proceeded to tighten them further by clarifying the definition included in *Roth*: It had been mistakenly accepted by some as a "single test for determining whether challenged material is obscene," wrote Justice Harlan for the majority. Actually, it was only *half* of a two-part test, well established by previous opinions and court decisions. Noting that "the thoughtful studies of the American Law Institute reflect the same twofold concept of obscenity," the Court quoted from its draft of a Model Penal Code: "A thing is obscene if, considered as a whole, its predominant appeal is to prurient interest...and if it goes substantially beyond customary limits of candor in description or representation of such matters." (Emphasis added by the Court.) The Supreme Court "requires two distinct elements" as proof of obscenity: "(1) patent offensiveness; and (2) 'prurient interest' appeal." This is an important addition to the legal definition of obscenity, for it is quite possible for material to appeal to prurient (sexual) interests without being objectionable enough to be obscene.

In *Manual Enterprises*, the Court also clarified what it meant by "contemporary community standards" as "a national standard of decency," rather than that of any lesser geographical area, which might "have the intolerable consequence of denying some sections of the country access to material, there deemed acceptable, which in others might be considered offensive to prevailing community standards of decency."

The Court also confirmed that the determination of what is obscene in the statutory or constitutional sense is not a question of fact (i.e., a question of what happened), but a matter of fact mixed with a determination of law. It is, therefore, a "constitutional fact," to be established by the higher courts rather than being left solely to the discretion of a jury, which might reach one conclusion if impaneled from a large heterogeneous community like San Francisco and quite another if it were made up of the members of a small town in New England.

These further clarifications should relieve some of Supreme Court Justice Douglas' previously expressed concern about the "common conscience of the community" being used as a guide to obscenity: "Under that test," said Justice Douglas, "juries can censor, suppress, and punish what they do not like.... This is community censorship in one of its worst forms. It creates a regime where, in the battle between the literati and the Philistines, the Philistines are certain to win."

Is Playboy Obscene?

Having described what constitutes obscenity, let's take a look at the June issue of Playboy and see what level of legal *expertise* Corporation Counsel John Melaniphy is employing on behalf of the citizens of Chicago, in rendering his considered opinion that the magazine is obscene.

First of all, Melaniphy must consider not simply the eight pages devoted to Jayne Mansfield, but the entire 200 pages in the June issue -- for the Supreme Court has admonished him, and all other would-be censors, not to judge a work by "isolated excerpts." He must sincerely believe that "the dominant theme of the material, taken as a whole" is obscene. And to justify his charge of obscenity, he must further believe that the entire June issue of the magazine is "utterly without redeeming social importance."

The June issue included the first half of Jules Feiffer's novel, *Harry, the Rat With Women*, about which *Time* magazine wrote, "Feiffer's stylized fairy tale can be read, some of the time, as light summer fiction. It is studded with scenes of cheerfully skin-deep satire and divertingly chuckleheaded dialog. But occasionally Feiffer's laughter comes close to a stifled cry of anguish -- in a way that has not been matched since Nathanael West's *Miss Lonelyhearts*." It included the last installment of *On Her Majesty's Secret Service*, the latest James Bond adventure by Ian Fleming, favorite adventure writer of the President. It included new fiction by Ray Bradbury and Brian Rencelaw: an article on folk music by Nat Hentoff and one on American holidays by Charles Beaumont, plus satire by Shepherd Mead and Shel Silverstein. The June issue contained a feature on Scandinavian cooking by Thomas Mario and one on proper male attire by Robert L. Green, a page on travel by Patrick Chase and three pages of gift suggestions for Father's Day and Graduation. It contained 16 pages of cartoons, ten columns of reviews of current books, records, movies and theater; five columns of advice on dating, etiquette, fashion, grooming, travel and hi-fi; an interview with Billy Wilder; and the seventh installment of *The Playboy Philosophy* devoted, ironically enough, to an extensive examination of the dangers of censorship in a free society, including an interview with Supreme Court Justice Hugo Black on the significance of the constitutional guarantees of free speech and press in the First Amendment. To justify the action he has taken against Playboy, Mr. Melaniphy must consider all of the foregoing as "predominantly appealing to prurient interest" and "utterly without redeeming social importance."

But wait -- that's not all. That, as the Supreme Court made abundantly clear in its *Manual Enterprises* decision, is only the *half* of it. In order to be considered obscene, the June issue of Playboy must *also*, in the words of Justice Harlan, "be deemed so offensive on [its] face as to affront community standards of decency" and be an "obnoxiously debasing portrayal of sex...that is portrayed in a manner so offensive as to make it unacceptable under current community mores." To be obscene under U.S. law, that description must fit our entire June issue -- with the editorial comments listed above; including over 60 pages of quality advertising from 102 top American firms (as evidence of its acceptability in contemporary society); and a total sale of over two million copies (as further evidence of its acceptability in contemporary society); plus a pass-along readership (confirmed by an independent research organization as the highest of any major magazine in the nation) of more than 15 million (as still further evidence of the same).

Just who, precisely, does Mr. Melaniphy think he's kidding?

But let's go a step further. Though the Supreme Court will not allow it in any legal consideration of obscenity, let's examine the Jayne Mansfield feature *by itself* -- apart from the rest of the June issue. For it is our contention, and firm conviction, that even when considered alone, there is no justification for the charge of obscenity, so capriciously made by the Corporation Counsel of Chicago.

The U.S. Courts have clearly established that that nudity is not, per se, obscene. And this includes, as we have indicated, *complete* nudity on the part of *both* sexes, appearing together in a single photograph. It also includes nudity in bed, and out of bed, embracing, and engaged only in casual conversation. And it includes still pictures, and moving pictures, too. Our courts obviously believe that the

adult American of today is just as mature as his European counterpart and that he may safely be allowed to view Brigitte Bardot in her latest bare-bottomed bedroom bout -- winner take all -- without any serious effect on his moral fiber. A rather rash assumption, perhaps, but one that the highest court in the land, after hearing considerable argument pro and con, has expressed itself as willing to make.

The nudity in the June photo feature does not begin to approach that which the Supreme Court has already held to be not obscene. In the bed sequence, Jayne is partially covered by a sheet; as for the man in the pictures, he is fully clothed. It must be pointed out, in addition, that there is no direct body contact; that the man is not reclining, but is seated upright on the edge of the bed, with his feet on the floor; that the photographs are clearly identified as being scenes from a movie; that it is also clearly stated that in the motion picture, the man (Tommy Noonan) portrays Jayne Mansfield's *husband*.

Now what about those "obscene" captions underneath the photographs? The seductive writhings and gyrations that Mr. Melaniphy believes are calculated to "arouse prurient interests" actually describe Jayne's *unsuccessful* attempt to interest her cinema hubby in coming to bed, while he remains thoroughly engrossed in a book of humor he is reading aloud. The excerpts from the two picture captions, as quoted out of context by Melaniphy and picked up by a part of the press in reporting the arrest, give a completely erroneous impression of the full captions which read: "Alas, poor Jayne. As she writhes about seductively, the best she can draw from Noonan are those funny lines." And "Jayne, admitting defeat, stops gyrating and starts giggling. Too late, Noonan discovers there's a live body in his bed." *Those* are the lines that appealed to "prurient interests" and made the June issue obscene.

No one familiar with the extensive, explicit sexual dialogue and description now found in a great number of the nation's best-selling novels, and considering that the forthright sex prose of *Lady Chatterley's Lover* by D.H. Lawrence and *Tropic of Cancer* by Henry Miller has been specifically cleared of obscenity charges in recent U.S. high court decisions, can seriously suggest that those photo captions in Playboy even approach the obscene.

We have offered a number of examples of material that cannot be correctly called obscene. Where, then, do the courts presently draw the line between what may and may not be considered obscenity? In interpreting the Supreme Court's recently established standards, the highest courts in New York, Massachusetts and California have ruled, in individual cases, that only so-called "hard-core pornography" can be considered so repugnant to contemporary society, so worthless and without redeeming social importance, as to be held "obscene" and, therefore, outside the protections of free speech and press guaranteed us by the Constitution.

Last year the Supreme Judicial Court of Massachusetts, in ruling that *Tropic of Cancer* was not obscene, cited the Supreme Court's decision in the *Roth* case, stating, "We conclude, therefore, as in effect the New York court did in the *Richmond County News* case, that, with respect to material designed for general circulation, only predominantly 'hard-core' pornography, without redeeming social significance, is obscene in the constitutional sense."

In a unanimous decision involving the same book, in July of this year, the Supreme Court of the State of California also cited *Roth*, and stated, "This decision and others of the United States Supreme Court, we think, impliedly drew a line of constitutional protection around all material except that which has been described as hard-core pornography. In this analysis...we follow the interpretations of the distinguished New York Court of Appeals and Supreme Judicial Court of Massachusetts."

In a footnote to the decision, the California Supreme Court quotes from *Pornography and the Law* by Drs. Eberhard and Phyllis Kronhausen on the difference between erotic realism, which is not obscene, and hard-core pornography, which is: "In pornography (hard-core obscenity) the main purpose is to stimulate erotic response in the reader. And that is all. In erotic realism, truthful description of the basic realities of life, as the individual experiences it, is of the essence, even if such portrayals...have a decidedly anti-erotic effect. But by the same token, if, while writing realistically on the subject of sex, the author succeeds in moving his reader, this, too, is erotic realism *and it is axiomatic that the reader should*

respond erotically to such writing, just as the sensitive reader will respond, perhaps by actually crying, to a sad scene, or by laughing, when laughter is evoked."

In effect, the court was indicating that simply because the written word, or a picture, arouses sexual response is no reason for damning it -- not if it has any additional worth or value. For as Judge Jerome Frank has stated, "I think that no sane man thinks socially dangerous the arousal of normal sexual desires. Consequently, if reading obscene books has merely that consequence, Congress, it would seem, can constitutionally no more suppress books than it can prevent the mailing of many other objects, such as perfumes, for example, which notoriously produce that result."

While the high courts in other states are taking the Supreme Court to mean what it says regarding freedom of speech and press, in Illinois the Chicago Corporation Counsel's attempting to censor one of the most popular magazines in America.

Is it possible that Corporation Counsel John Melaniphy is unfamiliar with the Supreme Court's recent rulings regarding obscenity? Not at all. The *Chicago Sun-Times* reported: Melaniphy admitted "that he is fully aware of the difficulty of getting a conviction in the Playboy case, in view of recent Supreme Court decisions." Melaniphy is familiar with the Supreme Court's decisions -- he just doesn't think that he has to abide by them. That's the kind of Corporation Counsel we have in the City of Chicago!

Nor did Melaniphy's action end with our arrest: Immediately thereafter *Chicago's American* reported, under the headline "COPS SEEK TO BAN 'PLAYBOY'": "The police department, at the request of the Corporation Counsel's office, today began a drive to halt further sale of the June issue of Playboy magazine. Brian Kilgallon, Assistant Corporation Counsel in charge of enforcing the city's obscenity ordinances, said police throughout the city will attempt to purchase the magazine at newsstands, drug and bookstores, and other distribution points. Warrants charging the sale of obscene matter will be sought against dealers who sell the June issue with the knowledge that the city has declared it objectionable, he said."

An attempt was thus made to ban the magazine before the charge of obscenity had ever been established in a court of law. It hardly mattered that such prior restraint and attempted intimidation of the city's news dealers is unlawful; Corporation Counsel Melaniphy had already admitted that his office is not bound by Supreme Court decisions -- that he is, therefore, *above the law*.

Chicago's American also reported, "Maximum penalty for violating the city ordinance covering sale of obscene matter is a fine of \$200. Kilgallon said most dealers are probably out of the magazine or have already stopped its sale. He said he has received several letters concerning the city's action against Hefner, and all were favorable. 'Most people are concerned over how we can prevent this type of magazine from falling into the hands of children,' he said. Kilgallon estimated that two out of three of the magazine's readers are under 21 years of age."

The Assistant Corporation Counsel's "estimate" is, of course, as phony as the obscenity charge itself. The composition of Playboy's audience is a well established fact, for, like all other major magazines in America, we receive the annual *Consumer Magazine Report* prepared by Daniel Starch and Staff from a continuing, independent survey of general magazine readership throughout the U.S. The 1963 Starch survey indicates that 90.7% of Playboy's male readers are between the ages of 18 and 54. The age composition breaks down as follows: 5.9% are under the age of 18; 27.1% are between the ages of 18 and 24; 40.7% are between the ages of 25 and 34; 11.0% between 35 and 44; 11.9% between 45 and 54; 3.4% are 55 and older. Playboy's female readership, which is sizable, follows the same general age pattern.

Melaniphy's assistant is employing a favorite device of the would-be censor -- using a concern for children as a justification for censoring the reading matter of adults (see *The Playboy Philosophy*, February and June, 1963) -- an action the Supreme Court has specifically held to be unconstitutional (*Butler vs. Michigan*, 1957).

Chicago's American finished its story with, "James R. Thompson, Assistant State's Attorney in charge of handling grand jury action against obscenity, suggested: (1) Citizens report to the State's Attorney's office books and magazines suspected of being obscene. (2) Formation of community or neighborhood organizations to meet with merchants to who sell objectionable material. (3) Boycotting of stores which sell obscene literature."

Here is a prospect certain to gladden the heart of every true American: neighborhood vigilantes censoring the reading habits of their neighbors through intimidation of the local news dealer.

When will we learn that our own rights are based upon protecting the rights of others? If we do not like a particular book or magazine, we are not forced to purchase it; if it offends us, we do not have to read it. But we have no right to force our own tastes and predilections onto others.

Contemporary Standards

The Supreme Court's definition of obscenity makes reference to, as we have noted, "contemporary community standards." Thus the obscenity of yesterday is not necessarily the obscenity of today, and the obscenity of today need not be the obscenity of tomorrow. Contemporary community standards never remain static, but offer ever-changing criteria for judgment. It is the subjective nature of obscenity that disturbs great men like Supreme Court Justice Hugo Black, who feels that the freedoms guaranteed by our Constitution should be *absolutes* -- a solid, unshakable foundation upon which our democracy is built.

We have discussed at considerable length, in previous installments of *The Playboy Philosophy*, our own opinions on the subject of censorship. We are fundamentally opposed to it in concept -- believing that any control over the free exchange of ideas can be harmful to a free society. But if any restraint is to be exercised over the speech and press of free men, then it must be limited to those areas where unbridled expression can cause significant, provable harm. And if any control over sexual obscenity is to be justified on this basis, then surely what is "obscene" must be limited to only the most repugnant, perverted, negative aspects of sex -- those that would turn sex from a thing of beauty and pleasure to a thing of pain, brutality and horror.

But as history has proven, over and over again, censorship strikes first at the most delightful, pleasurable aspects of sex and leaves the perverted, the twisted and the truly obscene to flourish.

Fortunately for us all, we live in a time when sexual suppression is on the wane. We are presently involved in what may rightly be termed a Sexual Revolution and we have previously made clear our conviction that this search for a "new morality" should lead Americans to a healthier, less hypocritical attitude on an essential aspect of life too long hidden and repressed.

Some of us tend to forget just how far we have managed to climb toward sexual freedom in no more than two or three generations. Contemporary man and woman are able to look at life and discuss it openly with one another in a manner that would have been unthinkable to our grandparents.

At the turn of the century, the can-can -- a lively dance of the French music halls of the time -- was considered highly licentious and was even outlawed in Paris, but a little past the midcentury mark, it seems perfectly proper entertainment to most everyone from Khrushchev (who took a very dim view of the performance he witnessed on the set of the film *Can-Can* while visiting Hollywood a couple of years ago - - Disneyland, it may be remembered, was more his speed); Judge Thurman Arnold remarked, in a *Playboy Panel* on "Sex and Censorship in Literature and the Arts" (July 1961), that pin-up photographs in the *Police Gazette* that were regarded as very hot stuff when he was a lad wouldn't warrant a second look from the modern young man raised on Playmates; early in the 1900s, a girl was thought indecent, and was liable to arrest, if she ventured out on a public beach in a bathing suit that bared her knees, while a bikini-clad lass of today wears a suit that covers little more of her anatomy than do her shoes and gloves; the archcensor and bluenose Anthony Comstock caused a national sensation over the painting of an

innocent young maid taking an early morning dip -- Comstock called it "obscene," among other things (he had a rich, blue vocabulary) -- he made the painting famous and anyone who has ever seen a reproduction of *September Morn* may very well wonder what all the excitement was about.

In the Sixties nudity and sex no longer project the same sense of sin, shame and guilt for most of us that made them such deadening and oppressive burdens for our ancestors throughout history (see *The Playboy Philosophy*, August and September, 1963). The growing acceptance of Freud's revelations regarding the sexual nature of man undoubtedly helped free us; more recently, Kinsey's statistics on sexual behavior helped, too. As scientific perception has replaced medieval superstition, the fear and mystery surrounding sex have been stripped away and, with them, much of sex's power to corrupt and pervert. As we have previously observed, sexual perversion thrives when normal sexual outlets -- both physical and psychological -- are suppressed.

England's excessive Puritanism over the past two centuries must take the blame for not only the Englishman's traditional lack of spontaneity, but the country's extensive sexual perversion as well. (Britain's more versatile prostitutes offer, as a common practice, such variations on the sexual theme as flagellation, for both sadists and masochists, and homosexuality has been long referred to as "the English vice.") England is now undergoing a Sexual Revolution of its own -- about which a great deal is being written -- that should markedly reduce such deviations in the future and the chance of any more such pathetic public displays as the Stephen Ward-Christine Keeler-Mandy Rice-Davies trial.

There is still a substantial amount of sick, sin-laden and sensational sex available in every medium of mass communication here in the United States, but there is a growing willingness on the part of many to accept sex more simply and honestly, as a natural part of human experience that need be neither sacred nor profane.

Millions of Americans are reading the sexual realism of books long suppressed as obscene without turning into a nation of sex fiends.

On the one hand, we are still offered such tired tripe as *The Case for Chastity*, a 1962 reprinting by the *Reader's Digest* of an article that originally appeared in that periodical in 1937, with a brief introduction by the editors that proclaims, "The problem it discusses is as acute as it was 25 years ago, and the sound advice contained in the article is, if anything, more pertinent." Which places the *Digest* in the interesting position of apparently believing that sex has stood still in America for the last 25 years: The article is as "pertinent" today as it was in 1957 only in the sense that it was inaccurate, opinionated poppycock then, and still is now. (see *The Playboy Philosophy*, July 1963.)

In contrast, the August 2, 1963, issue of *Time*, reporting on a New York trial in which a new edition of the book (published by G.P. Putnam's Sons) was held to be obscene: "Just when it was becoming fashionably sick, someone had to come along and remind everybody that sex can be fun. The contemporary five-foot shelf abounds in incest, lewd vagrancy, homosexual hanky panky, reckless driving, and other suburban indelicacies. Such misdemeanors seem thoroughly neurotic compared to the plain if repetitive dalliance of Fanny Hill, heroine of John Cleland's *Memoirs of a Woman of Pleasure*....

"In an age when even serious authors treat the sexual act in terms of case history or social protest (and the Olympia Press' professional pornographers are driven to exploit De Sadean whips, chains and intricate multiple interlacings to keep ahead of the uncensored press), Fanny Hill's straightforward heterosexuality must come as a shock. None of her escapades, for instance, are as unsavory as the AC-DC boy-meets-boy encounters of James Baldwin's *Another Country*, nor are they as grubbily explicit as the climactic sexual passage in Updike's *Rabbit, Run*.

"Certainly Fanny was no common harlot. Her *Memoirs* combine literary grace with a disarming enthusiasm for an activity which is, after all, only human."

This remarkably refreshing tribute from *Time* offers evidence of just how far society has traveled on the road to sexual liberation, when it is remembered that only a dozen years ago sister-publication *Life* decried the obscenity in the award-winning best sellers *From Here to Eternity* by James Jones and *The Naked and the Dead* by Norman Mailer, in an editorial titled, "From Here to Obscenity."

It should also be remembered that in writing his powerful war novel, Mailer, no pussyfoot among contemporary authors, felt obliged to use *fug* and *fugging* for the more conventional four-letter word and its gerund -- a compromise no self-respecting writer of realism, Mailer included, would think of making today.

Mark Twain wrote, "Man has been called the laughing animal, but the monkey laughs; and he has been called the animal that weeps, but several of the others do that. Man is merely and exclusively the Immodest Animal, for he is the only one with a soiled mind, the only one under the dominion of a false shame." The Society for Indecency to Naked Animals -- an organization with the avowed purpose of putting pants on all domestic animals ("for the sake of decency") -- notwithstanding, man suffers from a good deal less false modesty and shame today than he did in Samuel Clemens' time. The modern young male, and his female counterpart, seem perfectly able to look at the nudity of a fellow human being -- even one as uncommonly voluptuous as Jayne Mansfield -- without being reduced to an articulate state of blushes, smirks and snickers, or developing any of the symptoms of satyriasis or nymphomania. The present generation is being given ample opportunity to prove its newfound maturity, too, as there is more human nakedness on display nowadays than ever before in the magazines and newspapers people choose to read and the motion pictures they go to see. And we're not even considering the problem of all those unclothed domestic animals running around loose -- we'll let SINA worry about that.

There can be no question but that we are living in a period of marked social change. In such a time of transition, some portions of society are certain to lag behind the rest. It would be nice to believe that the entire Jayne Mansfield incident could be explained on this basis: that those responsible for the arrest are simply somewhat "behind the times," as it were, and not aware of the changes that have taken place so recently in contemporary standards. No such positive view seems possible. Not when the June issue of Playboy -- or any issue of Playboy -- is so far removed from anything even remotely resembling the truly obscene. And not when Playboy is so very much an accepted part of the contemporary scene.

When we first began publishing the magazine nearly ten years ago, it was much further ahead of the mainstream of contemporary taste and opinion than it is today. The publication was in the forefront of a remarkable sociosexual evolution that was then just beginning to gain real momentum. Playboy has continued to press forward in the years between, but a major part of society has moved forward with it. This shift in Playboy's position, relative to the rest of society, can be seen both in terms of the magazine's own increased acceptance and in the diminishing contrast between the more controversial aspects of Playboy's editorial content and that of a great many other suddenly liberalized U.S. publications.

The circulation success of the magazine is by now legend: From a primary readership of just over 50,000 copies for its first issue, in December 1953, Playboy has grown in popularity to an average circulation of over 1.75 million, for the first six months of 1963, with the largest secondary, or pass-along, readership of any major magazine in America, pushing its total number of readers each month to more than 15 million. This is community acceptance, in a very real sense. (In an *amicus* brief filed by a "Group for the Defense of Literary and Artistic Freedom" in the California *Tropic of Cancer* case discussed earlier, the sale of the matter in question was actually used as evidence of its having met with community acceptance. The brief stated: "...over one million copies of the book have been distributed over the counters of bookstores and libraries throughout the land.... Although we would not cite such popularity as a *necessary* criterion of a work's social importance, it seems to us undeniably *sufficient*." If a one-million-copy sale of *Tropic* is "sufficient," what must the continuing, month-in-month-out sale of now nearly two million copies Playboy each issue represent?)

The diminishing contrast between this and other publications in the editorial approach to sex and nudity is equally evident -- and further proof of Playboy's position, as regards contemporary community standards. We have already offered considerable evidence of this trend toward a more forthright handling

of sex, in this and previous installments of the *Philosophy*, in almost every area of communication -- books, magazines, movies and television.

When Playboy first began publishing, the appearance of a nude photograph in a major American magazine was a real rarity -- not only in the family-oriented and women's magazines, but in the men's magazines as well. The calendar company that owned the now-famous nude of Marilyn Monroe, that became Playboy's first Playmate of the Month, was so intimidated by the U.S. Post Office that the only version of the calendar they dared to send through the mails in 1953 had a ludicrously artificial black negligee overprinted on it. Contrast that Post Office position toward nudity with the present administrative attitude, whereby a second-class mailing permit was granted last May to *Sundial* and *Nude Living*, two American nudist magazines in which both sexes appear together in photographs completely naked with the pubic areas exposed.

While no major magazine has seen fit to go this far with its nudity, figure photography is appearing with increased regularity in the family and women's magazines and the majority of men's magazines now on the newsstands of the nation include photographs of undressed females in every issue.

Harper's Bazaar published a full-page nude of high fashion model Contessa Christina Paolozzi early last year that photographer Richard Avedon had originally intended to submit to Playboy (see *Playboy After Hours*, April 1962); it provoked a stormy reaction in the women's fashion world, but primarily because the Contessa is so very well known in high society. This May *Vogue* printed a double-page, full-color figure study that could have passed for a Playboy Playmate and it produced no apparent criticism; and *Bazaar* bounced back with a black-and-white nude in July with similar success.

Show Publisher Frank Gibney apparently learned a lesson from his brief experience as editor of Playboy's now defunct *Show Business Illustrated*, for hot on the heels of his two-issue diatribe against The Playboy Club (he was a key-holding regular while working for Playboy, but became a Bunny-baiter after moving over to *Show*), his August cover carried a picture of Gina Lollobrigida as a mermaid, with naught but a few strands of hair for brassiere and enough bare Gina revealed below so that anything more would have matched the maximum exposure of *Nude Living*.

Time has taken to running photos of an over-ripe tomato or two almost every week and they offered readers a nude back shot of actress Carroll Baker (in a scene from her last movie) in the issue of July 5, followed by a bare-bosomed Fralein at a Bavarian health resort on August 16.

Among the magazines for men, all but the smallest handful publish several pages of nude photographs every issue and a great many of them make Playboy look like *Good Housekeeping* by comparison. Posing in the altogether has become so respectable a part of contemporary mores that well-established film stars like Arlene Dahl, Jane Fonda and Shirley MacLaine willingly strip for magazine spreads. (In this issue, Playboy presents a nude picture story on Elsa Martinelli; within the next few months, we will publish similar features on Kim Novak, Susan Strasberg, Ursula Andress and Mamie Van Doren.)

Nudity has become an accepted part of American magazine publishing and movies are barer than ever, too. From super stars like Liz Taylor in the multimillion-dollar *Cleopatra* to the unknown starlets in the most expensive "nude" films, the girls are baring their all to boost the box-office appeal of their pictures. More significantly, in terms of the Jayne Mansfield-Playboy arrest, the Chicago Censor Board left uncut the seminude scenes in *Cleo*: the nude shot of Marilyn Monroe in *Marilyn*; the male nudity in *The Sky Above, the Mud Below*; and the nude bedroom scenes of June Ritchie in the English *A Kind of Loving*, and of Romy Schneider in the Italian *Boccaccio '70* -- both of which involved men (see *Europe's New Sex Sirens*, Playboy, September 1963). Chicago's censors have also approved the showing of a lengthy list of nudist and "nude" films during the past year, with extensive female nudity in scenes including men.

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But if nudity is now quite common in motion pictures, bedroom embraces in adult cinema are more the rule than the exception. Indeed, in foreign films imported to the U.S., it is difficult to find an example that does not include at least one tussle in, on, or near a sack. *The Lovers*, *The Cousins*, *The Balcony*, *From a Roman Balcony*, *The L-Shaped room*, *Shoot the Piano Player*, *Seven Capital Sins*, *Five Day Lover*, *The Joker*, *Odd Obsession*, *Jules and Jim*, *The Truth*, *Phaedra* and *Never on Sunday* -- all included tomfoolery twixt the sheets. In *Les Liaisons Dangereuses*, French film star Gerard Phillippe played mixed doubles in bed with the bare Jeanne Valerie and Annette Vadim.

And in the *same month* that we were arrested for those photographs of a nude Jayne Mansfield trying unsuccessfully to entice her husband into coming to bed, the Chicago Censor Board approved the showing of *Sweet Ecstasy*, in which see-worthy sexpot like Elke Sommer is decked by a male member of a boat party, has her clothes torn open, and is thoroughly manhandled in the passionate, horizontal embracing that ensues (see photos, page 82); in a previous scene on the same afternoon, Miss Sommer rolls about on a sandy beach with a different passion pal and consummates the sex act (while the camera, in a last-minute display of modesty, pans to the rolling surf.)

The beach scene in *Sweet Ecstasy* reminded us of the tender seduction in the sand in the Swedish film *One Summer of Happiness*, and we recalled that the *Chicago Tribune* had thought it perfectly permissible to run a photo, in the Sunday roto section of that conservative family newspaper, showing the young couple in a nude embrace.

In our Jayne Mansfield pictorial, as we have mentioned, Tommy Noonan was fully dressed and there was no embrace: Jayne's movie husband was seated upright, on the edge of the bed, reading. In the same month as our arrest, two other national magazines ran photographs of couples in bed: *Esquire* and *The Saturday Evening Post* (honest!). The *Post* picture, in the issue of June 22, showed Ian Fleming's bold British agent James Bond, as portrayed by Sean Connery in a scene from 007's second film adventure, *From Russia, With Love*, tucked under the covers with his latest adversary, a sensuous blonde. The July issue of *Esquire* had, as its lead feature, a picture profile of hip-beat author John Filler; in the last photograph, Filler is tucked under the covers with his hip-beat girlfriend for the night, a sensuous brunette.

These photographs are different from the bed sequence in the June issue of Playboy in several respects: In the *Post* and *Esquire* photos, everyone is nude, though partially hidden by covers; the couples are embracing, or in physical contact with one another; the couples are not married.

We are left with the feeling that two separate standards are being applied here: one for Playboy; the other for everybody else. If that is true, it is certainly not the first time. It happened before in Chicago, when we opened the first Playboy Club, and the same Corporation Counsel decided that key clubs were illegal in Illinois. Chicago had key clubs for 25 years, but during the Playboy Club's first week of operation, Corporation Counsel Melaniphy decided that key clubs were illegal.

We took the key club question to court -- and we won it. We will do the same with the obscenity charge. The small fine is meaningless, but there are issues involved here that are all-important to anyone who believes in democracy. Because of the issues, we will fight this extralegal administrative action with every resource at our command -- for ourselves, and for those others, less able to defend themselves, who all suffer intimidation and coercion at the hands of the bigots, the censors, the enemies of freedom, who are forever attempting to reshape society -- by fair means or foul -- into their own twisted image of what it should be.

In the next installment of "The Playboy Philosophy," Editor-Publisher Hugh M. Hefner completes his response to the June-issue obscenity charge, offering additional evidence that it was less the Jayne Mansfield pictorial than this outspoken editorial series that initiated the action, and revealing for the first time the forces in Chicago, and throughout the country, that are most actively working against Playboy and against the interests of all men who wish to live free and unobstructed lives, thinking their own thoughts, and able to express those thoughts without interference or penalty. In the personal exploration of this single incident, and related incidents involving Playboy in the past, Hefner makes his strongest

case yet for the separation of church and state in maintaining a truly free society. The details described involve Playboy, but the implications involve all of us. This is an installment of "The Playboy Philosophy" that no reader of this publication will want to miss.

Chapter 12

Why Now?

Irv Kupcinet expressed the feelings of many when he wrote, in his *Chicago Sun-Times* column: "The obvious question about the arrest of Playboy publisher Hugh Hefner on obscenity charges based on the Jayne Mansfield nudes in the June issue is: Why now? Playboy has been publishing nudes of voluptuous dishes for years." *Why now?* It is a very good question and in attempting to find the answer -- in attempting to establish the real motivations behind the arrest -- an insidious, twisted labyrinth of pious prejudice and prudery may be brought to light. It is virtually impossible to look deep within the human mind and find the sometimes complex motives that lie hidden behind a single act, unless your subject reclines willingly upon a psychoanalyst's couch. We have no analytical couch, and if we had, our adversaries in this little melodrama would surely decline to lie there. So instead of supplying suspected motives, we'll offer up not one, but a chain of events, and let the reader draw his own conclusions. First it must be mentioned that Playboy has *never* been adjudged obscene by any court in the land. In last month's editorial, we entered into an extensive examination of the recent Supreme Court and other high-court decisions on, and definitions of, obscenity. We successfully established, we think, that not by the wildest extensions of these definitions and decisions could be the June issue -- or *any* issue -- of Playboy be considered legally obscene. We went further, pointing out the extent to which Playboy meets contemporary community standards, as defined by the Supreme Court, and how the text and illustrations in this magazine are considerably more respectable than much of the material now available in a great many books, magazines and movies in our present-day society --and far less objectionable, by any objective standard, than material already declared not obscene by our courts. We went further still, pointing out that Chicago censors had approved scenes in a French film for exhibition that *very* month that were far bolder than the still photographs in Playboy. And pointing out, too, that similar (if less revealing) nude bed scenes (it was the photographs of Jayne in bed to which the Corporation Counsel took particular exception) were published at the same time in two other major magazines (*Esquire* and *The Saturday Evening Post*) with nary a Counsel criticism. And after all else was said and done, since similar photographs had appeared many times before in the pages of Playboy during our nearly ten years of publishing, with never so much as a discouraging word from the custodians of this fair city's morality -- *why now?* What special, possibly pre-established perspective or prejudice set Playboy apart from the rest? And what prompted the action at this particular time?

Religious Freedom in Chicago

If the June pictorial on Jayne Mansfield is not so different from many that Playboy has printed before, what *is* different about the June issue -- or perhaps one or more of the issues that immediately preceded it? Well, nothing really -- *except...*! Except *The Playboy Philosophy*, this continuing editorial statement of our personal convictions and publishing credo, begun last December and carried in each issue since. These first installments have been primarily devoted to our concern over the separation of church and state in a free society and critical of organized religion's undue influence over portions of our government and law, thus emphasizing that true religious freedom means not only freedom of, but freedom from religion.

Chicago remains one of the few major cities in America that is dominated by a single religious denomination -- that is, where a majority of the officials in power belong to one church and where their administrative decisions sometimes appear to be predicated more on religious dogma than civil law. We state this fact sadly, for it is also true that the present city administration is far and away the best that Chicago has had in many, many years.

In earlier installments of the *Philosophy*, we cited, and criticized, a number of specific instances in which, it seemed to us, Chicago officialdom had been less concerned with the importance of maintaining a separate church and state than they should have been. The Chicago Censor Board, made up of the wives of policemen, denied a license to the Italian film, *The Miracle*, on the grounds that it was "sacrilegious." (New York, another city that has a history of similar religious prejudice, did the same.) The

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Supreme Court declared this an unconstitutional basis for censorship, as it infringed upon religious freedom. In his decision in the *Times Film Corp. vs. Chicago*, Chief Justice Earl Warren stated, "Recently, Chicago refused to issue a permit for the exhibition of the motion picture *Anatomy of a Murder*...because it found the use of the words 'rape' and 'contraceptive' to be objectionable.... The New York censors forbade the discussion in films of pregnancy, venereal disease, eugenics, birth control, abortion, illegitimacy, prostitution, miscegenation and divorce. A member of the Chicago Censor Board explained that she rejected a film because 'it was immoral, corrupt, indecent, against my...religious principles.'"

Following the Supreme Court's decision, Chicago censors promptly rebanned *The Miracle* on the basis that it was "obscene." (Which supports our earlier observation that the charge of obscenity is often used to censor material that offends a particular group for reasons that have nothing to do with sex, from religion to racial equality.)

And it should be noted that the word "contraceptive," which Chicago censors wished to expunge from Otto Preminger's *Anatomy of a Murder*, can be considered offensive to only that specific religious minority that opposes birth control.

Birth control became a major issue in Chicago earlier this year, after millionaire philanthropist Arnold H. Maremont had accepted a position as chairman of the Illinois Public Aid Commission. Maremont announced that the IPAC had adopted a resolution to make birth control information and devices available to public-assistance recipients upon request and provided that the contraceptives were prescribed by a physician.

Maremont stated that the new IPAC program would accomplish the following worthwhile ends: (1.) "It will give the needy the same option of determining the sizing and spacing of their families that others in our society have." (2.) "It will curb the soaring numbers of illegitimate children we currently are closing our eyes to." (3.) "It will produce a multi-million-dollar annual savings for the taxpayers of this state."

Then the public furor began -- with sides chosen along disturbingly, if predictably, religious lines. Prominent Catholics, including Chicago's Mayor Daley, denounced the plan as "immoral," because it would make the assistance available to the public-aid recipients who were not married and not living with their husbands. The day before the mayoral election, which Daley won handily, Republican candidate Benjamin S. Adamowski made a bid for the city's Catholic vote by filing an anti-birth-control suit against the IPAC in Superior Court. The IPAC would have customarily been defended by Illinois Attorney General William G. Clark, but Clark, a Catholic, announced that he, too, was opposed to the program. Clark stated that he considered the plan illegal and he advised the State Auditor not to sign and the State Treasurer not to honor warrants drawn to cover the costs of the birth-control program.

Maremont hired private legal counsel and vowed to carry the fight for approval of the Commission's program to the U.S. Supreme Court, if necessary. "This issue and all its ramifications will be aired before the highest tribunals of the land, if that is what it takes to permit us to move ahead with the program," he said.

"This Commission has every right to establish its policy, a policy which countless individuals and organizations support.... I have stated many times that this policy has been established with all the built-in safeguards that our conscientious and deeply concerned commissioners can provide."

Attorney Thomas C. McConnell, hired by the IPAC to defend it after Attorney General Clark sided with opponents of its program, charged in the court that Clark had "sold his client [the IPAC] down the river" by joining Adamowski in his suit. McConnell accused Clark of following "the dogmas of his own religion" and he requested a change of venue on the ground that Superior Court Judge John J. Lupe was prejudiced.

The *Chicago Sun-Times* reported, "Outside the court, Clark, a Roman Catholic, said: 'This is not a Catholic question, a Protestant question, or a Jewish question. All religions say that couples should marry before engaging in this type of conduct.' Clark repeated that he opposes the IPAC's program on grounds that it encourages illicit and immoral behavior...."

Clark neglected to mention that the "morality" aspect of the program was actually a smoke screen raised by some of its opponents and that most of the prominent Protestant and Jewish individuals and organizations that had been contacted, as well as those of no religious affiliation, favored the IPAC plan. The Illinois Council of Churches, representing 11 Protestant denominations, went on record as favoring the birth-control program for the public-aid recipients; the policy statement was adopted unanimously by the Council's legislative committee.

Ethel Parker, of the Independent Voters of Illinois, stated, in a letter to the *Sun-Times*: "The Independent Voters of Illinois at this time repeats its stand on using public funds to furnish birth-control information and supplies to women on relief. We are in favor of such a plan.

"Our contention is that preventing an increase of unwanted children is a policy of moral responsibility first and secondarily a prudent economic move.... So long as birth control is not forced on anyone whose religious views forbid it, IVI fails to see how religion enters into this controversy. It is also very naive for anyone to believe that the use of contraceptives promotes immorality. In our view their use merely prevents adding to social ills resulting from promiscuity."

In another letter, in the same issue of the *Sun-Times*, a Catholic reader insisted that the State Senate intervene, altering the IPAC program so that the contraceptives could be "prescribed only by a doctor for married women living with their husbands and *only when their lives would be endangered by pregnancy*." (Emphasis added.) The reader also indicated that Governor Kerner should ask for Arnold Maremont's resignation.

Catholic Superior Judge Lupe refused to grant a change of venue, requested on the ground that he was prejudiced, and proceeded to rule against the IPAC in the Adamowski suit to halt the birth-control program. The State Senate then passed a measure drastically curtailing the Illinois Public Aid Commission's authority to help mothers under its care to avoid childbirth by use of contraceptives, and Senator W. Russell Arrington introduced a bill to abolish the IPAC. In a seemingly inconsistent move, the Senate confirmed Governor Kerner's reappointment of IPAC Chairman Maremont, but then -- in an unprecedented move -- it revoked the reappointment, because a number of the senators took exception to some of Maremont's public utterances regarding the Senate and IPAC aid. Financier Maremont was thus returned to the less fickle world of his private businesses and philanthropies, and Illinois lost the services of an exceptionally gifted public-spirited citizen.

The point in this controversy over birth control, as in the matter of censorship, is not the right of Catholics, or any other religious group, to hold and exercise whatever belief they choose. It is the undemocratic action of forcing their religious convictions on other citizens who do not share their views.

In commenting on the Chicago controversy in an article on religious freedom and the importance of the separation of church and state, Reverend H.B. Sissel, Secretary for National Affairs of the United Presbyterian Church in the U.S.A., wrote recently in *Look*: "Seventeen states prohibit the sale or distribution of contraceptives [to the general public] except through doctors or pharmacists; five states ban all public sale of such devices. Although these statutes were enacted in the 19th century under Protestant pressure, times and attitudes have changed for many Protestants. Today, they believe that Catholics have no right to keep such laws in operation. Some Catholic spokesmen have agreed that their Church is not officially interested in trying to make the private behavior of non-Catholics conform to Roman Catholic canon law. Meanwhile, the laws stay on the books, though they are being tested in the courts."

The Reverend Sissel commented on a number of other church-state conflicts in society today and concluded his thoughtful article by stating: "The so-called 'wall of separation' between church and state has been breached often by both, each using the other for its own ends...."

"I know it is a sign of my bias as a Christian (I hope many other Christians share the bias) that I believe, in the long run, that political and civil liberties are safest when the church is free to be the church. And by 'free,' I do not mean just free of external coercion. The freedom of the church lies in its recognition of its basic mission: to be deeply involved in the personal, social, political and economic life of the world -- but not to be identified with the world: to encourage compassion, a desire for justice and a vision of what it means to be truly human; and to renew that vision by living to the wellspring of its faith.

"Churches and synagogues, clergymen and churchgoers, all must regain the unique sense of purpose and mission that God has given them to perform by worship within and witness without. All need to face, and deal with, the urgent problems bound up in the issue of church and state. And all need to recognize that when men of faith begin to look to the state as a pillar of religion, the edifice of faith they seek to save has already begun to collapse."

Nowhere is this truth more evident than in the matters of free speech and press. Religious censorship reared its ugly head in Chicago in an even bigger controversy than the recent birth-control suppression when, late in 1956, the film *Martin Luther* was scheduled to be shown over WGN-TV and then suddenly cancelled. Prominent Protestant clergymen and private citizens charged "Roman Catholic censorship" and a Protestant Action Committee issued a statement saying: "Pending a full review of the situation, the committee decided today to authorize a formal protest with the Federal Communications Commission against WGN-TV for the banning of the film."

Robert E.A. Lee, executive secretary of Lutheran Church Productions Inc., which made *Martin Luther*, wrote of the Catholic censorship of the film in Chicago, and around the world, in *The Christian Century*, saying: "In Chicago all the fuss is focused on just why WGN-TV got cold feet and 'pulled the film.' *Martin Luther* was scheduled for the December date at the specific request of the station after its officials had carefully previewed it.... [Then] the showing was canceled.

"Aroused Chicagoans were convinced that they knew why. A volunteer action committee of Protestant leaders of the city called a press conference and bluntly charged 'de facto censorship,' claiming WGN-TV had yielded to pressures 'mobilized by the Roman Catholic Church.' The station's public relations department declared, in a polished euphemism, that an 'emotional reaction' had led them to cancel. A spokesman for the chancellery of the Chicago Roman Catholic archdiocese denied that any 'official' protest was made. It is conceivable that the representative of Cardinal Stritch who visited a WGN-TV official at 2 p.m. on December 14 [one week before the planned showing] had other reasons for the appointment. But, oddly enough, a responsible station executive telephoned us in advance of the representative's visit to get information to support his own arguments as to why *Martin Luther* deserved to be televised.

"The Chicago case makes more urgent that question that many concerned individuals -- including some Catholics -- have been asking: Is one religious group really attempting to dictate what the public can see and hear through mass-communication media? Is the Roman Catholic Church becoming more aggressive in extending its censorship programs beyond its own sphere?"

Lee went on to comment on the banning of the film in Quebec: "In that part of the world the political influence of the cardinal is no secret. It is known that the censor received his instructions from higher authorities. And a person who discussed this situation frankly with the provincial premier revealed that the decision was 'requested' by an ecclesiastical authority. This despotism boomeranged mightily -- as such despotism anywhere must sooner or later. When, in spite of the ban, a courageous group of Protestant churches in the Montreal area staged a united demonstration by showing the film simultaneously for a week on their own premises, they had seats for only half of the comers. But the government refused to rescind the ban."

The Canadian ban was not lifted until 1962, when the censorship board of Quebec was changed and the new board permitted showing of the film. Lee mentioned that a number of Catholic leaders throughout the world had not reacted so emotionally to the movie which, while showing the Protestant side of the Reformation, was in no sense anti-Catholic. Many Catholics, here and abroad, were also openly concerned about their fellow Catholics acting as censors. A letter in *Time* said: "I am one of the many Catholics, I hope, who are appalled at the shallow thinking of our Chicago brethren who became a pressure group protesting the showing of the TV film *Martin Luther*. If, as Catholics, we possess the truth, why do they resort to such intolerance in order to prohibit what they consider to be false from the beginning. We cannot deny the historical existence of Luther and his founding of the Protestant Church. Do Chicago Catholics fear the facts of history? I wonder if they realize how much their bigotry damages the cause of Catholicism and the fellowship of man?"

Despite the controversy caused by the Chicago censorship, WGN-TV declined to reschedule the film. Sterling "Red" Quinlan, the rebel head of rival TV station WBKB, then accepted the motion picture and aired it without further incident. "Red" Quinlan is a liberal Catholic.

The banning of the June issue of *Playboy* caused no comparable public outcry -- or the religious implications were less clearly defined. But as we shall see, the situation is disturbingly similar.

In *The Playboy Philosophy*, we have been outspoken in our opposition to any tyranny over the mind of man, whether invoked in the name of the state or in the name of God. We specifically criticized the part that organized religion -- Protestant as well as Catholic -- has played in such suppression throughout history, down to the present day. The views that we have expressed are shared by many of the more liberal clergy -- of all denominations -- who recognize that religious freedom requires that the church remain free from any involvement in government and any direct coercion of the citizens in a free society.

We were especially critical, in the April and May issues, of the Chicago "justice" meted out to comedian Lenny Bruce. In June the administrators of that "justice" turned their ire on *Playboy*.

Bruce was arrested on charges of giving an obscene performance. He had been previously arrested on the same charge in San Francisco and Los Angeles. There were differences in the Chicago and California incidents, however: In San Francisco, he was acquitted and in Los Angeles, all charges were subsequently dropped; in Chicago, he was found guilty and given the maximum sentence of one year in prison and a \$1000 fine (the decision is now being appealed). In Chicago, also, the license of the nightclub in which he appeared was revoked for two weeks, in an administrative proceeding that *preceded* the trial. In other words, before the actual charge of obscenity was ever heard in a court of law, the city suspended the nightclub's license for having permitted an obscene performance on its premises. And by this action, Chicago officials succeeded in banning Bruce from any future appearances at nightclubs in this city, since -- no matter what the final outcome of the trial -- it will take a very brave club owner indeed to book Bruce knowing he is thereby placing his liquor license in jeopardy.

Why did California and Chicago trials end so differently? There were religious implications in the Chicago arrest and trial that did not exist in either San Francisco or Los Angeles. *Variety* reported, after the first day of the hearings on the liquor-license revocation: "After nearly a full day of hearing prosecution witnesses, it is evident that, in essence, Bruce is being tried *in absentia*. Another impression is that the city is going to a great deal of trouble to prosecute Alan Ribback, the owner of the club, although there have been no previous allegations against the caf and the charge involves no violence or drunken behavior.... Testimony so far indicates that the prosecutor is at least equally as concerned with Bruce's indictment of organized religion as he is with the more obvious sexual content of the comic's act. It's possible that Bruce's comments on the Catholic Church have hit sensitive nerves in Chicago's Catholic-oriented administration and police department."

The religious considerations in the case arose again during the trial, as *Variety* reported in a second news story: A number of people "have been puzzled by the arrest, since it is the general opinion of many caf observers that performances with similar sexual content have been overlooked at other Chi

clubs. It's thought that Bruce's attacks on organized religion may have been the deciding factor in making the arrest, or so the line of prosecution questions would indicate to date."

Chicago's daily newspapers made no mention of the religious implications in the arrest and trial, but on the basis of sworn affidavits from two witnesses, *The Realist* reported the following conversation between the Captain of the Vice Squad and the then owner of The Gate of Horn (he has since been forced to sell his interest in the club) following Bruce's arrest.

Captain McDermott: I'd like to speak to the manager. *Alan Ribback:* I'm the manager. *McDermott:* I'm Captain McDermott. I want to tell you that if this man ever uses a four-letter word in this club again, I'm going to pinch you and everyone in here. If he ever speaks against religion, I'm going to pinch you and everyone in here. Do you understand? *Ribback:* I don't have anything against any religion. *McDermott:* Maybe I'm not talking to the right person. Are you the man who hired Lenny Bruce? *Ribback:* Yes, I am. I'm Alan Ribback. *McDermott:* Well, I don't know why you ever hired him. You've had people here. But he mocks the pope -- and I'm speaking as a Catholic. I'm here to tell you your license is in danger. We're going to have someone here watching every show. Do you understand? *Ribback:* Yes.

Anyone who has ever heard Lenny Bruce knows that his act is not an attack against any specific religious group, but against all of society's intolerance and hypocrisies. His technique is vitriolic and his manner often so free-form that it becomes a verbal stream of consciousness. But his basic message is not one of hate, but of charity, love and understanding.

"Lenny Bruce is here to talk about the phony, frightened, lying world," wrote the *Chicago Tribune's* Will Leonard less than a week before Lenny's arrest. And Richard Christiansen, in the *Chicago Daily News*, termed Bruce "the healthiest comic spirit of any comedian working in the United States today." His act, said Christiansen, "is right smack at the center of a true comedy that strips all prejudices and reveals man's inhumanity to man."

Nor do all Catholics fail to understand. Writing on the subject of Bruce and his vocabulary, Professor John Logan of the University of Notre Dame stated: "I find him a brilliant and inventive moralist in the great tradition of comic satire -- Aristophanes, Chaucer, Joyce. If his use of four-letter words constitutes obscenity, then those satirists were also obscene."

The point, as we have previously stated, is not whether any one of us agrees with all, or any part, of what Bruce has to say, but whether a free society can long remain free if we suppress the expression of all ideas that are objectionable to a few or to many.

The charge against Lenny Bruce was obscenity, but his actual "crime" seems to have been speaking out too openly on certain negative aspects of organized religion. The charge against Playboy is obscenity, also.

The NODL

In the February issue, we commented on the National Organization for Decent Literature, which headquarters in Chicago. The NODL prepares a monthly list of "disapproved" books and magazines that is supposed to be a guide for Catholic youth, but is often used as a weapon for adult censorship. Local organizations -- sometimes openly Catholic and sometimes seeming to represent a cross section of the community, while actually under Catholic control -- use the NODL black list to suppress reading matter in their community through the action of sympathetic officials or through the intimidation of local book and magazine dealers through threat of boycott or other coercion.

Exactly this sort of extralegal coercive action was suggested by Illinois' Assistant State's Attorney James R. Thompson, in a newspaper story reporting on the Playboy arrest. He suggested: "(1) Citizens report to the State's Attorney's office books and magazines suspected of being obscene. (2) Formation of

community or neighborhood organizations to meet with merchants who sell objectionable material. (3)
Boycotting of stores which sell obscene literature."

The effect of such action is to set up citizen-censorship groups for the specific purpose of suppressing the reading matter of their fellow citizens, rather than allowing each individual to make up his or her own mind about what to read.

In an editorial titled "The Harm Good People Do," in the October 1956 issue of *Harper's Magazine*, Editor John Fischer wrote: "A little band of Catholics is now conducting a shocking attack on the rights of their fellow citizens. They are engaged in an un-American activity which is as flagrant as anything the Communist party ever attempted -- and which is, in fact, very similar to Communist tactics. They are harming their country, their Church, and the cause of freedom.

"Their campaign is particularly dangerous because few people realize what they are up to. It can hurt you -- indeed, it already has -- without your knowing it. It is spreading rapidly but quietly; and so far no effective steps have been taken to halt it.

"Even the members of this organization probably do not recognize the damage they are doing. They are well-meaning people, acting from deeply moral impulses. They are trying, in a misguided way, to cope with a real national problem, and presumably they think of themselves as patriots and servants of the Lord. Perhaps a majority of Americans, of all faiths, would sympathize with their motives -- though not with their methods.

"They do not, of course, speak for all Catholics. On the contrary, they are defying the warnings of some of their Church's most respected teachers and theologians. The Catholic Church as a whole certainly cannot be blamed for their actions, any more than it could be held responsible a generation ago for the political operations of Father Coughlin.

"This group calls itself the National Organization for Decent Literature. Its headquarters are in Chicago; its director is the Very Reverend Monsignor Thomas Fitzgerald. Its main purpose is to make it impossible for anyone to buy books and other publications which it does not like. Among them are the works of some of the most distinguished authors now alive -- for example, winners of the Nobel Prize, the Pulitzer Prize and the National Book Award.

"Its chief method is to put pressure on news dealers, drugstores and booksellers, to force them to remove from their stocks every item on the NODL black list. Included on the list are reprint editions of books by Ernest Hemingway, William Faulkner, John Dos Passos, George Orwell, John O'Hara, Paul Hyde Bonner, Emile Zola, Arthur Koestler and Joyce Cary. [The current list also includes *Serenade* by James M. Cain, *Mister Roberts* by Thomas Heggen, *From Here to Eternity* by James Jones, *What Makes Sammy Run* by Budd Schulberg, *The Young Lions* by Irwin Shaw, *Native Son* by Richard Wright and *The Catcher in the Rye* by J.D. Salinger.] In some places -- notably Detroit, Peoria and the suburbs of Boston -- the organization has enlisted the local police to threaten booksellers who are slow to 'cooperate.'

"This campaign of intimidation has no legal basis. The books so listed have not been banned by the mail, and in the overwhelming majority of the cases no legal charges have ever been [sustained] against them.... Its chosen weapons are boycott and literary lynching.

"For example, early last year committees of laymen from Catholic churches in the four northern counties of New Jersey -- Union, Hudson, Essex and Bergen -- began to call on local merchants. These teams were armed with the NODL lists. They offered 'certificates,' to be renewed each month, to those storekeepers who would agree to remove from sale all of the listed publications. To enforce their demands, they warned the merchants that their parishioners would be advised to patronize only those stores displaying a certificate.

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"*Contact*, a bulletin published by the Sacred Heart Parish Societies of Orange, New Jersey, listed 14 merchants in its March 1955 issue. 'The following stores,' it said, 'have agreed to cooperate with the Parish Decency Committee in not displaying or selling literature disapproved by the National Organization for Decent Literature.... Please patronize these stores only. They may be identified by the certificate which is for one month only.'

"Such tactics are highly effective.... The Archdiocesan Council of Catholic Men in St. Louis [reported] that it had 'obtained the consent of about one third of the store owners approached in the campaign to ask merchants to submit to voluntary screening....'

"The Detroit NODL states that its list is 'not intended as a restrictive list for adults' -- though it does not explain how adults could purchase the books if merchants have been persuaded not to stock them.

"But the movies of these zealous people are not the issue. The real issue is whether any private group -- however well-meaning -- has a right to dictate what other people may read.

"Clearly any church, or any subgroup within a church, has a right to advise its own members about their reading matter. Clearly, too, anybody has a right to try to *persuade* other people to read or to refrain from reading anything he sees fit. The National Organization for Decent Literature, however, goes much further. Its campaign is not aimed at Catholics alone, and it is not attempting to *persuade* readers to follow its views. It is *compelling* readers, of all faiths, to bow to its dislikes, by denying them a free choice in what they buy.

"This principle is of course unacceptable to Catholics -- as it is to all Americans -- if they take the trouble to think about it for a moment. How would Catholics react if, say, a group of Jewish laymen were to threaten merchants with boycott unless they banned from their shops all publications which referred to the divinity of Christ? Some religious denominations believe that gambling is immoral; most Catholics do not, and many of their parishes raise considerable sums by means of bingo games and raffles. What if some Protestant sect were to try to clean out of the stores all publications which spoke tolerantly of gambling, and to boycott every merchant who bought a raffle ticket?"

The CDL

Catholic censorship is implemented at the local community level by an organization called Citizens for Decent Literature. It is a Catholic lay organization though it gains its acceptance in some communities by appearing to be a civic group with no specific religious affiliation.

The Californian reported recently on CDL censorship activity in its state: "In California, where the campaign against 'obscene' literature has taken on the aura of a respectable community project, the tide has been swung by a group called Citizens for Decent Literature, whose national chairman admitted publicly that his organization is conducting 'a religious crusade.' Nevertheless, CDL was able to induce the *San Francisco News-Call Bulletin* to carry on a week-long campaign against 'smut,' in which quotes from CDL were featured prominently. For example, CDL's chairman, Charles H. Keating Jr., billed as a former All-American swimming champion, was quoted at the beginning of the series in a statement that San Francisco is the 'smut capital' of the nation. What readers of the *News-Call* could not have known was that Keating has made this statement in every city in which his organization has carried on its 'religious crusade.'

"Actually, the CDL is only a front group for a larger organization called the National Organization for Decent Literature. The NODL uses groups like CDL and the Legion for Decency to infiltrate communities under the guise of nonsectarian activity and independence from a list of banned books published by the NODL. The reason is that NODL has been stamped as a Catholic organization that has tried to have books called unfit for Catholics to read banned for persons of all other religious denominations, too. This has resulted in widespread opposition to NODL, which has therefore been

forced to use groups in communities that go by different names. These groups will deny they are connected with NODL, but they use NODL's banned-books list as they parrot NODL's philosophy.

"For example, listen to CDL's Charles Keating testifying before the House Subcommittee on Postal Operations: '...The rot they peddle...causes premarital intercourse, perversion, masturbation in boys, wantonness in girls, and weakens the morality of all its contacts.... Attention is given to sensationalists such as Kinsey, who draw sweeping conclusions from a handful of selected subjects and defraud the public by calling their meanderings a scientific study -- and Eberhard and Phyllis Kronhausen who, finding fellow travellers in erstwhile respectable media, manage to disseminate, directly and indirectly, their absurd and dirty bleatings and pagan ideas.... It seems strange to me that we credit -- I should say that our mass media credit -- the unestablished generalities of a few so-called experts, but ignore the overwhelming testimony of the true experts like so many of your previously testifying witnesses, of men like Pitirim Sorokin, J. Edgar Hoover.... One might say, even the laws, the words of God himself are ignored.

"So now you see that I claim to speak for most of our American citizens. I come by this claim as a member of Citizens for Decent Literature, having in the past four years traveled extensively giving hundreds of speeches. Through our CDL office, we receive and answer about 300 letters a month, all from indignant citizens...who want, as I do, this demoralizing traffic in filth stopped now.

"Citizens for Decent Literature has been successful in all areas where it has been militant in the first phase of its program. There has been the usual opposition by extremists such as the persistent, illogical, comical and theatrical -- but legalistically skilled -- activities of certain "civil liberties" groups.... They constantly -- particularly the California collections -- impose censorship by threats, bullying, intimidations and smears...these elements and those foul producers and salesmen of this depravity...take these slick magazines with their emphasis on seductively posed nude females. To those who say: "But whom do they effect and how?" -- I reply: Why disbelieve the countless clergymen, who, from their flocks, know these magazines cause masturbation and other immoral behavior among boys.

"The Kronhausens and their ilk I think deliberately appeal to the mass audience by inclusions in their works of the most rank obscenities imaginable.... It seems to me that the basic contention of these people is that guilt feelings are the result of moral restrictions, and that the remedy lies in abandoning the restrictions. For example, a boy who is in the habit of masturbation would undoubtedly suffer a depression and moodiness and guilt feelings which the Kronhausens would remove, not by stopping his habit or eliminating his habit of masturbation, which is a difficult process perhaps, but by convincing the boy that if masturbate he must, then go to it, but get rid of the puritanical and inbred fanatical religious attitudes which cause him to think of this as being something sinful.

"We get a lot of mail indicating people who have picked these (nudist) magazines up and find them filled with semen when boys masturbate on the pictures, and so forth. Nothing else could be expected.

"In these days, speaking of masturbation, when you run into that problem, I just mention it casually and take for granted that most people think that it is a very bad thing and very dangerous to the health and moral welfare, physical and mental, of the people who have the habit. But we had a psychiatrist on the stand in Cincinnati recently for the defense, who said, sure, these magazines stimulate the average person to sexual activity, but it would be sexual activity which would have a legitimate outlet. The prosecutor said to him, "Doctor, what is a legitimate or socially acceptable outlet for an 18-year-old unmarried boy?" The doctor answered, "Masturbation." When you are met with that kind of situation, you begin to wonder."

When you are met with that kind of wild-eyed sexual fanaticism, on the part of the chairmen of CDL and the chief proponent of censorship in the U.S. today, you do, indeed, begin to wonder.

The Californian felt obliged to observe: "Keating's testimony is full of typical revelations of this type of mind. Premarital sexual intercourse is evil. Kinsey and other scientists are 'fellow travelers,' and

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purveyors of filth in disguise. Scientists like Kinsey and the Kronhausens are not the true authorities; the true authorities on sex are men like J. Edgar Hoover. Anyone who sells or reads sexy literature is a 'pagan' defying the law of God. They have the support of 'civil liberties' groups [placed in quotations to indicate contempt], and California 'collections' [as if to say, the groups of wild-living people in that state]. Masturbation is so obviously immoral that it is to be taken for granted that most people think it is immoral."

Keating's statements remind us of the observations made by Dr. Benjamin Karpman, Chief Psychotherapist of St. Elizabeth's Hospital in Washington, D.C., on the neurosis known as pornophilia -- the obsessive and excessive interest in pornographic materials:

"This interest in obscenity -- pornophilia -- may take another direction. It may be covered up by a reaction formation. The interest may be denied by bitter opposition to all forms of obscenity, the same as a condemnation and attack against homosexuals can cover up latent homosexuality. Crusading against obscenity has an unconscious interest in it; that is, it may cover up latent homosexuality. Crusading against obscenity has an unconscious interest at its base. The interest is negatively displaced in consciousness."

Not every censor is neurotically obsessed with sex -- some good people become involved in censorship campaigns because of religious or moral convictions and a lack of understanding of what censorship really involves, and some public officials become outspoken advocates of censorship because they believe it will be to their political advantage. But Keating's rantings are almost classic as he projects his own sick view of sex and obscenity onto the rest of society.

The Californian continued: "It would appear that because this mind reveals such deep fanaticism, a throwback to Cotton Mather and the reign of the Puritans in America, that there would be widespread community opposition to him and groups like the CDL. Instead, headline-seeking newspapers play up Keating's distorted presentations without adequate quotations revealing his fanaticism, and thus he is able to gain tremendous support and little opposition. It worked precisely that way in San Francisco and Los Angeles.

"Perhaps there would be opposition if information were made available to show that Keating and CDL, like other such groups, are only fronts for the NODL, even among Catholics themselves. But with groups like CDL posing as nonsectarian organizations, religious fanaticism is too often left out of the picture and communities receive the impression that the crusade is civic, rather than religious. Even when Keating admits publicly, as he did in San Francisco, that his is a 'religious crusade,' the newspapers -- hence the community -- ignore it. Yet, Keating, CDL and other such groups are Catholics working [in conjunction with] NODL and using NODL's banned-books list.... They are all part of the same organization -- the NODL, which was established in 1938 by the Catholic Bishops of the United States as a watchdog committee for the Roman Catholic Church. In some communities, its branches are admittedly Catholic, and in others they operate on an inter-religious basis. They all use the banned-books list of NODL, however -- a list which is drawn up...in conformance with Catholic religious beliefs and Catholic moral codes. The purpose of this list and of the NODL, according to a statement of the Bishop's Episcopal Committee, is 'to organize and set in motion the moral forces of an entire country...against the lascivious type of literature which threatens moral, social and national life'...to evaluate [this] literature...the NODL uses a *reading committee of mothers of the Roman Catholic faith in the Chicago area*....

"Despite the obvious fanaticism of those who would draw up such a list, the NODL has been amazingly successful in putting its banned-books list into effect on a vast scale. Local NODL-organized groups have been able to boycott newsstand dealers and bookstores into carrying only titles not banned on the list. In some communities they have things so well-organized that no dealer will carry anything on the list and has even agreed to do this without examining the books or the list in advance. In many cases, police, prosecuting attorneys and military commanders on Army posts have issued instructions or orders that no books or magazines on the NODL list will be sold without their jurisdiction.

"An example of how the NODL works may be taken from the town of Springfield, Vermont. There, a civic leader named Mrs. Henry Ferguson, president of Springfield Catholic Women, organized an 'Inter-

Denominational Church Group' to rid local newsstands and bookstores of vulgar comic books. Since she was able to convince other civic leaders that the group would be composed of 12 church denominations, there was widespread support for her campaign. Everyone was in favor of getting vulgar comic books out of the hands of children. The newsstand dealers offered little opposition. With this backing, then, Mrs. Ferguson's group began policing newsstands, asking the dealers to remove objectionable comic books; and the dealers complied.

"Soon the dealers discovered, however, that Mrs. Ferguson's group was not going to stop with comic books. Women from the group began asking the dealers to remove certain paperback books which they said were getting into the hands of children. Again the cry, 'Protect our children,' was the magic wand in Springfield. Community backing was won and the dealers were forced to begin removing the more lurid paperback books. Again there was no objection, because this kind of book did not sell well in Springfield anyway. But then came the finale.

"Having experienced no opposition up to this point, Mrs. Ferguson introduced to her 'Inter-Denominational Church Group' a list of banned books and magazines published by the NODL in Chicago. She supplied all of her members with the list and asked them to call on the merchants, check their shelves by the list, and ask them to remove any books and magazines on it. At this, the merchants balked. Some of their best-selling paperback books were on the list: James Jones' *From Here to Eternity*, Hemingway's *The Sun Also Rises*, Caldwell's *God's Little Acre*. Some of their best-selling magazines -- Playboy, for example -- were on the list. So the merchants balked.

"But by this time, Mrs. Ferguson had community sentiment behind her. She was able to get a town ordinance enacted against 'obscene' literature. This ordinance was the last wedge she had been waiting for. Now, she was able to threaten the merchants with prosecution. Therefore, they begin to yield to Mrs. Ferguson and her group, first removing the books which might possibly subject them to prosecution under the town ordinance. Finally, when all these were gone and the merchants were down to nothing but books and magazines which could not be prosecuted under any ordinance or law enacted anywhere in the United States, a showdown came. Some of the more stouthearted merchants refused to yield any further.

"Mrs. Ferguson met this opposition with the final tactic: boycott. She and her women spread the word through the community that any merchant not cooperating with her group should be boycotted by the community. Friends should be advised not to deal with that merchant. Faced with this loss of business, the merchants yielded to the last indignity. They permitted Mrs. Ferguson and her women to design a plaque stating that a given store had been inspected by the Springfield Church Group and was found not to have any objectionable literature in it, and to hang this plaque in a prominent place in all stores in Springfield selling literature.

"Today, in the town of Springfield, you will find one of these plaques displayed by every newsstand and bookstore. You will not find Steinbeck's *Grapes of Wrath*, or Caldwell's *God's Little Acre*, or Playboy magazine. They are all banned from Springfield -- banned according to a list published by *one segment* of the Catholic Church."

The CDL in Chicago

In Chicago, home of the NODL, the CDL functions in the guise of an interdenominational organization. The Chicago Citizens for Decent Literature is headed by a Catholic priest, Father Lawler, and its book-burning activities over the past year have been, if anything, even more flagrant and oppressive than those of the CDL in California. And that is easily understood, for here in Chicago Catholic censors have a sympathetic administration to implement their publishing purges.

The Catholic CDL censorship campaign enjoys the cooperation of the Catholic-dominated Corporation Counsel's office, which is responsible to a Catholic mayor, abetted by a predominantly Catholic police force, with cases usually tried before Catholic judges. Under such circumstances, it is a

tremendous tribute to Chicago officialdom that democratic justice triumphs as often as it does -- evidence that a significant number of this community's Catholic administrators, legislators, judges and police officers truly understand the importance of keeping separate their governmental and religious obligations.

On several occasions over the past few months, however, incidents involving freedom of administrative action (IPAC's birth-control program), freedom of speech (Lenny Bruce), and the freedom of press (Playboy), have suggested that sometime the appropriate concerns of church and state become confused in the City of Chicago.

The CDL seems to have been particularly successful in overriding whatever scruples Chicago officials have against permitting religious influences to interfere with the lawful rights of men in a free society. With the aid of Chicago's Corporation Counsel, they have ridden roughshod over book and magazine dealers throughout the city. But, thank heaven, the Constitutional freedom of expression is reasserted when these cases are brought to court. As a result, the Citizens for Decent Literature has had the frustrating experience of achieving a great many arrests and very few convictions -- even in the lower courts. So much so that, immediately prior to the Playboy arrest, the CDL struck out viciously at its own staunchest ally, the Chicago Corporation Counsel office, vilifying one of its top prosecutors for not being more successful in obtaining convictions.

The story in the June 1 issue of the weekly Negro newspaper, *The New Crusader*, offers significant background on the Chicago CDL just one week before the Playboy arrest on June 4:

"The powerful wrath of a vicious book-burning organization, masquerading under the title of Citizens League for Decent Literature, was felt last week when the ax fell on Leonard Kaplan, attorney for the Fifth Ward Regular Democratic Organization. Kaplan, a ten-year veteran prosecutor in the city's Corporation Counsel office, announced his retirement and decision to enter private practice when the Citizen's League began bombarding key city officials with letters critical of his handling of prosecutions in certain obscenity cases.

"The League, largely composed of Victorian housewives, sends out teams of women to investigate newsstands, counters and bookstores to ferret out reading matter it deems in poor taste for Chicagoans. Led by a Catholic priest, Father Lawler, the group is meeting with growing resistance to its censorship efforts. Two judges of the Municipal Court, who declined to be named, pointed to the attack on Kaplan as a key factor in the group's loss of support.

"Attorney Kaplan, who had prosecuted several of the obscenity cases successfully, had the recent misfortune of losing a jury trial involving one of the League's cases. Although he enjoys a splendid reputation as a lawyer, and although impartial court observers attested to his good showing, the League's members began writing poison-pen letters to Mayor Daley and Corporation Counsel John Melaniphy in which Kaplan was accused of 'selling out' and not putting forth his best efforts.

"When the well-liked lawyer was shown the letters, he expressed great shock, inasmuch as the League had been hailing him as their hero up till then.

"He observed that when a group elects to deny one the right of citizens, they care little about denying anyone's right. One example cited concerned a cigar store owned by an aged widow. Finding a paperback book on their banned list, they secured the arrest of the old lady and shortly thereafter prevailed upon the City Clerk's office to revoke her cigarette license. Happily, Mayor Daley heard of the vicious incident and restored the license.

"Father Lawler, a one-man terror, is a veteran of campaigns to adjust folks' morals to suit his own. Other Catholic priests disagree with his tactics, but dare not publicly oppose him. One of Lawler's recent blitzes brought tears to the eyes of many of the area's young ladies, when he inspected the dresses of all the girls attending proms of Catholic high schools and colleges. If the gown was not to the priest's liking, the guest was ejected. He advocated high collars and long, Victorian-style formals.

"The campaign to purify dresses also included a drive to require coed's daily attire to be four inches below their knees. After resistance to Lawler's drive grew, he switched to his present literature cleanup."

Whether CDL's accusation to the Mayor, the Corporation Counsel, and others, just prior to the Playboy arrest, charging that a member of the Corporation Counsel's legal staff was guilty of "selling out" and not putting forth his best effort in a previous obscenity case, was responsible for the move against us as a concession to Lawler, we do not know. We do know, however, that Lawler and his Citizens for Decent Literature had been attempting to get Melaniphy to take action against Playboy for many months, personally bringing each new issue to his attention with a request for prosecution.

This substantiates -- finally and conclusively -- that it was not the Jayne Mansfield pictorial feature in the June issue that initiated the attempt at censorship, but the continuing editorial content of the magazine. It makes clear that the question here involved is not simply the right to publish "all the nudes that's fit to print," as one punster once claimed of Playboy, but the right to express personal editorial opinion, as we have been doing over the past dozen months in *The Playboy Philosophy*, even though some of the ideas put forth may not receive popular acceptance in all quarters of our society.

The CDL and Playboy

We have met Father Lawler on a couple of occasions in the ten years since we began publishing Playboy. The first time was at our request; the second was at his. He's a relatively young man -- about our own age, we would judge -- handsome, bright and disarmingly personable.

Our first meeting came in the early years of Playboy's young life. We had just begun to go after advertising in a serious way and were running a series of full-page ads in *Advertising Age*, illustrated by LeRoy Neiman and telling the story, through statistics, of Playboy's quality readership. We received word from an *Ad Age* exec that a complaint had been lodged with them by a priest, who objected to their accepting advertising from us. The *Ad Age* exec was polite, but firm, in his position that they must accept all legitimate advertising from responsible companies. That resolved the immediate problem, but we decided a personal meeting with Father Lawler might serve some useful purpose, since, at best, we might convince him that we were sincerely dedicated in our attempt to make Playboy the best men's magazine in the nation (even then our dreams were lofty); and, at the very least, a personal meeting should convince him that we were not, as we thought he might suspect, the Devil incarnate.

We called him and arranged to meet for dinner. It was the most warm and cordial meeting, though we were somewhat distressed to learn that he was presently involved in a poison-pen campaign in which Catholic grade-school children were writing letters to a local radio station, as a *class assignment*, attacking the then most popular disc jockey in Chicago because as Lawler explained it, the radio personality had a large juvenile following and much of his repartee was sexually oriented and too "blue" for the innocent ears of children. Lawler swore that he would be successful in driving the disc jockey off the air, which he never accomplished, although he did give the performer a rather bad time of it for a while. We left that dinner-meeting feeling rather sorry for the disc jockey, but convinced that we had made a friend -- if not a convert -- who respected our right to a point of view that differed from his own.

It was several years before we heard from Father Lawler again. He asked us to come and see him at his office and we complied. We observed, with some pride, that our promises and predictions regarding the future of Playboy had, in the intervening years, come to pass. He conceded that they had and seemed to feel we were publishing quite a good magazine, though he expressed the wish that we would get a bit more clothing on our Playmate of the Month. What he really wanted to see us about, he explained, was a number of shoddy paperback books that were currently being produced by fly-by-night publishers in and around Chicago. We told him what little we knew about them -- which was precious little -- and he carried on a bit about the growing "smut market" and its effect upon children, emphasizing his point by pulling from the briefcase he carried with him some decks of playing cards that offered 52 varieties of photographic hard-core pornography to the set. We thought he went through these with just a

bit too much enthusiasm, while emphasizing the point of "smut's" evil influence on our youth, but we kept that thought to ourselves and departed as cordially as before.

We remembered these two meetings with Father Lawler when we read about his more recent activities as guardian of the public morals and head of the Chicago CDL, and we couldn't help remembering, as we had after the Keating testimony, what Dr. Benjamin Karpman had had to say about a negatively displaced obsession with obscenity -- that crusading against sex is often an unconscious cover-up for an interest in the subject.

Our arrest -- on the charge of "publishing and distributing obscene material" -- was a surprise, to say the least. It was a surprise, because we knew that Playboy wasn't obscene, and we had enough respect for Corporation Counsel John Melaniphy's legal acumen to be convinced that he knew it, too. Nevertheless, we were arrested -- in our home -- by not one, but four armed officers of the law. And the television cameras, having previously been cued by the cops, were there to record the event, with the press and radio waiting for us at the police station when we were booked.

During our brief visit to headquarters to post bail, we engaged in friendly conversation with some of the local constabulary and one of the officers offered the information that the man behind the arrest was Father Lawler. Lawler had been there often during the past few months, he said, and always with copies of Playboy. We found ourself wondering what had happened to those decks of pornographic playing cards.

Censorship and the Press

The day after the arrest we received an anonymous tip that, before the warrant was issued, the CDL had sought and received promises of cooperation from the Catholic head of a local radio station and a Catholic editor of one of Chicago's daily newspapers: The station was to begin an immediate, daily anti-smut campaign, in conjunction with CDL, and if the Corporation Counsel arranged our arrest, the newspaper editor allegedly promised to give the story maximum coverage with a strong anti-Playboy slant.

Thus, a conspiracy of censorship was apparently entered into between a phony nonsectarian "citizens" league, the city prosecutor, the manager of a local radio station and the editor of a Chicago newspaper -- all representing the viewpoint of a single religious denomination.

We know the editor personally and consider him to be one of the best newspapermen in the city; we frankly doubted, therefore, that the rumor was true. But we remembered that in San Francisco, one of the CDL's preliminary tactical maneuvers was to obtain, in advance, a local newspaper's commitment to actively cooperate in the censorship drive. The newspaper proved so "cooperative" that more liberal forces in the city called it "hysterical," "irresponsible," and a good deal worse.

Morris Lowenthal, a prominent San Francisco attorney and chairman of the Freedom-to-Read Citizen's Committee stated, at a hearing to consider a new anti-smut bill promoted there by the CDL: "Besides the efforts of certain well-known newspapers to increase their circulation by cheap journalism, leading the bandwagon in maintaining that the state laws on obscenity are obsolete and that more stringent measures are required is the largely sectarian League for Decent Literature -- a private group whose national office elsewhere in the country has been accused of illegal boycotts and coercion against booksellers and newsstands. Charles H. Keating, the national chairman of this organization, recently asserted that his group is engaged in a 'religious crusade' to enact strict censorship laws and to suppress publications deemed offensive by the League. His charges, for example, that San Francisco is a 'world center of filthy books' and 'the smuttiest of the nation' gained blaring headlines, especially in the *News-Call Bulletin*, which at the time was striving to increase its circulation by joining forces with Frank Coakley, the Alameda County District Attorney, in his hysterical publicity drive against 'smut.' The *San Francisco Chronicle* noted, however, that Keating made the same charges against every city that he has visited in the United States."

The obscenity bill was defeated in committee, but the newspaper tirade continued, and a rehearing was scheduled. At the rehearing, Lowenthal was joined by Lawrence Goldberg, attorney representing the American Jewish Conference, and both vigorously opposed the new obscenity statute. They were aided by Democratic Assemblyman Nick Petris of Alameda, who subjected those testifying for the bill to strict questioning. He got Mrs. Margaret Berry, president of the California Congress of Parent and Teachers, which had lent its support to the passage of the bill, to admit that she was not even familiar with the contents of the proposed statutes.

"I don't have to know all the technicalities," she said.

Petris explained that some measures in the bill could have drastic effects on anyone possessing material which someone else considered obscene, if they cared to turn in the possessor. Petris asked Mrs. Berry if she felt she would have the right to act as a censor if the new bill was enacted.

"If I see a book the law says is obscene, I have a right to be a censor," she said.

Finally, the assistant district attorney of Alameda County testified on behalf of D.A. Frank Coakley, who had been leading the anti-obscenity campaign in California. Under questioning, the assistant district attorney gave his definition of what is obscene: "Anything that is obscene is obscene."

The nationally respected *San Francisco Chronicle* published a long and thoughtful editorial evaluation of the so-called "anti-smut bills" and stated that they "should be decisively rejected as offensive to fundamental American ideals of freedom and to ordinary common sense.

"The measures resulted from a climate of hysteria engendered by outrageously exaggerated reports that California had become the smut capital of the nation....

"The first widely extravagant attempts at legislation to discourage this imaginary assault upon the youth of the state were patently outrageous even to the authors. The bills have been subsequently amended or re-amended, but they remain vague, contradictory, excessive, in some provisions ridiculous, and in others probably unconstitutional....

"The current attempts at censorship," concluded the *Chronicle*, "are ridiculous in conception, inept in design, and if permitted to prosper must inevitably work far more harm than they could possibly cure."

The *News-Call Bulletin* had taken a stand favoring the CDL "anti-smut" campaign at the outset and despite all logic to the contrary, it stayed with that position to the bitter end, countering the *Chronicle* editorial with a lengthy editorial feature of its own, with the headline: "HOW NEW LAW WOULD FIGHT SMUT."

The Californian branded the article "one of the most warped, distorted, inaccurate pieces of journalism ever to come out of that newspaper." In order to make the new California obscenity law seem reasonable, claimed the editor of *The Californian*, "the *News-Call* omitted all the damaging sections from discussion and twisted all those mentioned beyond recognition."

If it happened in San Francisco, it could happen in Chicago. The pattern seemed the same in both cities. If Keating and the CDL could convince the *News-Call* of the rightness of a pro-censorship stand, Lawler and the CDL might do the same here -- especially with an appeal to an editor with whom there was a religious empathy.

We have always considered this editor a man of considerable professional integrity and something of a Playboy fan to boot. He had offered us valuable advice when we were having problems with *Show Business Illustrated* and had complimented us on the overall operation on more than one occasion. How, then, could he possibly be involved in this abortive attempt to suppress the magazine?

It was possible, we realized, that he might not see this action in the same light we did -- as an attempt, on the part of one minority group, to project its personal point of view onto the rest of the community. He might sincerely believe that the actions of both Lawler and Melaniphy were justified, for he certainly couldn't know all the unsavory details that had come to our attention regarding CDL, and might not recognize any of the church-state implications in the arrest. For this editor, and for a great many others, our arrest might truly seem to be just a matter of those Jayne Mansfield nudes in the June issue -- and nothing else. And without any special insight into either the psychological or legal implications, the idea of "obscenity" might be just as repugnant to him as the idea of censorship is to us.

We arranged a meeting with the editor to learn what we could about his part in the arrest; he was cordial, but he refused to discuss the matter. The answer came soon enough, however, in the pages of his newspaper, *Chicago's American*. The original reporting of the arrest was about the same in all four Chicago dailies, except that it received a little more space in the *American*. But two days after the arrest, when the other papers had dropped the story, except for an occasional humorous quip in the columns, the *American* was just getting warmed up.

Under the headline, "U.S. STUDIES PLAYBOY CASE, MAY PROSECUTE," the paper announced that we faced "possible federal action in connection with the magazine's June issue." The story went on to say that the Chicago postmaster had mailed a copy of the magazine to the Post Office department in Washington for an opinion on whether or not it was "obscene." We were too busy reading the list of dire penalties that would befall the publisher if it was, to speculate long on who might have pulled the local postmaster up to this stunt. But no one had to hold his breath very long waiting for the word from Washington, because -- though the newspaper story made it seem all very serious -- anyone with even the most rudimentary knowledge of current obscenity law in America *knew* that the June issue of Playboy did not even begin to approach the obscene.

The *American* also quoted the Chicago postmaster as saying, "The next issue is going to get a much closer look before it is sent through the mails. If it appears that there is any obscenity, the magazine will be held from the mails until I can obtain an opinion from Washington." No one bothered to point out in this "news" story that any such action on the part of the local postmaster would be illegal, or to consider what a frightening power would be placed in the hands of an appointed civil servant if he could, indeed, withhold from the mails any periodical he considered objectionable, until he was able to "obtain an opinion from Washington."

What if all the copies of *Chicago's American* that are delivered by Uncle Sam were unexpectedly "held from the mails," while awaiting word from another government official in Washington? Even if the word that came back was favorable, the newspaper would be, by then, as worthless as -- well, as yesterday's newspaper.

The U.S. courts have made it abundantly clear that the Post Office's duty is the efficient *delivery* of the mails, not the censoring of them. And if a postal official were ever to find truly obscene material being sent through the mail -- a rare occurrence -- it would then become a matter for the courts, not arbitrary censorship by an administrative assistant. Do *Chicago's American* and the Chicago postmaster both need to be reminded that our democracy is based upon the protections of due process of law?

The story ended with the statement: "Meanwhile, religious leaders urged community action in taking smut literature off newsstands and out of bookstores, where it is often purchased by juveniles." And with quotes from Msgr. John M. Kelly, editor of the Catholic newspaper, *New World*, who said, "Literature or pictures that adversely affect the minds of adults or children are immoral, and can be presumed to hurt many. It's a far worse thing to threaten human minds and souls than to threaten human bodies," and a Protestant and a Jewish clergyman expressed related sentiments.

There were no comments from educators, sociologists, psychologists, pathologists, or psychiatrists -- i.e., no scientific evaluation of the significance and effect of obscenity on society; no comments from experts and constitutional law on the legal implications of such censorship or juridical opinion on whether or not the material in question actually fell within the Supreme Court's definition of

obscenity; no comments from writers, editors or publishers on the importance of a censor-free society as a necessary environment for the survival of independent newspapers, magazines and books; no comments from the Civil Liberties Union or others concerned with the protection of free speech and press in America. Presumably none of these sources of far more pertinent comment were solicited; certainly none were published.

That same week, radio station WLS began a concentrated, daily anti-obscenity campaign.

The next *Chicago's American* story was headlined, "COPS SEEK TO BAN 'PLAYBOY,' " which stated, "The Police Department, at the request of the Corporation Counsel's office, today began a drive to halt further sale of the June issue of Playboy magazine. Brian Kilgallon, Assistant Corporation Counsel in charge of enforcing the city's obscenity ordinances, said police throughout the city will attempt to purchase the magazine at newsstands, drug and bookstores, and other distribution points. Warrants charging the sale of obscene matter will be sought against dealers who sell the June issue with knowledge that the city has declared it objectionable, he said."

The newspaper did not point out to its readers that, in issuing this declaration, the Corporation Counsel was guilty of illegal intimidation of the city's magazine dealers, since the issue could not be considered legally obscene until its case had been tried in court. The point was academic, since the issue was already completely sold out, but no one bothered to mention that the fact that "the city (meaning Corporation Counsel John Melaniphy) had declared it objectionable" was not a basis for banning the magazine, since only a court of law is empowered to legally determine a question of obscenity and Playboy had yet to have its day in court.

The *American* went on to quote Kilgallon as saying, "Most people are concerned over how we can prevent this type of magazine from falling into the hands of children.' Kilgallon estimated that two out of three of the magazine's readers are under 21 years of age." We exposed, last month, the fallacious nature of that "estimate" and pointed out this is but one more example of using a "concern" for the children to justify the attempted censorship of adult reading matter.

This story concluded with the suggestion from Assistant State's Attorney James R. Thompson, that citizens form community vigilante groups to illegally boycott retailers who display or sell books and magazines of which they do not approve.

Chicago's American completed round one of its Playboy campaign with an editorial that described the Jayne Mansfield feature and then stated: "Hefner's philosophy appears to be that the 'modern urban male' likes and even needs to look at pictures of naked, suggestively posed women; that this a very healthy and virile way to be, and that it's practically a duty to encourage the habit -- the law should have no right to interfere.

"Our view is that mass-produced lewdness can have a weakening, damaging effect on the moral framework of a community, and that the community should have -- and use -- means of restraining it."

Bypassing the point that the *American* knows full well, or should know through its contact with CDL, that the photographs in the June issue of Playboy were not the actual, underlying cause of the arrest, we would point out that the expert scientific opinion, which the *American* did not bother to seek out, refutes the notion that sex in books and magazines -- either written or pictorial -- has any such "weakening, damaging effect" on society; that a significant portion of the scientific fraternity specializing in the subject, including Drs. Kronhausen, Ellis, Reik, Roch, Karpman, Caprio, and many others, believe that it has just the opposite effect -- acting as a healthy release for sexual tensions, inhibitions and repressions; that it is the suppression of sex rather than its open appreciation that, as history has proven all too well, can have a "damaging effect" upon society; that if society cannot enjoy an open appreciation of positively expressed heterosexual sex, as published in Playboy, it will turn to sick or antisocial sex instead -- homosexuality, sadism, masochism, fetishism and all manner of other perversions, plus the repression that produces frigidity, impotence and a variety of other neurotic ills; that these are not our opinions, but the opinions of modern science.

The Playboy Philosophy

Moreover, the "moral framework" to which the editorial refers is not the moral framework of our entire community -- a substantial portion of that community has made Playboy the most successful publishing venture of our generation; it is, instead, the moral framework of a particular segment of our society -- a minority, portions of which give every evidence of wishing to project their personal moral views onto the rest of society, whether we want them or not.

"The actual issue here," said the *Chicago's American* editorial, "is how far a magazine can go in presenting this kind of display."

We disagree. The actual issue here is whether or not any segment of society has the right to suppress the opinions of the rest; whether we truly believe in our democracy; whether we are willing to grant to those with whom we do not happen to agree the full freedom of expression guaranteed by the Constitution of the United States.

It is not Playboy that considers itself *above the law* -- that "the law should have no right to interfere." It is the full protection of our right to equal justice *under the law* that we feel is jeopardized when religious sentiment promotes governmental action against us that the law itself, as clearly established by recent high-court decisions on obscenity, does not demand. (For the Corporation Counsel confirmed, according to reports in other newspapers, that he was "fully aware of the difficulty in getting a conviction in the Playboy case, in view of recent Supreme Court decisions" and unidentified spokesmen for the CDL "admitted that there was little chance of obtaining a conviction against the Playboy photos inasmuch as the Supreme Court has already ruled that the [portrayal of the nude] male or female does not constitute obscenity. But the CDL feels that it has achieved success whenever it secures the arrest of an individual, since this causes untold harm and injury.")

We make a plea for *freedom*, not for *license* -- though the latter word is used too often to describe the freedom that someone wishes to deny to others. We do not favor editorial irresponsibility. But we do request the right to edit our magazine in our own way, without extra-legal coercion or intimidation, for that particular portion of the community with whom we have managed to establish a genuine rapport.

What saddens us is not simply the *American's* campaign against Playboy -- and we are certain that it is sincerely inspired, for the *American* has displayed no Playboy prejudice in the past, having published an extremely complementary front-page series on our success little more than a year ago -- but the fact that no daily newspaper in this city saw the church-state implications in the case; bothered to determine, through outside legal opinion, that the charge of obscenity against the June issue of Playboy was without any legal merit, or saw fit to editorialize on the grave implications in censorship -- a cause in which every citizen, and most especially every member of the fourth estate, has a vital stake.

It took a newspaper as faraway as California to seriously question the censorship aspect of the case. The *Fremont News Register* said, in a first person editorial devoted to the subject: "...What we have here is a small group of self-appointed judges and 'protectors' of our morals, who feel that they must protect from the inevitable disastrous effects of a few photographs. Why they thought these particular photographs were dangerous and the thousands of others almost exactly like them published every day in numerous other magazines were not, is still a mystery to me...."

"It would seem that this is definite attempt to censor the magazine or dictate the content of it. This, I feel, is the most dangerous phase of the whole problem, for censorship in any shape, form or degree is definitely against the fundamental principles of our democracy.

"What is even more dangerous, of course, is the seemingly increasing number of public officials who place themselves [in the position of] censors and attempt to dictate what we, the public, should read and be allowed to see.... It would seem to me that the people of Chicago would profit much more if the police department there spent more time patrolling the streets and giving traffic citations rather than attempting to judge the value of magazines or any other type of literature."

No such sentiment was expressed on the editorial pages of any of Chicago's daily newspapers and not only was the question of religious prejudice never raised, Father Lawler and his Citizens for Decent Literature, who instigated the entire affair, were never ever mentioned.

It took the weekly *Crusader* to publicly tie the CDL in with the arrest. Under the headline, "NAKED JAYNE MANSFIELD IS OBSCENE, SAYS CDL," the paper stated: "Hugh Hefner, who put Chicago on the international map of sophistication, this week found that like most prophets he is a hero except in his own hometown. Hefner, 37, editor and publisher of Playboy magazine and matre de of the homes for live Bunnies, the Playboy Clubs, was arrested and jailed on charges brought by the Citizens for Decent Literature concerning photographs of busty cinema actress Miss Jayne Mansfield in the altogether.

"The Citizens for Decent Literature, a group of Victorian housewives, still smarting from the effects of a recent edition of Playboy magazine's philosophy, which hailed the Supreme Court for liberalizing obscenity tests, prevailed upon the office of John Melaniphy, city prosecutor, to secure a warrant for Hefner....

"*The New Crusader* has learned that more than 400 arrests of individuals have been made in the last two years, since the CDL moved into high gear in its campaign to make itself the censor of what Chicagoans can read in newspapers, [books and] magazines.

"The danger of giving in to the CDL and conforming to its edicts was expressed this week by an Indianapolis distributor. He was the only wholesaler in the community when he was visited by CDL representatives who asked that he not carry certain paperback books. He gave in and removed the books from those he distributed. Each week the list grew. Finally, it reached the point where he was told not to distribute this month's *McCall's* or a certain issue of *Reader's Digest* because the contents did not conform with the views of the CDL.

"The CDL has enlisted the air lanes also in its book-burning campaign. Radio station WLS is broadcasting earnest appeals to its listening audience to give assistance to the Citizens for Decent Literature. The radio appeals state that the way to stop the sale of obscene material to minors is to cooperate with CDL. Actually, even though CDL professes to be after pornographers and dealers who sell to persons under the age of 16 certain matter it deems to be indecent, there is not a single case on record where the defendant is charged with the sale of merchandise to minors.

"The CDL is also active on the legislative front. House Bill 1072 has been introduced which, if passed, would entitle authorities to put bookstores out of business by permitting injunctions against them when they carry books not to the liking of the CDL."

Censorship From Jazz to Bunnies

Even if Chicago's daily newspapers failed to discern the link between CDL, the Corporation Counsel and the Playboy arrest, they should have remembered that this was not the first time the city's Catholic hierarchy had struck out at us.

In 1959 Playboy contemplated producing the world's greatest jazz festival. The city was sponsoring a Festival of the Americas that summer, in connection with the Pan-American Games, and they invited us to stage our jazz spectacular in Soldier Field as a part of the Pan-Am event. Then, after a joint press conference announcing the event, and after Playboy had signed contracts with most of the \$100,000 worth of talent scheduled to appear, city officials unexpectedly withdrew the invitation and permission to use the Field.

The official explanation given was that the jazz festival might harm the cinder track to be used for the Games. Public and press reaction ranged from incredulity to indignation. Irv Kupcinet wrote, in his *Chicago Sun-Times* column: "Playboy is getting a nifty run-around in trying to learn the real reason its August 8-9 dates for a jazz festival in Soldier Field have been denied. 'Run-around' is an apt description,

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for supposedly Soldier Field's new running track is the cause of the mysterious refusal -- even though Playboy had no intention of erecting stands on the track or using it in any way. The Park District refused the festival dates 'on recommendation of the Pan-American Games Committee.' And Jack Reilly, executive director of the Pan-Am, who originally hailed Playboy for bringing the jazz festival to Our Town, countered with, 'It's the Park District's baby -- they have complete jurisdiction over Soldier Field, not us.'

Chicago's American stated: "Everyone is passing the buck on Playboy magazine jazz festival for August 8-9, in advance of the Pan American games. Playboy, as its readers know, is an authority on American jazz. But it is also, as practically everybody knows, an authority on the female form.

"Along with its articles on modern music and foreign cars, Playboy features color photos of lush young ladies, wearing dazzling smiles, maybe a pair of shoes and little or nothing else. It's that which has injected a sour note into the jazz festival plans. It's more or less an open secret that the reason the Park District and the Pan-American Committee hedged on letting Playboy use Soldier Field was pressure from those who disapprove of the magazine's reputation.

"James Gately, Park District president, said the matter is out of his hands and is up to the Pan-American Committee. Victor Perlmutter, Pan-American Festival Committee president, subsidiary of the Games committee which is arranging various cultural events in connection with the Games, said: 'As far as I'm concerned, I'm in favor of the jazz festival. I think it would be a fine contribution.'"

The man behind the city officials' sudden reversal was the Very Reverend Msgr. John M. Kelly, editor of the *Catholic New World*, who the *American* more recently quoted on the subject of obscenity. Msgr. Kelly admitted that it was he who called Playboy's "reputation" to the attention of the Park District, the Pan-American Games Committee and the mayor. He told the *American*: "Playboy is not a fit sponsor for such an event. The quality of the magazine is such, in my opinion, that it should not share in the sponsorship of any part of the Pan-American Festival."

The *Sun-Times* published a letter from reader Joan Gallagher who said: "The sordid efforts of both the Chicago Park District and the Pan-American Games Committee to keep the Playboy magazine Jazz Festival out of Soldier Field are among this year's most disgusting events.

"It is unfortunate that in a city that begs for cultural events, jazz cannot find a home. The Playboy Jazz Festival promised to be one of the major cultural events in the city's recent history. It is testimony to the spinelessness of our administrators that the festival could not be held as planned, as part of the Festival of the Americas.

"Jazz speaks well for America, but Chicago doesn't speak well for jazz. I know that I am among the many jazz fans who hope that the festival will find a home here, despite the Park District and the Pan-American Committee."

The *North Loop News* editorialized: "The Pan-American Games scheduled for Chicago this summer deserve to be a flop if the sponsors [ignore] the principles of sportsmanship and feel free to break their solemn word at will. Regardless of the merits of their stand, which is not necessarily tenable, official of the Games told Playboy magazine that it could have the use of Soldier Field for its Jazz Festival August 7, 8 and 9. Now they are backing out. The reasons they give are vague, but it now appears that the pressure is coming from sources that object to sponsorship of the festival by Playboy magazine. This sort of pressure is dangerous, and the present indication that Pan-Am officials may bow to it is no credit to them."

The Pan-American Games and the Festival of the Americas were a flop.

Msgr. Kelly announced that he would continue to oppose Playboy's sponsorship of a jazz festival anywhere in the city. But we produced the events just the same -- in the Chicago Stadium -- and it turned out to be the most spectacular and successful jazz show ever presented anywhere in the world. All of the

jazz greats were there -- from the big bands of Kenton, Ellington and Basie, and the swing combos of Dave Brubeck, Oscar Peterson, Miles Davis and Dizzy Gillespie, to the vocal stylings of June Christie, Chris Connor, Lambert, Hendricks and Ross, the Four Freshmen, Louis Armstrong and Ella Fitzgerald.

The *Chicago Sun-Times* reported: "Some 19,000 Chicagoans packed the Chicago Stadium to pay a thundering homage to the Great God Jazz. They came from uptown, downtown. They came in cabs, on foot, on cycles. Because of heavy traffic and a drizzling rain, they came slowly, filling the giant stadium in almost unnoticeable ripples. By the time the last clusters were seated, half-an-hour after the star-studded Playboy Jazz Festival had begun, those who had come early were already gone. And I mean gone, man, really gone! They were caught up in the wild rhythms hurled out by Count Basie's band, which opened the four-hour concert.

"The festival, the biggest ever anywhere, was attended by jazz buffs from all over the world. There were some 200 newsmen from papers and magazines all over the United States and Europe. Photographers numbered in the 50s. The National Broadcasting Company and the Armed Forces Network taped the entire concert.

"The performance was a benefit for the Chicago Urban League. Said Dr. Nathaniel Calloway, League president: 'The turnout has exceeded our fondest expectations.'

"Perhaps Leonard Feather, noted jazz critic, best summed up the spirit of the evening when he said: 'Man, it was like being born again. I never dreamed anything this big could ever happen.'

"Added Feather: 'You know, it's great to see Chicago, where so much great jazz came from, become the center of the birth of jazz on this scale. It's sort of like this is where it should have happened. And I'm glad it did.'"

Nearly 70,000 attended the festival's five performances and after it was over most of the critics and jazz buffs who made the scene agreed with Leonard Feather's conclusion: "It was the greatest weekend in the 60-year history of jazz!"

Mort Sahl, who m.c.'d the show, noting the rain on opening night that would have dampened the affair if it had been held in the open-air Soldier Field as originally scheduled, remarked to the audience: "Well, I guess this proves which side God is on."

Six months later, Playboy opened its first key club. And, once again, Chicago officialdom became officious. Although Chicago had had key clubs for 25 years, the week we launched the first Playboy Club, Corporation Counsel John Melaniphy announced that key clubs were illegal.

There wasn't any law that said so, but Mr. Melaniphy made the announcement just the same. We weren't about to try building an international key-club operation with that kind of cloud hanging over us, so we took the matter to court and won a decision stating that the Playboy Club was legal and proper. Melaniphy appealed the decision and we won again in the Court of Appeals. Three years later, we found ourselves back in court with the same Corporation Counsel -- this time Melaniphy contends that the June issue of the magazine is illegal.

Chicago isn't the only major city in the U.S. where church and state are still associated in an unholy alliance. In New York, where the only ground for divorce is adultery, and where a judge recently ruled that a child born in wedlock as the result of artificial insemination is illegitimate, Playboy has had to fight its key-club battle all over again. The SLA Liquor Scandal has been only one part of our multiple problems with New York officialdom since opening a Playboy Club in Manhattan last December. The State Liquor Authority announced, just as Melaniphy had, that the New York Playboy could not be a for-members-only key club, although the pertinent laws of the state are almost identical to those in Illinois. We took the case to court a third time, and won the same point -- already confirmed twice in Illinois -- once again; the SLA is appealing the decision.

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Even more serious, Catholic Commissioner Bernard O'Connell refused to grant the Playboy Club a cabaret license, without which the Club is unable to offer patrons any entertainment, other than background music and the Bunnies. This wasn't a matter of official corruption, as we faced when first applying to SLA for a liquor license. Commissioner O'Connell is an honest man who is guilty only of allowing his personal religious convictions to influence his administrative decisions. O'Connell is opposed to the Playboy Club in concept, because of its association with the magazine -- in the same way Melaniphy was opposed to it in Chicago (although the Playboy Clubs have proven to be the biggest convention attractions of any nightspot in either city), as Msgr. Kelly opposed the Playboy Jazz Festival and the unofficial representatives of the St. Louis Archdiocese opposed our syndicated television variety show, *Playboy's Penthouse*, forcing it off the air in that city at midseason.

Commissioner O'Connell was opposed to the Playboy Club before he knew anything about it or had ever held an official hearing on granting us a cabaret license. Prior to the hearing, O'Connell called a friend -- an honest member of the new State Liquor Authority -- and voiced his negative feelings about Playboy and the fact that SLA was, at that point, planning on issuing a liquor license to the Club. O'Connell was especially concerned, he said, about the costuming of the Bunnies. The SLA board members laughed and said; "Don't be an old woman, Bernie. My daughter goes to the public beach wearing less than those girls at the Playboy Club."

The commission held his official hearing, though he did not personally attend it, and then issued a statement refusing the Playboy Club a cabaret license. The reasons he gave were: (1) that the Playboy Club was a fraud, in that it held itself out to be a key club, whereas the SLA, at that point, was insisting that it had to be open to the general public without any payment of a key fee -- a matter that has since been decided in our favor in the court; (2) the Bunnies "mingled" with the customers, which was against New York law -- though the only "mingling" allowed in the New York Club is the serving of food and drink and the mingling referred to in the law refers to B-girls, who sit and drink with the customers; and (3) he disapproved of the Bunnies' costuming -- although a number of waitresses in other New York clubs wear similar abbreviated costumes and the showgirls in the Latin Quarter wear a great deal less -- and Bunnies have appeared, in costume, on network television, and in photographs in family newspapers and magazines all across the country.

The Playboy Clubs are, as anyone who has ever spent any time in one knows, the most closely supervised, carefully and conscientiously run nightclubs in the country. Commissioner O'Connell doesn't know this, of course, because he has never been inside one. He doesn't know, because he doesn't want to know.

We appealed the commissioner's decision to the courts and the American Civil Liberties Union entered the case as *amicus curiae* (friend of the court), validating the fact that more was involved here than the usual discretionary decision of an administrative official. The ACLU brief stated that O'Connell had "prejudged" and "precensored" the Playboy Club, and thus deprived us of our civil rights.

Judge Arthur G. Klein decided in favor of the Playboy Club, ruling: Commissioner O'Connell "is neither a censor nor the official custodian of the public's morals. To satisfy his personal moral code, it is not incumbent upon the petitioner to dress its female employees in middy blouses, gymnasium bloomers, turtleneck sweaters, fishermen's boots, or ankle-length overcoats." The court noted that the costume worn by the Bunnies was no more revealing than a bathing suit or a low-cut formal evening gown. The court said that while Mr. O'Connell might not like certain "sophisticated" cartoons and photographs displayed in the Club, it is not required to "substitute pictures of the landing of the Pilgrim Fathers or of Washington Crossing the Delaware" to satisfy the commissioner's taste.

Commissioner O'Connell reused to let the matter end there. He had the New York Corporation Counsel appeal the decision and the Court of Appeals reversed, in favor of O'Connell. And there it stands. We must now appeal the decision once again, to the highest court in New York, and the case will not be heard until the very end of the year. In the meantime, 60,000 New York members of the Playboy Club and their guests are being deprived of entertainment to which they are entitled, the stages of three of the finest showrooms in New York remain empty, a countless number of performers are deprived of the

opportunity to earn a livelihood at the Manhattan Playboy, and the Club is being deprived of more than \$50,000 a month in additional revenue from showroom cover charges. All of this, plus many thousands of dollars in legal fees and court costs on both Playboy's and the city's part, because a single New York official has arbitrarily allowed his personal religious prejudices to play a part in his functioning as a license commissioner.

If Commissioner O'Connell, or Corporation Counsel Melaniphy, lived in a community in which *all* of the citizens they serve were, by their own choosing, Catholic, there might be some justification for such actions. As things stand, however, these officials are guilty of projecting the religious-moral convictions of their own particular church group onto the rest of a society in which each one of us is supposed to be allowed, by constitutional guarantees, to make such decisions for himself.

Two Sides of the Coin

The problems that we have discussed this month are not peculiar to Catholicism only -- they are present when the followers of any faith allow their religious beliefs to override such primary considerations as the fundamental freedom of man and the right of every individual, in a free society, to practice his own personal moral standards, and to speak, read, write and otherwise communicate with his fellow man without fear of censorship or illegal reprisal.

The *Newsletter on Intellectual Freedom*, published by the American Library Association, published the following report from a member in its May issue: "Several years ago two nice young men who said they were missionaries of the Mormon Church came to the library. They told me they had looked in the catalog and seen that there were some 50 cards under *Mormons and Mormonism* but there was a lack of up-to-date material. They offered us a choice from a list of books, and we selected a new pictorial history, a biography or two, and some doctrinal works. A few weeks later they came in with books.... Again an interval, after which they came to see me to say that they noted the books were now cataloged and on the shelves. Now that we had these books which told the truth about their religion, undoubtedly we would like to discard other books in the library which told lies about the Mormon Church. Other libraries they said had been glad to have this pointed out to them.

"I answered that this certainly did seem logical at first. But I asked them to consider my position: Suppose the Christian Scientists asked us to take out medical books, and then the doctors objected to the Christian Science books. Vegetarians might want the meat-cookery books taken out and then the butchers might retaliate on the fruit-and-nut people. What would we be able to say to people who came in and asked us to remove, on the grounds that they were untrue, the very books that they have given us? The young men saw the point and were very nice about it."

Nor are we, in any sense suggesting that the problems we have been discussing this month represent a universal Roman Catholic viewpoint. The men who take the sort of undemocratic action described herein, be they Catholic clergy or laymen, are actually enemies of their Church, whatever they may think to the contrary, for they hurt the cause of Catholicism. No religious minority in America can benefit from a reputation for intolerance or dictatorshipism.

Time magazine reported, in its issue of March 29, 1963: "Catholic University in Washington D.C., has a high aim -- 'to search out truth scientifically, to safeguard it, and to apply it' -- qualified in practice by a timid feeling that now and then some of the truth has to be suppressed. The newest case of suppression has the school's faculty in revolt and deeply worries many of the 239 Roman Catholic bishops in the U.S., who are C.U.'s guardians.

"Barred from a student lecture series at C.U. last month were four eminent Catholic intellectuals, including two of the nation's top Jesuit theologians, Father Gustave Weigel and John Courtney Murray; a noted Benedictine liturgical scholar, Father Godfrey Diekmann; and one of the official theologians at the Vatican Counsel, Germany's Father Hans Kung. To Monsignor William J. McDonald, rector of Catholic

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University of America, giving a forum to these scholars might seem to place his school on the liberal side in debate at the Council -- and he did not want the school to be on any side.

"By last week, six major faculty groups had backed resolutions calling on the C.U. administration to rethink its notions of academic freedom. 'Now all this is out in the open,' says one faculty man 'The trustees cannot bypass the situation as it exists.' Rector McDonald himself gave a sign that all the protest was having a telling effect. He announced the appearance at Catholic University next month of a timely guest speaker: Augustin Cardinal Bea, a towering liberal at the Vatican Council. Bea's topic: 'Academic Research and Ecumenicism.'"

On the negative side, a pamphlet being distributed by the San Diego Catholics for Better Libraries lists some 40 authors and illustrators who "have had Communist Front affiliations and/or write against faith, morals and the American way of life," with the suggestion that all Catholics check their own libraries against the list. The book, *The Last Temptation of Christ*, was removed, last spring, from the Ashland, Wisconsin, public library after a Roman Catholic priest forbade his parishioners to read it on pain of mortal sin. "Furthermore," said the American Library Association *Newsletter*, "he forbade the parishioner who showed him the book to return it to the library, since it would be a mortal sin to make it available to others. 'I still have the book,' said Father Schneider. 'I'll have to return it to the librarian now and see that it's burned.'"

The Catholic Messenger editorialized against the book's suppression, however. Putting aside the fact that the book's author, Nikos Kazantzakis, "is held in high regard as a serious writer, and that his fictionalized interpretations of religious figures (his recently published *St. Francis of Assisi*, for instance) have been generally accepted as unorthodox, but reverent"; putting aside also that "precious few of the people attacking the book seem to be familiar with it" -- the *Messenger* pointed out that after the 31-member Arcadia (California) Council of Churches "voted overwhelmingly in favor of forcing the book out of the library, it was established that only three of the 31 members had read the book.

"These facts, as we say, we put aside. As revealing as they are, they do not touch the main issue at stake, and that is the freedom of the public at large to have access to literature that a minority find obnoxious.

"There are probably very few books on the shelves of the average public library that don't irritate some group of people. If the library were to be at the mercy of every pressure group annoyed by a given book, it seems obvious that only the most harmless, least valuable books would be available through library facilities.

"Quite clearly this is not the function of a public library. It must open its shelves to books reflecting the free interplay of ideas, and if a given book irritates a given group, the group has an easy recourse: not to read the book. Why it should *not* be able to do, just as clearly, is to keep the rest of the public from reading it, and this is the kind of suppression that the California clergymen [and the Wisconsin priest] are trying to practice at the moment."

On the negative side, a Catholic reader misinterpreted remarks we made in the third installment of *The Playboy Philosophy*, drawn from a story and comments in *Newsweek* and *Harper's*, regarding a Post of the Catholic War Veterans in Hartford, Connecticut, that justified a censorship campaign they had undertaken by commenting favorably on a similar book-burning purge in Red China: "We have to hand it to the Communists...who have launched a nationwide campaign against pornographic trash.... Should not this example provoke a simple literary cleanup in our land where the morality of our actions is gauged by service to God and not to an atheistic state?" The reader wrote to a Catholic periodical, the *Brooklyn Tablet*, with the suggestion that militant action be taken against us for what he considered as a slur: "Incredible to equate Catholicism with communism? Well, Hugh Hefner, publisher of Playboy, in the February issue, on page 46, does just this in an attack on the Catholic War Veterans. It is worth mobilization of effort to uphold Licenses Commissioner O'Connell, who in refusing Hefner a cabaret license recently was ridiculed by some judge."

By this reader's logic, the present installment of this editorial series will be viewed by some as a general tirade against Catholicism, which it is not, of course. It is strenuous opposition to censorship and attempts at totalitarian control by a few within the Catholic religion (and everywhere else these same undemocratic tactics exist) and it is addressed to free men of good will of every religious affiliation -- Catholic, Protestant, Jewish, and those of no religious affiliation at all.

Another letter was written recently by Reverend Harold J. Drexler, assistant pastor of the Sacred Heart Church, Dubuque, Iowa, to a number of Playboy's advertisers. The letter read: "We have been concerned with certain magazines in our neighborhood stores. We have over 1200 children of school age and like to protect them from harmful reading matter. We found the Playboy magazine in our area and the managements cooperated in their regard.

"However, we noticed your large advertisement in this magazine. We were surprised that such a reputable business firm as yours would advertise in this type of magazine. We hope that you would reconsider your policy of advertising in this type of publication. It is our judgment that you are doing your firm's good name more harm than good by supporting a magazine that treats relations between man and woman as something of a game. Other advertisers whom we have written have acknowledged the soundness of our disapproval. May we hear from you?" A postscript referred to the June-issue arrest "on charges of publishing and circulating an obscene magazine."

The seemingly personal correspondence was actually a form letter sent to a majority of the advertisers in a particular issue of Playboy. We've no notion who those advertisers might be who "acknowledged the soundness of our disapproval," since advertising lineage, like readership, continues to climb at an astounding rate, and we are aware of no advertising cancellations related to this letter. Here, however, are letters of response from a couple of advertisers that we do know about, because they sent us copies of their replies.

A vice president of After Six Formals wrote, "We would like to point out to you that our relationship with Playboy is a business one and that our advertising in the publication does not constitute an endorsement of its editorial contents, any more than an advertisement in a Republican or Democratic newspaper constitutes a political endorsement.

"Playboy magazine is certainly not intended for children and neither are the products advertised therein. Our highest courts have repeatedly held that adults may not be deprived of reading what they want to read, simply on the grounds that the subject is not fit for children.

"We certainly do acknowledge the right that you are entitled to your viewpoint, but we feel sure that as a good American you will permit others to hold a dissenting viewpoint."

An executive of the top advertising agency J. Walter Thompson Co., wrote; "Your letter dated August 6, addressed to our client, Prince Matchabelli, Inc., has come to my attention. I would like to take this opportunity to share with you some of our thoughts concerning the selection of Playboy as one of many magazines that carry Prince Matchabelli advertising.

"As you know, Playboy is purposely edited for the young American male and clearly is not a general or family publication. Reliable studies show that Playboy has become the nation's most popular men's magazine in the span of a few short years and reaches several million young, urban-oriented and well-educated men each month. These men have, of their own choice, elected to purchase a magazine that would seem to be far more acceptable than [a great many other] magazines that have been on sale for decades and have never really been supported by readers or advertisers in any significant numbers. Perhaps this is true because Playboy publishes some of the finest, most thought-provoking fiction, satire, articles, cartoons, service features, art and photography appearing in the magazine world today....

"The result has been the growth of a magazine that effectively reaches a particular audience of consumers who are excellent prospects for hundreds of products.... Prince Matchabelli, incidentally this

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nation's fastest growing fragrance house, needs to present its advertising story to these young men, so well-reached through Playboy magazine. They are logical prospects for our men's fragrance products, Black Watch, and are important gift-giving purchasers for women's fragrance products....

"I do hope that this summary of our judgment concerning the inclusion of Playboy magazine in our list of magazines for Prince Matchabelli advertising has been of interest to you. We would hope that you might select your favorite fragrance on its merits in much the same spirit as we have attempted to select our advertising media."

And the advertising manager of American Honda Motor Co. wrote: "Thank you for your interest in our selection of advertising media. We are concerned with favorable exposure of our advertising message to American adults with an interest in and a capacity for buying our product. Playboy delivers this exposure.

"If you were surprised that such a reputable business firm as ours, which can hardly have achieved high repute in Dubuque, since we are new to the market [would advertise in Playboy], you must have been truly shocked at the appearance of such old and reputable firms as: [A list of 28 major Playboy advertisers follows.]

"At your suggestion, we have reconsidered our policy of advertising in this publication, and now view the future bravely, hoping that we will be able to continue our support of a truly adult periodical in the face of misguided efforts to reduce the intellectual level of this nation's mass publications to that of school-age children. However, if you will furnish this office with (1) the names of other advertisers to whom you have written who 'have acknowledged the soundness' of your disapproval and/or (2) the content of their replies, we will undertake a review of our policy once again.

"In the meantime, please note our company name, as displayed in Playboy, is 'Honda,' not 'Hondo.' We feel further impelled to point out that the quotation you so thoughtfully included at the bottom of your letter indicates an accusation rather than a conviction. Unlike the tribunals of the Inquisition, the courts of this country do not presume guilt prior to the trial; nor, we are hopeful, do the members of your congregation.

"Finally, I am enclosing, for your disapproval, a list of New York Stock Exchange members who advertise in Playboy and a proof of our next insertion."

If attempts at censorship and coercion on the part of ordinary citizens are reprehensible, how much more repugnant must be such undemocratic actions on the part of men who hold some special position of power, because of their established rank in church or government. A growing number of liberal Catholics recognize this fact clearly and are most outspoken on the subject.

In an address before an audience of 6500 at Jesuit University of San Francisco last March, University of Tübingen's Professor of Dogmatic Theology Hans Kung eschewed dogmatism and called upon the Roman Catholic Church to abolish its Index of Prohibited Books and cease its censorship of speech and press. He said the Church has committed sins against the freedom of man, and to the outsiders the Church sometimes looks more like a prison than a sanctuary of the spirit.

In June, Cardinal Cushing, in two lengthy interviews with the Reverend Walter M. Abbott, S.J., feature editor of *America*, the *National Catholic Weekly Review*, said much the same thing. The Cardinal urged the removal of the "famous promises" asked by the Catholic Church of the non-Catholic partner in a mixed marriage, as "an irritant to many, and some, it is clear from what happens, make the promises in bad faith"...with this change, "we would start those marriages off in the context of a church which opens up the possibility of many graces being given, instead of the generating of feelings of frustration, hostility, etc." He also favored abolishing the Index of Prohibited Books and stated, that if the Vatican Council II, first summoned by Pope John XXIII, is faithful to the pastoral approach requested by the late pontiff, "there should be considerable changes in the church law.

"After all, canon law is the result of pastoral needs," said the Cardinal. "But the needs of one time are not the needs of another. The laws of the past that were put on the books to take care of the problems of the past may not be of much help to a later generation.

"In fact, they can sometimes be a hindrance in the care of souls. That is why I think the Council can and should do something about our many problems...."

The principles at stake in censorship were set forth with admirable clarity by Father John Courtney Murray, S.J., Professor of Moral Theology at Woodstock College, Maryland, in an address on "Literature and Censorship." He offered four rules which, as the editor of *Harper's* has noted, ought to command the enthusiastic support of all Americans regardless of religious belief:

"(1) Each minority group has the right to censor for its own members, if it so chooses, the contents of the various media of communication, and to protect them by means of its own choosing, from materials considered harmful according to its standards." (He also pointed that in the United States "all religious groups...are minority groups.")

"(2) No minority group has the right to demand that government should impose a general censorship [on material] judged to be harmful according to the special standards held within that group.

"(3) Any minority group has the right to work toward the elevation of standards of public morality...through the use of the methods of persuasion and pacific argument.

"(4) No minority group has the right to impose its own religious or moral views on other groups, through the use of methods of force, coercion or violence."

Father Murray went on to warn that methods of coercion are especially imprudent for Catholics or Catholic associations. "The chief danger," he said, "is lest the Church itself be identified in the public mind as a power association. The identification is injurious; it turns into hate of the faith. And it has the disastrous effect of obscuring from the public view the true visage of the Church as God's kingdom of truth and freedom, justice and love."

He quoted Jacques Leclercq, of the Catholic University of Louvain, "who is no slight authority," the dictum that "no government has ever succeeded in finding a balanced policy of combating unhealthy sexual propaganda without injuring legitimate freedom or provoking other equally grave or worse disorders."

Dean Joseph O'Meara, of the Notre Dame Law School, expressed the point most forcefully like this: "Unfortunately many sincere people do not comprehend the genius of our democracy...such people would deny free speech to those with whom they are in fundamental disagreement.... They would establish a party line in America -- *their* party line, of course. This is an alien concept, a totalitarian concept; it is not consistent with the American tradition; it is anti-democratic; it is in short, subversive and it should be recognized for what it is."

The best evidence that an official of government can conscientiously execute his administrative duties without permitting his religious beliefs to interfere is President John F. Kennedy. He is the first Roman Catholic to ever hold the highest office in our land and whatever forebodings religious bigots had, as regards a Catholic President, they have not come to pass. His decisions, both good and bad, have been made as the Chief Executive of all these United States, and not as a member of a particular minority group.

He has publicly opposed federal aid to parochial schools, which the Catholic Church strongly favors; he has endorsed the Supreme Court decision to keep prayers and other religious exercises out of the public schools; he has taken a more positive, progressive stand on the dissemination of birth-control

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materials and techniques to underprivileged foreign countries, suffering the results of uncontrolled population explosion, than did his Protestant predecessor.

He offers an outstanding example of the manner in which a government official can and should keep separate his responsibilities to church and state. It is an example that many lesser public officials would do well to emulate.

On the specific matter of censorship, John F. Kennedy, then a Senator from Massachusetts, summed up the subject with these prophetic words: "The lock on the legislature, the parliament or the assembly hall, by order of the King, the Commissar or the Fhrer, has historically been followed or preceded by a lock on the door of the printer's, the publisher's, or the bookseller's."

In the June installment of *The Playboy Philosophy*, we quoted these all-too-prophetic words from Supreme Court Justice Hugo Black: "...[The Bill of Rights] is intended to see that a man cannot be jerked by the back of the neck by any government official; he cannot have his home invaded; he cannot be picked up legally and carried away because his views are not satisfactory to the majority...."

But that is precisely what happened to us that very month.

It would be a simple matter to give in to such pressures. Our business is not dependent upon the expression of these outspoken editorial views. Indeed, it has been proven that that voicing them only produces attempts at retaliation, making our life and the earning of our livelihood just a little more difficult. But this is a contest involving a principle that we cannot back away from.

We have already been offered a compromise. The maximum fine involved here is \$400 - \$200 on each of the two counts for "publishing and circulating" obscene material. The legal fees and cost in time, for our self and a number of our executives, will be, of course, many times that figure. The prosecutor for the Corporation Counsel's office asked our legal counsel: Would we settle for a plea of guilty if the fine were reduced to \$100?...\$50?...\$10?...\$5?

But we will fight for the principle -- because the principle is an important one to us.

We quoted something else by Justice Black in that June issue -- on obscenity: "It was the law in Rome that they could arrest people for obscenity after Augustus became Caesar. Tacitus says that then it became obscene to criticize the Emperor."

Our case comes up at about the same time as this November issue goes on sale. We'll apprise you of the outcome.

CHAPTER 13

OVER THE PAST YEAR, we have attempted a general evaluation of a number of our society's strengths and weaknesses: We have discussed the importance of the individual in a free society, the over-emphasis on conformity and security, and the need for a revitalization of both our democracy and the free-enterprise system through greater stress on the uncommon man, and uncommon endeavor and accomplishment; we have considered the importance of the separation of church and state to a democracy and pointed out how, throughout history, whenever government and religion were not kept apart, an erosion of man's liberty was certain to ensue; we've discussed censorship and how a free society cannot long remain free without the full protection of free speech and press, and the uninhibited expression of even the most unpopular and, to some perhaps, objectionable ideas; we've analyzed obscenity and demonstrated how a single suppression of free expression can be used to outlaw a wide variety of unpopular opinions and actions; we have documented the historical sources of many of our antisexual concepts, considered America's own puritanical heritage, the current Sexual Revolution and our society's search for a new sexual morality.

Because the area covered in the first 12 installments of *The Playboy Philosophy* has been so broad, our first, quite general discussion has left a number of questions still to be answered and a great many side considerations yet to be explored. As we enter into the second year of this continuing editorial series, we will attempt to answer some of the numerous queries raised by readers along the way (we cannot mention our readers without pausing to note that the enthusiastic response to these editorials has made the effort expended on them a most gratifying experience) and try to offer positive solutions to some of the societal problems we face in our time.

We have spent most of the past few installments on an historical analysis of sex suppression and a consideration of how this antisexual aspect of society has created a censorship of communication among free men in both the past and the present. In the months ahead, we will discuss contemporary sex behavior and its conflict with our professed religious and moral teaching; we will consider the gap that exists between sex behavior and the law, and the effect such a hypocritical schism can have upon a community's mental and moral health. We will discuss sexual responsibility, both in and outside of marriage; the importance of the family in raising children; divorce, birth control, abortion, prostitution; and such nonsexual moral problems as racial discrimination, capital punishment, legalized gambling and drug addiction.

We will comment on the changing roles of men and women in contemporary America, our drift toward an asexual society, and the inherent dangers we foresee in such a trend, for men and women alike; we will consider the single vs. the double standard in sexual morality and attempt to analyze the positive and negative aspects of both. While our principal concern will remain the individual and his relationship with himself, with other individuals, and with his society, we will also consider the broader implication involved in the international morality of nations and world responsibility in the Atomic Age.

Out of these various fragments, we hope to evolve and set down our personal philosophy for a happier, healthier, more productive, more rational, more truly human and humane world. We will state our views as frankly and honestly as we know how, confident that our readers will respect our candor and the sincerity of our intent, even when they find themselves in disagreement with some of our conclusions. As in the past, we will welcome the reactions -- both positive and negative -- of our readers, believing above all else that the free exchange of ideas on subjects such as these offers the surest guarantee of our society's continued growth and freedom.

Society and the Individual

Our view of the world is predicated on the paramountcy of the individual and each person's inherent individuality. Society benefits as much from the differences in men as from their similarities, and we should create a culture that not only accepts these differences, but respects and actually nurtures them. We have previously stressed the value of the rebel to society, not because we feel that mere

rebellion or the desire to be different is beneficial in itself, but because the rebel attitude, and the divergent ideas it produces, are essential to progress. Through constant questioning, reevaluation and reanalysis of established ideas, ideals, traditions and "truths" of a society, we stand the best chance of discovering more significant ideas, establishing better traditions and learning greater truths.

In addition, we believe that each individual has a *right* to explore his own individuality -- to discover himself, as well as the world around him -- and to take pride in himself and the individuality that sets him apart from the rest of mankind, as fully as he takes pride in the kinship that links him to every other man on earth -- past, present and future. A society should exist not only for the purpose of establishing common areas of agreement among men, but also to aid each person in achieving his own individual identity.

It is important to remember that our American democracy is based not simply on the will of the majority, but on the protection of the will of the minority. And the smallest minority in society is the individual.

A Rational Society

Second, we believe in a society based upon reason. The mind of a man sets him apart from the lower animals and we believe that man should use his intellect to create an ever more perfect, productive, comfortable, fulfilling, happy, healthy and rational society.

We believe in the existence of absolute truth -- not in a mystical or religious sense, but in the certainty that the true nature of man and the universe is knowable, and the conviction that the acquisition of such truth should be one of the major goals of mankind. Truth may play a part in religious dogma, but we think it presumptuous for any one religion to assume it has the inside track on truth, divinely revealed. We think it natural that man be awed by the overwhelming marvel and magnitude of the universe in which he exists, and if this awe leads to reverence, faith and worship, that, too, may enhance his spiritual awareness and his sense of wonder.

It is only when faith in the unknown produces resistance to the acquisition of greater knowledge that we oppose it -- or when the perversion of faith produces bigotry, intolerance, or totalitarian intimidation, coercion, persecution or subjugation of those of different beliefs.

There is a curious philosophical inconsistency in the fact that while science is based primarily upon reason and religion primarily on faith, it is science that currently stresses man's inability to use his rational mind (projected in the theory of determinism, in which man is seen as the sum of his heredity and environment) and religion which stresses free will and responsibility (making him accountable in an afterlife, where he is punished or rewarded for his actions).

It is our view that man is a rational being and while his heredity and environment play a major role in setting the pattern of his life, he possesses the ability to reason and the capacity for choice, not granted to the lower animals, whose response to life is instinctually predetermined. The use, or lack of use, of his rational mind is, itself, a choice and we favor a society in which the emphasis is placed upon the use of reason -- a society that recognizes man's responsibility for his actions.

We believe in a moral and law-abiding society, but one in which the morality and the laws are based upon logic and reason rather than mysticism or religious dogma.

A Free Society

Third, we believe that man was born to be free, that freedom should be his most cherished birthright, and that it should be society's function to see that his freedom is preserved.

Freedom in a rational society must have its limitations, of course, but the limitations should be logical and just, commencing at that point where one man's freedom infringes upon the freedom of others.

Society also has the right to limit the freedom of those who have broken its laws; who, because of mental or emotional disorder, are incapable of conducting themselves rationally within society; and those who have not yet reached an age at which they may be expected to accept the responsibilities of the full freedom granted to adults.

Happiness and the Pleasure Concept

Fourth, the primary goal of society should be individual happiness. We believe that pleasure is preferable to pain and that any doctrine which teaches otherwise is masochistic.

Happiness and pleasure are mental and physical states of being and society should emphasize the positive aspects of both. For many individuals, happiness includes spiritual values: They should be free to follow their spiritual beliefs, but not to force them upon others.

For ourselves, any doctrine is evil if it teaches that ignorance is preferable to knowledge, pain is preferable to pleasure, self-denial is preferable to self-gratification, poverty is preferable to wealth; or that the acquisition and enjoyment of material possessions is improper or wrong, and that they preclude ethical and moral rectitude, creativity, usefulness to society and all other admirable qualities presumed, by some, to be the sole property of the self-sacrificial.

We believe that a society that emphasizes the individual and his freedom, is based upon reason, and has happiness as its aim is an ideal society and the one to be strived for.

Enlightened Self-Interest

We think it is natural and right for the individual to be principally concerned with himself. We think that man, like the lower animals, is primarily motivated by considerations of self, but that rational man should be expected to exercise what is termed *enlightened* self-interest.

We oppose the tendency to meaningless selflessness in our present society. Self-sacrifice and self-denial are, in themselves, wrong unless they are motivated by a desire for some greater individual good. This does not mean that man should be unconcerned about the well-being of his fellow man. To the contrary, intelligent self-interest includes a concern for others. The individual should be willing to assist those less fortunate, for a society -- and each individual in it -- benefits from a concern for the welfare of all. We simply mean to emphasize that it is right and natural for the individual to be primarily concerned with himself, dedicated to his own interests, proud of his efforts and his accomplishments. Such dedication and pride are of definite benefit to both the individual and rest of society.

A Human and Humane Society

A society that emphasizes rational self-interest is not an impersonal one. Just the opposite. An emphasis on the intelligently self-dedicated individual produces both a more human and more humane social order. Moreover, these are the very qualities that our society is in greatest danger of losing.

As society becomes more complex, more structured and specialized, there is an increasing tendency to de-emphasize the personal, the individual and the human. Even as man's technology becomes automated, man himself runs the risk of becoming a depersonalized automaton. Pride in individual accomplishment becomes more difficult when he is a single cog in the machinery of mass production -- and this is equally true whether he works on the assembly line in a factory or at a desk performing a repetitive, routine white-collar job.

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He dresses the same as the man next to him, drives a similar car, lives in a similar house, watches the same television programs, smokes a similar cigarette and drinks similar beer. He enjoys a two-party political system, but both candidates run on similar platforms; he enjoys a free press, but is often given only one side of major local, national and international questions.

Mass communication and mass advertising produce in him the same interests, ideals, dreams, aspirations and brand images as in everyone else. And to make certain his opinion, likes and dislikes don't become too different from everyone else's, opinion polls on everything from political figures and important issues of the day to the popularity of TV shows and the products they sell inform him, down to a tenth of one percent, what his fellow Americans are thinking and doing.

Moreover, if his manner, morals, politics or religious beliefs are too different from the rest, he runs the risk of losing his job and being ostracized from his community.

His Social Security number is more important than his name, when he is applying for a job; the number on his credit card is more important than his reputation when he seeks credit in a restaurant or a department store. He is a number to the Internal Revenue Service when he pays his taxes; another number to the insurance company when he pays his premium or makes a claim; and still another number to the people who supply him with gas and electricity. It's a matter of little consequence, we suppose, and we don't doubt that the new system is more efficient (at least for AT&T), but since the telephone company began changing exchanges to numerals, we can't remember the phone numbers of any of our friends anymore.

An incident reported in *The New Yorker* several weeks ago illustrates just how far we've really gone in losing our identities in this numbers game: "A young lady from Boston recently joined the staff of the New York Hospital and was given a small blue identification card with her name and address on it. This proved of no help to her when she tried to cash her first paycheck at a bank, and since she had no drivers license, she was in danger of starving for lack of liquid funds. Then, resourcefully, she neatly printed six arbitrary numerals along the top of her identification card. After that, her checks were cashed without any ado, the bank tellers dutifully copying down the bogus numerals. She likes to think of her six figures being copied by the central bank clerk, punched into monster IBM machines and immortalized on magnetic tape."

Most of our mass communication, mass production, automation and numeralization serves worthwhile ends and makes possible the more effective operation of an ever more complicated economy and involved social structure. But to offset this depersonalizing process, we require a conscious emphasis on the individual that was never so necessary before. Now, as never before, we need to explore, reassess and revitalize those qualities that make us truly human, as well as truly individual, distinctive and different from one another.

The much discussed New Leisure, made possible by the shorter work week resulting from mass production and automation, must be used not only to escape the tedium of a routinized existence, but to develop interests, avocations and personal potentialities that are otherwise stifled. Since this publication is devoted to such leisure-time living, it can play a significant part in exploring this increasingly important area of our existence and, most especially, in motivating its readers to personally examine and develop aspects of their individuality, interests, talents and activities perhaps previously dormant.

Any such development of our individualism is a personally rewarding experience certain to make each of us more truly human. It should also make us more humane, for an emphasis on one's own distinctive traits, interests and ideas ought to produce an appreciation of the individual differences in one's fellow men. By contrast, the do-gooder and the busybody are preoccupied with others -- and are noted for their intolerance.

The Individual vs. The Group

It is essential that a free society continually reestablish and reemphasize the importance of each individual within it remembering that a society and its administrator government are only the means to an end, and not an end in themselves. The all-important end is, and must always be, the individual -- his interests, his freedom and his happiness.

Group good should not be allowed to overshadow individual good. Group good should not become disembodied from individual good.

An overemphasis on a collective idea, ideal or ideology can give them an identity unrelated to the interests of the individual. And totalitarian control over the mind and body of man is most easily accomplished by stressing a depersonalized group: in a dictatorship the interests of the state are placed above those of the common citizen; the Inquisition would not have been possible without putting the concerns of the church ahead of those of the people; few of history's bloodiest wars would have been fought if the interest of the individuals involved had not been subordinated to those of the nation; religious bigotry and racial discrimination require our thinking in terms of groups rather than individuals; World Communism requires that its members dedicate themselves wholly, unquestioningly, unthinkingly to the good of the Party.

This is not to suggest that worthwhile ends may not also be served through group action and dedication, but when the group itself, or the ideal, or cause becomes more important than the individual members dedicated to it, as well as the individuals in society who may not be, then the scene is set for the perpetration of the most monstrous atrocities against mankind.

It is our further belief that the greatest benefits to society have come, throughout history, from individual effort. While group endeavor obviously has its place in society and an increasingly complex social order requires more joint effort than was necessary in simple times, the need for individual initiative and thought has also never been greater.

We suffer today from too much group-think and group action and too little individual endeavor. No council could have created *Hamlet* and the *Mona Lisa* could never have been painted by a committee. In science there is a virtue in joint effort that does not exist in art and literature, but even here the appearance of group productivity is deceiving. For while a complex scientific project, like the search for a cure for cancer or some aspect of the U.S. space program, may involve the energies of many men, a single mind must conceive the nature of the problem and a possible solution to then be explored by the research of many. Collective effort may have been required to build the atom bomb, but the formula $E=mc^2$ came from a single genius -- the technology of science depends upon group interaction, the inspiration of science depends upon the individual.

We do not mean to suggest that men are intellectual islands, for it is obvious that in most areas of endeavor, each man's effort is built upon the previous effort of others, but the greatest achievements, whether in art or science, have been produced by a solitary, dedicated, self-involved individual. "Eureka!" is an individual expletive.

It should also be clear that man must remain free if he is to continue to thus conceive and create, for history has proven, in every age and place, that the men most responsible for the world's progress are often ridiculed and derided by their fellow men and their contribution only perceived with the passage of time.

It is also true that those who have accomplished the most are not, by and large, history's humanitarians. Society esteems self-sacrifice, but the self-dedicated man is more apt to give the world the things of most lasting value. The creative man's achievements may benefit humanity, but this benefit is the by-product only, for it is the quest for a new beauty or truth that more often drives him -- as he climbs upward to the farthest reaches of knowledge thus far attained. He climbs with his mind for the

same reason as the man who scales mountains -- because the problem is there and the challenge exists in conquering the unknown. He climbs until, at last, he stands alone on a dark plateau where no man has ever stood before -- and then climbs on, pitting his intellect, ingenuity, and imagination against the bleak, uncertain rock, that holds the new truth or treasure that he seeks. Each generation a few great men reach these upper regions, where the fresh air is rarefied and pure, where no other mortal has ever breathed the air before, and then climbs down again clutching some new bit of knowledge, a discovery, a piece of art or music, a formula, a view of man or molecules, of life or death, or time, or space -- and the world is richer for it.

It is a lonely journey -- this climb up the mountain of the unknown, but it can produce the fiercest kind of satisfaction -- it can give man the meaning of what it is to be a man. And it is much the same in every worthwhile area of human endeavor in which the individual can find identity, purpose and a feeling of accomplishment.

The Fall of the Uncommon Man

Each generation produces its giants -- those searchers after truth, creators of beauty, and doers of deeds, who stand out, head and shoulders above the rest. It is to such as these that we referred when we wrote, in an earlier issue, of the need to honor and esteem the uncommon men among us. We observed then that the legitimate concern over the plight of the common man during the years of the Great Depression had turned into a near deification of the common and the average, whereas, what is needed is a greater emphasis on the uncommon and the unusual.

The tendency to suspect unusual effort, to resent and demean the uncommon accomplishment, is in sharp contrast to the attitude of Americans during this nation's formative years, up to and including the Twenties. There was a time when men took pride in their work, truly honored intellectual pursuit, and made heroes of the men of greatest accomplishments -- whether in science, arts and letters, sports, or adventuresome derring-do. But the Depression Thirties was not a time for heroes and most Americans were more than willing to believe that even their idols had feet of clay. As we have already noted, our two beloved Charleses of the Roaring Twenties -- Lindbergh and Chaplin -- suffered much the same reversal of public sympathy in the dismal decade that followed, as did still another Charles -- King Charles I of England, at the hands of the Puritans in the middle of the 17th century -- though the English monarch paid a somewhat heavier penalty for falling out of public favor, being sentenced to hanging until not quite dead, castration, disembowelment and decapitation.

The hanging, castration, disembowelment and decapitation of two of America's most popular heroes was only symbolic -- we being more civilized and all -- but the job was about as thorough as was done on the unfortunate English potentate. The public images of the Lone Eagle and the Little Tramp were trampled in the muck and mire, not so much for any misdemeanor on either of their parts, but because of the public's need to destroy its giants -- to reduce all men to the level of the common denominator. Lindbergh and Chaplin were logical choices -- they were the most popular -- they had the furthest to fall. Besides, they both walked right into it.

Lindbergh was ostracized for expressing an unpopular prewar estimate of the strength of the German *Luftwaffe*; he also accepted a German medal for his air exploits of a decade before and advised against war, which added up to appeasement. Both public and press were properly horrified and the owners of the Lindbergh Beacon, a Chicago landmark, went looking for a new name for their light.

Chaplin produced a brilliant satirical indictment of the Nazis, *The Great Dictator*, at about the same time, but that wasn't enough to save his skin. He was vilified and savagely abused by the public, the press and the U.S. government for his sexual immorality, unpopular political views and the fact that he had never shown sufficient gratitude for this success here to bother applying for U.S. citizenship.

Since the aspersions of his political attitudes appear to have been wholly unwarranted, and since America is not in the habit of attacking every member of the community who is not a citizen, sex appears

to have been Chaplin's principle sin, and it is certainly the one that received the widest attention, in two highly publicized trials, involving an alleged violation of the Mann Act and a paternity suit -- both brought about by the same spurned and vindictive woman. He was found not guilty in the first case and though conclusive scientific evidence proved him innocent in the second also, the court ruled the evidence inadmissible and convicted him anyway. The government persecution of the man, heralded the world over as the greatest comedian of modern times, included a temporary revocation of his passport as "an undesirable alien." Commenting on this phenomenon in his sympathetic personality piece, *Chaplin* (Playboy, March 1960), Charles Beaumont wrote: "High on the list of America's pet hates is a man who, over a 30-year period, gave this nation -- and every other nation throughout the world -- a gift valuable beyond price and beyond estimation, the most desirable and most difficult to receive: the imperishable gift of joy."

Beaumont continued: "An anti-Chaplin campaign was begun, calculated by its emphases and omissions to present a single image of Chaplin, so hateful an image of Chaplin, so hateful an image that some European critics concluded that it was a classic admission of guilt conscience."

Beaumont noted that Errol Flynn had weathered a far nastier sex trial (involving the statutory rape of a teenager) at about the same time, without ever having the public turn against him (the phrase "In like Flynn" became, in fact, a popular sexual compliment of the day and Flynn wanted to call his best-selling autobiography *In Like Me*, but the publisher demurred and he had to settle for *My Wicked, Wicked Ways*). Beaumont observed: "Flynn, even when he was consorting with girls young enough to be his granddaughter, could do no wrong. Chaplin could do no right.... Perhaps," Beaumont suggested, "because he [Flynn] did not add to these [his affairs] the affront of genius." An understandably embittered Chaplin finally left America forever, to live out his days with his wife and family in Switzerland, where the remarkable gentleman is still siring children in his mid-seventies -- a fact that would no doubt get him literally castrated and disemboweled by less potent and more irascible of the Geritol set, if he were still around where we could lay our hands on him.

Anti-Intellectualism

The anti-intellectual syndrome in America is a part of our society's subconscious desire to elevate the mediocre and demean the uncommon in education and intellect. No one needs to be told that men of learning, and the acquisition of knowledge, should be esteemed far more highly than they are in the U.S.; and this is the only civilized country in which educators and education are given such lowly status.

Throughout the Thirties, Hollywood produced musicals and comedies that appealed to the popular prejudice that the typical U.S. college was a place of campus high jinks rather than a fount of learning. And the stereotype stuck: Mass media still represent the typical college boy as more interested in football and panty raids than an education; the cliché college professor is "absentminded." Everyone knows that "common sense" is superior to acquired knowledge. In the Forties, the press added a new word to the language -- "Egghead" -- a term of derision for the intellectual.

For many Americans to be cultured is to be considered effete. Classical music is played by "longhairs" and appreciated by "squares." The man or woman of learning or cultural accomplishments, the poet and opera singer -- have long been stock comedy characters in movies. Modern art is still more apt to evoke a wisecrack in the popular press than sincere interest or critical comprehension.

Television has simply continued to make use of the clichés already established by movies, magazine and newspapers: *Time* magazine recently commented, "To watch TV tell it, the U.S. teacher has long been a simple sap like 'Mr. Peepers.'"

But times are changing. As we have previously observed, America is giving every evidence of entering into a cultural renaissance. The *Time* comment quoted above was the lead-in to a review of a new TV show, *Mr. Novak*, in which the teacher-hero projects a very different, more complimentary image. And television in general, with gentle prodding, is becoming increasingly concerned with matters

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educational and cultural, though there is still far too much attention paid to the rating systems instead of programming quality and variety.

American movies are now willing able to tackle adult themes in a grown-up manner unthinkable a generation ago and are, in general, better than they ever were in Hollywood's heyday. AM radio is, by and large, worse than ever -- with its accent on "Top 40" rock 'n' roll, but there is the remarkable FM radio boom, with quality and culture galore. The same holds true for the recording industry; the single-record business, which is all we knew as a lad (spinning Miller, Ellington and Dorsey at 78 r.p.m.), has been taken over by the screechers and howlers (on those tiny 45-r.p.m. records with the giant holes in the center -- to match the ones in the heads of their listeners); but the postwar long-play album and hi-fi and stereo popularity have given us sounds we never knew in our teens.

Jazz is busting out in half-a-dozen different inventive directions and there is more interest in classical music, both recorded and live, than at any previous time in our history; interest in ballet and modern dance is on the increase, too. Since the war, American painters have taken the initiative away from the Europeans in modern art and produced the first really important art movement this country has ever known. U.S. literature is probing new levels of life and existence in a new and refreshingly honest way and important books previously suppressed, like *Lady Chatterley's Lover* by Lawrence and *Lolita* by Nabokov, are now being published here legally for the first time.

America's anti-intellectual and anti-cultural history has undoubtedly hurt us as a nation and while U.S. education is now receiving increased attention, the symptoms of our earlier prejudices are still reflected in the public primary and secondary school systems across the nation, which devote more time, money and effort -- special instruction, special classes, special schools -- to the subnormal child than to the superior one. Although both deserve extra attention, it seems clear to us that society would benefit far more from a reverse of the present emphasis, since it is from among the superior children of today that most of tomorrow's leaders will come -- and the first years in the life of any person -- normal or abnormal -- are the most important in determining motivation, interests, personality, etc. Whereas our institutions of learning should stress free inquiry and academic achievement, too often they only perpetuate conformity, reinforce society's prejudices, promote social and nonacademic curricula, suffer from low teacher status and pay, and are plagued by political and religious interference.

In class-structured societies, intellectual and cultural interests traditionally have been perpetuated by an elite leisure or ruling class and filtered down thence to the lower classes. In a relatively class-free democracy, no such process exists and an interest in such pursuits should be emphasized at every level of society.

Those in positions of prestige, influence and power in a democracy can be especially valuable in promoting education and intellectual achievement, cultural and civic interests, and in promulgating the growth of the democratic process by directing attention to the significant issues of the day, seeing that all sides of important questions are given full and proper coverage, and keeping open the channels of inquiry and communication that are the foundations of a free society.

It is obvious that those in positions of prestige, influence and power in the U.S. have not always done this, that the men in control of our various media of communication have too often simply pandered to popular taste and prejudice rather than making any serious attempt to lead or enlighten.

Though we have as free a press as any nation in the world, some unpopular ideas and issues of public concern do not often receive full and unprejudiced coverage in the mass magazines and newspapers; among them: communism, Cuba, Red China's membership in the UN, world government, the dangers of radioactive fallout from atomic testing, religious totalitarianism in America, censorship, sexual morality and law, divorce, birth control, abortion, prostitution, sex in prison, capital punishment and drug addiction.

Even the heads of our leading institutions of learning cannot always be counted upon to publicly endorse the most basic tenets of democracy -- as when loyalty oaths were required of the teachers of

many of our prominent universities and colleges, during the hysterical period of the McCarthy and House Un-American Activities probes; when the president of the University of Illinois fired biology professor Leo Koch for writing a letter to the *Daily Illini* expressing a liberal view on sexual relations before marriage; or when the president of Baylor, early this year, forced the university's drama department to close its production of Eugene O'Neill's prize-winning play, *Long Day's Journey into Night*, in mid-run, because, "the language of the play was not in keeping with the ideals of the university." The Baylor incident prompted Paul Baker, the highly regarded head of the drama department, and 11 members of his staff to quit. In a joint statement, the departing faculty members said, "Our decision is not a hasty one. It has evolved from many hours of soul-searching conferences and prayer on the part of each faculty member. It was a heart-wrenching decision. The faculty, representing 140 combined years of dedicated effort, has worked to make a contribution to the promotion and growth of Baylor. It is not easy to leave such a large investment.... It is our fervent hope and prayer that Baylor University will grow beyond the confines and pressures of the present moment and that it will fulfill its destiny as a complete and great university." During his 28 years at Baylor, Baker had pioneered in many phases of theater and attracted international attention and acclaim: Thankfully, comstockery does not infest the entire academic community: Within an hour of his resignation, Trinity University announced Baker's appointment as chairman of its speech-and-drama department.

This fall Yale's president, Kingman Brewster Jr. was confronted with a difficult decision concerning academic freedom in the student body: a request from the school's Political Union to allow rabid segregationist George Wallace, governor of Alabama, the opportunity to speak at Yale. Brewster denied the request, because he felt it might insult or incite New Haven negroes. We believe it was the wrong decision for, as *Time* pointed out, in a democracy free speech must be "for the bad guys as well as the good guys."

Other Ivy League schools did not compound Brewster's error: The Harvard-Radcliffe Young Democrats invited Wallace to speak there after receiving a ruling of "no-objection" from President Nathan M. Pusey; when the Brown University *Daily Herald* invited Wallace to speak. President Barnaby Keeny said that Brown is open to all speakers -- "communists, fascists, racists, and bigots." Princeton's president, Robert Goheen, sanctioned a student invitation to Mississippi Governor Ross Barnett, though he termed it "untimely and ill-considered," adding, however, that free inquiry is "pivotal to the very idea of a university."

The reaction to the Yale refusal became so intense that law students at the school decided to reinvoke Wallace, and this time Kingman Brewster, while making it clear his considered it "offensive and unwise," did not interfere. Voltaire expressed the pertinent point best, more than 200 years ago, when he said, "I disapprove of what you say, but I will defend to the death your right to say it." Voltaire understood, as all those who believe in democracy should, that a free society depends upon the free interchange of ideas -- an unhampered interchange of ideas both popular and unpopular, ideas that seem significant and those that seem insignificant, ideas with which we agree and those with which we disagree. And when we refuse the right of free expression to anyone, we have reduced -- to that extent -- the freedom of us all.

Free Enterprise in a Free Society

We favor capitalism above any other economic system -- not because it is "The American Way," but because it is consistent with our belief in the individual and his freedom: Competitive free enterprise is the logical economic counterpart of a free democratic society.

We have expressed our concern over the degree to which capitalism has become a dirty word -- even in America. We believe this is caused by a lack of knowledge of what capitalism really is, how it differs from controlled economics like socialism and communism, and the extent to which it has proven its superiority over them. Americans' mixed emotions about capitalism stem, in part, from the puritan religious and moral heritage that equates material possessions and the accumulation of wealth with sin, and in opposition to the supposedly more worthwhile spiritual aspirations of man. But, for us, no conflict

need exist between the spirit, mind and body of man, nor between a consideration of spiritual values and the acquisition of both knowledge and the material benefits of a free economy.

Americans have traditionally "worshiped the Almighty Dollar" -- as our social critics have expressed it -- and suffered a guilt-edged guilt complex as a result. But the emphasis on competitive enterprise and economic gain has given this country the highest standard of living in the world, producing not only an unequaled national prosperity and the physical possessions and comforts that only money can buy, but also the elimination of illiteracy, famine and disease (the compatriots of poverty), a longer life expectancy, greater upward social and economic mobility, the benefits of fuller, freer communication (through books, magazines, newspapers, radio, television, films and theater), increased education (despite our failure to give education its full due), more opportunities -- both vocational and avocational -- and more leisure time to enjoy the latter.

Capitalism has proven itself superior to any controlled economy, just as democracy has proven itself superior to any other political or social order. Free enterprise is the best, most productive economic system because it assures the fullest scope to individual initiative, taking advantage of man's naturally acquisitive and competitive nature and offering the greatest opportunity to the greatest number, with maximum potential benefits to all.

Capitalism places the ownership of property in the hands of individual citizens instead of in the hands of government. Property represents power and if power is to rest with the individual in a free society, as it must if the individual is to remain free, then he must have the right to possess property. A society in which the state owns all property, or so controls the use of all property as to enjoy the equivalent of ownership, is not free. Without private property, the individual is a slave of the state.

Because the individual cannot be truly free if he is robbed of the power of property, the economic system of socialism is incompatible with the sociopolitical system of democracy. A simple example of the way in which freedom is linked to property will help to make the point: A society may profess the ideal of a free press, but if all paper, printing and binding equipment, and the book-, magazine- and newspaper-publishing firms themselves, as well as the distributing companies, bookstores, and magazine and newspaper stands are owned by the government, a free press does not really exist.

We do not believe it is possible to return to a completely laissez-faire economy -- some minimal controls over our economic life are desirable and necessary. But the clear purpose of these controls should be not to stifle individual initiative and enterprise, but to stimulate them -- to keep the economy truly competitive through checks and balances that make impossible the undue acquisition of wealth and power by any group -- be it of management or labor.

We are familiar with the seemingly negative aspects of the free-enterprise system -- the tendency to cycles of boon and bust; the fact that in a competitive economy not everyone can come out on top; the waste of duplicated effort, products and services, by competing companies; the creation of unreal "needs" through aggressive advertising; the evil of built-in obsolescence.

But not all such negatives are the inevitable by-products of a free competitive economy. In addition, our economic advisors have found remedies for the worst of these deficiencies and the negatives that remain are slight, indeed, when compared with the benefits that accrue to society as a whole from private ownership, the profit motive and free competition.

Without some governmental direction, the present economy would not long remain either competitive or free. Yet many of the current checks and balances would not have been necessary if previous controls had not been introduced which created new and unanticipated situations requiring still further and different controls.

It is only a few decades since the U.S. began enacting laws to protect labor from the abuses of power by Big Business; today there is evidence of a growing need for legislation to protect business from the abuses of power by Big Labor.

Our present tax structure offers another significant case in point. Excessive taxes inhibit initiative, investment and business expansion -- they have a deleterious effect upon free enterprise and the economy. As U.S. taxes grew -- often in a haphazard and wholly arbitrary manner -- the harmful effect upon the economy was partially offset through the introduction of equally capricious exceptions, exemptions, special depreciation, depletion allowances and deferrals.

The result is an unnatural monster of a tax structure -- Frankensteinian in concept -- created from the blood and bones of private individuals and industry -- crippling free competition and sapping the strength of an otherwise vigorous economy.

The current tax setup, both personal and corporate, not only stifles initiative, but the special allowances and loopholes set otherwise honest men to searching for ways and means of avoiding their tax obligations, and a whole new breed of tax counselors and consultants has sprung up to aid them in doing just that. This generates the same sort of antisocial behavior that Prohibition did, and when social commentators criticize the immorality of the modern businessman, they would do well to examine current U.S. taxes, as one of the significant causative factors.

It is not usually recognized, but our excessive taxes, including the graduated income tax, favor the already wealthy individual or company and work their primary hardship on the newcomers who might otherwise offer competition to those at the top. The previously prosperous amassed their wealth before prohibitive taxes were introduced; the present tax structure makes it most difficult for anyone else to duplicate the accomplishment. Higher taxes thus tend to protect established wealth and power, reduce competition and perpetuate the status quo.

Excessive taxes not only limit our own business growth and prosperity; additionally, they compare unfavorably with the taxes of most of the countries of the Common Market, making it difficult for U.S. business to compete internationally.

We approve of President Kennedy's proposed tax cut and only wish it was more substantial. We also wish that the proposed plan included more tax reforms, as was originally contemplated. But our present tax laws are such a maze of special concessions and considerations that the passage of any meaningful reforms is almost impossible. It has been seriously suggested that the best plan of all might be starting all over again from the beginning. That might not be such a bad idea.

The last few generations have witnessed a general trend, in the United States, away from free competitive enterprise toward a more controlled economy. Some of these controls, in the form of social legislation, have served desirable ends and benefited both society and the individual; some have had a stifling influence -- shifting the emphasis from initiative to security, discouraging productivity, investment and economic growth.

It is sometimes argued that free enterprise was practical when our society was simpler, but that a complex modern economy requires greater government regulation and control. The opposite view seems to us to make more sense. It is precisely because a modern industrial economy is so extensive and diverse that it requires the managerial supervision of many individuals for its efficient operation rather than the supervision of a single government appointee.

Government control over business should always remain at a practical minimum, because it is our firm conviction that the individual operates best with the fewest number of restrictions and our further belief that excessive power endangers freedom -- whether that power is in the hands of government or any other entrenched group.

The Playboy Philosophy

There is this additional, all-important consideration also: Private enterprise is, other things being equal, more efficient than government; a free society is more productive than a controlled one.

It is not that men in government are any less capable -- it is simply that when one removes the primary motivations of personal ownership and profit, along with competition, it markedly reduces enterprise and efficiency.

General Motors and U.S. Steel annually produce profits of most impressive proportions, but though it is not plagued with prohibitive taxes and controls, no one can remember when the biggest American business of all -- the U.S. Government -- last operated in the black.

The U.S. Postal Department incurs a remarkable deficit each year delivering the mail, despite periodic rate increases with no related increase in service. In contrast, AT&T supplies Americans with another form of communication and, distressed by the depersonalization of digit dialing or no, we're impressed by the handsome profit they manage to show at the end of every fiscal year and the handsome dividend they regularly send to stockholders, while generally improving the service, lowering the rates, purchasing all those swell ads showing nice folks conversing with loved ones on the phone and giant fingers doing the walking, with enough loot left over to put Telstar into space.

We're not suggesting that the mail delivery be returned to private enterprise where, incidentally, it began; we're simply indicating that the profit motive is a powerful factor in improving efficiency -- no doubt, if AT&T had significant competition, that would only further improve our telephone company's operation.

The Cincinnati Enquirer recently offered further evidence of the high cost of government effort in an editorial on the Peace Corps -- a pet project of the current administration of which, we hasten to add, both we and the *Enquirer* approve: "It is worth noting that the budget for the current year allocates the Corps some \$40 million, which, according to R. Sargent Shriver, the Peace Corps' director, includes \$9000 for each Corps member. A survey of the private and religious organizations that send missionaries abroad -- to do very much the same kind of work for which the Peace Corps is responsible -- reveals that their normal maintenance cost for each missionary is \$2000 a year.

"The obvious moral to be drawn is not confined to the Peace Corps. Whatever government undertakes, it does at several times the rock-bottom cost -- a circumstance that ought to make every American think twice before he invites the federal government into any new areas of activity."

A look abroad only confirms the conviction that competitive free enterprise supplies an impetus missing in state-owned or -controlled economies. East and West Germany offer a dramatic contrast in postwar recovery, with half the country prospering under capitalism and the other half suffering the deprivation and despair of Communist control.

The Common Market has demonstrated the remarkable economic stimulus that free competition can provide on an international basis, with the cooperating countries enjoying an unprecedented prosperity as a result. Even Russia has, in recent years, found it necessary to resort to capitalist incentives in both her industrial and farm programs to improve the efficiency of the workers. And while the United States contemplates the problem of grain surpluses, Russia -- which once was in the position of being able to export a certain amount of grain herself, this year has been forced to import hundreds of millions of dollars of wheat from the U.S. and the rest of the free world to make up for the deficiencies in its own agricultural output.

The contrast in efficiency between various forms of government reminds us of the humorous list of definitions that crossed our deck awhile back:

Socialism -- You have two cows and give one to your neighbor.

Communism -- You have two cows; the government takes both and gives you the milk.

Fascism -- You have two cows; the government takes both and sells you the milk.

Nazism -- You have two cows; the government takes both and shoots you.

Bureaucratism -- You have two cows; the government takes both, shoots one, milks the other and throws the milk away.

Capitalism -- You have two cows; you sell one and buy a bull.

This spoof of the "Isms" may not supply new insights into the economic policies of the various forms of government listed, and perhaps the elephant jokes have reduced your enthusiasm for animal humor, but the overall point of these definitions is a sound one -- the best, most efficient economy is a free economy, which relies upon the resourcefulness of the free individual.

At this crucial time, when our nation is involved in a cold war of ideologies for the uncommitted countries of the world, it is most important that every American have a clear understanding of just what capitalism really is -- and recognize that while it may have its defects, as anything man-made does, it is the best economic system yet conceived.

Freedom of Opportunity

Freedom, for us, is quite clearly more than the right of each individual to do and say what he wishes, without fear or favor from the state or from society -- it also includes opportunity.

If man is to be free to fully explore his individual potential -- for the good of himself and his society -- it also includes opportunity.

While we have pointed out the dangers in the state becoming overly protective, believing that too much paternalistic concern for its citizens can sap them of the individual initiative and enterprise that are the essence and strength of a democracy, the government may rightly interest itself in the education, health, and welfare of the individual, since the ignorant, the unhealthy and the destitute have only a limited opportunity for the pursuit of happiness, as guaranteed by our Constitution.

A competitive economy benefits society as a whole, but it also produces casualties. Not everyone can wind up on top. It is just and proper that society concern itself with those who might otherwise suffer unnecessarily from the competition.

Each of us deserves some part of the knowledge, and the scientific and technological advances produced by the generations that preceded us. If society and its government, as the established administrator of society, can be forever reminded of their true purpose -- which is to serve the individual and not to hamper, impede or control him -- then we can all share in our common cultural, educational, philosophical, scientific and technological heritage -- and it can serve as a springboard to greater accomplishment and a motivation to new achievement, rather than being a source of initiative-stifling security and conformity.

The distribution of the benefits of past progress to the many both improves and strengthens society for each member in it -- for no social order is any more well off, more healthy, more prosperous, more educated and more culturally aware than the sum of all of its parts.

A country's most valuable natural resource is not its mineral deposits, its oil, its timber, or its agricultural produce -- it is its people. And no nation, big or small, rich or poor, can reasonably afford -- in this increasingly competitive world -- to waste any part of this most valuable of its natural resources, by permitting the perpetuation of ignorance, disease, hunger or poverty.

Furthermore, our view of society -- of the community of man -- is worldwide. It has no regional or national boundaries. The individual and his rights remain supreme -- the world over -- without regard to race, religion or ethnic origins.

Man's scientific skills have given him the ability to literally destroy the earth and everything on it; it remains for man to learn how to live on it as well. And just as man's problems no longer know any boundaries, so his decisions, his hopes, dreams and aspirations must be free of all limiting boundaries also. Man's destiny encompasses all the earth, and more -- it now reaches to the stars.

A United World

Science and technology have shrunk the earth to the size of a community. As a result, we must now deal with one another on an international basis to an extent that was never necessary before. It seems obvious that this must eventually lead us to some form of world government -- that even as we now have a United States of America, we must eventually establish a United Nations of the World.

This is not inimical to the interests of individuals or nations, but is consistent with them, for it is to be hoped that when world government becomes a reality, it will be based upon the same concepts of freedom and the importance of the individual as our founding fathers established for America through the Declaration of Independence and the Bill of Rights.

We are presently trying to solve vital international problems without the world organization necessary to make them a reality. The United Nations is a beginning, but until it possesses the power to establish laws -- by democratic process -- and *enforce* them, we can never achieve international freedom for each individual man. Until the United Nations, or some similar world-governing body, has the power to enforce its decisions, it can never be more than a debating society of nationalistic interests.

The greatest single problem facing mankind today is the possibility of its extinction through atomic conflict. But the only possible solution to the problem -- true world government -- is given relatively little attention. By placing national interests ahead of the interests of the individual, we run the risk of world annihilation.

It is as though the United States were to attempt to solve its national problems without any national government. Imagine, if you will, the impossibility of ever achieving the individual rights, the freedom and the prosperity we presently enjoy, if each of the 50 states had its own powerful army and was engaged in an arms race with every other state, and the guarantees of the Constitution and the resulting federal laws were limited by each sovereign state's willingness to accept or reject them.

No rational human being would want to live in a community in which there was no police force, in which each family was armed, and where disputes were settled by the use of these arms rather than on the basis of justice and reason. And yet that is exactly how we have traditionally settled our differences as nations. In the past, men have thus decimated whole generations, destroyed the cultural advances of centuries, and subjugated the population of entire countries, in settling their disagreements.

Now, however, man's scientific advances have so exceeded his social progress, that he is in immediate danger of destroying his entire world and everything in it.

We can never escape this danger until the ability to wage such warfare has been eliminated, but international disarmament alone is obviously not the answer -- any more than the answer for a community is simply the disarming of each household. Without a police force, families would still settle a great many disputes through the use of whatever force remained at their command, and so would nations. The only logical solution to the problem is the same, on an international basis, as it is for a single community: the establishment of a world government, conceived in liberty, with justice for all, with an all-powerful international police force to implement its laws.

Before the invention of atomic weapons, such an ideal would have been considerably more difficult to achieve. Now, however, it is relatively simple. If all atomic arms were in the possession, not of individual nations, but of a truly international army, established to enforce the laws of a democratically conceived international government, war would cease to exist. Disputes between nations would then be settled, as they should be, not by power or coercion, but by law, justice and reason.

Nor is this ideal an impractical concept, unrelated to the realities of the world as it exists today. Ideally all of the nations of the world, and especially the most powerful ones, should be dedicated to such a plan, but this is not essential to its success. If the United States and a majority of the free nations of the world were to institute such a plan, no single nation or group of nations, including Russia and the Communist bloc, would be powerful enough to stand against it. Moreover, if the world government were established on a truly just and equal basis, rational men of every nation would recognize that it offered the only alternative to world annihilation. Most certainly the great majority of the presently uncommitted nations of the world would commit themselves to such a plan, which favored international justice rather than any national or power-bloc interest.

The need for such international control of atomic weapons is also immediate, before more nations achieve the power to plunge us into oblivion. Most of us recognize that the greatest danger of atomic warfare exists, not today -- between the United States and Russia -- but in the immediate future, when Communist China, which rejects the concept of peaceful coexistence, becomes an atomic power. A world government, which outlawed the development or possession of atomic weapons by any one nation, would put an end to the ever-present possibility of total destruction of the human race.

It would also produce a new prosperity throughout the world by eliminating the current arms race and the need for countries to expend, and thus waste, a staggering part of their wealth and productivity in the building and sustaining of the ever more powerful, more expensive weaponry for a war they dare not wage.

An Irrational Society

This, then, is the foundation of our philosophy -- an emphasis on the importance of the individual and his freedom; the view that man's personal self-interest is natural and good, and that it can be channeled, through reason, to the benefit of the individual and his society; the belief that morality should be based upon reason; the conviction that society should exist as man's servant, not as his master; the idea that the purpose in man's life should be found in the full living of life itself and the individual pursuit of happiness.

This concept of man and society may seem so elementary that the reader will take for granted that most men of intelligence concur. But witness the society in which we live. Our morality is based, in large part, on mystical dogma, not reason. Our lives are governed by superstition and prejudice rather than knowledge. Self-sacrifice is prized above self-interest and self-esteem. Society is placed above the individual. And the goal of happiness is lost in a labyrinthine maze of emotional responses, self-doubts, self-denials, inhibitions, prejudices, unthinking value judgments, superstitions and hypocrisies. Our society is predicated largely on the irrational rather than the rational.

Nowhere is this more true than in the realm of sex. We have already considered the historical origins of our national sexual neuroses. Next month we will contrast our contemporary sex laws and supposed beliefs with actual behavior, and consider the effects of such inconsistency on the psychological and moral fabric of society. Following that we will suggest a more rational sexual code, consistent with the philosophy thus far expressed, and more apt to produce a happier, healthier social order in the future.

CHAPTER 14

CONTEMPORARY SOCIETY is undergoing a profound Sexual Revolution -- it is apparent in our books, magazines, movies, television and everyday conversation -- in every area of communication.

To some it represents a decline in moral standards -- a turning away from the divinely revealed Word of God, as expressed in the Bible, the Ten Commandments and the Judaeo-Christian heritage that a majority of Americans share; to others it represents a facing up to the "facts of life," an enlightened search for a new morality more in keeping with modern man's greater understanding of both himself and the world in which he lives -- a quest for a new code of conduct consistent with our conduct itself and based upon reason rather than superstition.

But whatever viewpoint one espouses, there is common agreement that a Sexual Revolution is taking place and that the old religious restrictions have little or no influence on the sexual behavior of a sizable segment of our society. For these citizens, at least, a new, more acceptable moral code must be found.

We will offer, in a subsequent issue, our own concept of a sexual ethic for modern society. But first we wish to consider the extent to which the old tradition and taboos surrounding sex have become inoperative and largely ineffectual; we want to discuss, also, the dangers inherent in any such societal schizophrenia -- where a significant gap exists between professed beliefs and actual behavior -- and the effect that such inconsistency can have upon the very fiber of society itself, especially when the moral code that a major part of society refuses to accept is reinforced by legal restraints in all 50 of these United States.

Religion in a Free Society

We have previously discussed the importance of the separation of church and state in a free society and concluded that any fusion of religion and government is irreconcilable with the ideals of our democracy. The founding fathers took seriously the lessons of religious persecution and tyranny offered by history and gave us a Constitution and a Bill of Rights that guarantee full freedom to and from religion.

The dominant religion in America is Christianity and all who accept its teachings should be free to live accordingly. But it is obvious to even the casual observer that there is a wide divergence in the social, moral and religious precepts of the various Christian denominations. And what of the non-Christians in our democracy? Obviously the Jews, Buddhists, Mohammedans, existentialists, agnostics and atheists should be equally free to follow their own religious convictions. Each man's freedom should be limited only to the extent that it infringes upon the freedom of others.

It was the search for such religious freedom that brought many of the original settlers to the New World in the first place. It was the awareness of the importance of such freedom that prompted George Washington to say, "The Government of the United States of America is not, in any sense, founded on the Christian religion."

And James Madison, another of our founding fathers, said, "Who does not see that the same authority which can establish Christianity, in exclusion of all other religions, may establish with the same ease any particular sect of Christians, in exclusion of all other sects?"

Clearly, then, each member of society should be free to practice, and to preach, his own particular religion, but no religious doctrine can be justifiably forced upon society by the state.

Religion and Morality

All religions include some moral precepts as a part of their theology and there are broad similarities among the moral codes of the major religions of the Western World -- Protestant, Catholic and Jewish. But there is not nearly the unanimity of opinion on sex within organized religion in the U.S. that is often assumed, and among laymen there is virtually no agreement whatsoever.

Modern Christianity includes a significant strain of antisexuality -- introduced, as we observed, first by St. Paul, strongly reinforced by the medieval Church, and again by the letters of the Reformation and the Counter Reformation. The Protestant Puritanism that developed first in England and then America drew its antisexual prejudices primarily from the teachings of Calvin. Puritanism became the principal religious influence on the social patterns that evolved in both countries; in the U.S., Jewish and Catholic immigrants were influenced by the puritanical Protestant culture, and the Catholics reinforced our antisexual mores with sexual prejudices of their own. Thus the Protestant, Catholic or Jew in America is more apt to be sexually repressed than his counterpart in free societies elsewhere in the world.

Jewish Morality

As the oldest of the major religions of Western civilization, Judaism supplied the historic soil from which Christianity grew. Christian antisexualism was not derived from the earlier Judaic culture, however, and Jewish societies have been traditionally more permissive in matters of sex than either the Roman Catholic or the Protestant.

As we have already stated in our historical consideration of religion and sex in the August and September issues, early Judaism accepted sex as a natural part of life. The early Jews, according to G. Rattray Taylor, in *Sex in History*, "believed strongly that one should enjoy the pleasures of life, including those of sex, and some teachers held that [on one's] last day one would have to account to God for every pleasure that one had failed to enjoy."

The only sexual injunctions in the Ten Commandments are against adultery and coveting of a neighbor's wife. Of these, Taylor says, "It must be understood that in this period, just as in Rome and Greece, adultery was a property offense and meant infringing the rights of another man. It did not mean that a man should restrict his attentions to his wife; indeed, when a wife proved barren, she would often give one of her hand-maidens to her husband that she might bear children for him. Moreover, as the Bible often reminds us, men were free to maintain mistresses, in addition to their wives; on the number of wives a man might have there was no restriction.

"Nor was there any ban on premarital sex; it is seldom appreciated that nowhere in the Old Testament is there any prohibition of noncommercial, unpremeditated fornication -- apart from rape, and subject to a father's right to claim a cash interest in a virgin [daughter]. Once the girl had reached the age of 12 years, she was free to engage in sexual activity, unless her father specifically forbade it. Prostitution, though frowned on, was common, and in Jerusalem the whores were so numerous that they had their own marketplace. Nor in pre-Exilic days was sodomy a crime, except when committed as part of religious worship of non-Jewish gods."

In an article in a recent issue of the *Journal of Religion and Health*, Nathaniel S. Lehrman confirms that premarital virginity and extramarital fidelity were "not demanded of Hebrew men. Prostitution, both sacred and profane, existed in Israel...." Morton M. Hunt writes, in *The Natural History of Love*, "Men in the Old Testament were patriarchal and powerful, and often guiltlessly enjoyed the services of several wives and concubines."

Lehrman states further, "Because the bearing of children was regarded as such a blessing, dying in the virgin state was considered unfortunate rather than desirable.... Sexuality and eating...would seem to have been regarded rather similarly by the Old Testament. It permanently forbade certain types of food and sex, and sometimes temporarily prohibited all eating and sexual activity. Permanent and total sexual

abstention seems to have been as foreign to its thinking, however, as permanent and total abstention from food.

"Although sexuality was accepted without question throughout early Biblical times, and in the Mosaic code in particular, various aspects of the latter have given rise to the erroneous belief that the Old Testament is antisexual. Such asceticism appears to be altogether foreign to the traditions of Israel."

In *Hebrew Marriage*, David Mace writes, "The entire positive attitude toward sex which the Hebrews adopted was to me an unexpected discovery.... I had not realized that it had its roots in an essentially 'clean' conception of the essential goodness of the sexual function. This is something very difficult for us to grasp, reared as we have been in a tradition which has produced in many minds the idea that sex is essentially sinful...."

Post-Exilic Judaism developed certain sex fears and repressions as a masochistic reaction to persecution. These same fears and restrictions later found their way into early Christianity, which also suffered persecution and hence proved a fertile field for them. The extreme asceticism and antisexuality of the medieval Church and of Protestant Puritanism have no parallel in Judaic history, however.

Whatever antisexual element exists in modern Judaism is probably due, for the most part, to the nearly 2000 years of coexistence in primarily Christian cultures. American Jews -- while not nearly as sexually permissive as the Hebrews of the Old Testament -- are more liberal than either American Catholics or the mainstream of American Protestantism.

Catholic Morality

Christian antisexuality began, as we have stated, not with Christ, but with St. Paul, who was strongly affected in his views by the mystical religions of the Orient, which were then spreading throughout the Roman Empire. Paul had an extremely negative, pessimistic view of mankind in general, and sex in particular; he believed that the cataclysmic end of the world was imminent and that man should, therefore, put away all things worldly to prepare himself for that event.

John Short writes of Paul, in *The Interpreter's Bible*, "Obviously the marriage relationship did not appeal to him...[he] seems to have regarded the more intimate sex relationship with some distaste. He is of the definite opinion that it is better for Christians to follow his personal example, and remain unmarried." Paul himself wrote, "It is well for a man not to touch a woman...." but conceded that it was better to marry than to "burn." He also wrote, "For I know that in me dwelleth no good thing.... For the good that I would do, I do not; but the evil which I would not, that I do.... Oh wretched man that I am! Who shall deliver me from the body of this death?"

But St. Paul's antisexualism was slight compared to the twisted theological thought that followed him -- and upon which much of our more recent Christian antisexuality is based. In *Sex in Christianity and Psychoanalysis*, William Graham Cole, then Chairman of the Department of Religion at Williams College, wrote: "All unwittingly [St. Paul] marked the transition point between the healthy and positive attitude toward the body which characterized the Old Testament and Jesus, and the negative dualism which increasingly colored the thought of the Church.... Although in most respects the Church successfully defended the ramparts of naturalism, the citadel of sex fell to the enemy. Increasingly, virginity became a cardinal virtue, marriage a concession for the weak...sex had become an evil necessity for the propagation of the race, to be avoided and denied by the spiritually strong.... Even those 'consumed with passion' were urged not to marry, to discipline themselves, to mortify the flesh, for the flesh was evil...."

Out of Pauline dualism -- derived from the mystical religions of Asia -- the early Church conceived of the body and soul of man as being perpetual combat; deprive the body and you feed the soul; satisfy the body and the soul is damned to eternal hellfire. Asceticism turned into masochism and self-torture as fanatical monks retired to the burning deserts of North Africa to mortify their flesh, fasting, flagellating

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themselves, going without sleep and refusing to wash; some castrated themselves in order to be freed from the torments of the flesh.

The Church's concern with sex became an obsession; virginity, sexual restraint and denial were prized above all else and eventually became a requirement of all those taking churchly vows. Sexual pleasure became a sin -- first outside of marriage, and eventually inside of it as well. Marriage itself was held in low esteem, as were all women -- who were viewed as a temptation to evil.

Roman society was sexually liberal and had tended to upgrade the status of women, in comparison to earlier times. In his book *Premarital Sexual Standards in America*, Ira L. Reiss, Professor of Sociology at Bard College, states: "The Christians opposed from the beginning the new changes in the family and in female status..... They fought the emancipation of women and the easier divorce laws.... They [had] a very low regard for sexual relations and for marriage.... Ultimately, these early Christians of the first few centuries accorded marriage, family life, women, and sex the lowest status of any known culture in the world."

Taylor states that the Christian code was based, quite simply, "upon the conviction that the sexual act was to be avoided like the plague, except for the bare minimum necessary to keep the race in existence. Even when performed for this purpose, it remained a regrettable necessity. Those who could were exhorted to avoid it entirely, even if married. For those incapable of such heroic self-denial, there was a great spider's web of regulations whose overriding purpose was to make the sexual act as joyless as possible and to restrict it to the minimum." Taylor points out that it was not the sex act itself which was considered damnable, "but any pleasure derived from it -- and this pleasure remained damnable even when the act was performed for the purpose of procreation...."

Not only was the pleasure of the sex act held to be sinful, but also the mere desire for a person of the opposite sex; even when unconsummated. And since the love of a man for a woman could be conceived as, at least partially, sexual desire, this led to the concept that a man should not love his wife too much. In fact, Peter Lombard maintained, in his *De excusatione coitus*, that for a husband to love his wife too ardently is a sin worse than adultery.

By the Eighth century, the Church had begun to develop a strict system of ecclesiastical laws, codifying every aspect of sexual activity in a series of "penitential books." Celibacy was the ideal, though it did not become universally required of those with priestly functions until the 11th century. Since chastity was a virtue, it became virtuous for wives to deny sex to their husbands, which many apparently did. As we previously observed, however, it is doubtful if this actually increased the sum total of chastity, since many husbands were probably driven to extramarital relations as a consequence.

In some penitentials, fornication was declared a worse crime than murder. Attempting to fornicate, kissing, even thinking of fornication, were all forbidden and called for penalties: For the last named transgression, the penance lasted for 40 days. Nor was intention a necessary requisite for sin, for involuntary nocturnal emissions were considered sinful: The offender had to rise at once and sing seven penitential psalms, with an additional 30 in the morning.

The penitentials also devoted an inordinately large amount of space to penalties for homosexuality and bestiality, but the sin upon which the greatest stress was placed was masturbation. In *Social Control of Sex Expression*, Geoffrey May states that in five comparatively short medieval penitential codes, there are 22 paragraphs dealing with various degrees of sodomy and bestiality, and no fewer than 25 dealing with masturbation by laymen, plus a number of others dealing separately with masturbation by members of the clergy. According to Aquinas, it was a greater sin than fornication.

We have remarked previously on the insights supplied by modern psychiatry into societies with severe masturbatory taboos. The activity is nearly universal in infants, and since punishment comes when the child is too young to understand its significance, and when masturbation represents his primary means of pleasure without outside assistance, a fear of this specific pleasure becomes imbedded in his

unconscious and later generalized into a fear of other sexual pleasure. Such taboos are thus to be found in almost any society suffering from repression or feelings of guilt and shame related to sex.

The Church fathers increasingly codified every aspect of sexual behavior to the point where only coitus between husband and wife, for the purpose of procreation, in a single approved position, was considered "right" and "natural." Sodomy, fellatio and cunnilingus were prohibited -- even among married couples and where such foreplay might be the prelude to coitus. Sex was also restricted to certain days of the week and times of the year: G. Rattray Taylor states that at one time in the Middle Ages, "the Church forbade sexual relations -- even between man and wife -- for the equivalent of five months out of every year."

Taylor makes clear his conviction that these limitations on sex were calculated to make it as pleasureless as possible and that the Church laws prohibiting polygamy (which had been permitted pre-Exilic Jewish society and not forbidden by the early Christian fathers) and divorce (which the early Church had recognized for a limited number of reasons, including barrenness, religious incompatibility and prolonged absence) were motivated by an interest in curtailing sexual opportunity to the absolute minimum.

Similarly, laws against incest were broadened in the 11th century to include second, and eventually third, cousins -- as well as the godparents and the witnesses at a baptism or confirmation (it eventually became a sin for even relatives of the godparents, priest and witnesses to marry one another). All of this tended to reduce the opportunity for "sin" (sex) and it is easy to imagine that in some small villages there might have been literally no one to whom a person of marriageable age could be legitimately wed.

The Church forbade all sex with animals (bestiality) and then defined copulation with a Jew as a form of bestiality, with the same penalties -- which is not without a certain irony, since the Christian law against bestiality was derived from the Jews.

Because it considered marriage a contaminating process, the Church at first refused to perform the marriage ceremony, but later -- as a part of its comprehensive attempt to control all sexual matters -- it urged couples to take their marriage vows in the church, eventually proclaiming church marriage compulsory and all civil ceremonies invalid. The Church then refused to perform weddings at certain times of the year and Taylor reports that at one point "there were only 25 weeks in the year when marriages were legal...." The Church also restricted the hours during which the wedding vows could be taken; first declaring that the ceremony should be performed openly, "it established that marriages must take place in daylight, but later defined daylight as eight a.m. to noon."

The Church fathers had no reservation about rewriting the Bible to their own ends. W.H. Lecky states, in *The History of the Rise and Influence of the Spirit of Rationalism in Europe*, "The fathers laid down a distinct proposition that pious frauds were justifiable and even laudable...[and] immediately, all ecclesiastical literature became tainted with a spirit of the most unblushing mendacity." Taylor says, "Only real desperation is enough to explain the ruthlessness with which the Church repeatedly distorted and even falsified the Biblical record in order to produce justification for its laws."

Attaching, as they did, so much importance to preventing masturbation, the medieval churchmen sought Biblical justification for this prohibition and finding none, they twisted the Scriptures to suit their purpose. *Genesis* 38 refers to Onan's seed falling upon the ground and his subsequently being put to death. The interpretation was established -- and is still widely believed -- that this passage refers to masturbation, from which we derive the word onanism as a synonym for the practice. The passage actually refers to *coitus interruptus* and Onan was put to death for violating the law of the levirate, by which a man must provide his deceased brother's wife with offspring, so that the family's possessions can be handed down to direct descendants.

The Catholic writer Canon E. de Smet, in his book *Betrothment and Marriage*, comments upon this: "From the text and context it would seem that the blame of the sacred writer applies directly to the wrongful frustration of the law of the levirate, intended by Onan, rather than the spilling of the seed."

The Romans, Jews and Greeks had not opposed abortion, but Tertullian, using an inaccurate translation of *Exodus* 21:22, which refers to punishing a man who injures a pregnant woman, popularized the belief that the Bible held abortion to be a crime. Rabbi Glasner states, "The Bible itself does not mention it all.... One might argue that therapeutic abortion, at least, would not be considered objectionable, since the embryo [is] a part of the mother (like a limb), and not a separate entity." Taylor notes that though the error in translation has long since been recognized, the Church still maintains its position opposing abortion, and this opposition has been incorporated into secular law. Which also demonstrates that the moral laws of Christianity are frequently not so much derived from Biblical authority, as Biblical authority is sought to justify the particular prejudices and predilections of the time.

The Church's interpretation of the story of Adam and Eve in the Garden of Eden provides an especially striking example of construing Scripture in ways not consistent with the text. To support its general position on sex, the story was changed to suggest that the "forbidden fruit" Adam tasted in the Garden was sex, with Eve cast in the role of temptress. Thus the Original Sin that Adam handed down to all of us was sexual in nature. But the Bible makes no such statement: The book of *Genesis* states that Adam defied God by eating from the tree of the knowledge of good and evil, making him godlike, and it is for this that God expelled him from Paradise. William Graham Cole wrote: "The preponderance of theological opinion, in both Jewish and Christian circles, has interpreted the Original Sin as pride and rebellion against God. The Church's negative attitude toward sex has misled many into belief that the Bible portrays man's Fall as erotic in origin. Neither the Bible itself nor the history of Christian thought substantiates such a belief."

It is also worth noting that in the story of the Garden of Eden, the female is viewed in an unfavorable light -- not only is she created from one of Adam's ribs, placing her in a position of being his possession, but Eve is also the one who tempts Adam into breaking God's commandment, thus causing their downfall. In an alternate explanation of the story, menstruation was explained as a "curse" imposed upon women for Eve's treachery and that time of the month is still referred to by women today as "having the curse," without any knowledge of the expression's derivation.

Women are generally considered a source of sin and contamination, along with sex and marriage, by the Church of the Middle Ages. It was believed that sexual evil really dwelt within woman and that she was a constant temptation to man, who might otherwise remain pure. Tertullian proclaimed to all women: "Do you know that each one of you is an Eve? The sentence of God on this sex of yours lives in this age: The guilt must of necessity live, too. You are the Devil's gateway...you are she who persuaded him whom the Devil was not valiant enough to attack...."

Nor were such attitudes held by only a few members of the clergy. Robert Briffault states, "These views were not, as been sometimes represented, exceptions and the extreme....[The fathers of the Church] were one and all agreed. The principles of the fathers were confirmed by decrees of the synods, and are embodied in the canon of the Council of Trent."

John Langdon-Davies states, in his *Short History of Women*, "To read the early Church fathers is to feel sometimes that they have never heard of the Nazarene, except as a peg on which to hang their own tortured diabolism, and as a blank scroll upon which to incite their curious misogyny." Havelock Ellis says, "The ascetics, those very erratic and abnormal examples of the variational tendency, have hated woman with a hatred so bitter and intense that no language could be found strong enough to express their horror."

An anonymous philosopher of the medieval Church wrote, "A Good Woman is but like one Ele put in a bagge amongst 500 Snakes, and if a man should have the luck to grope out that one Ele from all the Snakes, yet he hath at best but a wet Ele by the Taile."

Christianity's fierce hostility to sex produced a repressive society in which perversion and sadomasochism soon became prevalent and it erupted finally in the witch trials of the Inquisition, with the persecution, torture and death of millions throughout almost all Europe.

Modern Roman Catholicism can hardly be held accountable for the sins of the medieval Church, but much of the antisexuality conceived out of the irrational obsession with sex that marked the Middle Ages persists in the Church doctrine of today.

The Catholic Church remains more adamant in its opposition to sex outside of marriage than either the Jews or Protestant denominations. Catholic dogma still proclaims that the sole purpose of sex is procreation and so forbids all mechanical means of birth control, though the recent introduction of "the pill" (discovered by a Roman Catholic) and the pressures of population explosion in many underdeveloped countries of the world are producing a reevaluation of this doctrine.

Catholicism still considers civil marriage invalid for Catholics and opposes all divorce. It also forbids abortion -- even therapeutic abortion, condoned by many Jews and Protestants.

The Church's concern over sex has led many Catholics into active participation in censorship groups and their concern over birth control has sometimes produced an antagonism to public sex education. It is understandable, therefore, why the Catholic religion is still viewed, by some, as basically antisexual.

There is a more liberal element with modern Catholicism, however. Dr. John Rock, a devout and highly respected Catholic scientist, is one of the major researchers in the field of oral contraception and in his bold book, *The Time Has Come*, he forthrightly faces the linked problems of overpopulation and birth control; he also expresses the opinion that no state government has the right or competence to legislate on the religious aspects of the problem (this comment from the Boston scientist refers especially to the archaic laws of both Massachusetts and Connecticut, which prohibit doctors from giving out any information on birth control to their patients, even when it is requested) and states his conviction that all governmental restrictions on birth control, written or unwritten, should be removed.

In this same area, it is worth noting that whereas our previous President, a Protestant, refused to approve a policy whereby the U.S. would give out birth control information to nations suffering with the problem of overpopulation, remarking, "I can not imagine anything more emphatically a subject that is not a proper political or governmental activity or function or responsibility." President Kennedy, a Catholic, fully endorsed such assistance and permitted his representative at a UN debate on the subject to say, "So long as we are concerned with the quality of life, we have no choice but to be concerned with the quantity of life."

The more liberal element in current Catholic thought is evident in this statement from *The Church and Sex* by R.F. Trevett, published in 1960 as Volume 103 of *The Twentieth Century Encyclopedia of Catholicism*, with the official *nihil obstat* and imprimatur: "We have an occasional sneaking wish that the laws of the Church might be modified.... Surely there is room for more tolerance toward those struggling with a very powerful instinct that is apparently always warring against principles....

"Why is our sex life bedeviled with problems? Are those problems genuine or the result of taboos?... If we can find positive and practical answers to these questions, we may also hope to discover something very different from the negation and prudery, the obscurantism and intolerance which many sincerely believe -- and we Catholics must take our share for this sorry state of affairs -- make up the Church's teaching on sex."

Protestant Morality

It might be assumed that the Protestant Reformation would have produced a more natural, positive, less restrictive attitude toward sex. Just the opposite occurred.

The Roman Church had started to become more liberal in its attitude on sex with the Renaissance and this sexual permissiveness was one of the things that Protestant leaders like Calvin and Luther opposed. Calvin, especially, preached a doctrine that rejected not only sex, but *all* pleasure.

Calvinist Puritanism became popular in England and, later, America. The Puritans perpetuated the witch hunts of the Inquisition which, as we recorded in the August issue, were predominantly sexual in origin. The interinvolvement of church and state was extended rather than diminished and the Puritans actually gained control of the English Parliament in the 17th century, overthrew the monarchy (executing Charles I in a manner that would have made the most bestial barbarian proud), and ruled the government for a brief period, until strong opposition to their oppressive laws forced them from power.

The English Puritans attempted to make "immorality" impossible by imposing the harshest of penalties. For adultery and for incest (the latter being defined as sexual relations between any couple prohibited from marriage because of their relatedness) the punishment was death. Because the Puritan rule was not a popular one, juries most often refused to convict, but in *Puritan, Rake and Squire*, J. Lane reports that a man of 89 was executed for adultery in 1653 (which, as we observed in September, age considered, may seem more a compliment than an injustice) and another for incest (with his brother-in-law's daughter) in 1656. These penalties were repealed with the end of Puritan rule, but as late as 1800, and again in 1856 and 1857, attempts were made to have Parliament reimpose the death penalty for adultery.

The first courts established by the Puritans in America were clerical rather than civil, and some simply introduced the Bible as the basis for their laws. The Puritans in America never burned any witches, but they did hang a few and one of them was crushed to death.

Centuries of religious sex suppression have not succeeded in stifling the natural mating urge in humankind, but they have managed to spawn a society in which sexual expression is excessively burdened with feelings of guilt and shame. Antisexualism reached its peak in England during the early reign of Queen Victoria and, in America, extended well into the 19th century. In that time, all sexual words and references were deleted from books, including the Bible; women wore several pounds of excess clothing, and a lady's ankle was apt to cause more excitement than the sight of an entire leg does today; a woman was never pregnant, she was "in a family way"; sex education for children had babies being delivered by the stork; maidenly modesty forbade the discussion of sex, even with one's own doctor, and rather than undergo a personal physical examination a female patient would often point to the ailing part of the anatomy on a small doll doctors kept in their offices for such occasions; undergarments and even male trousers were referred to as "unmentionables"; legs were discreetly called "limbs" -- on people, the Thanksgiving turkey, and even on furniture; proper ladies covered the "limbs" of their chairs and couches with little skirts of printed crinoline, for modesty's sake; some even took to separating the books on shelves by the sex of the author lest the volumes by men and women be permitted to rest against one another; the uncommonly prudish unmarried woman would not undress in a room in which a portrait of man was hung.

Far from de-emphasizing sex, such actions had the opposite effect, and so instead of remaining aloof from it, this period of English and American history must be seen as sexually obsessed -- as are all periods of sexual repression.

While Victorian man urged women to purity, he distrusted them also. He wanted them to be virgins, but suspected secretly that they were whores. He was therefore compelled to divide the female sex into two categories: "good" women, who had no taste for sex; and "bad" women, who had. It is revealingly symptomatic of the times that W. Acton asserted, as a supposed statement of fact in a scientific work, *The Functions and Disorders of the Re-productive Organs*, that it was a "vile aspersion" to say that women were capable of sexual feeling. In *A History of Courting*, E.S. Turner states, "Sexual instincts became something no nice girl would admit to possessing; her job was to make man ashamed of his."

In *The Natural History of Love*, Morton M. Hunt writes, "The role in which Victorian man had cast woman had its inevitable effect on man himself. Patriarchal he might be, stern to his children, frock-coated, mightily bewhiskered, and not to be trifled with, but he played this part at the expense of his own sexual expressiveness and his own peace of mind. If he were a libidinous man, he was driven to resort secretly to brothels. If he were weakly sexed, the emphasis on the purity of woman might actually unman him. If he were an average man with an average drive, he might live his entire life galled by the need for self-denial and self-restraint."

Such is the stuff of which our sexual heritage is made.

It is difficult to state a contemporary Protestant view of sex, because the very nature of Protestantism, with its many denominations, makes for many viewpoints. Protestant attitudes thus range from the conservative to the most liberal.

The Puritan influence upon Protestantism, and upon the entire fabric of American society, is still pronounced. But there is also a new awakening to the sexual nature and needs of man within Protestantism, and some Protestants are quite outspoken on the subject.

In an article titled *A 20th Century Philosophy of Sex*, Joseph Fletcher, teacher of social ethics at the Episcopal Theological School in Cambridge, Massachusetts, states, "The Christian churches must shoulder much of the blame for the confusion, ignorance and unhealthy guilt associations which surround sex in Western culture. The Christian church from its earliest primitive beginnings has been swayed by many puritanical people, both Catholic and Protestant, who have treated sexuality as inherently evil."

In *The Bible of the World of Dr. Kinsey*, William Graham Cole, head of the Williams College Department of Religion, put it even more strongly: "There can be no quarrel with the secular world at this point. It is right and the church has been wrong. Sex is natural and good.... It is attitudes which are good and evil, never things.... Those who take the Bible seriously must stop apologizing for sex...they must begin with a concession to the secular mind, granting that sex is natural."

"In its efforts to prevent irresponsible procreation, Western civilization has used the device of what Freud called the walls of loathing, guilt and shame. On the whole this method of social control has worked reasonably well, but a price has been paid for its success -- the price of sexual perversion, which is the product of fear and anxiety.... The method of moralism has been weighed in the balance and found wanting, partly because it moves in the wrong direction and partly because it has based its case on fear."

In *Religion and Sex: A Changing Church View*, David Boroff wrote in a 1961 issue of *Coronet*, "Much of Protestantism no longer wishes to be identified with repression and Puritanism. 'In fact,' says Professor Roger Shinn, of New York's Union Theological Seminary, 'repression is a Christian heresy.... In this country, Puritanism...has been hostile to the expression of sexual feeling. But in recent years, Protestant theologians have reexamined these concepts. They now argue that Puritanism, when it insists that sex is evil, is actually a distortion of Christian doctrine. These thinkers have been influenced not only by recent Biblical scholarship, but also by the findings of psychiatry -- especially the revelation of the psychic damage that may be done by sexual repression.'"

As we observed in the July installment of *The Playboy Philosophy*, England is undergoing a Sexual Revolution. *Time* reported in its March 22, 1963 issue: "...The British are deeply concerned with their search for what some call 'a new morality' to fit the hushed-up facts of life. 'The popular morality is now a wasteland,' said Dr. George Morrison Carstairs, 46, professor of psychological medicine at Edinburgh University, in a recent BBC lecture. 'It is littered with the debris of broken convictions. A new concept is emerging, of sexual relations as a source of pleasure but also as a mutual encountering of personalities, in which each explores the other and at the same time discovers new depths in himself or herself.'"

In a controversial report, an English group called The Religious Society of Friends attacked the onus attached to "a great increase in adolescent sexual intimacy" and premarital affairs. "It is fairly common in both young men and women with high standards of conduct and integrity to have one or two love affairs, involving intercourse, before they find the person they will ultimately marry." This, the report concluded, is not such a sin. "Where there is genuine tenderness, an openness to responsibility and the seed of commitment, God is surely not shut out."

The same month, Associated Press carried a story, date-lined London, which reported that a pastor of the Church of England challenged religious taboos against extramarital sex: "In a sermon delivered from the pulpit of Southwark Cathedral in London, Canon D.A. Rhymes declared the traditional moral code implied that sex is unavoidably tainted. 'Yet there is no trace of this teaching in the attitude of Christ,' he said. 'He does not exalt virginity over marriage, or marriage over virginity -- He merely says in one place that some have chosen virginity to leave them free for the work of the kingdom.

" 'Nor does Christ ever suggest that sexuality, as such, is undesirable or that marriage is the only possible occasion of any expression of physical relationship.'

"...Canon Rhymes said the moral code of today is being ignored because it is outdated. 'We need to replace the traditional morality based upon a code with a morality which is related to the person and the needs of the person....'" The pastor concluded that if we want to live full and healthful lives, "we must emphasize love," not an inflexible, impersonal and unfeeling morality.

Morality and the State

There is obviously much theological disagreement regarding sex in America today and there is most certainly no single sexual ethic to which even the most pious individuals in contemporary society would subscribe. In truth, each individual is apt to view the piety and morality of his fellows in terms of how closely they conform to *his*, not their own, religious ideals.

But even if all of the religious leaders of the nation were of a single mind on the subject, it is clear that in this free democracy, they would have no right to force a universal code of sexual conduct upon the rest of society. Our religious leaders, of every faith, can loudly proclaim their moral views to one and all, and attempt to persuade us as to the correctness of their beliefs -- they have this right and, indeed, it is expected of them.

They have no right, however, to attempt in any way to force their beliefs upon others through coercion. And most especially, they have no right to use the power of the government to implement such coercion. Any such action would be undemocratic in the extreme -- it would contradict our most fundamental concepts of religious freedom and the separation of church and state. It would frustrate the intent of our founding fathers and their dream that all Americans should be forever free of the tyranny and suppression, that, historically, have accompanied all church-state rule. It would oppose the guarantees of the U.S. Constitution.

Since no common agreement exists among the clergy of modern America, it is all the more incredible -- if no more monstrous -- to consider the extent to which religious dogma and superstition have, all democratic ideals and Constitutional guarantees to the contrary, found their way into our civil law. And nowhere is this unholy alliance between church and state more obvious than in matters of sex. In our most personal behavior, *no citizen of the United States is truly free*.

Moreover, many of the statutes dealing with sexual behavior in all of the 50 states reflect the extreme antisexuality of the medieval Church and Calvinist Puritanism, with which an increasing number of the clergy of most religions are no longer in agreement. The most common kinds of sexual behavior, engaged in by the great majority of our adult society, are illegal. Almost every aspect of sex, outside of marriage, is prohibited by laws on fornication, adultery, cohabitation, sodomy, prostitution, association with a prostitute, incest, delinquency, contributing to delinquency, rape, statutory rape, assault and

battery, public indecency or disorderly conduct. And though few realize it, every state but one (and that one, we are personally pleased to report, is Illinois) has statutes limiting the kind of sexual activity that can be legally engaged in *within* marriage as well, between a husband and his wife. The precoital love play endorsed by most modern marriage manuals and family counselors on sex is prohibited by law in 49 states.

Marriage itself is regulated through religiously inspired laws on divorce and bigamy (although the Mormon religion endorses polygamy, it is outlawed by legislation passed by more powerful religious factions). Abortion remains illegal in all states of the Union, although it is undergone by hundreds of thousands of women annually, under circumstances that seriously endanger not only their health and welfare, but their very lives.

Modern birth control devices and drugs are nowhere publicly advertised and a number of states have laws curtailing or prohibiting their sales. In a recent article for *Look* on the importance of the separation of church and state, the Reverend H.B. Sissel, Secretary for National Affairs, of the United Presbyterian Church in the U.S.A. wrote: "Seventeen states prohibit the sale or distribution of contraceptives except through doctors or pharmacists; five states ban all public sale of such devices. Although these statutes were enacted in the 19th century under Protestant pressure, times and attitudes have changed for many Protestants. Today, they believe that Catholics have no right to keep such laws in operation. Some Catholic spokesmen have agreed that their church is not officially interested in trying to make the private behavior of non-Catholics conform to Roman Catholic canon law. Meanwhile, the laws stay on the books, though they are being tested in the courts."

Church-state legislation has made common criminals of us all. Dr. Alfred Kinsey has estimated that if the sex laws of the United States were conscientiously and successfully enforced, over 90 percent of the adult population would be in prison.

A free society, through its government, passes and enforces laws for the protection and welfare of its individual members. Thus the state may sometimes quite properly prohibit certain actions -- murder and theft, for example -- that are also condemned as immoral or sinful by religion. This overlap of secular and clerical law is not, in itself, any indication of the improper interinvolvement of church and state. But secular law should be based on a rational concern for the happiness and well-being of man; whereas clerical law is based upon theology or faith. It is only when secular law is predicted on religious faith, rather than reason, that it is improper.

The Ten Commandments provide the basic moral laws for both the Christian and the Jewish religions, and while the Commandments "Thou shalt not kill" and "Thou shalt not steal" have their logical counterparts in our secular law, protecting the individual citizen's life and property, few would seriously suggest that these ten Biblical pronouncements be turned, *in toto*, into legal statutes. The devout may accept "Thou shalt have no other gods before me," may consider it a sin to "take the name of the Lord, thy God, in vain," and may sincerely believe that we should "remember the sabbath day, to keep it holy," but only the smallest handful would want these religious laws turned into governmental ones; and only the most tyrannical parent would wish "Honour thy father and thy mother" turned into a legal edict.

From whence, then, comes the logic of turning the Sixth Commandment (or the Seventh, depending on your religious affiliation), "Thou shalt not commit adultery," into a criminal offense? Only if one adheres to the ancient concept of the wife being property of the husband, rather than an individual human being, can one justify such a law; and it is from this idea of the female being a possession of the male, as we have previously noted, that the prohibition regarding adultery originally sprang. This is re-emphasized by the last Commandment(s), in which a number of specific possessions are mentioned, with the admonition, "Thou shalt not covet," presumably listed in the order of their importance: "thy neighbour's house...thy neighbour's wife, nor his manservant, nor his maidservant, nor his ox, nor his ass, nor any thing that is thy neighbour's." In a rational society that views all human beings as free individuals, how do we justify turning the religious Commandment "Thou shalt not commit adultery" into a secular law? And how do we broaden its original Biblical implication to include, not only wives, but husbands as well? In the time of the Old Testament, it was accepted that the wealthy male should have many wives and

mistresses. We have shown that the broader antisexual implications were supplied by the medieval Church and that it was in that time that they found their way from the clerical into the secular law. But how did they find their way into our own law -- with all of our righteous proclamations about religious freedom and the separation of our church and state in America?

And what of fornication? There is nothing in the Old Testament, or in the teachings of Christ, that specifically prohibits all sex out of wedlock. This too is derived, not from the Bible, but from the extreme antisexualism of the Middle Ages. Nevertheless, in 1963, in an era of supposed enlightenment, in a society supposedly free, premarital sex is prohibited by law by most of the 50 United States.

But it is not our place to point out the non-Biblical origins of these religious laws -- for modern theological dogma can be drawn from any source, or from no source at all. Neither is our intent to proclaim the moral desirability of either adultery or fornication. It is simply our purpose, at this moment, to point out the utter lack of justification in the state making unlawful these private acts performed between two consenting adults. Organized religions may preach against them if they wish -- and there may well be some logic in their doing so, since extreme sexual permissiveness is not without its negative aspects -- but there can be no possible justification for religion using the state to coercively control the sexual conduct of the members in a free society.

Some sexual behavior is the proper concern of the state. In protecting its citizens, the state has the right to prohibit unwelcome acts of sexual violence or aggression; it also has the right to protect the individual from sexual exploitation and fraud. Before a certain age, individuals lack the maturity necessary for full participation in a free society and so it is logical to have special legislation for the protection of minors -- although in matters of sex, our society is woefully unrealistic about both the nature and needs of its youth and is, itself, largely responsible for perpetuating sexual immaturity and irresponsibility in our young. Society also has the right to prohibit, solely on the grounds of taste, public sexual activity or immodesty that may be unwelcome to other members of the community -- though in this regard, we should mention that sexual anxiety, repression, guilt and shame traditionally accompany a social order that is, by our standards, relatively immodest.

All other sexual activity -- specifically, all private sex between consenting adults -- is the personal business of the individuals involved and in a free society the state has no right to interfere.

This is not the radical viewpoint that some readers may assume. It is shared by a great number of the religious leaders of America and represents the general trend in religious thinking regarding sex in our contemporary society. This position was expressed recently by Father James Jones, a priest of the Episcopal Church, in a television debate on changing sexual morality; Father Jones pointed out that when private morality is legislated against by government, it goes underground, and it thus becomes more difficult for religion to reach and influence.

As we have previously noted, England is presently undergoing a Sexual Revolution quite similar to our own; their similar Puritan heritage produced a like set of unrealistically suppressive sex laws also. On this matter, the Moral Welfare Council of the Church of England recently stated: "It is not the function of the state and the law to constitute themselves guardians of *private* morality, and thus to deal with *sin as such*, which belongs to the province of the church. On the other hand, it is the duty of the state to punish crimes, and it may properly take cognizance of, and define as criminal, those sins which also constitute offense against *public* morality."

The now famous Wolfenden Report was presented to the British Parliament in the fall of 1957 by a committee drawn from the clergy, medicine, sociology, psychiatry, and the law, under the chairmanship of Sir John Wolfenden, C.B.E. The Wolfenden committee not only included members of the clergy, it sought advice and guidance from others in both the Anglican and Roman Catholic Churches. Thus, seven Catholic clergymen and laymen appointed by the late Bernard Cardinal Griffin, Archbishop of Westminster, submitted a report to the committee that stated:

"It is not the business of the state to intervene in the purely private sphere but to act solely as the defender of the common good. Morally evil things so far as they do not affect the common good are not the concerns of the human legislator.

"Sin as such is not the concern of the state, but affects the relations between the souls and God. Attempts by the state to enlarge its authority and invade the individual conscience, however high-minded, always fail and frequently do positive harm."

The official Wolfenden Report to Parliament reflected these same views. As yet no significant British legislation has resulted.

A similar trend in thinking exists in legal circles here in the United States. The draft of a Model Penal Code published early in 1955 by the American Law Institute contained a recommendation that all consensual relations between adults in private should be excluded from the criminal law. The philosophy underlying this recommendation was stated to be that "no harm to the secular interests of the community is involved in atypical sex practice in private between consenting adult partners" and "there is the fundamental question of the protection to which every individual is entitled against state interference in his personal affairs when he is not hurting others."

Although this Model Penal Code was published nearly nine years ago, no state has yet reshaped its statutes on sex along the lines recommended by the Law Institute.

CHAPTER 15

During the dark ages, the medieval Church dominated almost every level of European society. Many of the Church leaders were negatively obsessed with sex, to a degree unknown in early Christianity, and this antisexuality was perpetuated by both ecclesiastical and Church-influenced secular law.

It might be expected that the Reformation would have produced a freer society -- one less inclined to sexual suppression and less controlled by an alliance between church and state -- but as we have indicated in earlier installments of *The Playboy Philosophy*, it had no such effect.

Many of the original settlers in America left the Old World to escape religious persecution, so it might be supposed that here, finally, man would seek the personal moral and religious freedom that had been so long denied him. Indeed, our own founding fathers took seriously the lesson to be learned from the centuries of religious tyranny in Europe and gave us a Constitution and a Bill of Rights that guaranteed the separation of church and state (that they might both be free); and Thomas Jefferson wrote, in the Declaration of Independence, of each individual's unalienable rights to life, liberty and the pursuit of happiness.

But how successful have we been in protecting these ideals for both ourselves and our fellow citizens? Just how personally free is each one of us in modern America? The dream of individual freedom persists, but are we actually allowed to live our own lives, rejoice in our liberty, and pursue our personal concepts of happiness -- limited only by the extent that we infringe upon the like rights of others?

Incredible as it should seem, and despite all Constitutional guarantees to the contrary, we do not enjoy a true separation of church and state in the U.S. today. Each citizen in our democracy has a right to expect that the laws of his government have been established and will be enforced in a rational manner consistent with the aims and protections of the Constitution. But many of our laws are not based on any such premise; they are evolved, instead, from old ecclesiastical laws, from religious beliefs and dogma, to which some of our citizens subscribe, and many others do not.

Liberal religious leaders are among the most outspoken opponents of this church state alliance, but much of this church-state alliance, but much of the organized religion in America still includes a distinct element of antisexualism -- a carryover from the teachings of the medieval Church and the Protestant Puritanism that followed it. And it is, therefore, in our laws related to sex that we find the greatest church-state intrusion upon our personal freedom.

Sex and the Law

Today, in the U.S., we have religiously oriented statutes limiting freedom of speech and press, statutes regulating personal sex behavior, marriage, divorce, birth control, abortion and prostitution, that are based not on a concern for the health, happiness and welfare of the individual, but upon various concepts of religious morality. Thus sin and crime become intermixed and confused -- and the religious views of a portion of society are forced upon the rest of it -- through government coercion -- whether they are consistent with the personal convictions of the individual or not.

We will consider, in this issue, some of the specific statutes regulating private sexual behavior and the extent to which these laws are at odds with the sex practices of a sizable portion of the population -- making us a nation of criminals. Some consideration will be given, too, to the wide disparity in the sex laws of the various states -- making it possible, quite literally, for a couple to indulge in intimacies within the privacy of their home that are perfectly legal, while another couple engaging in the same activity in a house a block away (but in the jurisdiction of an adjoining state) is guilty of a crime that carries a ten-year prison sentence. We will also discuss the wholly arbitrary manner in which these various laws are enforced, or not enforced, and the effect such law enforcement has upon the entire fabric of law and order, in addition to the injustices thus perpetrated.

In our examination of U.S. sex law, it should not be assumed that we necessarily approve of all of the behavior thus brought under legislative control of the state. We will establish, in a later installment of this editorial series, what we personally consider to be healthy sexual morality for a rational society. The point to be made here is not that we find this sex behavior either moral or immoral, but that the moral questions involved - when they relate to private sex between consenting adults -- are the business of the individual and his personally chosen religion, and not the business of our government.

It must be mentioned, too, that this view of the matter is shared by a number of our most highly respected religious leaders and with a majority of the leading legal minds who constitute the American Law Institute, which authorized the publication of a Model Penal Code in 1955 recommending that all consensual relations between adults in private should be excluded from criminal law. The logic underlying this recommendation was that "no harm to the secular interest of the community is involved in atypical sex practice in private between consenting adult partners" (and, as we shall see, much of the behavior legislated against is anything but atypical); and, further, that "there is the fundamental question of the protection to which every individual is entitled against state interference in his personal affairs when he is not hurting others."

Although this Model Penal Code to govern behavior was published nine years ago, no state has yet reshaped its laws along the lines recommended by the Law Institute -- despite the fact that one of the primary purposes of this illustrious judicial body is the drafting of such model codes as a guide to making more uniform and reasonable the statutes in all 50 of the United States.

Marriage and Divorce

Sin and crime are not synonymous. As Morris Ploscowe, a former judge of the Magistrates' Court of the City of New York and presently Adjunct Associate Professor of Law at New York University, points out in the preface to his book *Sex and the Law*: "The fact that certain behavior is sinful should not necessarily make it criminal. The policeman, prosecutor and jailer cannot replace the priest, minister or rabbi in the control of sex behavior." Not attending church, temple or synagogue, eating meat on certain days, or eating certain kinds of meat at any time, are sins to some members of our society, but they are not crimes. In the final analysis, personal morality (sexual or otherwise), when it does not infringe upon the rights of others, should be left to the determination of the individual.

No one can reasonably question the powerful role that sex plays in all our lives. It is a dominant force in society. It can be a force for either good or evil, but sex in itself is neither.

Some believe that the sole, or primary, purpose of sex is procreation, but there is a great deal more to sex than that. It is the single greatest civilizing force on earth. Without this attraction between the sexes, the world would be a very strange, barbaric place. Our society, its culture, its interest and desires, and many of our major motivations are based upon sex.

Because of its power, man early learned to fear sex, and in pre-Christian societies, many worshiped it. Christianity changed the fear into aversion and sex became associated with guilt and shame. To cope with this force within them that they did not understand, early Christians established complex laws to control sex. These religious laws have been handed down through the centuries to the present day, and form the basis for our own social and legal controls over sex.

Ploscowe comments, "Our legal and social attitudes toward sex bear the unmistakable imprint of early doctrines of ascetic Christianity. Sex was evil to the early Christians, while the absence of sexual activity, virginity, and chastity were great goods. All forms of sexual relations between unmarried persons were mortal sins. Even sexual thoughts unaccompanied by external acts were sinful. Sex activity was permissible only in marriage, whose necessity was grudgingly recognized by the early Christians."

Marriage thus became the answer developed by society to satisfy the sex drives of men and women. But what about the two thirds of our society who are biologically adult, but unmarried? For them our society has supplied a simple, if unrealistic, answer: abstinence.

Marriage thus becomes a church-state license to practice sex. Without this religious-governmental approval, sex is forbidden. Thus, in a supposedly free society, our most personal actions are regulated by the state.

Sex is so vital to marriage that a marriage may be annulled where one of the members of the union proves incapable of performing coitus. Moreover, prolonged sexual intimacy between two unwed individuals may actually create a state of marriage (common-law) in the eyes of the state.

The precise legal nature of marriage in our society is not easily understood. It is a good deal more than a civil contract. As Ploscowe points out, "If the parties to a commercial agreement are not satisfied with its terms, they may without consulting any public authority rescind or modify them. What they do with a contract is their own concern."

No such freedom exists in marriage. A husband and wife cannot, of their own volition, agree to dissolve a marriage contract. A divorce or annulment must be granted by the government, and it must be *legally sufficient reasons*, and not simply because the two parties involved desire it. What is more, the *legal* reasons for granting a divorce rarely have anything to do with the *real* reasons the two parties have for requesting it.

Ploscowe states, "[Our] conception of marriage stems from the Roman law. But the lawyers of imperial Rome could call a marriage a civil contract with much more justice than American lawyers, for Roman law permitted men and women to dissolve their marriages at their own will and pleasure, without the intervention of any public authority. Our law has never given married people this authority."

Control over marriage gives the government control over sex. This need not be true, but is this case on our society, because sex is limited by law to the married.

Control over sex is not the only reason that society is interested in the institution of marriage, however. Marriage and the family are considered an essential part of our social structure and, as expressed by the court, in a New York divorce decision (Fearon vs. Trenor): "Marriage...is more than a personal relation between a man and a woman. It is a status founded on contract and established by law based on principles of public policy affecting the welfare of the people of the state.... From time immemorial the state has exercised the fullest control over the marriage relation, justly believing that happy, successful marriages constitute the fundamental basis of the general welfare of the people."

But if marriage is truly to be an institution which serves the general welfare of the people, a great many laws and administrative procedures require serious re-evaluation. Whose welfare is served by divorce laws totally unrelated to the actual causes for the dissolution of a marriage? How can a court even begin to come to grips with the problems it faces in a suit for divorce, if the statutes regulating the court's decision stipulate only synthetic, legally acceptable conditions that must be "met" in order for a husband and wife to end an unwanted marriage?

Each of the 50 states has its own particular set of divorce statutes -- some lenient, some strict. The stricter the statutes, the more artificial, and unrelated to the actual causes of divorce, they are apt to be. Nor are the stricter divorce laws any serious deterrent to the breakup of an unsuccessful marriage.

A couple desiring a divorce simply goes to a more lenient state to secure it or, more frequently, they tailor their divorce complaint to suit their own state's requirements. In other words, with the able assistance of their attorneys, they perjure themselves. And here we have the first example, with a great many more to follow, of how unrealistic sex statutes turn ordinary citizens into criminals.

"The fewer the grounds for divorce," states Ploscowe, "the greater the incentive to commit perjury."

New York is an excellent example of a state with a strict divorce law: The only ground for divorce in New York is adultery. That is the requirement that must be met in New York, if a couple wishes a divorce -- *adultery*. The Bible says, "Thou shalt not commit adultery"; but the State of New York says, "If you want a divorce, you *must!*"

Despite what may appear to be a state sanction of sin, a majority of New Yorkers seeking an end to an unhappy marriage seem to prefer some manner of legal subterfuge to extramarital sex. This we were recently privileged to witness the wife of the Governor of New York journeying to another state to secure a divorce on grounds that were not legally acceptable in her own state.

More often, however, New Yorkers get their divorces at home -- and if an adulterous affair is not to their liking, the state simplifies matters by making subterfuge and perjury easy: The law does not require actual proof of sexual intercourse to grant a divorce on the ground of adultery; it is sufficient if there was an opportunity to commit adultery and what the statute refers to as an "adulterous disposition." Thus, a husband need only register at a hotel with a woman who is not his wife, followed shortly thereafter by a prearranged raiding party that conveniently discovers the pair in a state of partial undress or in a "compromising position." This is enough to justify the granting of a divorce.

As a result, a thriving business has sprung up that caters to this need for prearranged "adultery." In 1948 a group of such "divorce mill" specialists was exposed and indicted in New York. They offered two kinds of service to husbands and wives who were seeking divorce: (1) *the set-up job*, similar to the hotel-room raid described above, complete with an "unknown woman" (or man, as the case might require); and (2) *the testimony job*, which was simply perjured testimony about such a raid, concocted in the corridors of the courthouse. Hundreds of divorces were secured by this ring, whose nefarious doings were discovered when one of their professional "unknown women," a Mrs. Sara Ellis, became upset over the small fees she had been receiving (eight to ten dollars a case).

How does any of this serve the general welfare of the people? Obviously, it does not. Our divorce statutes are based, for the most part, not on reason or any real concern for public welfare, but on religious convictions that are unrelated to the social problems that both cause divorce and are the result of it.

The current irrational state of affairs in divorce legislation can be corrected, and the general welfare of the people best served, by (a) *establishing uniform divorce laws in the 50 separate states*; and (b) *relating those laws to the actual causes of divorce*.

As we shall see, the problem of uniformity is a serious one that appears throughout all of our U.S. sex legislation. It is responsible for what is termed *migratory divorce* -- a discrimination situation which permits those able to afford it to seek divorce in a state other than their own where the legislation is more lenient by setting up temporary residence there. This is not only unfair to citizens of lesser financial means, it can also produce cases like the following that occurred in Wisconsin in 1948: A man and woman were married in that state. They separated, the wife moving to Minnesota. The husband then obtained a divorce in Wisconsin; under Wisconsin law, the divorce was not final for one year. During the year, the woman remarried in Iowa. Under Iowa law this second marriage was valid -- the Wisconsin one-year waiting period notwithstanding. The newly married couple returned to Wisconsin and set up house. They were both convicted of adultery, because under Wisconsin law the wife was still married to another man (State vs. Grengs).

Divorce laws should not only be uniform in all the states, they should be based on the actual reasons for seeking an end to a marriage, even when the reason is no more complicated than the fact that a couple no longer cares for each other. It is to the best interests of the husband and wife, as well as to the best interests of the court and society as a whole, to permit the couple contemplating divorce to seek it on honest grounds. By thus encouraging a frank and open discussion of the marital problems that

produced the proceeding, the court is in the best possible position to deal with the problems and possibly save the marriage.

Where children are involved, a special attempt should be made to salvage the relationship, through the introduction of professional counseling and a period of readjustment. Failing in this, however, the divorce should be granted on the simple and quite honest basis that the couple no longer wishes to remain husband and wife. Society does not benefit from the forced perpetuation of a marriage that is no longer desired by the couple involved. More harm is done to children raised in a family torn by disunity, tension and personal dissatisfaction than results from a broken home.

Permitting divorce to be granted on the basis of mutual consent, instead of requiring a couple to meet arbitrary and often artificial legal requirements, would maximize the court's chances of saving the marriage by eliminating the significant element of subterfuge in present divorce hearings. Despite this face, Ploscowe observes ironically, in *Sex and the Law*: "Divorce by consent may have been good enough for the heathen Romans of imperial Rome under the dictum that 'if marriages are made by mutual affection it is only right that when the affection no longer exists it should be dissoluble by mutual consent.' It may have appeared attractive to the mountaineers of the Swiss cantons. It may have appeared desirable during periods of revolution and disorder like the French and Russian Revolutions, when all institutions of society tend to break down. Divorce by consent may even have been urged by great men such as John Milton, Sir Thomas More, Jeremy Bentham, and John Stuart Mill. However, divorce by consent has never been recognized by English or American law."

It is feared that more realistic and, therefore, more seemingly liberal laws would appreciably increase the rate of divorce, but even if the perpetuation of unwanted marriages could be rationalized as beneficial to society, it is doubtful that the present statutory hodgepodge achieves that end. Despite the seeming strictness of our present statutes, divorce itself is commonplace and can be secured with relative ease by any couple so inclined. At the turn of the century, there was approximately one divorce for every 12 marriages; by 1930, the ration had jumped to one out of every six: today, approximately one marriage in four winds up in the divorce courts.

Whatever else they may prove, these statistics make one fact abundantly clear: For a sizable section of our society, "trial marriage" is not just an interesting social theory -- it is a way of life. If a person becomes dissatisfied with his or her choice of mate, one can always obtain a divorce and try again. We may pretend to live in a monogamous society, but a great many of us are practicing what has been called *sequential polygamy*.

The polygamous nature of our society -- all pretense to the contrary -- prompts a side observation on marriage and religious freedom, unrelated to the problem of divorce: The Mormon Church historically countenances polygyny, in which one husband is permitted to take several wives -- all of whom dwell in a single household, with their assorted offspring. Despite the question of religious freedom clearly involved, the government prosecutes as bigamists any followers of the faith who take their religion seriously in this regard; the Biblical injunction to "be fruitful and multiply" has U.S. government approval only so long as it is done with one spouse at a time.

Though the majority of us undoubtedly prefer our mates in sequence -- and, indeed, most husbands find the problems presented by a single wife quite sufficient -- it is difficult to see how the welfare of society is served, when a man wished to take a new mate, by forcing him to desert his original family.

Returning to the problem of divorce, it seems doubtful that stricter laws would help matters any -- they would simply intensify courtroom subterfuge and render the courts even less effective in dealing with the actual causes of marital mishap.

Divorce should also be recognized as a symptom of social disease, rather than the disease itself; attempts at cure should logically be directed more at the disease -- marital unhappiness -- than at the

symptoms, especially since the request for a divorce represents one of the last stages of an unstable marriage, when the chances of cure are appreciably less than they might previously have been.

It should also be recognized that the substantial increase in the divorce rate over the last half century does not necessarily represent a comparable increase in marital disharmony. It is reasonable to assume that the greater number of divorces is more the result of a lessening of society's taboos in that area and our increased emphasis on the importance of individual happiness in present-day society; unhappy marriages were probably just as common in 1900 as they are today, but contemporary men and women are more inclined to do something to solve their unhappiness.

If society is sincerely interested in happy, successful marriages as being in the best interests of the public welfare, what is needed is stricter marriage laws, not stricter laws on divorce. We will expand, in a later issue, on our belief that too easy and too early marriages are the primary causes of marital unhappiness and failure. But we should recognize here the extent to which society and the estate produce early and subsequently unhappy marriages.

By making marriage a church-state license to enjoy the pleasures of sex -- by making sex outside of marriage a social and legal taboo -- our society supplies a tremendous impetus to early marriage, whether couples are emotionally, psychologically and economically prepared for it or not.

Laws limiting the marriage of children, and the mentally and emotionally incompetent are too lax. Indeed, if an underage couple eloped and the union has been sexually "consummated," our irrational religious heritage lends strong argument to allowing the marriage to stand, whether or not the couple is mature enough to comprehend and undertake the responsibilities inherent in marriage and the raising of a family.

So-called "shotgun" marriages may even force one member in a relationship into marriage against the person's better judgment, because there has been sexual intimacy or, more often today, because that intimacy has resulted in pregnancy. If a literal "shotgun" attitude still persists and society seems more anxious to force the unprepared into wedlock than to properly educate the young in how to avoid unwanted pregnancy or solve, in any rational and humane manner, the problem of undesirable pregnancy (through legal abortion) when it does occur.

If an engagement prior to marriage is seen as a period during which a man and woman are allowed a time of close acquaintanceship that they may better judge if each is best suited to the other, then the entire legal history of breach-of-promise suits is irrational -- wherein a person (almost always the male), once having proposed marriage, is penalized (and sometimes heavily) for changing his mind.

The observation has been made that in breach-of-promise actions the average jury, historically generous with other people's money, utilizes two prime considerations in the computation of damages: (1) the plaintiff's beauty; and (2) the ability of the defendant to pay. As a result, verdicts have been generous and appellate courts have sustained damages ranging from \$500 to \$45,000 against charges that they were excessive. In one New York case, the plaintiff had admitted that she did not love the defendant. She was 29 years of age and the defendant was 84 and partially palsied. However, his fortune was estimated at \$15 million. The offer to marry the plaintiff was made only a few days before the breach-of-promise action was taken. Nevertheless the jury awarded the plaintiff \$225,000, which the appellate court reduced to \$125,000. In a Michigan case, the jury awarded a woman the sum of \$450,000, which was reduced to \$150,000 by the court.

Ploscowe comments, "These verdicts, however, present only a partial picture of the social consequences of the breach-of-promise action. Large numbers of breach-of-promise actions are settled outside of court because of the consequences which might flow from publicity which this type of action entails. No man of prominence or social position can afford to have his love life aired in the way that the tabloid press has made familiar. As a result, the adventuress and the gold digger are presented with an unparalleled opportunity for shakedown and blackmail."

Our legislatures and courts have finally come to recognize the undesirable nature of breach-of-promise suits and approximately 17 states, including New York, have now outlawed such actions. Breach-of-promise suits should obviously be abolished in all states.

Fornication

No human act between two people is more intimate, more private, more personal than sex, and one would assume that a democratic society that prided itself on freedom of the individual, whose Declaration of Independence proclaimed the right of every citizen to life, liberty and the pursuit of happiness, and whose Constitution guaranteed the separation of church and state, would be deeply concerned with any attempted infringement of liberty in this most private act.

But our society still carries the searing brand of antisexualism inherited from the medieval Church of Europe and the Puritanism of England and so, while America has been traditionally permissive in most areas of human behavior, we have been restrictive in matters of sex.

We have prized virginity and chastity, especially in women, and proclaimed that sex outside of the married state is wrong. We have reinforced this religious viewpoint at every level of secular society and the state has further established this restriction by legislative edict: non-marital and extramarital sexual intercourse between adults is prohibited under statutes covering fornication, adultery and lewd cohabitation in 48 of the 50 states and the District of Columbia (excluding only California and Tennessee), as well as the Federal Mann Act where interstate activity is involved.

This behavior, publicly condemned throughout most of our society, and forbidden by both state and federal law, is privately practiced -- not by a select minority -- but by a considerable majority of our adult population. Nonmarital coitus (fornication) is engaged in by approximately 90 percent of adult males, according to Dr. Alfred C. Kinsey and his research associates at Indiana University (Wardell . Pomeroy, Clyde E. Martin, Paul H. Gebhard), in their monumental study of U.S. sex behavior, published in two volumes, *Sexual Behavior in the Human Male* and *Sexual Behavior in the Human Female*.

Dr. Kinsey and his associates found that sexual activity varies greatly, in both form and incidence, depending upon educational and social backgrounds. Among males who go to college, some 67 percent have sexual intercourse prior to marriage; among those who receive some high-school education, but do not go further, approximately 84 percent have premarital intercourse; and among males who do not go beyond a grade school education, the accumulative incidence figure is 98 percent. Kinsey reports that in some groups among the lower social levels, it is virtually impossible to find a single male who has not had sexual intercourse by the time he reaches his mid-teens. In addition, nearly all men (about 95 percent) who have been initiated into regular coital experience in marriage, continue to engage in sexual intercourse after their marriages have been terminated by the spouse's death, by separation or divorce. They "repudiate the doctrine that intercourse should be restricted to marital relations. Nearly all ignore the legal limitation on intercourse outside of marriage. Only age finally reduces the coital activities of those individuals, and thus demonstrates that biological factors are, in the long run, more effective than man-made regulations in determining the patterns of human behavior."

Kinsey comments on the nature and number of partners that may be involved in premarital intercourse for the male: "There are males, particularly of the upper social level, who may confine their premarital intercourse to a single girl, who is often the fiancée. There are males who have some dozen or scores of partners before they marry, in some cases, lower-level males may have intercourse with several hundred or even a thousand or more girls in premarital relations. There are quite a few individuals, especially of the grade-school and high school levels, who find more interest in the pursuit and conquest, and in a variety of partners, than they do in developing long-time relations with a single girl."

Although our society places the strongest taboos upon women engaging in sexual intercourse outside of marriage, approximately 50 percent of all females have premarital coitus. Unlike the men, however, the higher educational and social level females tend to have a *higher*, rather than a lower,

percentage with nonmarital sex experiences; among women with a college education, approximately 60 percent have premarital intercourse. Postmarital sex for females, who have lost their spouses through death, or separation or divorce, follows the same general pattern as with the men -- once a woman has engaged in regular coital experience as a part of marriage, she tends to continue to engage in such experience after the marriage has ended. Significantly, with both men and women, the percentage of total sexual outlet through coitus continues to be approximately the same after the conclusion of a marriage as it was within it.

In contrast to U.S. laws forbidding nonmarital sex, Kinsey comments, in *Sexual Behavior in the Human Male*: "Premarital relations have been more or less openly accepted in most of the other civilizations of the world, in the Orient, in the Ancient World, and among most European groups apart from the AngloAmerican stocks." And in *Sexual Behavior in the Human Female*, Kinsey states: "There is no aspect of American sex law which surprises visitors from other countries as much as this legal attempt to penalize premarital activity to which both of the participating parties have consented and in which no force has been involved.... There is practically no other culture, anywhere in the world, in which all nonmarital coitus, even between adults, is considered criminal."

In England, which shares with us a common Puritan heritage, there are no specific laws prohibiting fornication or adultery. In the United States, however, 38 states have specific statutes forbidding fornication -- a single act of coitus between consenting adults. The penalties for fornication range from a \$10 fine in Rhode Island to a \$500 fine and five years in prison in South Dakota.

Arizona, Arkansas, California, Delaware, Iowa, Louisiana, Maryland, New Mexico, New York, Oklahoma, Vermont and Washington have no state statutes prohibiting fornication, but Arizona, Arkansas, Louisiana, New Mexico and Washington do have laws prohibiting lewd cohabitation -- a habitual relationship or one in which an unmarried couple lives together as man and wife. Alaska law prescribes a maximum fine of \$500 or two years' imprisonment for fornication, or both; Connecticut specifies a \$100 fine or six months in jail as a maximum penalty; North Carolina law calls for a fine and/or imprisonment, "as the court may direct"; Colorado law imposes a \$200 fine or six months' imprisonment as the maximum for the first offense, a doubling of the sentence for the second conviction, and so on.

Lewd Cohabitation

Cohabitation is defined as a habitual sexual relationship or one in which an unmarried couple lives together as man and wife. Fourteen states have specific statutes prohibiting cohabitation. It would seem logical for society to prefer sexual liaisons of a more permanent nature to the more casual, indiscriminate variety, but logic has very little to do with our sex laws and, in general, the penalties for cohabitation are more severe than for random fornication. Arizona, which has no statute prohibiting fornication, does have one against cohabitation, with a maximum sentence of three years' imprisonment; Maine, with a \$100 fine and 60-day jail sentence for fornication, has a maximum penalty of \$300 and five years for cohabitation; Massachusetts, with \$30 or 90 days for fornication, raises the sentence to a maximum of \$300 or three years for cohabitation; Arkansas, with no statute prohibiting either fornication or adultery, stipulates a penalty of \$20 to \$100 for cohabitation on the first conviction, a \$100 minimum or one-year maximum for the second conviction, and one to three years' imprisonment for the third.

Some fornication statutes actually read more like cohabitation laws, as in South Carolina, where the statute reads: "Must be habitual or parties must live together.... Not less than \$100 nor more than \$500, or imprisonment for not less than six months not more than one year, or both fine and imprisonment, at the discretion of the court."

The Alabama law against fornication also has this cohabitation aspect to it; it is written specifically to discourage a continuing relationship between the same two partners: "Not less than \$100 and may be sentenced to the county jail for not more than six months; on second conviction *with the same person*, not less than \$300 and may be imprisoned in county jail for not more than 12 months; and on third conviction *with the same person*, shall be imprisoned in penitentiary for two years." (Italics added.)

The Mann Act

In addition to the individual state statutes, there is a federal law, commonly referred to as the Mann Act, that is used to prosecute persons who engage in illicit sexual activity, where interstate travel is involved. Though officially titled the White-slave-traffic Act, and passed by Congress in 1910 for the specific purpose of curbing interstate prostitution, the law states, "Any person who shall knowingly transport or cause to be transported, or aid or assist in obtaining transportation for...any woman or girl for the purpose of prostitution or debauchery, or for any other immoral purpose...shall be deemed guilty of a felony." The federal courts have interpreted "any other immoral purpose" to include fornication -- sexual intercourse between consenting adults -- and the penalty is a maximum fine of \$5000 or five years in prison, or both; if the girl involved is under the age of 18, the potential penalty is up to \$10,000 and imprisonment for up to ten years.

The first unfortunate fellow to be convicted under the Mann Act was a Californian named Caminetti who took a female friend to Reno with him for a weekend. Alan Holmes commented on this case in an article on the subject in *Playboy* (*The Mann Act*, *Playboy*, June 1959): "Clearly, it not had been the intent of Congress to apply the Mann Act to this kind of peccadillo -- but in order to revise the law to conform to its original purpose, some brave congressman would have had to propose an amendment which would surely result in his being tagged throughout the land as an advocate of sin. A congressman that brave was not to be found at the time, and none has appeared since.

"Appellate courts have consistently ruled, therefore, that premarital intercourse comes under the heading of 'any other immoral purpose,' even though it isn't even illegal in many states -- New York for one. Thus, in that state it is not illegal to crawl into the sack with a girl, but it is a serious crime to drive her there from another state with the intention of doing so." Mr. Caminetti's weekend in Reno cost him a \$1500 fine and 18 months in prison.

In his article for *Playboy*, Holmes describes the strange workings of this law: "Let's suppose that you live New Jersey. One bright morning at the office you spot a new addition to the staff: a soft auburn hair, cute face, big wide-set eyes and a lovely pneumatic figure. It turns out that she lives in your town, too; she's 23 and a B.A. from Bennington. You move in and your expense is rewarded with a date on the following Friday for dinner and a play in Manhattan. You pick her up on the appointed night and you roll through the Lincoln Tunnel into the glittering world of midtown Gotham after dark. You stuff her with seafood coquille and *tournedos* at Le Chanteclair and get her to the theater just as the curtain rises. So far, so good. But you really have no idea how far you can get with this girl. Being basically a pessimist, you don't expect much more than a few kisses at her doorway. But as the evening progresses, so do you; the dear little thing proves far friendlier than she looks, and you end the evening in a small suite in a Gramercy Park hotel.

"Next day you discreetly describe the girl's warm and affectionate nature to your best buddy, who promptly decides that he is just as deserving as you are. He makes a date and takes her across the Hudson, too, fully expecting to follow in your fortunate footsteps. Alas, he scores a goose egg; he leaves her at her doorstep with the warm memory of a sincere-type handshake to speed him on his way.

"A serious federal offense has been committed here. By you? Not at all. By your friend, who could be dragged off to the penitentiary for five years and fined \$5000 to boot. He has violated the Mann Act, though he got nothing but a handshake for his pains. You, who enjoyed the fullest pleasure the lady had to offer, could not be booked for so much as jaywalking. You are completely in the clear....

"The 'crime' the Act condemns is not 'immorality.' It is the transportation of a woman with an immoral *intent*. Once you take her across a state line (with the lurking thought that you may score), the crime has been committed, no matter what happens next -- or doesn't happen. Your friend broke the law because he had an 'immoral' intent when he took Miss Bennington through the Lincoln Tunnel. You, not even considering the possibility of making out (until after all the transportation was over), are in the clear."

The Playboy Philosophy

Because it is *transportation* for an immoral purpose that the law forbids, a businessman was charged with a violation of the Mann Act when, after a few days' vacation in Florida, he became lonely and wired a girlfriend, with whom he had previous relations, to join him there. His wire included the cost of air transportation; she caught the next flight to Miami Beach, and they spent the rest of his vacation there together. At vacation's end, they had a quarrel, but being a gentleman he saw to it that she was returned safely home. Subsequently, on her testimony, the man was charged with and convicted of violating the Mann Act.

Because the *intent* to commit an immoral act is all that is required, the man could have been convicted of violating the Mann Act even if the girl had refused to join him in Florida. Even if he had not paid for her transportation, he could have been found guilty, because the law specifies that to "induce" or "entice" is sufficient -- thus, theoretically, the mere invitation, with the expectation of sexual intimacy, would have been enough.

Holmes notes, "If you make arrangements with a young lady to spend the night in a hotel room in another state, and you and she travel there in separate cars, at different times, you have nevertheless broken the law if you 'persuaded, induced, enticed, or coerced' her to go. (Money, incidentally, is readily recognized as a powerful 'persuader,' etc.) On the other hand, if the whole thing was her idea in the first place, there is no violation. Nor can a woman be convicted under the Mann Act for transporting *herself* across a state line, though she can be held liable for transporting another woman. There is no section in the Act which makes it a federal crime for either a man or a woman to transport a *man* across a state line for immoral purposes."

For those unfortunate enough to live in the District of Columbia, matters are worse still. In our nation's capital, you don't even have to cross a state line to violate the Act -- all you have to do transport, with the necessary immoral intent, of course. "If you are taking your girl home in a Washington taxi and the possibility of spending the night with her flits through your mind," observes Holmes, "you have just violated the Mann Act. If you walk her home, however, you're safe -- but don't get gallant and carry her into her apartment. (To be really and truly safe, you can do no better than follow the dictum of the Court of Appeals for the District of Columbia, which recently held that 'about the only place where sexual intercourse can take place without running athwart the local law is in an anchored balloon.')

The most notorious prosecution under the Mann Act was that of famous comedian Charlie Chaplin, when the government charged him with the violation for taking a cross-country train trip with a comely young "protg"; she later proved the wisdom of Congreve's 17th century adage about the fury of a woman scorned when she became the state's star witness against poor Charlie. He escaped the Mann Act charges, but she nailed him with a paternity suit, even though medical evidence, held inadmissible by the court, proved conclusively that he was not the father of her child.

A popular song of a few years back musically endorsed the pleasures of "love on a Greyhound bus." Enjoyable they may be, but if the bus crosses any state lines, you'll be wise to get out and walk.

Adultery

In our society, adultery is generally held to be a worse sin than fornication. This is reflected in our state statutes which tend to treat this behavior as a crime warranting more severe punishment.

Adultery is forbidden in the Ten Commandments, which play an important part in both the Christian and Jewish religions. It doesn't matter that the original Judaic injunction against adultery was primarily concerned with property rights (when a wife was considered her husband's possession); nor that the admonition historically applied only to women (it was not thought improper in olden times for married men to have sexual intercourse with other than their wives). The antisexualism of the Middle Ages imbued adultery with its present sexual significance and broadened its prohibition to include male and female alike (though even today society is more tolerant of the adulterous husband than wife).

Statutes forbidding fornication and adultery have no historical basis in common law -- traditionally this behavior has been dealt with by the ecclesiastical court; consistent with its origin as a violation of property, however, common law has permitted the innocent spouse to claim damages through civil action.

Fornication is easily defined as illicit sexual intercourse between two unmarried individuals, but a legal definition of adultery is not quite so simple. What distinguishes adultery from fornication? The married state of one or both of the partners in illicit coitus is the determining factor, but beyond that the definition is variously applied. Suppose a married man and a married woman were to have intercourse with a single woman and a single man; which of the four would be guilty of adultery and which of fornication? Some would hold that all four -- married and unmarried -- would be adulterous, since one member of each relationship was married; others would consider that the three of the four had committed adultery -- excluding only the single female who had intercourse with the married man; still others would say that two of the four had committed adultery, though they would not necessarily agree on which two -- some suggesting that only the pair who were married were guilty of adultery and some stating that the married woman and her lover were the adulterous ones; and still others would argue that one of the four had committed adultery -- excluding all but the married woman. Here we find a differentiation of definition dependent not only upon the marital state, but also the sex of the participants in illicit coitus -- varied viewpoints that have their origin, of course, in the fact that prohibitions of adultery originally applied only to married women.

On this confusion, Ploscowe writes, "The Roman law, which influenced much of our thinking on this question, differentiated between the illicit sexual intercourse of a married man and that of a married woman. A married man might have sexual intercourse with a single woman and not be guilty of adultery or any other crime. A married woman was guilty of adultery whenever she had sexual intercourse with a man who was not her husband, whether that man was married to someone else or was single. In such a case, both the married woman and the paramour were guilty of adultery.

"These Roman-law conceptions may be encountered in common-law views on adultery. While adultery was not generally regarded as a crime at common law, it might still be on the subject of a civil suit for damages.... If an Englishman wanted a divorce, he had to bring an action first for criminal conversation based on the adultery of his wife. Only a husband could bring such an action. A wife could not sue another woman for damages because the latter had made love to her husband. Adultery was therefore defined as common law as at Roman law; the sexual intercourse with another man's wife was adultery.

"Many of our modern criminal statutes on adultery are interpreted in the same way, making sexual intercourse with another man's wife adultery and sexual intercourse by a married man with a single woman fornication or no crime at all. The justification of this distinction between married men and married women, with respect to extramarital sexual intercourse, has come down to us from medieval times and is reiterated by modern cases. For example, in this case of *State vs. Armstrong*, the court stated: '...the gist of the crime, independently of statutory enactments, is the danger of introducing spurious heirs into a family, whereby a man might be charged with the maintenance of children not his own, and the legitimate offspring be robbed of their lawful inheritance. That an offense which may entail such consequences upon society is much more aggravated in its nature than the simple incontinence of a husband, few can doubt....' "

But Plascowe notes, "If this rationale were adequate, sexual intercourse with a married woman who was unable to bear children should not be adultery. We have been unable to find any judicial decision which makes such an exception to the adultery statute.

"The English ecclesiastical law took an entirely different approach to adultery than the Roman law.... Adultery was defined by the ecclesiastical [court] as 'the inconstancy of married persons, a sin arising out of the marriage relation,' which was equally great whether the offender was male or female...."

This view of adultery was adopted by the early American courts and has also received statutory sanction in many states. For example, in the Massachusetts case of *Commonwealth vs. Call*, the

defendant, a married man, was found guilty of having intercourse with Eliza, a single woman. Call contended that this was adultery, stating in its opinion, "Whatever...may have been the original meaning of the term adultery, it is very obvious that we have in this Commonwealth adopted the definition given to it by the ecclesiastical courts.... We hold the infidelity of the husband as well as that of the wife the highly aggravated offense constituting the crime of adultery."

This religious interpretation of the word is specifically adopted by a number of state statutes; for example, the New York Penal law reads: "Adultery is the sexual intercourse of two persons, *either* of whom is married to a third person." Under this type of statute, both the man and the woman are guilty of adultery, only if one of the parties (either one) is married.

There are other states, however, which hold husbands and wives to the same standards of sexual fidelity, but make distinctions between the guilt of the single partner in illicit intercourse and the married one. In these statutes, the single partner is deemed guilty of fornication and the married one is declared guilty of adultery.

Ploscowe adds this postscript, which helps underscore the earlier Roman definition of adultery as a crime involving married women: "At the end of 1961, it is interesting to note, the High Constitutional Court of Italy, the country's highest tribunal, upheld a provision of the penal code enacted 30 years previously, under which a wife faces up to two years in jail if found guilty of adultery.... Under the law, however, a husband cannot be punished at all for simple adultery."

But whichever definition we apply to the term, the Kinsey studies of our sexual behavior make abundantly clear that all the combined church and state prohibitions have been notably unsuccessful in suppressing adultery in America. Kinsey's statistics on extramarital sexual intercourse include only the incidences of extramarital coitus of married adults; the coital experiences of the partners in these relationships, when the partners are themselves single, appear in the studies as part of the premarital and postmarital calculations, even though this behavior is legally termed adultery by a number of the states. If these additional statistics were added to those that follow, the incidences for adultery would be, of course, much closer to those of other nonmarital intercourse.

Kinsey's research indicates that approximately 50 percent of all married males have intercourse with women other than their wives at some time while they are married. Kinsey and his associates found a higher degree of cover-up and reluctance to supply answers on questions related to extramarital sexual experience than was evidenced in other part of their studies. The 50-percent figure is therefore considered a minimum one and the real figure is probably somewhat higher. Nearly three-quarters (72 percent) of the married males in a study conducted by Terman in 1938 expressed an interest in extramarital relations, and Kinsey's extensive study revealed a "similarly high proportion" who expressed such desires. The gap between the desire for such experience and actual behavior must be viewed as the result of the strong taboos placed upon adultery in our society and on lack of opportunity.

As with premarital sex, educational and social backgrounds play an important role in determining the frequency and form of extramarital sexual activity. Married men of grade- and high-school education tend to have more extramarital coitus in the early years of marriage, but the incidence tapers off sharply with older married men; conversely, males with a college education tend to have fewer extramarital experiences in their first years of marriage, increasing the number of such relations in later years. The increasing incidence of extramarital coitus for married males with a college background can be understood as resulting from a lessening of the greater sexual inhibitions evidenced in early life by upper-level males; Kinsey is unable to offer any similar explanation for the reverse trend in lower-level married males, however.

For most men, at every social level, extramarital intercourse is usually sporadic, occurring on an occasion or two with one female, a few times with the next partner, not happening again for some months or a year or two, but then occurring several times, or every night, for a week or even for a month or more, after which the particular affair is abruptly ended. Kinsey reports, "There are extreme instances of younger males whose orgasms, achieved in extramarital relations, have averaged as many as 18 per

week for periods of as long as five years; but these are unusual cases. Lower-level males are the ones who are most likely to have more regularly distributed experience, often with some variety in females. Among males of the college level, extramarital relations are almost always infrequent, often with not more than or two or a very few partners in all of their lives, and usually with a single partner over a period of some time -- in some cases for a number of years."

In the study of the U.S. female, 26 percent admitted extramarital intercourse; among women with a college education, the incidence is somewhat higher, amounting to 29 percent. Here again, the cover-up evidenced in this portion of the studies suggests that the true percentages are somewhat higher than those reported.

For both the male and female, there are few types of sexual activity which occur more irregularly than extramarital intercourse. This, as Kinsey points out, is primarily because of limited opportunities and the fear of discovery; in addition, many married persons sharply limit their extramarital relations in order to avoid emotional involvements which might seriously endanger their marriages.

It is interesting to note that Kinsey found nearly half of the women who admitted to extramarital intercourse stated that their husbands either knew about it (40 percent) or suspected it (9 percent).

There are a variety of psychological and emotional, as well as some physical causes for extramarital intercourse in both sexes. We will not attempt, at this point, to evaluate the effect that extramarital sex may have upon a marriage relationship, though obviously the effect is far more dependent upon the attitudes of the person involved than on the sexual activity itself. The only point to be emphasized here is that these problems are personal ones and should remain the private business of the people involved; they are not the proper business of our government.

Nevertheless, 45 of the 50 states (excluding only Arkansas, California, Louisiana, New Mexico and Tennessee) have specific statutes prohibiting adultery. These laws are, in general, more severe than those for fornication, and range from a \$10 fine in Maryland to a maximum penalty of \$1000 or five years' imprisonment in Maine; Arizona, Idaho, Iowa, Massachusetts, New Hampshire, New Jersey and Wisconsin all have statutes with a maximum prison sentence of three years for conviction of adultery; in Michigan it is four years; in Connecticut, Maine, Oklahoma, South Dakota and Vermont, it is five.

Seventeen states have the same penalty for adultery as they do fornication; Florida has a \$300 or 90-day maximum for fornication and a \$500 or two-year maximum for adultery, however, and Illinois a \$200 and six-month maximum for fornication, with \$500 and one year for adultery; in Nebraska the maximum penalty for fornication is \$100 and six months, while conviction on a charge of adultery can bring imprisonment up to a year; in Wisconsin fornication may bring \$200 and six months, while adultery may be good for \$1000 and three years.

Arizona, Delaware, Iowa, Maryland, New York, Oklahoma, Vermont, and Washington have no law against fornication, but do have statutes prohibiting adultery; no state has a law against fornication, but no law for adultery, though several have laws for neither, but prohibit illegal cohabitation (Arkansas, Louisiana, New Mexico); as we commented earlier, only California and Tennessee have no statutes prohibiting any of the three.

Alaska is the only state in which the penalty for fornication (maximum of \$500 or two years for both) is greater than for adultery (maximum of \$200 or 90 days), presumably because the Alaska fornication law has some of the elements of statutes prohibiting cohabitation. Hawaii is the only state that has different adultery penalties for men and women -- \$30 to \$100 or three to 12 months or both for men; \$10 to \$30 or one to three months for women. Hawaii is a doubly unique among the states in that the greater penalty applies to the male, whereas society is generally more severe with women for such behavior (as exemplified by the two years' imprisonment for women for adultery in Italy, with no comparable penalty for men).

The Playboy Philosophy

A study of the statutes of the various states affords us only a portion of the true picture of things, of course, since many laws exist that are not actively enforced. These sex statutes are, in fact, among the least enforced and least enforceable of any in existence in these United States. During the fiscal year of July 1959 through June 1960 in New York, for example, 1700 divorces were granted in New York City on grounds of adultery, but an analysis of the Annual Report of the Police Department for the same period fails to disclose a single arrest for the crime, which is punishable in New York with a fine up to \$250 or six months in jail or both. The same evidence of adultery that is legally acceptable for the granting of a divorce is rarely then applied to a criminal prosecution for the activity.

However, *some* arrests and convictions for fornication and adultery do take place. For the year 1960, for example, the following typical municipal arrests for adultery were reported: Baltimore, two (both dismissed); Dallas, ten; Seattle, 31 (adultery and fornication). In 1959, Boston reported that two males and 17 females had been arrested and committed to a city prison for adultery; ten cases of fornication were similarly dealt with. Philadelphia reported the arrest of three adulterers.

The arbitrary and often capricious manner in which these laws are enforced constitutes a serious problem for the nation. By making the sexual behavior of the majority of adults illegal, these laws breed contempt for all law, and the fact of their being so widely unenforced induces disrespect for all law enforcement, in much the same way that Prohibition did in the Twenties. In addition, their existence permits them to be used by the unscrupulous for intimidation and blackmail.

Dr. Alfred Kinsey states, in *Sexual Behavior in the Human Female*: "The current sex laws are unenforced and are unenforceable because they are completely out of accord with the realities of human behavior, and because they attempt too much in the way of social control. Such a high proportion of the females and males in our population is involved in sexual activities which are prohibited by law of most of the states in the Union, that it is inconceivable that the present laws could be administered in any fashion that even remotely approached systematic and complete enforcement.... The consequently capricious enforcement which these laws now receive offers an opportunity for maladministration, for police and political graft, and for blackmail which is regularly imposed both by underworld groups and by the police themselves...."

Finally, these sex statutes stand as mute evidence of the extent to which we have failed to live up to the ideal of a free and separate church and state in America.

CHAPTER 16

IN OUR CONTINUING consideration of the rights of the individual in a free society, we discussed in the last installment of this editorial series (February) the extent to which a person's private sexual behavior is the subject of governmental control in America.

This nation was founded on the premise that each one of us is entitled to life, liberty and the pursuit of happiness; our democratic government was established to protect these rights and our Constitution guarantees them. Yet every state has statutes specifically designed to control the most personal, intimate acts of its citizens.

America is presumably the land of the free and the home of the brave. But our legislators, our judges and our officers of law enforcement are allowed to enter our most private inner sanctuaries -- our bedrooms -- and dictate the activity that takes place there.

We are free in a voting booth, in a stockholder's meeting, a union hall, or a house of worship, but we are not free in bed. Our democracy, which prides itself on its permissiveness in almost every area of individual endeavor, has proven intolerably restrictive in matters of sex.

Our society's repressive and suppressive antisexualism is derived from twisted theological concepts that became firmly imbedded in Christianity during the Dark Ages, several hundred years after the crucifixion of Christ, and spread and became more severe with Calvinist Puritanism after the Reformation. In the Old World, the people suffered under totalitarian church-state controls of both Catholic and Protestant origin and many of the early colonists in America came here in search of the religious freedom denied them in Europe. Our own founding fathers, well aware of the history of religious tyranny in other countries, established with the Constitution of the United States the concept of a separate church and state as the best means of assuring that both our religion and government would remain free, thus guaranteeing the freedom of the people.

Unfortunately, the seeds of religious antisexualism were already planted in the people themselves, however; in addition, through the centuries, a certain amount of ecclesiastical law had found its way into common law of Europe, and then into American law as well. As a result, not even the guarantees of the Constitution itself were enough to keep our religion and government apart.

19th Century Antisexualism

Puritan antisexualism increasingly infected both England and America and reached its climax in the 19th century. We are not suggesting that the period was noted for its purity or sexual abstinence -- quite the contrary; as always occurs, the repression merely produced an uncommon amount of perversion and sexual aberration.

We have commented previously on the extent to which Victorian England was obsessed with sex, with an excessive modesty in speech, manners and dress that only accented matters sexual (*The Playboy Philosophy* -- Part X, September 1963). The pre-Christian Celts and Saxons were a virile, vigorous, outgoing people; Britain had paid a heavy price for its religious heritage, for the traditional reserve and lack of spontaneity of the Englishman are as much a result of his Puritan past as is his taste for the sadomasochistic pleasures of the whip (flagellation is such a common accommodation of the English prostitute that revelations on the price paid for such services -- one pound per stroke -- during the Dr. Stephen Ward--Christine Keeler--Mandy Rice-Davies trial raised hardly an eyebrow among blas Britishers).

In America the antisexual bent of the 1800s was mixed with excessive sentimentality and romanticism; women were placed upon pedestals, virginity and chastity were prized most highly, and the notion that a "nice girl" might experience anything akin to sexual yearning, or take pleasure in the sex act, was unthinkable. Morton M. Hunt, author of *The Natural History of Love*, comments in his chapter for

Julian Huxley's *The Humanist Frame*: "...The 19th century -- that high-water mark of romantic and sentimental feeling -- was a time when many men were made impotent or masochistic by the prevailing love mores and many women were warped by frigidity and frustration."

It was also early in the last century that the censor first raised his ugly blue snout in America. Our founding fathers had spoken out most forcefully on the subject: In 1814 Thomas Jefferson stated that he was "mortified" to learn that the sale of a book should ever become a subject of inquiry in these United States. "Are we to have a censor whose imprimatur shall say what books may be sold and what we may buy?" Jefferson demanded. "Whose foot is to be the measure to which ours are all to be cut or stretched?"

"For the first hundred years," reports Morris L. Ernst in *The Best Is Yet*, "the United States was unafraid of sex. It was free of literary taboos, except for a remnant of blasphemy.... These men who drafted our federal Constitution and signed our Declaration of Independence bulged their cheeks with naughty giggles when reading the works of Fielding and Smollet. The plays of Congreve were presented without expurgation. And there was no substantial demand in this land for the importation of a Master of Revels who, since the days of Fielding's attack on Walpole, had been using his shears on the drama of Great Britain...."

But in the beginning of the 19th century we have what is generally accepted as the first recorded suppression of a literary work in the U.S. on the grounds of obscenity. The book was John Cleland's *Memoirs of a Woman of Pleasure*, better known by the name of its heroine, Fanny Hill. Cleland's delightful classic of ribaldry had been around for more than half a century and no one had thought to censor; Ben Franklin is reputed to have had a copy in his library. But the book was suppressed in the early 1800s, and it did not appear again in legal publication in this country for a century and a half until, in 1963, G.P. Putnam's Sons -- emboldened by the recent victories over censorship in the courts -- brought forth a new addition. Fanny's reappearance resulted in several obscenity suits which the publisher successfully defended; in the most significant, late in the year, a New York court first held the book to be obscene, then -- in as refreshing a bit of jurisprudence as we have witnessed in the Empire State in a very long while -- reversed itself, without the need for appeal to a higher court.

After the unhappy fate of Fanny at the start of the previous century, the censors went back -- for a time -- to whatever censors do when they're not censoring; in a memorable debate in the U.S. Senate in 1835, Clay, Calhoun and Webster declared that the federal government should never have anything to do with censorship; and in that same year a visitor from France, Alexis de Tocqueville, reported: "Attempts have been made by some governments to protect the morality of nations by prohibiting licentious books. In the United States no one is punished for this sort of work."

Yet in 1842 Congress passed a Tariff Act that forbade the importation of "obscene books or pictures into the United States"; and in 1865 another law passed prohibiting the transmission of objectionable materials through the mail. "But there was one saving grace in these laws," wrote Ernest Sutherland Bates. "It never occurred to anyone apparently that they should be enforced."

"And then around 1870 the lid was clamped down. Censorship was spread over the land like a prairie fire." It was imported, like the Puritans themselves, from England. As Andrew Lang expressed it; "English literature had been at least free-spoken as any other to the death of Smollett. Then in 20 years, at most, English literature became...the most respectful of the young person's blush that the world had ever known."

The growing sexual repression of a century erupted in an orgy of censorship -- led by the infamous Anthony Comstock and others of his ilk -- continuing to the end of the 1800s and into the beginning of a new century.

Comstock toiled for a number of years as an unpaid postal inspector, ferreting out the indecent, the lewd, the lascivious and the obscene in the U.S. mails in what was clearly a labor of love, before graduating to the post of secretary of, and primary spokesman for, the New York Society for the

Suppression of Vice. He was responsible for the passage of the Comstock Act, upon which H.L. Mencken reported bitterly: "The story of the passage of the Act of Congress of March 3, 1873, is a classical tale of Puritan impudence and chicanery. Ostensibly...the new laws were designed to put down traffic [in obscenity] which, of course, found no defenders -- but Comstock had so drawn them that their actual sweep was vastly wider, and once he was firmly in the saddle, his enterprises scarcely knew limits. Having disposed of *The Confessions of Maria Monk* and *Night Life in Paris*, he turned to Rabelais and the *Decameron*, and having driven these agents under the book counters, he pounced upon Zola, Balzac and Daudet, and having disposed of these, too, he began a pogrom which, in other hands, eventually brought down such astounding victims as Thomas Hardy's *Jude the Obscure*.

"In carrying on this war of extermination upon all ideas that violated their private notions of virtue and decorum, Comstock and his followers were very greatly aided by the vagueness of the law. It prohibited the use of the mails for transporting all matter of 'obscene, lewd, lascivious...or filthy' character, but conveniently failed to define these adjectives. As a result...it was possible to bring an accusation against practically any publication that aroused the Comstockian blood-lust."

Heywood Broun remarked, "Anthony Comstock may have been entirely correct in his assumption that the division of living creatures into male and female was a vulgar mistake, but a conspiracy of silence about the matter will hardly alter the facts."

Not until the Twenties was there any noticeable tendency toward a thaw in this chilling climate of censorship, and it was not until the most recent years that American maturity and the U.S. courts reached the point where we can once again contemplate the possibility of the free press assured us by our founding fathers.

Contemporary Antisexualism

Our fear of sex has been sufficient, as we have illustrated in considerable detail in early installments of the *Philosophy*, to rationalize the abridgement of our Constitutionally guaranteed freedoms of both speech and press. Sex has also served as a justification for curtailing academic freedom -- and the mere expression of an unpopular opinion on the subject can still cause the dismissal of a college professor (as it did at the University of Illinois in 1960); or a too realistic, though award-laden, drama by Eugene O'Neill may bring down the wrath of a university president and prompt the registration of the head and staff of an entire drama department (as occurred at Baylor in 1963).

Discussing, describing or graphically depicting sex too explicitly, or with an improper moral point of view, is still prohibited throughout much of these supposedly free United States. Why? Because it may lead to like behavior. And that it is the greatest fear of all: that sex may be indulged in freely, without the burden of guilt and shame placed upon it by our ignorant, superstitious, fear-ridden ancestors in the Middle Ages.

Never mind that the contemporary psychiatrist knows, and will gladly tell any who care to listen, that books, and pictures, and pamphlets and papers that deal openly and honestly with sex have little or no effect upon human behavior and whatever effect they do have is healthful, rather than injurious, to society; never mind that the science of psychiatry has revealed that it is the repression of the natural sex instinct, and the association of sex with guilt and shame, that cause the hurt to humankind -- producing frigidity, impotence, masochism, sadism, homosexuality and all manner of sexual perversions, social and psychological ills, neuroses and psychoses; never mind that all of history documents the utter impossibility of curbing the normal sex drive, of keeping the male and female free from this sin on the flesh; never mind that modern research into sex behavior has revealed that America's own Puritan attempts at sexual suppression have failed to halt or seriously hinder the "immoral" sex conduct on the majority of our adult population and resulted in nought but frustration, aberration, agony and heartache; never mind that any effort to regulate or control the private sexual morality of the adult citizens of the United States is contrary to the principle of individual freedom that is the very foundation of our democracy, and is in conflict with the most basic guarantees of our Constitution and Bill of Rights.

Never mind -- for such arguments are based upon reason. And there is nothing reasoned or rational about our society's attitude toward sex. It is based, instead, upon irrational conglomeration of prejudice, superstition, fear, faith, mysticism and marlarkey.

Sex, Religion and the State

The contemporary Judaeo-Christian concept of sexual morality stems -- as we have indicated in some detail in the previous issues (*The Playboy Philosophy*, August and September, 1963) -- less from original Judaic law or the teaching of Christ than from the extreme antisexualism of the medieval Church, which viewed all sex, both in and out of marriage, and even marriage itself, with extreme distaste; and Calvinist Puritanism, which extended the antagonism toward sexual pleasure to include all pleasure in general.

Both the medieval Church and Calvin's Puritanism ruled their respective European societies with an iron hand, through the ecclesiastical courts and control over the secular governments as well; both demanded obedience of church law -- both tortured, imprisoned and executed heretics.

The Church of the Middle Ages established penitential laws regulating every aspect of sexual life, including not only fornication and adultery, but masturbation and even involuntary nocturnal emissions; the Church also decreed the days of the week and the weeks of the year in which it was permissible for the market to indulge in coitus, as well as delineating the sexual techniques to be used between man and wife in order to remain free from sin; the sexual act was permissible within marriage only and for the single purpose of begetting children -- the pleasures of sex were supposed to be kept to a minimum by the pious and it was the pleasure attendant with the act, even more than the act itself, that was thought to be sinful; women were held in extremely low esteem and a number of religious leaders of the period denounced them as the principle source of sin and the cause of man's fall from the grace of God (it was in this time that the Biblical story of Adam and Eve in the Garden of Eden was given its sexual interpretation, with Eve cast in the role of the temptress -- although Christian authorities of every denomination agree that the "Original Sin" was *pride*, and there is no evidence in either the Bible or in any respected theological interpretation of the Scriptures to justify the idea, still held by many, that the sin was sexual).

John Calvin and his Puritan followers accepted sex *within marriage* as essentially good and opposed the celibacy of the priesthood, but Calvin warned against any "indelicacy" in sexual relations and exhorted the married to "restrain themselves from all immodest lasciviousness and impropriety."

He considered it an "inexcusable effrontery" for a wife to touch that part of her husband's body "from the sight and touch of which all chaste women naturally recoil." Puritanism was an essentially joyless religion -- in sex and in all other aspects of daily life. And sex outside the bonds of marriage was damned as the worst of all possible sins. William Graham Cole, Ph.D. and noted member of the ministry of the Presbyterian Church, previously assistant professor of religion of Smith College and presently President of Lake Forest (Illinois) College, states in his book, *Sex in Christianity and Psychoanalysis*, "Calvin...could not believe that God would under any circumstances fail to vent His anger against fornication, and he extended the sense of the Seventh Commandment to cover that as well as the other forms of sexual vice...."

"Sodomy Calvin regarded as a particularly heinous crime, since not even the beasts, he said [quite incorrectly], are guilty of such a perversion of nature. Calvin had clearly no experience with the sexual behavior of animals. Bestiality, sexual relations with a member of another species, is another sin repugnant to the modesty of nature itself, and the law very properly [in Calvin's view] prescribes the death penalty...." Dr. Cole states that Calvin also "spoke with approval of the severe punishment meted out by Hebrew Law [for] sexual intercourse during menstruation."

The person was punished by exile, and Calvin felt the punishment fit the crime, for he regarded any guilty of this as downright degenerate...." In Geneva, Calvin attempted, unsuccessfully, to impose the

death penalty for adultery, but later, in England, under Puritan rule, adultery was made a capital offense punishable by hanging, and some citizens actually were hung for the crime.

It is not our intention to dwell upon the irrational aspects of such religious doctrine; in a free society, each religion should be free to teach whatever it pleases, rational or not, and each individual free to either accept or reject the belief. What concerns us here is the extent to which this antisexualism has been projected into secular society and has even found its way into the laws that govern our land.

In the last installment of this editorial series we examined the extent to which religious beliefs on sex are reflected in our laws governing marriage and divorce. Marriage, in our society, is a church-state license to engage in sex and almost all sexual activity outside of marriage is prohibited by statutes on fornication, adultery and cohabitation in most of the 50 states.

We oppose these laws -- not as an endorsement of either premarital or extramarital sex -- but in the firm belief that such personal conduct should be left to the private determination of the individual and is not rightly the business of government in our democracy. This belief is shared by a great many legal and religious leaders in America, who have been among the most outspoken in the current criticism of our archaic sex statutes.

The legal view was expressed by the American Law Institute, when it authorized a Model Penal Code for sex in 1955 recommending that all consensual relations between adults in private should be excluded from the criminal law, since "no harm to the secular interests of the community is involved in atypical sex practice in private between consenting adult partners and there is a fundamental question of the protection to which every individual is entitled against state interference in his personal affairs when he is not hurting others."

The religious view is expressed by Father James Jones of the Episcopal Church, who has observed that when personal sexual behavior is governed by the state, it is less likely to effectively change the behavior than to make it hidden or secretive, thereby making more difficult the task of religion in dealing with the moral issues involved.

The religious view is confirmed by the facts: Although 37 of the 50 states have laws against fornication and 45 have statutes prohibiting adultery, Dr. Alfred Kinsey and associates, in their monumental study of U.S. sex behavior, published in *Sexual Behavior in the Human Male* and *Sexual Behavior in the Human Female*, found that the majority of adult men and women in America admitted to having sexual intercourse outside of marriage. Kinsey's studies established that the sexual experience of adult Americans varies widely -- depending upon social and educational background, with 67 percent of the males with some college education, 84 percent of those who attended high school but did not go on to college, and 98 percent of men with only a grade-school education, having engaged in premarital sexual intercourse; approximately 50 percent of all females have coitus prior to marriage and, unlike the statistics for males, this figure increases for women of higher education, with some 60 percent of the females with a college education having had intercourse before marriage.

Although both the social taboos and the statutes are far stricter regarding adultery. Kinsey estimates -- taking into account the high degree of cover-up he found among men in this portion of his study -- approximately 50 percent of all married males have sexual intercourse with women other than their wives at some time during their marriage. In Kinsey's study of U.S. females, 26 percent of all married women admitted having engaged in extramarital intercourse; the females with a higher educational background showed a slightly higher incidence, with 29 percent of the wives with some college education admitting to extramarital sex. Here again, as with the married males, Kinsey found a considerable hesitancy on the part of the wives to divulge the facts related to marital infidelity -- a problem not experienced by the researchers in those portions of the survey dealing with premarital sex, suggesting that the true percentages for extramarital sex among women are somewhat higher.

Using only the minimal estimates supplied by Kinsey and his staff, however, it is safe to say that one out of every two U.S. husbands, and something more than one out of every four wives, will engage in

extramarital intercourse at some time during their marriages; in addition, nearly all of the males and one half of the females have premarital intercourse. Quite obviously the U.S. laws prohibiting fornication and adultery are having little effect upon the behavior of a sizable portion of our society.

Crimes Against Nature

It is in our laws against sodomy, or what some states refer to as "the abominable and detestable crime against nature," that our religiously generated aversion to sex proves most pronounced. Sodomy historically and medically refers to anal intercourse, or buggery, but the statutes on sodomy include all manner of sexual activity conceived by someone, somewhere, at one time or another, to be "unnatural"; and this means, of course, in this sexually repressed society, almost every variety of sexual activity other than "natural" coitus. Sodomy laws thus cover, in one state or another, not only buggery, but fellatio (oral-genital contact with the male), cunnilingus (oral-genital contact with the female), homosexual behavior, bestiality (sex contact with animals), necrophilia (sexual contact with the dead), and in two states, even mutual masturbation. The very concept of "natural" and "unnatural" sex is, of course, a religious-moral one. Among all of these "crimes against nature", only necrophilia is relatively rare and a certain symptom of a serious psychosexual disorder. We will offer no personal moral judgments on the rest of this behavior now -- reserving the expression of our own concept of a rational sexual morality for a later installment of this editorial series -- but the psychiatrist, without making any moral determination on the subject would consider almost all of this activity normal (and, therefore, "natural"); and Kinsey found a far greater frequency for most of it than was previously assumed.

Forty-nine of the fifty states and the District of Columbia have sodomy statutes and they include some of the most emotion-tinged language to be found anywhere in the law. The Michigan statute, which states, "Any person who shall commit the abominable and detestable crime against nature, either with mankind or with any animal, shall be guilty of a felony," is typical; the phrase "abominable and detestable crime against nature" appears with such regularity in the sodomy statutes that it has the effect of being an alternate title for the offense, and Rhode Island actually lists the crime under that heading; in Utah, Arizona and Nevada, it is also referred to as the "infamous crime against nature."

The "abominable and detestable" phrase also becomes, in some instances, the sole description of the offenses prohibited under the law. Some of the legislators responsible for initiating and passing the statutes were apparently so embarrassed by the whole business that they offered no further clue to the nature of the crime, except to state that it was illegal if perpetrated "with mankind or animal."

The noted 18th century jurist Sir William Blackstone author of *Commentaries*, which are still fundamental in any study of English or U.S. law, reflects the irrational emotionalism associated with these statutes when he writes: "I will not act so disagreeable a part, to my readers as well as to myself, is to dwell any longer upon a subject, the very mention of which is a disgrace to human nature. It will be more eligible to imitate in this respect the delicacy of our English law which treats it, in its very indictments, as a crime not fit to be named.... Which leads us to add a word concerning its punishment. This the voice of nature and of reason, and the express law of God determined to be capital, of which we have a signal instance, long before the Jewish dispensation, by the destruction of two cities by fire from Heaven; so that this is a universal, not merely a provincial precept; and our ancient law in some degree imitated this punishment, by commanding such miscreants to be burned to death; though Fleta says they should be buried alive; either of which punishments was indifferently used for this crime against the ancient Goths. But now the general punishment of all felonies is the same, namely, by hanging; and this offense (being in time of popery only subject to ecclesiastical censures) was made a felony without benefit of clergy...."

The U.S. courts have displayed a similar distaste in dealing with the subject. Thus the judge, in *State vs. Whitmarsh*, commented, "We regret that the importance of this question [whether or not oral-genital contact should be considered a crime against nature] renders it necessary to soil the pages of our reports with a discussion of a subject so loathsome and disgusting as the one confronting us."

Former Judge Morris Ploscowe, of the New York Magistrate's Court, now Adjunct Associate Professor of Law at New York University, states in *Sex and the Law*: "Ever since Lord Coke's time, the attitude of judges has been that sodomy is 'a detestable and abominable sin among Christians not to be named.' The result of this attitude is a sharp departure from the usual rules of criminal pleading. It is one of the basic canons of criminal procedure that a defendant is entitled to know the particulars of a crime charged against him, so that he can adequately prepare his defense. If the indictment is not sufficiently specific, the defendant has a right to demand a bill of particulars. But when a man is charged with sodomy or a crime against nature, an indictment in the language of the statute is enough. It is enough that the indictment alleges that a particular time and place the defendant committed a 'crime against nature' with a specific person. The defendant need not be informed of the particular sexual perversion which is charged against him. As the Court put in the case of *Honselman vs. People*:

"It was never the practice to describe the particular manner of the details of the commission of the crime, but the offense was treated in the indictment as the abominable crime not fit to be named among Christians. The existence of such an offense is a disgrace to human nature. The legislature has not seen fit to define it further than by the general term, and the records of the courts need not to be defiled with the details of different acts which may go to constitute it. A statement of the offense in the language of the statute is all that is required."

Heterosexual Sodomy

Although English common law, from which our own statutes on the subject are derived, defined and prohibited only buggery with mankind or beast as "the crime against nature," carrying the penalty of death, a majority of the present-day U.S. statutes include both oral and anal intercourse under sodomy.

Moreover, none of the statutes in any of the 49 states make any distinction between heterosexual and homosexual sodomy -- both are prohibited under the law; and what is even less clearly recognized is that *none* of the U.S. statutes make any distinction between the married and the unmarried. Our government thus specifies, quite literally, where a husband and wife may, or may not, kiss one another; and the manner in which the sex act may be initiated and carried out in the marriage bed without becoming illegal.

Modern insights into human behavior have radically changed society's views on the subject of perversion, of course, and what was considered "unnatural" in sex is now recognized as perfectly normal, and in many instances, desirable. A majority of our contemporary marriage manuals, courses in sex education, and counselors on the problems of sex and family, stress a natural freedom in the love play that accompanies marital coitus; both husband and wife are informed that the intimate preliminaries of sex can be important in achieving the full satisfaction of both partners; every part of the loved one should be dear, and free from shame, and the sexual foreplay may quite properly include kisses and caresses wherever desired; no act of intimacy that brings pleasure to members of the mating should be considered improper or taboo.

This quote from *Sexual Harmony in Marriage* by Oliver M. Butterfield, Ph.D., a book reportedly given by some members of the Presbyterian clergy to young couples about to be married, is typical: "Any position is proper which permits full satisfaction for both parties. All parts of the body are proper for use if they can be made to contribute to the general goal without giving offense to the taste or feelings of either partner, and if either partner is harmed thereby."

Dr. Albert Ellis states, in an article published in *Marriage and Family Living*: "The only sexual 'perversion' is a fetish or rigidity which convinces an individual that he or she can only have satisfactory sex relations in one method or position. The great majority of sexual perverts in this country are not sadists, homosexuals, exhibitionists, or similar deviates, but 'normal' married individuals who only enjoy one method of coitus...because they are afraid or ashamed to try the dozens of other sexual variations that are easily available to them."

The Playboy Philosophy

In offering such psychologically sound advice, the marriage manuals, educators and counselors of America are actually inviting husbands and wives to commit criminal acts in their bedrooms -- acts that are prohibited by law almost everywhere in the United States, with lengthy prison sentences prescribed to the guilty.

Since the relations between a man and his wife are most often kept private, relatively few instances of such behavior come to public attention. Kinsey reports, in *Sexual Behavior in the Human Male*, however, "While the laws are more commonly enforced in regard to such relations outside of marriage, there are instances of spouses whose oral activities became known to their children, and through them to the neighborhood, and ultimately led to prosecution and penal sentences for both husband and wife...."

More often this behavior comes to light as the result of a divorce action, although Ploscowe comments that it has been customary for the courts to view such charges with skepticism when they are a part of a suit for divorce, since they are inherently unprovable and rest solely upon the assertion of the party seeking to end the marriage. Sometimes the behavior comes to light through charges lodged by an unwilling partner in oral or anal sex, because the act was allegedly performed under duress.

Kinsey states in his second volume, *Sexual Behavior in the Human Female*, "We have cases of persons who were convicted because one of the spouses objected, or because some other person became aware that oral and anal play had been included in the marital activities." Kinsey observes that there have been relatively few actual convictions of husbands or wives under U.S. sodomy laws, but adds, "As long as they remain on the books, they are subject to capricious enforcement and become tools for blackmailers. In those states where the definition of cruelty as one of the grounds for divorce includes 'personal indignities' or 'mental cruelty,' divorce cases involving either the husband's or the wife's desires or demands for the use of oral techniques are not infrequent."

For the unmarried, the chances of discovery and possible prosecution are obviously greater. Completion of the act to orgasm, with either the male or female, is not required to be guilty of the offense -- the act itself is sufficient; in some states, a conviction may be based upon circumstantial evidence, or simply upon an *attempt* to commit the act: Alabama's statute on the "crime against nature" states, "An offense may be proven under this section...by circumstantial evidence, when positive proof is wanting.... A conviction may be had for an attempt to commit an offense denounced by this section." In some states the mere suggestion of solicitation to engage in such behavior is a crime. Kinsey reports, "One case even goes so far as to uphold the conviction of a man for soliciting his wife to commit sodomy."

Considering the obvious abhorrence with which both the legislative and the judicial branches of our government have dealt with the subject, and the prohibitive penalties prescribed for the assorted nonprocreative acts collected together under the sodomy and "crime-against-nature" statutes (the most severe of any of our laws dealing with sexual activity between consenting adults), it is especially interesting -- and significant -- to consider how prevalent at least some of this behavior is in our society.

Dr. Kinsey and his researchers found relatively little evidence of heterosexual anal intercourse, either within or outside of marriage, and neither of their first books include any statistics on this behavior. Kinsey did find marked differences in the anal eroticism reported by his subjects, however, and some of the females described sexual responses to anal intercourse that were closely akin to those achieved through vaginal coitus. More current research prompts the Sex Institute to estimate that approximately four percent of the adult male population has attempted, and three percent successfully accomplished, anal heterosexual intercourse; these statistics are a preliminary study, however, and no educational breakdown is presently available; consistent with Kinsey's previous findings, it is to be assumed that the percentage among upper-level, college-educated males will be somewhat higher than this overall average. A number of experts in sexual behavior, including Dr. Lawrence Z. Freedman, of the Department of Psychiatry at the University of Chicago, consider these percentages to be low; Dr. Freedman states, "My impression is that both female homosexual experience and male anality are probably underestimated in these [Kinsey's and his Sex Institute's] figures."

In contrast to anal intercourse, however, Kinsey found oral-genital sex -- also considered a "crime against nature" in most states -- quite common among males and females, married and unmarried.

Kinsey reports, "Mouth-genital contacts of some sort, with the subject as either the active or the passive member in the relationship, occur at some time in the histories of nearly 60 percent of all males"; in an Accumulative Incidence table for Oral Contacts in *Sexual Behavior in the Human Male*, by which is meant the sexual experience of the subject up to the time of the interview, Kinsey found that 18.4 percent of the male had premarital heterosexual oral-genital relations of an "active" nature (cunnilingus, performed by the male on the female) and 38.6 percent had "passive" mouth-genital relations prior to marriage (fellatio, performed on the male by the female); however, the American husband apparently believes it is better to give than to receive, or is less sexually repressed than his spouse, as approximately 45.3 percent of the married males engage in cunnilingus with their wives, while 42.7 percent experience fellatio.

As with most sexual activity, educational background plays an important role in determining the extent of oral-genital activity that accompanies the sex act, with cunnilingus and fellatio far more common among upper-educated males than among their less-educated brothers. Among those males who have never gone beyond eighth grade in school, the accumulative incidence for mouth-genital contacts of any kind is 40 percent; for those males with an education limited to high school, the incidence is 65 percent; and for those with some college, the percentages rise to 72.

Fifteen percent of all U.S. females have some mouth-genital contact prior to marriage and, as might be expected, Kinsey found a high correlation between such activity prior to marriage and the extent of premarital intercourse engaged in by his female subjects: Among the younger women in the study who had not engaged in premarital coitus, "only three percent had allowed the male to touch their genitalia orally.... But among those females who had had some, even though not extensive coital experience, 46 percent had accepted such contacts...."

Oral stimulation of the male by the female follows the same general pattern, though the incidence is slightly lower. On this Kinsey comments, "Often the female makes such contacts only because she is urged to do so by the male, but there are a few females who initiate such activity and some who may be much aroused by it. A few may even reach orgasm as they stimulate the male orally. This greater inclination of the human male toward oral activity is duplicated among other species of mammals. Contrary to our earlier thinking, we now understand that there are basic psychologic differences between the sexes; and although cultural traditions may also be involved, the differences in oral behavior may depend primarily on the greater capacity of the male to be stimulated psychologically."

Among married women, approximately 50 percent have some mouth-genital contact, either active or passive, with their husbands; Kinsey's report on the *Female* does not include any classification by educational background, but it is to be assumed that the pattern already established would hold true and that females with a higher education would also display a markedly higher incidence of both premarital and marital activity of an oral-genital nature.

One of Kinsey's most interesting findings related to oral eroticism has to do with the date of birth of his subjects -- a comparison of the incidence of this activity among both the males and females of the present and previous generations. Quite clearly the public attitude toward such behavior has changed radically during the past 50 years and what was once considered "perversion" is now recognized and accepted throughout much of our society as both natural and good; such a lessening of the taboos connected with this sexual activity might be expected to produce a noticeable increase in the activity itself.

In addition, the antisexual might argue that the prevalence of such "sophisticated" nonreproductive variations on the sexual theme offers evidence of a sexually jaded society that requires such "abnormal" psychosexual stimulation, because the unnatural contemporary obsession with the subject has dulled our capacity to appreciate sex and be aroused by it in its simpler forms.

It is significant to note, therefore, that in the accumulative-incidence tables in both the *Male* and *Female* studies, the oral-genital activity is relatively the same for the past and present generations. Society's publicly proclaimed attitude on the subject has undergone a dramatic change, but the actual private behavior of the individual has remained almost constant. There were, as we have pointed out, significant variations based upon educational background, but for both male and females of similar education in this and the previous generations, born in each decade back to 1900, Kinsey comments, "There were surprisingly few differences...."

This fact is important, we feel, both in establishing the essential naturalness of the behavior itself and in pointing out how relatively ineffective social and legal taboos are in suppressing natural sexuality.

Homosexual Sodomy

The same oral and anal techniques may be used to introduce variety and additional pleasure into a heterosexual relationship are the primary means of sexual gratification in homosexual associations.

As we have already stated, none of the U.S. statutes dealing with sodomy and/or "the abominable and detestable crime against nature" make any distinction between the heterosexual or homosexual practice of such activities. In the enforcement of laws, however, a disproportionately high percent of sodomy arrests and convictions involve homosexual contacts -- presumably because a heterosexual cop and a heterosexual judge find a homosexual crime against nature a good deal more "abominable and detestable" than a heterosexual one.

We confess to a strong personal prejudice in favor of the boy-girl variety of sex, but our belief in a free, rational and humane society demands a tolerance of those whose sexual inclinations are different from our own -- so long as their activity is limited to consenting adults in private and does not involve either minors or the use of any kind of coercion. Lenny Bruce expressed our viewpoint with typical satiric bite and insight when he said: "I'm not prejudiced against homosexuals, but I wouldn't want my brother to marry one."

Actually, we Americans are -- as a nation -- more intolerant of homosexuality than almost any other country in the world; Dr. Alfred Kinsey states, in *Sexual Behavior in the Human Female*: "There appears to be no other major culture in the world in which public opinion and the statute law so severely penalize homosexual relationships as they do in the United States today." You can call an American male a scoundrel and a thief with less chance of eliciting an emotional response than if you simply question his manhood.

The American male's concern over his masculinity amounts to an obsession. And as we have observed on our consideration of the history of antisex in our culture, such an obsession usually represents a repressed fear. We will explore a bit later, in some detail, the degree to which this fear for our manhood is justified in contemporary U.S. society: We will attempt to trace the trends in our society that are responsible for this drift toward the asexual; and we will point out the extent to which the censor and the prude concentrate their most vigorous attacks on the heterosexual aspects of our culture, leaving the asexual, homosexual, sadomasochistic and fetishtic to flourish.

Quite obviously, however, any attempts society may make to legislate homosexuality out of existence are doomed to certain failure and are actually more inclined to perpetuate and encourage sexual deviation than diminish it.

To whatever extent homosexuality -- an erotic attraction to members of the same sex rather than the opposite sex -- represents an emotional disorder, it must be dealt with psychiatrically; you do not successfully treat a neurosis by passing a law against its symptoms. In addition, homosexual behavior is not necessarily symptomatic of any emotional aberration; far too great a percentage of our adult population have engaged in some form of homosexual activity at some time in their lives to permit it to be scientifically defined as abnormal.

Kinsey points out that homosexual contacts occur frequently in all other species of animal life and except for the strong cultural taboos affixed to such behavior, the incidence would presumably be equally high among human beings. Kinsey states that a perfectly normal man or woman may be erotically attracted to, or aroused by, a member of the same sex; and prolonged separation from the opposite sex (as in prison or some assignments in the armed services) may significantly increase these homosexual responses. Judge Morris Ploscowe states, in *Sex and the Law*: "Whenever men are isolated from women, or women from men, from any length of time, homosexual relationships and activity inevitably develop."

The individual whose homosexual activity becomes known is apt to find himself an outcast in much of our heterosexual society and he is forced into a nether world inhabited almost exclusively by homosexuals; it thus becomes increasingly unlikely that he will find his way back to a predominantly heterosexual life. In this way, we unwittingly support a system calculated to maximize the spread of homosexuality rather than reduce its incidence, at the same time linking the behavior with feelings of guilt and shame conducive to emotional conflict, anxiety and perhaps serious psychological disorientation.

Kinsey makes this further appeal to reason regarding our attitude on the subject: "Condemnations of homosexual as well as some other types of sexual activity are based on the argument that they do not serve the prime function of sex, which is interpreted to be procreation, and in that sense represent a perversion of what is taken to be 'normal' sexual behavior. It is contended that the general spread of homosexuality would threaten the existence of the human species, and that the integrity of the home and of the social organization could not be maintained if homosexual activity were not condemned by moral codes and public opinion and made punishable under the statute law. The argument ignores the fact that the existent mammalian species have managed to survive in spite of their widespread homosexual activity, and that sexual relations between males seem to be widespread in certain cultures (for instance, Moslem and Buddhist cultures) which are more seriously concerned with problems of overpopulation than they are with any threat of underpopulation. Interestingly enough, these are also cultures in which the institution of the family is very strong."

The general condemnation of homosexual relationships originated in Jewish history in about the Seventh century B.C., as a part of the extensive antisexualism that permeated Judaism after the Babylonian exile. Kinsey comments, "Both mouth-genital contacts and homosexual activities had previously been associated with the Jewish religious service, as they had been with the religious services of most of the other peoples of that part of Asia, and just as they have been in other cultures elsewhere in the world. In the wave of nationalism which was then developing among the Jewish people, there was an attempt to disidentify themselves with their neighbors by breaking with many of the customs which they had previously shared with them. Many of the Talmudic condemnations were based on the fact that such activities represented the way of the Canaanite, the way of Chaldean, the way of the pagan, and they were originally condemned as a form of idolatry rather than a sexual crime. Throughout the Middle Ages homosexuality was associated with heresy. The reform in the custom (the mores) soon, however, became a matter of morals, and finally a question for action under criminal law.

"Jewish sex codes were brought over into Christian codes by the early adherents of the Church, including St. Paul, who had been raised in the Jewish tradition on matters of sex. The Catholic sex code is an almost precise continuation of the more ancient Jewish code. For centuries in medieval Europe, the ecclesiastical law dominated on all questions of morals and subsequently became the basis for the English common law, the statute laws of England, and the laws of the various states of the United States. This accounts for the considerable conformity between the Talmudic and Catholic codes and the present-day statute law on sex, including the laws on homosexual activity."

We share a common Judaeo-Christian heritage with Europe, but American Puritanism has carried this country well beyond the antisexualism still to be found in the Old World. In much of the U.S., the legal penalties for sodomy are surpassed only by those for kidnapping, murder, and rape.

And yet, despite the severest sort of social and statutory prohibitions, Dr. Kinsey and his research associates of Indiana University found a remarkably high percentage of both American men and women who admitted to have had some homosexual contacts. On the opening page of the chapter titled

"Homosexual Outlet," in *Sexual Behavior in the Human Male*, Kinsey states: "A considerable portion of the population, perhaps the major portion of the male population, has at least some homosexual experience between adolescence and old age. In addition, about 60 percent of the preadolescent boys engage in homosexual activities, and there is an additional group of adult males who avoid overt contacts but who are quite aware of their potentialities for reacting to other males."

The data in this study indicate that a minimum of 37 percent of the total male population have had overt homosexual experience to the point of orgasm after puberty and prior to the age of 45. Among the males, approximately 30 percent have been brought to climax at least once through mouth-genital contact with other males; and 14 percent have brought other males to climax in the same manner.

When the sampling is limited to those men who remain single until the age of 35, half (50 percent) have had overt homosexual contact resulting in orgasm since puberty; when educational level is taken into consideration for this same group of single males, 58 percent of those who went to high school but not beyond, 50 percent of grade-school level, and 47 percent of the college level have had homosexual experience to the point of orgasm after the onset of adolescence.

Specific statistics on anal intercourse in homosexual experiences are not available, although Kinsey does indicate that anal intercourse is reported by 17 percent of the preadolescent boy who had engaged in homosexual activity of any sort. In general Kinsey tends to minimize anal eroticism in homosexual relationships, just as he has in heterosexual ones, and it does appear that oral-genital techniques are far more common in both.

The erotic techniques initially utilized by females in homosexual relations may often include a little more than "simple lip kissing and generalized body contacts." Ultimately, however, with females of increased homosexual experience, a more intimate fondling of the partner, with manual manipulation of the breasts and genitalia becomes almost universal (95 to 98 percent); and more specific oral stimulation of the breasts (in 85 percent) and genitalia (in 78 percent) becomes a common technique.

The male and female differ markedly in the number of homosexual partners with whom they are typically involved: In Kinsey's sample of single women, a high proportion (51 percent) of those with any homosexual experience had had their relations with but a single partner, up to the time at which they contributed their histories to the study; another 20 percent had had relations with two partners; only 29 percent had had homosexual relations with three or more partners; and only 3 percent had had between ten and 20. In contrast, a high proportion of the males with homosexual experience had had relations with several different partners; 22 percent had had more than ten partners, including 8 percent with over 100. Kinsey originally believed that these differences in promiscuity were due primarily to environmental considerations, but by the time he was ready to publish his second volume his research had led him to the conclusion that the differences in male and female promiscuity -- whether homosexual or heterosexual -- are primarily the product of varying degrees of psychosexual responsiveness in the two sexes.

For any oldsters who may find these statistics shocking evidence of the immorality of the modern generation, it must be reported that -- as with the data on similar heterosexual nonreproductive techniques -- males and females born before 1900 (and in each decade since) evidence almost identical percentages for homosexual activity. Grandma and grandpa would have been shocked beyond words by any open discussion of the subject, but their actual sexual behavior was little different from our own today.

Quite obviously, Kinsey's statistics do not represent the number of "homosexuals" in society, as we usually understand and use the term, but the amount of "homosexual experience." The great majority of the men and women who have had such experiences are primarily heterosexual in their behavior and the most significant point to be understood from this data is that almost all us have, within ourselves, the capacity to respond to both heterosexual and homosexual stimuli.

On this point, Kinsey states, "It would encourage clearer thinking on these matters if persons were not characterized as heterosexual or homosexual, but as individuals who have had certain amounts of heterosexual experience and certain amounts of homosexual experience. Instead of using these terms as substantives which stand for persons, or even as adjectives to describe persons, they may be better used to describe the nature of the overt sexual relations, or of the stimuli to which an individual erotically responds."

This point is best illustrated by the following facts: While 37 percent of the total male population -- or nearly two males out of every five -- have at least some overt homosexual experience to the point of orgasm between adolescence and old age, only 25 percent of the male population have had more than incidental homosexual experience or reactions over at least a three-year period between the ages of 16 and 55; only 18 percent have at least as much homosexual as heterosexual experience in their histories for at least a three-year period between the same ages; 10 percent are more or less exclusively homosexual for at least a three-year period; 8 percent are exclusively homosexual for three years; and only 4 percent are *exclusively homosexual throughout their lives*.

But related to the subject presently under discussion, we remember that it is not *being* "homosexual" that is illegal in almost all of the 50 states, it is the single "homosexual experience" -- of the sort engaged in, at one time or another, by nearly two out of every five adult males in society -- that is a crime. In most states, it is a crime punishable by a lengthy prison sentence.

Our moral and legal condemnations of homosexual activity do not apply equally to both men and women, being uncommon severe in dealing with male homosexuality and generally ignoring like behavior in the female. This is consistent with our religious tradition, which was historically placed much emphasis on male homosexual activity and had little to say about female homosexuality. The ancient Hittite code condemned men for homosexual behavior, but only under certain specified circumstances, and made no mention of women; similarly, the references to homosexuality in the Bible and Talmud apply primarily to the male.

This seeming inconsistency is probably partially explained by the fact that women were considered socially less important in earlier cultures and their private activities were more or less ignored when not involving men; in addition, the special prohibition against male homosexual behavior is consistent with the Catholic emphasis on the wasting of the male seed as a sin. In medieval European history there are abundant records of death penalties imposed upon males for sexual contact with other males, but very few recorded cases of similar action against females.

In modern English and other European law, the statutes have continued to apply only to men (there are specific statutes against female homosexuality only in Austria, Greece, Finland and Switzerland); but in American law, the phrasing of most of the statutes would make them applicable to both female and male homosexual activity: The prohibitions usually refer to "all persons," "any persons," or "any human being," without distinction as to sex. The enforcement of these laws is, however, quite another matter; a study of U.S. court records reveals that almost no women have ever been prosecuted or convicted for homosexuality, while the prosecution and conviction of men for homosexual activity has been extensive.

Only one state (Michigan) specifically prohibits lesbian activity. In five states (Connecticut, Georgia, Kentucky, South Carolina and Wisconsin) the sodomy statutes are so written as to not include female homosexuality. The Georgia statute, titled *Sodomy and Bestiality*, defines sodomy as "the carnal knowledge and connection against the order of nature, by man with man, or in the same unnatural manner with woman." The law reads, in part: "Crime of sodomy as defined in this section cannot be accomplished between two women; hence person convicted on indictment charging her with sodomy, both participants in act being alleged to be females, will be discharged on habeas corpus on ground that she is being legally restrained of her liberty, in that indictment on which she was convicted was null and void."

This statute thus offers an interesting example of the irrational nature of laws dealing with sodomy: Cunnilingus (oral contact with the female genitalia) is not a crime in Georgia if performed by another female, but it is a crime if it is performed by a male; heterosexual fellatio (oral contact with the male genitalia) is similarly prohibited. The statute states, in a further paragraph concerned with oral-genital activity: "Where man and woman voluntarily have carnal knowledge and connection against the order of nature with each other, they are both guilty of sodomy, whether offense be committed by the mouth of the man or by the mouth of the woman." The law makes no exception for the husband and wife.

The courts have held that heterosexual cunnilingus is not "the crime against nature" in Mississippi and Ohio, and the decisions would presumably apply to homosexual cunnilingus as well; in Arkansas, Colorado, Iowa and Nebraska the vagueness of the statutes also leaves some doubt as to the status of female homosexuality. Neither male nor female homosexuality is illegal in Illinois, for it is one state in all the 50 that has no sodomy statute.

Animal Contacts

U.S. sodomy statutes universally prohibit sexual contact between humans and infrahuman species of animal life; the "abominable and detestable crime against nature" is most often defined in the statutes as being "either with mankind or beast." Kinsey reports that animal contacts represent the smallest source of common sexual outlet, but they are by no means rare and the relatively higher percentages of such experience in rural communities, on farms, and where larger animals are more readily available, suggest that accessibility may have more to do with the incidence of such behavior than moral and legal prohibitions.

Kinsey states, "To many persons it will seem almost axiomatic that two mating animals should be individuals of the same species. This is so often true, from one end of the animal kingdom to the other, that exceptions to the rule seem especially worthy of note. To those who believe, as children do, that conformance should be universal, any departure from the rule becomes an immorality. The immorality seems particularly gross to an individual who is unaware of the frequency with which exceptions to the supposed rule actually occur...."

"Even the scientists have been considerably biased in their investigations in the field, for they too have accepted the traditions. Even they have believed that matings between individuals of different species occur only rarely. Within the last few decades, however, students of taxonomy, genetics, and evolution have had the existence of interspecific hybrids increasingly drawn to their attention. These, of course, predicate the existence of interpecific matings. Some biologists are clearly uncomfortable in the face of this data, and are inclined to argue them away as they would argue away blots on their philosophy or theology. Even among the higher animals, interpecific crosses, or crosses between distinct varieties, have increasingly become known. The birdbanding work has shown that birds respect the limits of their own species much less often than the old-time naturalists would have insisted. And, finally, the students of sexual behavior among the higher mammals are beginning to report an increasing number of instances of animals mating, or trying to mate, with individuals of totally distinct and sometimes quite remote species.

"When one examines the observed cases of such crosses, and especially the rather considerable number of instances in which primates, including man, have been involved, one begins to suspect that the rules about interspecific matings are not so universal as tradition would have it. Indeed, one is struck anew with the necessity for better reasons than biologists and psychologists have yet found, for expecting that animal matings should invariably be limited to individuals of the same species.

"In light of the above, it is particularly interesting to note the degree of abhorrence with which intercourse between the human and the animals of other species is viewed by most persons who have not had such experience. The biologist and the psychologist, and the anthropologist and the student of history, will have made a significant contribution when they can expound the development of our taboos on such contacts."

These taboos were already well-established in time of the Old Testament and the Talmud. It is worth noting that in the older Hittite code, which influenced later Hebrew law, the taboos on animal intercourse were not so clearly the moral issues that they subsequently came to be. Specifically, in the Hittite code it is decreed that "If a man lie with a cow the punishment is death.... If a man lies with a hog or dog, he shall die.... If a bull rear upon a man, the bull shall die, but the man shall not die.... If a boar rear upon a man, there is no penalty.... If a man lies with a horse or mule, there is no penalty, but he shall not come near the king, and he shall not become a priest."

Kinsey comments, "These are proscriptions against contacts with certain animals, while contacts with certain animals are more or less accepted. Such distinctions are strikingly paralleled by the taboos which make certain foods clean and other foods unclean. [As we have previously noted, early Christians then adapted and substantially reinforced these traditions; and it became, for a time, an act of bestiality for a Christian to have sexual relations with a Jew.] The student of human folkways is inclined to see a considerable body of superstition in the origins of all such taboos, even though they may ultimately become religious and moral issues for whole nations and whole races of people."

In any case, it is certain that human contacts with animals of other species have been known since the dawn of history: They appear in the folk tales of every ancient culture, and references to such contacts abound in the writings and art of the oldest civilizations; they are also known to every race and culture today, including our own.

Kinsey concludes, "Far from being a matter for surprise, the record simply substantiates our present understanding that the forces which bring individuals of the same species together in sexual relations, may sometimes serve to bring individuals of different species together in the same types of sexual relations."

About 8 percent of the total male population have some sexual contact with animals. Most such experiences occur in early postadolescent years -- between adolescence and the age of 20 -- with the incidence dropping markedly in the older age groups. Frequency of animal contacts is similarly low in the male population, taken as a whole; for most individuals, they do not occur more than once or twice, or a few times in a lifetime.

The significance of such experiences becomes more pronounced, however, when our consideration is limited to the records of males raised in rural or farm communities, with a ready access to animals. For this group, approximately 17 percent experience orgasm as a result of animal contacts which occur sometime after the onset of adolescence; as many more rural males have sexual contacts with animals that do not result in orgasm; and there are an additional number who have preadolescent experiences, which are not included in the above calculations. In total, Kinsey reports, "Something between 40 and 50 percent of all farm boys have some sort of animal contact, either with or without orgasm, in their preadolescent, adolescent, and/or later histories. These must be minimum data, for there has undoubtedly been some cover-up in the reports of these activities."

Kinsey found that certain western areas of the United States, where animals are readily available and social restraints related to such behavior are less severe, incidence figures for some communities rose as high as 65 percent. The marked difference in percentages of experience between rural and urban males, plus the number of experiences for urban boys that occur during visits to farms, suggests that the opportunity for such contacts is a major consideration in determining the accumulative incidence; if city-bred boys had similar opportunity, Kinsey and his associates believe that the percentages of experience for the total male population would approximate those established for rural males.

As with most other aspects of human sexual behavior, there is a high correlation between educational level and the extent of infrahuman sexual experience: 14 to 16 percent of the rural males of grade-school level, 20 percent of the rural males of high-school level, and 26 to 28 percent of the rural males of college level have some contact with animals to the point of orgasm. Well over half of these upper-level males have some sort of sexual contact with animals and nearly one in every three achieves orgasm through such contacts.

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Experiences with animals usually represent a form of sexual experimentation for the adolescent male, which disappears in the mid-teens; but in some rural areas, especially in the West, there is a considerable amount of regular activity in the later teens and even through the early twenties. In most cases, such contacts are a substitute for heterosexual relations with human females; this is particularly true in rural areas where the opportunity for both social and sexual relations with girls may be limited. In most parts of the country animal intercourse is extremely rare among married males.

The animals involved in such contacts include practically all of the species that are commonly domesticated in the farm or kept as pets in the household. Because of the relatively low incidence and frequency of such activity in the population as a whole, animal contacts were significant primarily because of the extreme social and legal taboos attached to such behavior.

Kinsey comments, "In rural communities where animal contacts are not infrequent, and where there is some general knowledge that they do commonly occur, there seem to be few personal conflicts growing out of such activity, and very few social difficulties. It is only when the farm-bred male migrates to a city community and comes in contact city-bred reactions to these activities, that he becomes upset over the contemplation of what he has done...."

"Anglo-American legal codes rate sexual relations between the human and animals of other species as sodomy, punishable under the same laws which penalize homosexual and mouth-genital contacts. The city-bred judge who hears such a case is likely to be unusually severe in his condemnation, and is likely to give the maximum sentence that is possible. Males that are sent to penal institutions on such charges are likely to receive unusually severe treatment both from the administrations and from the inmates of the institutions. All in all, there is probably no type of human sexual behavior which has been so severely condemned by that segment of the population which happens not to have had such experience, and which accepts the age-old judgment that animal intercourse must evidence a mental abnormality, as well as an immorality."

Sexual contacts with animals are even less common among females and Kinsey found only 3.6 percent of the adult female population with any evidence of such activity in their histories after the beginning of adolescence. The sample was considered too small to permit any valid urban-rural or educational breakdown, although a majority of the females who reported having had such experiences were from the better-educated segments of the population.

The extensive sexual involvement of human females with a wide variety of animals in ancient folklore, Classic Greek and Roman mythology, and major literary and artistic efforts of more recent centuries (including some of world's great art; e.g. Leda and the Swan has been a recurring, ever-popular theme with artists down through the ages, from Classic sculpture, to the paintings by Michelangelo and Rubens, to contemporary Picasso) is understood in its relation to actual sexual behavior when viewed not as a reflection of common female activity, but as a projection of erotic male fantasies about the female. The human male's greater capacity to be aroused by psychosexual stimuli not only leads him into a far greater number of sexual experiences, and experiences of greater variety, but also produces an extensive masculine interest in unusual, rare, and sometimes fantastically impossible types of sexual activity. In consequence, as Kinsey points out, there is a great deal more discussion and a more extensive body of literature and art on such sexual themes as incest, transvestitism, necrophilia, and the more extreme forms of fetishism, sadomasochism and animal contacts, than the actual occurrence of any of these phenomena justifies.

It is clear, nevertheless, that there is a considerable diversity in human sexual behavior; that there is considerable diversity in human sexual behavior; it is also clear that most of this variety on our favorite theme is forbidden by the sterner traditions of our Judaeo-Christian heritage and by the statutory laws that it has begotten.

Kinsey points out that for most individuals the various types of sexual activity may seem to fall into categories that are as far apart as right and wrong, licit and illicit, normal and abnormal, acceptable and unacceptable in our society. To each of us, the significance of any particular activity depends largely

upon our own previous experience. Ultimately, certain activities may seem to be the only ones that have value, that are right, that are proper, that are socially acceptable; and all departures from our own particular pattern may appear the extremes in what is abnormal and immoral. But scientific data now available support the conclusion that, under the proper set of environmental circumstances, most individuals could have been sexually conditioned in any of a number of different directions, even into activities which they now consider unacceptable.

In the search for a more reasonable objective and psychologically sound approach to sex, upon to which to base better social and legal codes, it would if we more clearly recognized and differentiated between the sexual behavior that is common to a large part of society and that which is relatively uncommon. Kinsey observes, "Considerable confusion has been introduced into our thinking by this failure to distinguish between sexual activities that are frequent and a fundamental part of the pattern of behavior, and sexual activities which are rare and of significance only to a limited number of persons. Psychologic and psychiatric texts are as likely to give as much space to overt sadomasochistic or necrophiliac activity as they give to homosexual and mouth-genital activities, but the last two are widespread and significant parts of the lives of many females and males, while many of the other types of behavior are in actuality rare."

Illegal Petting

Current U.S. laws give governmental sanction to a specific set of religious ideals regarding sex. Our present quarrel is not with the ideals themselves -- though we do believe that a rational society should be able to produce a better, more humane, more workable sexual morality than the present one, and we intend a fuller discussion of that aspect of the problem in a later installment; but we here object to -- and it is a concern that should be shared by every individual who believes in the fundamental principles of our democracy, regardless of his personal religious and moral persuasion -- is the unconstitutional church-state alliance that makes any one religious dogma the law of the land in this supposedly free society.

All sexual intercourse outside the church-state-sanctioned bonds of matrimony is prohibited under the statutes on fornication and adultery; all nonprocreative sexual activity, between the same and opposite sexes, both inside and outside the marriage, including any undue familiarity with household pets, is prohibited under the statutes on sodomy.

Our state laws on sodomy are derived directly from the religious doctrine that the only natural purpose of sex is procreation; it follows, therefore, that nonprocreative sex is a "crime against nature."

These sodomy statutes are so all-decisive in their joyless suppression of any variety in our sexual behavior that we might be prompted to conclude that the only form of love play left legal is petting. Such a conclusion would be overly optimistic. In two states (Indiana and Wyoming) the sodomy statutes actually include a prohibition against heavy petting (the masturbation of another person of either sex who is under the age of 21). The laws in both states read: "Whoever entices, allures, instigates or aids any person under the age of twenty-one (21) years to commit masturbation or self-pollution shall be deemed guilty of sodomy." This means, quite literally, that if a Wyoming or Indian male masturbates his 20-year-old girlfriend, he is guilty of sodomy.

The medieval Church taboos on even solitary masturbation continue to influence contemporary society's attitude to a sexual activity that is near universal in the male and common to a majority of females as well. Ultimately 92 percent of the total male population is involved in masturbation which leads to orgasm; and among college-educated males, the incidence is higher, reaching 96 percent. In the total female population, 62 percent ultimately engage in masturbation, and 58 percent achieve orgasm in this manner; educational level predictably exists as a factor, with only 34 percent of the grade-school-level females ever achieving orgasm through masturbation, 57 to 59 percent of the high-school and college level, and 63 percent of the graduate-level females masturbating to the point of orgasm.

Heavy petting, frequently including masturbation of either, or both, sexes is extremely common in the years prior to marriage; indeed, for upper-educated males and females, such premarital sex play often serves as a substitute for coitus. Almost all males engage in fairly extensive heavy petting prior to marriage and 88 percent have some petting experience that leads to orgasm; 96 percent of all females have some premarital petting experience and 39 percent have achieved orgasm through such petting. The extent of direct manual stimulation of the genitalia of, or by, a partner, as a petting technique, is related to the amount of previous coital experience. Among females who have not had sexual intercourse, 36 percent have the same petting in which they receive such manual stimulation, and 24 percent give such manual stimulation to the male; among females who have only had a limited amount of coitus, 87 percent have relationships in which they receive, and 72 percent where they give, manual stimulation; among females with more extensive coital experience, 95 percent receive, and 86 percent give, manual-genital stimulation.

It is reasonable to assume that the male and female populations of Wyoming and Indiana are little different in such behavior than the total population of the U.S.; that being so, this unique wrinkle in the sodomy statutes of these two states attempts to suppress some of the most common sex activity in existence -- activity in which almost all of the citizens have, at one time or another, been involved.

The severity of the penalties against sodomy, or "crimes against nature," is dramatized by the Wyoming and Indiana statutes. These two states could punish the completed act of sexual intercourse between a man and a girl who happened to be between the ages of 18 and 21 as fornication, with maximum possible sentences of three and six months respectively. (If a girl were under the age of 18, the act would be considered statutory rape and permit a considerably heavier penalty.) But if the same male and female refrained from sexual intercourse, confining their lovemaking to petting -- including masturbation of the female -- they would be guilty of an act of sodomy and liable to imprisonment of up to ten years in Wyoming and 14 years in Indiana.

Penalties for Sodomy

The irrational nature of U.S. sodomy statutes emphasizes the lack of logic that pervades almost all of our sex laws; the severity of the penalties for what our lawmakers have deemed to be "crimes against nature" emphasizes the extreme, religiously inspired superstition and emotionalism that still persist in our attitudes toward sex in this supposed modern, rational, scientifically enlightened, just, humane and free society.

Forty-nine of the 50 states have sodomy statutes. Almost all of them make illegal the variety of noncoital sex activity discussed in this issue -- at least some of which is engaged in, at one time or another, by the majority of our adult population. Almost none of these statutes make any distinction between a prohibited act when it is performed by members of the same or opposite sex (the single exception permits certain activity between two females, as noted, that is prohibited between a female and a male). None of these statutes makes any distinction between a prohibited act when it is performed by a married couple and one that is unmarried. The penalties for behavior covered under our sodomy statutes are among the most severe of any in U.S. law.

Sixteen states and the District of Columbia specify imprisonment of up to ten years at hard labor for "crimes against nature"; the maximum sentence in another six is 14 or 15 years and 11 states specify 20. In Idaho and Montana the *minimum* penalty for sodomy is five years, with no maximum indicated; in North Carolina the minimum is five years and the maximum 60; in Nevada the possible maximum penalty is imprisonment for life.

The American Law Institute expressed its concern over U.S. sex statutes in 1955 when it drafted its Model Penal Code to replace our present irrational laws. This model code was predicted on the premise that in a free society all sex relations entered into freely by adults in private should be excluded from our criminal law. In the nine years since the Law Institute handed down this opinion, the legislature of only one state -- Illinois -- has made any serious attempt to correct its statutes on sex. Some two years

ago Illinois' legislators replaced their sodomy statute with a new law patterned after the one suggested by the Institute. Illinois is, therefore, the only state in the Union with no statute for "the abominable and detestable crimes against nature."

This example of modern legislative acumen is not without its irony, however. The Illinois lawmakers *did* remove the state's sodomy statute, but they left standing the statutes against fornication and adultery. Illinois is thus in the unique position of permitting all so-called "perversion," both heterosexual and homosexual, while prohibiting normal sexual intercourse.

It is obvious that we are still a very long way from establishing sane sex laws *anywhere* in these United States.

CHAPTER 17

ONE OF THE MOST pleasant aspects in the writing of this series of editorials on the social and sexual ills of society has been the response it has elicited from readers. Several hundred letters on *The Playboy Philosophy* come in each month from every part of the United States, and a number of foreign countries as well. We try to personally read just as much of this correspondence as possible, and the most interesting comments are published regularly in *The Playboy Forum*.

Whatever else they have to say, most of the correspondents are enthusiastic about the existence of these articles and the fact that a great many problems previously treated only superficially in the popular press are here, at last, being given full and open consideration.

Many who write enclose books, articles and clippings on subjects related to those we have been discussing, and we would like to take this opportunity to thank them for this, for much of it has been quite useful as an additional source of research -- giving us new facts and sometimes suggesting new areas that deserve attention.

A few weeks ago we received a volume in this way that is of such pertinence and interest that we've decided to devote this installment to a consideration of its contents. The book was sent to us by James Brooks of Homestead, Florida, who states that he found it in the hayloft of a barn. The binding is broken and worn, but it was obviously an impressive volume when first published, with a cloth cover and more than 500 pages.

The book is titled *Plain Facts for Old and Young*. It was written by J.H. Kellogg, M.D., and originally published by Segner and Condit of Burlington, Iowa, in 1879. It is a guide to sane sex life, as it was viewed in the United States in that period of extreme puritanism at the end of the last century. No amount of editorial comment by us can establish the excessive antisexuality that is our American heritage nearly so well as the statements to be found in this manual of love and marriage.

In the last two installments of the *Philosophy* (February and April), we discussed the irrational and suppressive sex laws of the United States, and a great many readers found it difficult to understand how such preposterous legislation could ever have been established in this supposedly free society. This book supplies the answer, for it documents the sexual sickness from which we suffered less than a century ago -- many symptoms of which are still to be found in the supposedly enlightened society of today.

Before exploring the book, a few words about its author. John Harvey Kellogg, M.D., LL.D., F.A.C.S., was no hysterical, moralistic screwball, of the sort to be found in every age, but a highly respected, internationally renowned man of science, and the opinions on sex expressed in *Plain Facts* are representative of those held by a significant portion of the 19th and the beginning of the 20th centuries.

Dr. Kellogg resided in Battle Creek, Michigan. He was a member of the Michigan State Board of Health from 1878 to 1890 and from 1912 to 1916. He was a fellow of the American Association for the Advancement of Science, American College of Surgeons, Royal Society of Medicine in England, and the National Geographic Society. He was a member of the American Public Health Association, the superintendent of the Battle Creek Sanitarium, and the founder and president emeritus of Battle Creek College. On his death in December 1943, at the age of 91, he received tributes from Herbert Hoover, John D. Rockefeller, Jr., Senator Vandenberg and Frank Knox, Secretary of the Navy.

Dr. Kellogg was a prolific writer, producing more than 50 books in his lifetime, two of which had a circulation of over a million copies each; *Plain Facts* is listed in his obituary as one of the more important works. He wrote physiology texts that were used in public schools and founded and edited *Good Health* magazine. The good doctor was a health evangelist and a vegetarian, who was strongly opposed to the use of tobacco and alcohol. As we shall see, he was also strongly opposed to the use of sex.

With Dr. Kellogg's avowed avoidance of so many earthly pleasures, even if he had not lived for nearly a century, it probably would have *seemed* that long. In abstaining from meat, tobacco, whiskey and women, the doctor must have had a lot of spare time on his hands and he apparently spent it in research. He is credited with the invention of corn flakes and peanut butter.

In a preface to *Plain Facts for Old and Young*, the author indicates that the purpose of the book is "to dispel the gross ignorance which almost universally prevails" regarding sex. Which, after a perusal of the volume's contents, might seem intended as a bit of wry humor. In simple fact, the entire book would be outrageously funny if we gave no thought to the countless thousands who, in their search for some thoughtful, authoritative, helpful and humane words on the problems of sex, turned to this tome of ignorant gobbledygook and, believing what they read, suffered for a lifetime from the misunderstanding, guilt and shame of their own natural sexuality.

The copy of the book in our possession is not the first edition, and the author comments in the preface on the "warm reception" it had already received from both public and press: "The cordial reception which the work has met from the press everywhere has undoubtedly contributed in great measure to its popularity. The demand for the work has exhausted several editions in rapid succession, and has seemed to require its preparation in greatly enlarged and in every way improved form in which it now appears. The addition of two whole chapters for the purpose of bringing the subject directly before the minds of boys and girls in a proper manner, adds greatly to the interest and value of the work, as there seemed to be a slight deficiency in this particular in the former editions."

The Prevention of Puberty

Having been reassured in the introduction that the slight deficiency in former editions had been corrected in this one, we turned to the index. For a book devoted to the development of a happier, healthier sex life, authored by an eminent man of science, the subject headings are something less than reassuring. They include: Abortion...Afterbirth...Amaurosis...Amenorrhea...Antediluvian wickedness...Bad books...Bad company...Bad language...Balls, demoralizing influence of...Beer, evil effects of...Birth, changes at...Bladder, irritation of...Boarding-schools, danger of...Brain, male and female...Breasts, atrophy of the...Breath, causes of foul...Castration...Cider, evil effects of...Clitoris...Coitus...Colds, how to prevent...Cunjugal onanism...Constipation...Consumption...Continence...Copulation...Courtship...Criminality, hereditary...Dancing...Daydreams...Diet, influence on chastity...Divorce, loose laws on...Dozing, danger of...Dreams, how to control...Dress and sensuality...Dress reform...Drinks, stimulating...Drugs...Dwarfs...Dyspepsia...Egypt a hot-bed of vice...Electricity...Epilepsy...Eyes, weakness of...Female organs...Fetus, respiration of...Filthy dreams...Filthy talkers...Flirtation, evils of...Flowers, polygamous...Foods, stimulating...Girls, how ruined...Gluttony...Heart disease...Hermaphrodism...Hymen...Hysteria...Idiocy, cause of...Idleness...Ignorance...Imbecility...Impotence...Infantcide...Insanity...Internal emissions...Intestinal worms...Labia, the...Labor...Libidinous blood...Licentiousness, results of...Literature, poisonous...Male organs...Mammary glands...Marital excesses...Marriage...Marriage, of cousins, of criminals, of paupers...Masturbation, prevention of, effects on females, effects on offspring...Menopause, the...Menstruation...Moderation...Modesty...Monsters...Mormonism...Navel, the...Nervous diseases...Nocturnal emissions...Novel-reading...Nursing...Nymphomania...Obscene books...Obscenity...Ovary...Ovum...Paralysis...Passion, inherited...Penis, the...Pernicious books, influence of...Pictures, vile...Piles...Pimples...Poisonous literature...Polyandry...Polygamy...Precocity, sexual...Pregnancy...Prostate gland...Prostitution...Puberty...Quacks...Race degeneration, cause of...Religion, help of...Religious novels...Reproduction...Reproduction in the honey bee...Satyriasis...Scrotum, the...Secret Vice, evidences of, prevalence of, terrible effects of...Self-abuse, causes of, effects of, the signs of, results of, treatment of...Self-pollution...Seminal fluid, the...Senility...Sentimental literature, influence of...Sentimental young women...Sexual activity, the limit of...Social lepers, evil of, causes of, cure of...Solitary vice, alarming prevalence of, unsuspected cause of...Sterility...Suicide, cause of...Tea and coffee...Testicles...Thoughts, evil...Throat disease, cause of...Tobacco...Twins...Urinary disease...Vagina, the...Vision, dimness of...Waltz, the, its sensuality...Weak

backs...Wine, evil effects of...Woman, servitude of... and, concluding the index on an upbeat note, Womb, cancer of the.

In the very first chapter of his book, Dr. Kellogg establishes that he knew a good deal more about corn flakes than sex. After a brief description about the sex lives of plants and animals, with disappointingly little moralizing on the promiscuous behavior of the bees and flowers, he concludes that people are really grown-up plants: "In short, men and women are blossoms in a strictly scientific sense." (Though he offers no explanation as to why some of us turn out to be snapdragons and others pansies.) There follows a scientifically accurate description of the structure and function of the human reproductive organs, and an explanation of fecundation, gestation and parturition, with the natural pain of childbirth caused, according to this eminent physician, by Original Sin in the Garden of Eden and the degeneracy of modern civilization: "Although the curse pronounced upon the feminine part of the race, in consequence of the sin of Eve, involves suffering in the parturient act, yet there is no doubt that the greater share of the daughters of Eve are, through the perverting and degenerating influences of wrong habits and especially of modern civilization, compelled to suffer many times more than their maternal ancestor."

The arrival of puberty is viewed with something other than pleasure by Dr. Kellogg and he advises avoiding it as long as possible: "Habits of vigorous physical exercise tend to delay the access of puberty. For this reason, together with others, country boys and girls generally mature later than those living in the city by several months, and even a year or two. Anything that tends to excite the emotions hastens puberty. The excitements of city life, parties, balls, theaters, even the competition of students in school, and the various causes of excitement to the nervous system which occur in city life, have a tendency to hasten the occurrence of the change which awakens the sexual activities of the system into life. Hence, these influences cannot but be considered prejudicial to the best interests of the individual, mentally, morally, and physically, since it is every way desirable that a change which arouses the passions and gives to them greater intensity should be delayed rather than hastened." (We must grudgingly admit that that is the most original argument we've ever heard for keeping 'em down on the farm.) In addition to getting the hell out of the city, Dr. Kellogg indicates that diet can play an important part in delaying puberty and he advises against "stimulating food, such as pepper, vinegar, mustard, spices, and the condiments generally, together with tea and coffee, and an excess of animal food [meat]."

The doctor states that "in girls the occurrence of puberty is earlier in brunettes than in blondes" -- a fact that the Clairol people have obviously failed to take into account, with their presumptuous advertising claim that blondes have more fun. The doctor adds: "In Jews the change is commonly a year or two in advance of other nationalities in this country. It also occurs somewhat sooner in Negroes and Creoles than in white persons...."

Dr. Kellogg dramatizes the importance of putting off puberty just as long as possible with this topper: "A fact which is of too great importance to allow to pass unnoticed is that whatever occasions early or premature sexual development also occasions premature decay. Females in whom puberty occurs at the age of ten or 12, by the time the age is doubled, are shriveled and wrinkled with age. At the time when they should be in their prime of health and beauty, they are prematurely old and broken. Those women who mature late retain their beauty and their strength many years after their precocious sister have become old, decrepit and broken down." How's that to scare the bejesus out of a youngster just entering into adolescence -- a little item to make any boy or girl fear the arrival of the first signs of sexual maturity?!

And just where did kindly Doc Kellogg get this fascinating hypothesis, that he offers to "old and young" as statement of undisputed fact? Why, he made it up, of course. In actual fact, whatever correlation there may be between sexual precocity and the aging process operates as just the reverse of what Kellogg suggests. And in its extensive study of the sexual patterns of American males and females, the Institute for Sex Research of Indiana University found that those who are sexually precocious are also more inclined than the average to remain sexually active in the latter years of life. There is a considerable difference in the innate sex drives of various individuals, and it is the person with the weakest drive who is apt to reach sexual maturity latest *and* become sexually impotent earliest, as well as being less inclined to overall physical vigor and, therefore, more likely to succumb to the ravages of old age and senility.

Dr. Kellogg says, regarding sexual interests prior to puberty: "If raised strictly in accordance with natural law, children would have no sexual notions or feelings before the occurrence of puberty. No prurient speculation about sexual matters would enter their heads. Until that period, the reproductive system would lie dormant in its undeveloped state. No other feeling should be exhibited between the sexes than that brotherly and sisterly affection which is so admirable and becoming." When sexual interests were observed in the young, Kellogg explained them as unnatural perversions caused by improper upbringing.

At the very same time that the doctor of Battle Creek, Michigan, was expounding these views, another doctor in Vienna named Sigmund Freud was beginning his study of human behavior that established the existence of natural sexuality in the youngest infants.

Chastity and Continence

Dr. Kellogg devotes a chapter apiece to chastity and continence and makes clear his conviction that all manner of ills will befall those of either sex, whose surrender to the desires of the flesh, who even *think* about surrendering.

"Mental unchastity" is, according to Kellogg, as serious as the act itself: "Though [a man] may never have committed an overt act of unchastity, if he cannot pass a handsome female in the street without, in imagination, approaching the secrets of her person, he is but one grade above the open libertine, and is truly unchaste as the veriest debauchee.

"Man may not see these mental adulteries, he may not perceive these filthy imaginings; but One sees and notes them. They leave their hideous scars upon the soul. They soil and mar the mind; and as the record of each day of life is photographed upon the books in Heaven, they each appear in bold relief, in all their innate hideousness.

"O purity! How rare a virtue! How rare to find a face which shows no trace of sensuality!

"Foul thoughts, once allowed to enter the mind, stick like the leprosy. They corrode, contaminate, and infect like the pestilence; naught but Almighty power can deliver from the bondage of concupiscence a soul once infected by this foul blight, this moral contagium."

Kellogg warns his readers of the outcome of improper daydreams: "Those lascivious *daydreams* and amorous reveries, in which young people -- and especially the voluptuous, and the sedentary and the nervous -- are exceedingly apt to indulge, are often the sources of general debility, effeminacy, disordered functions, premature disease, and even premature death, without the actual exercise of the genital organs!"

The author discusses, in some detail, the causes of unchastity in modern civilization, which include:

Hereditary Predisposition -- "A child conceived in lust can no more be chaste by nature than a Negro can be a Caucasian."

Improper Upbringing -- "The sexes should be carefully separated from each other at least as early as four or five years of age, under all circumstances which could afford opportunity for observing the physical differences of the sexes, or in any way to serve to excite those passions which at this tender age should be wholly dormant."

Improper Diet -- "Flesh, condiments, eggs, tea, coffee, chocolate, and all stimulants have a powerful influence directly upon the reproductive organs. They increase the local supply of blood, and through nervous sympathy with the brain, the passions are aroused. Overeating, eating between meals,

hasty eating, eating indigestible articles of food, late suppers, react upon the sexual organs with the utmost certainty."

Clerical Impropriety -- "Our most profound disgust is justly excited when we hear of laxity of morals in a clergyman.... But when we consider how these ministers are fed, we cannot suppress a momentary disposition to excuse, in some degree, their fault. When the minister goes out to tea, he is served with the richest cake, the choicest jellies, the most pungent sauces, and the finest of fine-flour bread-stuffs. Little does the indulgent hostess dream that she is ministering to the inflammation of passions which may peril the virtue of her daughter, or even her own. Salacity once aroused, even in a minister, allows no room for reason or for conscience."

Tobacco -- "Few are aware of the influence upon morals exerted by that filthy habit, tobacco-using. When acquired early, it excites the underdeveloped organs, arouses the passions, and in a few years converts the once chaste and pure youth into a veritable volcano of lust, belching out from its inner fires of passion torrents of obscenity and the sulphurous fumes of lasciviousness. If long-continued, the final effect of tobacco is emasculation; but this is only the necessary consequence of previous super-excitation."

Bad Books -- "Another potent enemy of virtue is the obscene literature which has flooded the land for many years. Circulated by secret agencies, these books have found their way into the most secluded districts. Nearly every large school contains one of these emissaries of evil men and their Satanic master. Largely through the influence of Mr. [Anthony] Comstock, laws have been enacted which promise to do much toward checking this extensive evil, or at least causing it to make itself less prominent.... It is a painful fact however, that the total annihilation of every foul book which the law can reach will not affect the cure of this evil, for our modern literature is full of the same virus. It is necessarily presented in less grossly revolting forms, half concealed by beautiful imagery, or embellished by wit; but yet, there it is, and no law can reach it. The works of our standard authors in literature abound in lubricity. Popular novels have doubtless done more to arouse a prurient curiosity in the young, and to excite and foster passion and immorality, than even the obscene literature for the suppression of which such active measures have recently been taken. The more exquisitely painted the scenes of vice, the more dangerously enticing. Novel-reading has led thousands to lives of dissoluteness."

Idleness -- "To maintain purity, the mind must be occupied. If left without occupation, the vacuity is quickly filled with unchaste thoughts."

Fashion -- The fashionable dress of the women of the day leads to unchastity in two ways, according to Dr. Kellogg: "1. By its extravagance; 2. By its abuse of the body." The latter, he notes, may "produce permanent local congestions, with ovarian and uterine derangements. These affections have long been recognized as the chief pathological condition in hysteria, and especially in that peculiar form of disease known as *nymphomania*, under the excitement of which a young woman, naturally chaste and modest, may be impelled to the commission of the most wanton acts. The pernicious influence of fashionable dress in occasioning this disorder cannot be doubted."

Dancing - "In addition to the associated dissipation, late hours, fashionable dressing, midnight feasting, exposure through excessive exertions and improper dress, etc., it can be shown most clearly that dancing has a direct influence in stimulating the passions and provoking unchaste acts, and are in themselves violations of the requirements of strict morality, and productive of injury to both mind and body."

Modern Modes of Life -- "Superheated rooms, sedentary employments, the development of the mental and nervous organizations at the expense of the muscular, the cramming system in schools, too long confinement of schoolchildren in a sitting position, the allowance of too great freedom between the sexes in the young, the demoralizing influence of most varieties of public amusement, balls, church fairs, and other like influences too numerous to mention, all tend to lead in one direction, that of abnormal excitation and precocious development of sexual functions."

Constipation -- "In males, one of the most general physical causes of sexual excitement is constipation.... When this condition is chronic, as in habitual constipation, the unnatural excitement often leads to the most serious results. One of these is the production of a horrible disease, *satyriasis* [the male equivalent of nymphomania].... Constipation in females has the same tendency, though the dangers are not quite so great. The irritation is sufficient, however, to lead to excitement of the passions."

Intestinal Worms -- "often produce the same result in children."

The author lists, as Helps to Continence: *The Will, Diet, Exercise, Cold Baths and Religion*. Since he advises against early marriage, young men and women of normal sexual inclination are apt to need all of these, and then some, to remain as chaste in thought and deed as Kellogg asserts they should.

Courtship and Flirtation

Dr. Kellogg is hesitant about openly endorsing any of the social customs of foreign countries over those of America, lest this be taken as un-American by the 19th century equivalent of the John Birch Society, but he suggests that the "distinctly American custom" of courting can be a dangerous thing, leading to all manner of sexual excesses, and that perhaps the Old World tradition of keeping the sexes apart until they are ready for marriage is not such a bad idea.

He abhors the acceptance of flirtation, on the part of both sexes: "We cannot find language sufficiently emphatic to express proper condemnation of one of the most popular forms of amusement indulged in at the present day in this country, under the guise of innocent association of sexes.... We have not the slightest hesitation in pronouncing flirtation as pernicious in the extreme. It exerts a malign influence alike upon the mental, the moral, and the physical constitution of those who indulge it. The young lady who has become infatuated with a passion for flirting, courting the society of young men simply for the pleasure derived from their attentions, is educating herself in a school which will totally unfit her for the enjoyment of domestic peace and happiness.... More than this, she is very likely laying the foundation for lifelong disease by the dissipation, late hours, late suppers, evening exposures, fashionable dressing, etc., the almost certain accompaniments of the vice we are considering....

"It may be true, and undoubtedly is the case, that the greater share of the guilt of flirtation lies at the door of the female sex; but there do exist such detestable creatures as male flirts. In general, the male flirt is a much less worthy character than the young lady who makes a pastime of flirtation. He is something more than a flirt. In nine cases out of ten, he is a rake as well. His object in flirting is to gratify a mean propensity at the expense of those who are pure and unsophisticated. He is skilled in the arts of fascination and intrigue. Slowly he winds his coils about his victim, and before she is aware of his own real character, she has lost her own.

"Such wretches ought to be punished in a purgatory by themselves, made seven times hotter than for ordinary criminals. Society is full of these lecherous villains. They insinuate themselves into the drawing-rooms of the most respectable families; they are always on hand at social gatherings of every sort. They haunt the ballroom, the theater, and the church, when they can forward their infamous plans by seeming to be pious.... They are the sharks of society, and often seize in their voracious maws the fairest and brightest ornaments of a community. The male flirt is a monster. Every man ought to despise him; and every woman ought to spurn him as a loathsome social leper."

Illicit Sex

Kellogg condemns all forms of sex outside of marriage, and says of it: "A vice that has become so great an evil, even in these enlightened times, as to defy the most skillful legislation, which openly displays its gaudy filthiness and mocks at virtue with a lecherous stare, must have its origin in causes too powerful to be ignored."

Chief among these causes are: *Libidinous Blood* ("In no other direction are the effects of heredity to be more distinctly traced than in the transmission of sensual propensities. The children of libertines are almost certain to be rakes and prostitutes."); *Gluttony* ("It is an observed fact that 'all liberties are great eaters or famous gastronomists.'"); *Precocious Sexuality* (any interest in sex whatever, prior to puberty); *Fashion*; *Lack of Early Training and Sentimental Literature* ("City and school libraries, circulating libraries, and even Sunday-school libraries, are full of books which, though they may contain good moral teaching, contain, as well, an element as incompatible with purity of morals as is light with midnight darkness. Writers for children and youth seem to think a tale of 'courtship, love, and matrimony' entirely indispensable as a medium of conveying their moral instruction. Some of these 'religious novels' are actually more pernicious than the fictions of well-known novelists who make no pretense to having religious instruction a particular object in view....").

The doctor indicates that anyone who takes the trouble to examine the books of such a library will be able to select the most pernicious ones by their external appearance: "The covers will be well worn and the edges begrimed with dirt from much handling. Children soon tire of the shallow sameness which characterizes the 'moral' parts of most of these books, and skim lightly over them, selecting and devouring with eagerness those portions which relate the silly narrative of some love adventure. This kind of literature arouses the children premature fancies and queries, and fosters a sentimentalism which too often occasions most unhappy results. Through their influence, young girls are often led to begin a life of shame long before their parents are aware that a thought of evil has ever entered their minds."

Our friendly physician finds a direct correlation between "*ignorance*," by which he apparently means lack of either intellect or knowledge, and *sensuality*. "As a general rule," he says, "as the intellect is developed, the animal passions are brought into subjection." He notes that "prostitutes come almost entirely from the more ignorant classes," but fails to point out that the motivations of the prostitute are usually monetary rather than sexual.

The doctor offers this example of "ignorance" and sensuality from his personal experience: "... An idiot was brought before our medical class in a clinic at Bellevue Hospital, New York [where Dr. Kellogg received his medical degree]. The patient had been an idiot from birth, and presented the most revolting appearance, seemingly possessing scarcely the intelligence of the average dog; but his animal propensities were so great as to be almost uncontrollable. Indeed, he showed evidences of having been a gross debauchee, having contracted venereal disease of the worst form. The general prevalence of extravagant sexual excitement among the insane is a well-known fact."

The results of licentiousness are, according to Dr. Kellogg, almost too horrible to relate, but he relates them -- in glowing detail -- just the same. The most fearsome result of sexual transgression is, of course, venereal disease -- *gonorrhea*, *chancroid* and *syphilis* -- which the doctor seems to view as a penalty properly befitting the crime of immorality: "Apparently as a safeguard to virtue, nature has appended to the sin of illicit sexual indulgence, as penalties, the most loathsome, deadly, and incurable diseases known to man." It must have shook the doctor up a bit when modern medical science removed this "safeguard to virtue" by discovering simple cures for these diseases. The needless spread of venereal disease is now clearly caused by lack of public sex education, and those of Dr. Kellogg's moral persuasion will have to search out other loathsome "penalties" to keep the sexual nature of man in check.

Apparently as naive on the subject of sex in animals as in humans, Kellogg erroneously reports: "Man is the only animal that abuses his sexual organization by making it subservient to other ends than reproduction; hence he is the only sufferer from this foul disease, which is one of the penalties of such abuse."

Nonprocreative sex play of every sort, heterosexual and homosexual, is common among the higher forms of infrahuman animal life; it is only the lower animals in whom sexual desire coincides with ovulation in the female. A fact which prompted Dr. N. Papania to observe, in a letter in last month's *Playboy Forum*: "One must therefore conclude that *having* sexual relations for reproduction alone is bestial, not vice versa."

Kellogg's second conclusion -- that venereal disease is somehow related to man's subverting sex to ends other than reproduction -- is an example of deductive reasoning that completely escapes us. For these diseases are transmitted equally, whether the sex act is engaged in for purposes of reproduction or solely for pleasure. The tiny microorganisms involved display, in truth, a distressing lack of interest in the moral intent of the individuals engaged in sexual congress.

Dr. Kellogg seems determined to compound his scientific error on this subject, for the next he discusses the "*Origin of the Foul Disease*," wherein he makes the most incredible medical misstatement of all: "Where or when the disease originated is a mystery. It is said to have been introduced into France from Naples by French soldiers. That it originated *spontaneously* [emphasis ours] at some time can scarcely say be doubted, and that it might originate under circumstances of excessive violation of the laws of chastity is rendered probable by the fact that gonorrhea, or an infectious disease exactly resembling it, is often caused by excessive indulgence, from which cause it not infrequently occurs in the newly married, giving rise to unjust suspicion of infidelity on both sides."

In Kellogg's simple view of sensuality, "Prevention is the Only Cure." He writes, "Those who have once entered upon a career of sensuality are generally so completely lost to all sense of purity and right that there is little chance of reforming them. They have no principle to which to appeal. The gratification of lust so degrades the soul and benumbs the higher sensibilities that a votary of voluptuousness is a most unpromising subject for reformatory efforts."

In this, the doctor is essentially correct, though his explanation as to *why* it is so reveals more personal prejudice than scientific objectivity. What he is really saying, beneath the intemperate tirade, is that most individuals who engage in sex prior to marriage do not, as has often been assumed, regret the experience. He's right, they like it; and, in the majority of cases, if they had it to do over again, they would do the same as before -- probably quicker.

Modern sex research confirms this fact: Dr. Alfred Kinsey and his associates report that relatively few of those persons, of either sex, who have premarital intercourse express any unhappiness about the experience afterward.

A person's chastity may seem quite important until the decision is made to give it up; after which, it seems much ado about nothing.

When to Wed

The overly optimistic reader of *Plain Facts* might have anticipated an end to all this sexual negation with the taking of a spouse. Not a bit of it! Dr. J.H. Kellogg's approach to sex is just as severe and joyless within the bounds of matrimony as without. And this general truth about Puritan antisexualism is something the casual observer of American sex mores fails to realize: that in restrictive sexual attitudes that persist in our present-day society have their origins in a puritanical period of a few decades ago in which *all* sexual interest and desires were considered depravity inspired by the Devil.

Kellogg counsels against early marriage -- not for the sound social or psychological reasons that might be advanced for such an idea -- but as another means of putting off the ugly business of sex just as long as possible.

Since he precludes the possibility of premarital sex in the morally upright, the postponement of marriage means the postponement of sex, and he underscores this point by offering a fascinating physiological explanation of why women should never contemplate marriage before the age of 24. "Physiology," he says, "fixes with accuracy the earliest period of which marriage is admissible. This period is that at which the body attains complete development, which is not before 20 for the female, and 24 in the male. Even though the growth may be completed before these ages, ossification of the bones is not fully effected, so the development is incomplete."

This prominent American medical authority then proceeds to explain why it is hazardous and foolhardy to contemplate marriage before your bones are fully ossified. Under the heading, "*Application of the Law of Heredity*," the doctor states, "A moment's consideration of the physiology of heredity will disclose a sufficient reason why marriage should be deferred until the development of the body is wholly complete. The matrimonial relation implies reproduction.... The perfection of the new being [offspring], then must be largely dependent on the integrity and perfection of the sexual elements [of the parents]. If the body [of either parent] is still incomplete, the reproductive elements must also be incomplete; and, in consequence, the progeny must be equally immature."

Since Dr. Kellogg devotes several pages elsewhere in this guide to sexual happiness to describing in some detail the assorted monsters, cretins, dwarfs and Mongolian idiots that are sometimes sired by seemingly normal parents, the reader is not forced to depend upon his own meager imaginings in contemplating what the immature, incomplete, or not fully developed child of too-young parents might be like.

Premature sex is equally harmful to the participating couple, the doctor goes on to explain, and he enumerates:

"1. During the development of the body, all its energies are required in perfecting the various tissues and organs. There is no material to be spared for any foreign purpose. [And it must be clear now that for Dr. J.H. Kellogg, nothing is so "foreign" as sex.]

"2. The reproductive act is the most exhaustive of all vital acts. Its effect upon an undeveloped person is to retard growth, weaken the constitution, and dwarf the intellect.

"3. The effects upon the female are even worse than those upon the male; for, in addition to the exhaustion of nervous energy, she is compelled to endure the burdens and pains of child-bearing when utterly unprepared for such a task, to say nothing of her unfitness for the other duties of a mother. With so many girl-mothers in the land, is it any wonder that there are so many thousands of unfortunate individuals who never seem to get beyond childhood in their development? Many a man at 40 years is as childish in mind, and as immature in judgment, as a well-developed lad of 18 would be. They are like withered fruit plucked before it was ripe; they can never become like the mellow and luscious fruit allowed to mature properly. They are unalterably molded; and the saddest fact of all is that they will give their children the same imperfections; and the children will transmit them to another generation, and so the evil will go on increasing, unless check by extinction."

At this point the thoroughly shaken young man and maid, yet contemplating matrimony in granddad's day, might have set aside their copies of *Plain Facts* and wondered, half aloud (to themselves, of course, for one would never have considered reading a book on such a subject in the presence of the opposite sex), whether the early 20s was really *long* enough to delay -- perhaps it would be wiser to wait, well, with the picture Dr. Kellogg has been painting, perhaps *indefinitely*....

Kellogg offers no reassuring word to offset such fears in the innocent. The best he can manage additionally on the subject of premature marriage is: "It is probable that even the ages of 20 and 24 are too early for those persons whose development is uncommonly slow." After digesting this book, the development of a great many was slowed appreciably. It takes far less than this to instill in the impressionable the seeds that will one day produce the bitter fruits of impotence and frigidity.

Marital Excesses

The chapter devoted to wedded bliss is titled, in Kellogg's customary upbeat fashion, "*Marital Excesses*." The author commences this section with the declaration: "It seems to be a generally prevalent opinion that the marriage ceremony removes all restraint from the exercise of the sexual functions." He devotes the rest of the chapter to tearing this supposition to shreds.

The Playboy Philosophy

Dr. Kellogg gives us this cheery appraisal of humankind: "Man, in whatever condition we find him, is more or less depraved. This is true as well of the most cultivated and refined ladies and gentlemen of the great centers of civilization, as of the misshapen denizens of African jungles, or the scarcely human natives of Australia and Tierra del Fuego. His appetites, his tastes, his habits, even his bodily functions are perverted." In many respects, the doctor concludes, civilized man is the most perverted of all.

Man demonstrates his depravity, according to the author, whenever he engages in sex for anything but reproduction. Reproduction is normally possible at only one time of the month -- in the middle of the female menstrual cycle -- and *that*, proclaims Dr. J.H. Kellogg, M.D., L.L.D., F.A.C.S., is the only time in which sexual intercourse between husband and wife is proper, natural and moral.

He then proceeds to "prove" this statement -- not, he assures us, on the basis of morality or "theory," but by relying solely on "established physiological facts by quotations from standard medical authors...." To do this, he incorrectly presupposes that what is natural in the lower animals must also be natural in man, relying upon "standard medical authors" as misinformed on animal behavior as he; or, as in the example below, basing erroneous conclusions on accurate data.

Kellogg quotes John C. Dalton, whom he describes as "one of the most distinguished and reliable of modern physiologists," adding, "the facts which he states being confirmed by all other physiologists." Dalton says: "It is a remarkable fact that the female of these animals will allow the approaches of the male only during and immediately after the oestral period; that is, just when the egg is recently discharged, and ready for impregnation. At other times, when sexual intercourse would be necessarily fruitless, the instinct of the animal leads her to avoid it; and the concourse of the sexes is accordingly made to correspond in time with the maturity of the egg and its aptitude for fecundation."

What Dalton states is true; what Kellogg concludes from the statement is entirely false. The phenomenon described by Dalton is true only in the lower forms of animal life, where the sex act is dependent almost entirely upon instinct. It is not true if any of the primates, including man. But Kellogg proceeds as though it were.

He is thus able to reach the following faulty conclusions:

"1. The fact that in all animals but the human species the act can be performed only when reproduction is possible, proves that in the animal kingdom in general the sole object of the function is reproduction.

"2. The fact that the males of other animals besides man in which the sexual organs are in a state of constant development do not exercise those organs except for the purpose of reproduction is proof of the position that the constant development in man is not a warrant for their constant use.

"3. The general law that the reproductive act is performed only when desired by the female is sufficient ground for supposing that such should be the case with the human species also."

And having concluded that it is the woman alone who properly establishes the time for coitus, Kellogg adds to this comedy of errors the statement: "This desire for sexual congress naturally exists in the female only at or immediately after the time of periodical development."

Kellogg knew full well that a great many women desire sex at other times besides the middle of their menstrual cycle, when impregnation is most likely to occur (on or about the 14th day, in an average 28-day cycle, beginning from the first day of menstruation). But he was careful to insert the word "naturally" in his statement, and any examples of feminine sexual appetite at other times of the month were damned as unnatural, immoral, and a further evidence of human depravity.

Sex is for procreation, not for pleasure, concludes the doctor, evidencing a most unpleasant bedside manner; and modesty and chastity are just as important within the marriage bower as elsewhere.

It becomes clear in this chapter that Dr. Kellogg actually considers all sex evil; marital sex, rigidly restrained, is a necessary evil for the reproduction of the race, but an evil nevertheless.

He quotes approvingly another writer whom he does not name, who states: "It is a common belief that a man and woman, because they are legally united in marriage, are privileged to the unbridled exercises of amateness. This is wrong. Nature, in the exercise of her laws, recognizes no human enactments, and is as prompt to punish any infringement of her laws in those who are legally married, as in those out of the bonds. Excessive indulgence between the married produces as great and lasting evil effects as in the single man or woman, and is nothing more or less than legalized prostitution.' "

Results of Excess on Husbands

Kellogg next sets down some of the hair-raising results of "marital excess" (too frequent sexual intercourse) -- upon husbands, wives, and their unborn children.

He observes that "the principal blame in this matter properly falls upon the husband; but it cannot be said that he is the greatest sufferer; however, his punishment is severe enough to clearly indicate the enormity of the transgression, and to warn him to a reformation of his habits."

The author then quotes "an eminent medical authority," whom he also fails to identify. (Through the reference to "life-giving fluid" in the quotation brought to mind a character in the film *Dr. Strangelove*, we dismissed the association as meaningless.) The anonymous authority states: "Any warning against sexual dangers would be very incomplete if it did not extend to the excesses often committed by married persons in ignorance of their ill effects. Too frequent emissions of the life-giving fluid, and too frequent excitement of the nervous system are, in themselves, most destructive. The result is the same within the marriage bond as without it. The married man who thinks he can commit no excess, however often the act of sexual congress is repeated, will suffer as certainly and as seriously as the unmarried debauchee who acts on the same principles in his indulgences...."

"The shock on the system each time connection is indulged in is very powerful." according to this "eminent medical authority," and "the expenditure of seminal fluid must be particularly injurious...." He credits these as the causes of "premature old age, many forms of indigestion, general ill health, hypochondriasis, etc., so often met with adults...."

Kellogg quotes Dr. William Acton, a Victorian antisex crusader and prominent English surgeon, whose statements appear frequently throughout the book. Dr. Acton adds to the already dismal domestic scene, as follows: "It is not the body alone which suffers from excesses committed in married life. Experience every day convinces me that much of the languor of mind, confusion of ideas, and inability to control the thoughts, of which some married men complain, arise from this cause."

Kellogg has already established, as we have noted, that undue sensuality may cause spontaneous venereal disease in husband and wife; sexual abuse in marriage is also "a very potent cause of throat disease," says the doctor; and a major cause of consumption -- "this fatal disease finds a large share of its victims among those addicted to sexual excesses...."

Dr. Kellogg adds this postscript from his personal medical experience: "A case came under our observation in which the patient, a man, confessed to having indulged every night for 20 years. We did not wonder that at 40 he was a complete physical wreck."

Results of Excess on Wives

The doctor's descriptions of depraved domesticity become more extravagant as he expounds on the evil effects of sexual excess upon wives, and he here seems to be truly warming to his subject: "If husbands are great sufferers, as we have seen, wives suffer still more terribly, being of feebler constitution, and hence less able to bear the frequent shock which is suffered by the nervous system."

Dr. Kellogg describes a female patient who came to him for treatment suffering from "the serious effects of the evil named." In the author's words, "She presented a great variety of nervous symptoms, prominent among which were those of mild hysteria and nervous exhaustion, together with impaired digestion and violent palpitation of the heart."

Under the heading "*Legalized Murder*," Kellogg relates the following story, "the counterpart of which," he says, "almost anyone can recall having occurred within the circle of acquaintance; perhaps numerous cases will be recalled by one who has been especially observing."

Dr. Kellogg then tells his tale: "A man of great vital force is united to a woman of evenly balanced organization. The husband, in exercise of what he is pleased to term his 'marital rights,' places his wife, in a short time, on the nervous, delicate, sickly list. In the blindness and ignorance of his animal nature, he requires prompt obedience to his desires; and, ignorant of the law of right in this direction, thinking that it is her duty to accede to his wishes, she allows him passively, never lovingly, to exercise daily and weekly, month in and month out, the low and beastly habit of his nature, and eventually, slowly but surely, to kill her. And this man, who has as surely committed murder as had the convicted assassin, lures to his net and takes unto him another wife, to repeat the same program of legalized prostitution on his part, and sickness and premature death on her part."

Having shed a tear or two for the victims in this sexual soap opera, while privately admiring the prowess of the husband, we attempted to recall a counterpart of the incident within our own circle of acquaintances, as Dr. Kellogg suggested, but without success; the wives of our friends are apparently made of sterner stuff. We must confess, in fact, that when we really concentrated on the matter, we couldn't even come up with a similar occurrence from *outside* our circle of acquaintances. In simple truth, we were hard put to name a single female of our acquaintance who couldn't take on any male of our acquaintance, if she had a mind to, and turn him into a hospital case in less than a year.

A certain amount of the pain and suffering that the author attributes to "sexual excesses" was probably real enough, for in such a Puritan period, with so much guilt and shame associated with the normal sexual appetite and the act of sex itself, we would expect to find numerous cases of impotence and frigidity, and the emotional hysteria and hypochondria that can produce all the symptoms of a variety of physical disorders. The symptoms were caused by sexual repression, however, and not by sexual excess.

Results of Excess on Offspring

Scientific insight disappears almost completely when Dr. Kellogg describes the effects of marital licentiousness upon the hereditary makeup of offspring. The doctor states, "That those guilty of the transgression should suffer, seems only just; but that an innocent being who had no part in the sin -- no voice in the time or manner of its advent into the world -- that such a one should suffer equally, if not more bitterly, with the transgressors themselves, seems anything but just. But such is nature's inexorable law, and the inequities of the parents shall be visited upon the children; and this fact should be a most powerful influence to prevent parental transgression, especially in this direction, in which the dire consequences fall so heavily and so immediately upon an innocent being."

Too frequent indulgence in sexual intercourse results in an inferior grade of egg and sperm, according to Kellogg, which in turn produces an inferior offspring when impregnation occurs. The doctor writes, "Breeders of stock who wish to secure sound progeny will not allow the most robust stallion to associate with mares as many times during the whole season as some of these salacious human males perform a similar act within a month. One reason why the offspring suffer is that the seminal fluid deteriorates very rapidly by repeated indulgence. The spermatozoa do not have time to become maturely developed. Progeny resulting from such immature elements will possess the same deficiency. Hence the hosts of deformed, scrofulous, weazened and idiotic children which curse the race, and testify to the sensuality of their progenitors. Another reason is the physical and nervous exhaustion which the parents bring upon themselves, and which totally unfits them to beget sound, healthy offspring."

The doctor also does his best to discourage a couple from taking any pleasure in the act, since a child conceived in lust is certain to have an abnormally sensual nature -- "its lower passions will as certainly be abnormally developed as peas will produce peas, or potatoes produce potatoes. If a child does not become a rake or a prostitute, it will be because of uncommonly fortunate surroundings, or a miracle of divine grace."

A single immoral thought on the part of either parent "at the critical moment when life is imparted, may fix for eternity a foul blot upon a character yet unformed."

Sex During Pregnancy

Sexual intercourse during pregnancy is especially dangerous, the doctor insists. "Transgressions of this sort are followed by the worst results of any form of marital excess. The mother suffers doubly, because laden with the burden of supporting two lives instead of one. But the results upon the child are especially disastrous. During the time when it receiving its stock of vitality, while its plastic form is being molded, and its various organs acquiring that integrity of structure which makes up what is called constitutional vigor -- during the most critical of all periods in the life of the new being, its resources are exhausted and its structure depraved -- and thus constitutional tendencies to disease produced -- by the unnatural demands made upon the mother."

Sex during pregnancy also results in an abnormally sex-inclined infant: "One of the most certain effects of sexual indulgence at this time is to develop abnormally the sexual instinct of the child. Here is the key to much of the origin of much of the sexual precocity and depravity which curse humanity. Sensuality is born in the souls of a large share of the rising generation. What wonder that prostitution flourishes in spite of Christianity and civil law?"

For good measure, Kellogg adds this quote from Dr. J.R. Black: "Coition during pregnancy is one of the ways in which the predisposition is laid for that terrible disease in children, epilepsy."

Sex during menstruation is, for the most author, unthinkable loathsome, and a "heinous violation of nature's laws. He states, "Reason and experience both show that sexual relations at the menstrual period are very dangerous to both man and woman, and perhaps also for the offspring, should there chance to be conception. The woman suffers from the congestion and nervous excitement which occur at the most inopportune moment possible. Man may suffer physical injury, though," Kellogg adds reassuringly, "there are no grounds for the assertions of Pliny that the menstrual blood is so potent for evil that it will, by mere touch, rust iron, render a tree sterile, make dogs mad, etc., or that of Paracelsus that 'of it the Devil makes spiders, fleas, caterpillars, and all the other insects that people the air.'"

Senile Sexuality

Sexual intercourse is as unnatural in the old as in the young, according to Kellogg; he writes, "As with childhood, old age is a period which the reproductive functions are quiescent unless unnaturally stimulated. Sexual life begins with puberty, and in the female, ends at about the age of 45 years, the period known as *menopause*, or *turn of life*. At this period, according to the plainest indications of nature, all functional activity should cease. If this law is disregarded, disease, premature decay, possibly local degenerations, will be sure to result. Nature cannot be abused with impunity."

"The proper limit of man's functional activity" is, according to Kellogg, 50; and it is exceedingly dangerous for man to extend his sex life longer, for it may result in early senility and death. In addition, states the author, "When the passions have been indulged, and their diminishing vigor stimulated, a horrid disease, *satyriasis*, not infrequently seizes upon the imprudent individual, and drives him to the perpetration of the most loathsome crimes and excesses. Passions cultivated and encouraged by gratification through life will thus sometimes assert a total supremacy in old age."

Abnormal Sex, Birth Control & Abortion

All forms of nonprocreative sex play are considered, by the doctor, to be heinous crimes against nature, too abominable to deserve space in his book. He states, "We have at our disposition numerous facts which rigorously prove the disastrous influence of abnormal coitus to the woman, but we think it is useless to publish them. All practitioners have more or less observed them, and it will only be necessary for them to call upon their memories to supply what our silence leaves."

The doctor observes, however, that the use of various popular pharmaceutical and mechanical methods of birth control are as much a crime against nature as any act of sexual perversion. He states, "We hear a good deal about certain crimes against nature, such as pederasty and sodomy, and they meet with the indignant condemnation of all the right-minded persons. The statutes are especially severe on offenders of this class, the penalty being imprisonment between one and ten years, whereas fornication is punished by imprisonment for not more than 60 days and a fine less than \$100. But the query very pertinently arises just here as to whether the use of the condom and defertilizing injections is not equally a crime against nature, and quite as worthy of our detestation and contempt."

Dr. Kellogg considers the use of such contraceptive measures as a form of abortion and deems all abortion to be murder. He is most emotionally emphatic on this point, stating: "Is it immoral to take a human life? Is it a sin to kill a child? Is it a crime to strangle an infant at birth? Is it a murderous act to destroy a half-formed human being in its mother's womb? Who will dare to answer 'No' to one of these questions? Then who can refuse assent to the plain truth that it is equally a murder to deprive of life the most recent product of the generative act?"

Thus does Dr. Kellogg complete his full-rounded of sexual abstinence in marriage. The chaste are pure, for the sexual inclinations of man are surely the inspiration of Satan himself, introduced on this earth to tempt the weak and the unwary, and leading to an indescribable assortment of diseases and deaths in this world, and to eternal damnation in the next.

We know nothing of the life of Mrs. J.H. Kellogg, but it could not have been a very satisfying physical union. We can only hope that she developed a taste for the peanut butter sandwiches that were the inspiration of one of her husband's more inventive moments, since he displays such an aversion to assuaging any other sort of bodily appetite. If this personal aside seems unjustly snide, please consider the countless thousands of young couples whose chances for marital happiness were diminished or actually destroyed, because one or both of them read and believed Dr. Kellogg's book of Puritan perversion. What naive maid could consider the act of love with anything but repugnance and fear after digesting the contents of this volume; how many wives found frigidity in its pages and how many husbands derived a lifetime of sexual guilt and even impotence there? The number is incalculable. And since this book is but a single, all too typical example of the antisexual thinking of the time, it is only to be wondered that our present society is not more severely sexually suppressed than it is.

The Solitary Vice

It will come as no surprise to the student of psychosexual pathology that Dr. J.H. Kellogg saves for his last and most damning condemnation, the act of masturbation. As we have already discussed in previous installments of this editorial series, the sexually disturbed individual first fixes his fears and guilt on his own earliest sexual inclinations. Taboos against masturbation invariably play an important part in the moral dogma of the person or the society that is suffering from serious sexual repression.

We commented upon the disproportionate emphasis given to masturbation in the restrictive "penitential books" of the medieval Church (*The Playboy Philosophy*, August 1963). Dr. Kellogg devotes almost half his *Plain Facts for Old and Young* to the subject. The chapter titled "Solitary Vice" is the longest in the book.

The doctor states: "If illicit commerce of the sexes is a heinous sin, self-pollution, or masturbation, is a crime doubly abominable. As a sin against nature, it has no parallel except in sodomy (see *Genesis* 19:5, *Judges* 19:22)."

Both of these Biblical references are to sodomy and not, as might be assumed by the reader, to masturbation. The Bible contains no prohibition regarding masturbation; although, as we have previously discussed, the story of Onan (*Genesis* 38:9) has frequently been misinterpreted as a condemnation of this act, adding to our language the word onanism, as a synonym for masturbation. The story of Onan actually concerns the breaking of an ancient Judaic law of property, that required a man to impregnate the widow of deceased brother, so that there would be a heir, and the property of the family would remain the family; according to the story related in *Genesis*, Onan failed to do this, so the Lord slew him. The medieval Church misinterpreted this and several other portions of the Scriptures, including Adam and Eve's expulsion from the Garden of Eden, to support the antisexual attitude of the Church in the Middle Ages.

"This vice is the most dangerous of all sexual abuses," Dr. Kellogg observes, "because it is the most extensively practiced. The vice consists in any excitement of the genital organs produced otherwise than in the natural way [by which the doctor means, of course, sexual intercourse for the purpose of reproduction]. It is known by the terms self-pollution, self-abuse, masturbation, onanism, manustupration, voluntary pollution, solitary or secret vice, and other names sufficiently explanatory."

The doctor is convinced that any person performing the act senses, without ever having been told, that it is immoral. He states, "Even though no warning may have been given, the transgressor seems to know, instinctively, that he is committing a great wrong, for he carefully hides his practice from observation. In solitude he pollutes himself, and with his own hand blights all his prospects for both this world and the next. Even after being solemnly warned, he will often continue this worse than beastly practice, deliberately forfeiting his right to health and happiness for a moment's mad sensuality."

Actually, the association of sex with guilt and shame begins for the infant when he is first chastised by his parent for the natural exploration and manipulation of his genitals, which he early discovers to be the source of physical pleasure; this negative association then spreads, with his later development, to other areas of sex and pleasure. There is, of course, no harm in masturbation whatsoever -- physical, mental, or emotional, and it is practiced by almost everyone, at one time or another; the harm lies in associating the act with ideas of perversion or sin.

Dr. Kellogg offers a helpful guide to those interested in recognizing the evil in others. Under the heading "*Suspicious Signs*," he states, "The following symptoms, occurring in the mental and physical character and habits of a child or young person, may well give rise to grave suspicions of evil, and should cause parents or guardians to be on the alert to root it out if possible: *General debility*, coming upon a previously healthy child, marked by emaciation, weakness, an unnatural paleness, colorless lips and gums, and the general symptoms of exhaustion...; *Early symptoms of consumption*; *Premature and defective development*; *Sudden change in disposition*; *Lassitude*; *Sleeplessness*; *Failure of mental capacity*; *Fickleness*; *Untrustworthiness*; *Love of solitude*; *Bashfulness*; *Unnatural boldness*; *Mock piety*; *Easily frightened*; *Confusion of ideas*; *Round shoulders*; *Weak backs*; *pain in the limbs*, and *stiffness of the joints*; *Paralysis*; *Lack of development of the breasts* in females after puberty...: *Capricious appetite*; *Eating clay, slate-pencils, plaster, chalk*, and other indigestible articles is a practice to which girls who abuse themselves are especially addicted; *The use of tobacco*; *Acne or pimples*; *Biting the fingernails*; *Lack of luster and natural brilliancy in the eyes*; *Habitually moist, cold hands*; *Palpitation of the heart*; *Hysteria*; *Epileptic fits*; *Wetting the bed*; [and] *Unchastity of speech*...."

Having done his best, in the previous chapter, to destroy the loving relationship between the husband and wife, Dr. Kellogg now sets about tearing down the mutual respect, trust and admiration that should exist between parent and child. Here is the doctor's warmhearted plan for parental detection of self-abuse in their children: "If a child is noticed to seek a secluded spot with considerable regularity, he should be carefully followed and secretly watched, for several days in succession if need be. Many children pursue the practice at night after retiring. If the suspected one is observed to become very

quickly quiet after retiring, and when looked at appears to be asleep, the bedclothes should be quickly thrown off under some pretense. If, in case of a boy, the penis is found in a state of erection, with the hands near the genitals, he may certainly be treated as a masturbator without any error. If he is found in a state of excitement, in connection with other evidences, with a quickened circulation as indicated by the pulse, or in a state of perspiration, his guilt is certain, even though he may pretend to be asleep; no doubt he has been addicted to the vice for a considerable time to have acquired so much cunning. If the same course is pursued with girls, under the same circumstances, the clitoris will be found congested, with the other genital organs moist from increased secretion."

For the parent or guardian turned inquisitorial investigator, the author offers another clue: "Stains upon the night-shirt or sheets, occurring before puberty, are certain evidences of the vice...."

The doctor adds, "If any attempt is made to watch the child, he should be so carefully surrounded by vigilance that he cannot possibly transgress without detection. If he is only partially watched, he soon learns to elude observation, and thus the effect is only to make him cunning in his vice."

The habit may be cured in children "by admonishing them of its sinfulness, and portraying in vivid colors its terrible results...." In addition, "he should not be left alone at anytime, lest he yield to temptation. Work is an excellent remedy; work that will really make him very tired, so that when he goes to bed he will have no disposition to defile himself. It is best to place such a child under the care of a faithful person of older years, whose special duty it shall be to watch him night and day until the habit is thoroughly overcome."

In younger children, with whom moral considerations will have no particular weight, Kellogg suggests "tying the hands," or "bandaging the parts," or "covering the organs with a cage." He also suggests circumcision, as "a remedy that is almost always successful in small boys.... The operation should be performed by a surgeon without administering an anesthetic, as the brief pain attending the operation will have a salutary effect upon the mind, especially if it be connected with the idea of punishment...."

In adults, or youths, a different plan must be pursued, according to the doctor. "In these cases, moral considerations, and the inevitable consequences to health of body and mind, are the chief influences by which a reform is to be effected, if at all. These considerations may be urged with all possible eloquence and earnestness, but *should not be exaggerated*." [Emphasis ours.] "The *truth*," says the doctor, "is terrible enough."

If there are any *special influences* which may be brought to bear upon a particular individual -- and there always will be something of this sort owing to peculiarities of temperament or circumstances -- these should be promptly employed and applied in such a manner as to secure them their full bearing."

The results of masturbation include, according to Dr. Kellogg, *impotency in the male, sterility in the female, urinary diseases, dyspepsia, throat affections, heart disease, diseases of the nervous system, epilepsy, cancer, idiocy, suicide, insanity and piles*.

What Dr. Kellogg chooses to describe as "the truth" is, as he puts it, "terrible enough!"

Nocturnal Emissions

Since every sign of man's sexual nature may become repugnant to one sufficiently perverted and negatively obsessed with his subject, it should come as no surprise to find that this learned man of medicine is ever concerned with involuntary nocturnal emissions.

"That an individual may suffer for years an involuntary seminal loss as frequently as once a month without apparently suffering very great injury," says Dr. Kellogg, "seems to be a settled fact with physicians of extensive experience and is well confirmed by observation; yet there are those who suffer

severely from losses no more frequent than this. But when seminal losses occur more frequently than once a month, they will certainly ultimate in great injury, even though immediate ill effects are not noticed...."

As Kellogg correctly states, for a change, "The masturbator knows nothing of this disease, so long as he continues his vile practice. But," he adds, "when he resolves to reform, and ceases to defile himself voluntarily, he is astonished and disgusted to find that the same filthy pollutions occur during his sleep without his voluntary participation."

Nocturnal emissions have two primary causes, according to Kellogg, "local irritation and lewd thoughts." Sexual thoughts are just as harmful to a person when he is sleeping as when he is awake, the doctor explains. But, curiously enough, the doctor considers emissions unaccompanied by dreaming as the most serious sort. "At first," he says, "the emissions are always accompanied by dreams, the patient usually awakening immediately afterward; but after a time they take place without dreams and without awaking him, and are unaccompanied by sensation. This denotes a greatly increased gravity of the complaint."

Students of Freud will be interested in Kellogg's comments under the heading: "*Can Dreams Be Controlled?*" The doctor answers his own query: "Facts prove that they can be to a remarkable extent."

Kellogg offers the case history of "an Italian gentleman of great respectability," as an illustration of what can be accomplished in the dream department with "strong resolution." The Italian gentleman had, it seems, "been inconvenienced five years before with frequent emissions, which totally unnerved him. He determined resolutely that the very instant the image of a woman or any libidinous idea presented itself to his imagination, *he would wake*; and to ensure his doing so, dwelt in his thoughts on his resolution for a long time before going to sleep. The remedy, applied by a vigorous will, had the most happy results. The idea, the remembrance of its being a *danger*, and the determination to wake, closely united the evening before, were never dissociated even in sleep, and he awoke in time; and this reiterated precaution, repeated during some evenings, absolutely cured of the complaint."

Since Freud has established that dreams actually provide a necessary and healthful "escape-hatch" for many ideas that might otherwise play havoc in our subconscious minds, this little game of dream-control, wholeheartedly recommended by the author, might be expected to produce all manner of psychic ills. If the thought, which we do not care to consciously accept, is not permitted to escape -- either directly, or in some disguised form -- in a dream, it will be repressed. And then the psychopathological fun begins!

Dr. Kellogg offers a number of suggestions for "curing" nocturnal emissions, including the avoidance of stimulating food and drink; sleeping on one's side, rather than on the back or abdomen (as an aide to this, he suggests fastening "a piece of wood upon the back" or "tying one hand to the bedpost"); avoiding soft beds and pillows; and arising immediately upon waking in the morning "if it is after four o'clock."

This concern over nocturnal emissions again reminds us of the penitentials of the Dark Ages, which prescribed the penance for an involuntary nocturnal emission as rising promptly, and reciting seven penitential psalms, with an additional 30 in the morning.

Dr. Kellogg states that the eventual outcome of nocturnal emissions is impotence.

There is a certain pathetic irony in the fact that the last few pages of his chapter on self-abuse and nocturnal emissions are devoted to a warning against soliciting advice in this subject from "quacks." Under a section with that title, Dr. Kellogg says, "Never consult a quack. The newspapers abound with lying advertisements of remedies for diseases of this character. Do not waste time and money in corresponding with the ignorant, unprincipled charlatans who make such false pretensions.... Consult only some well-known and reliable physician in whom you have confidence. If your physician treats the matter

lightly, and advises marriage as a means of cure, you will not judge him harshly if you decide that although he may be thoroughly competent to treat other diseases, he is ignorant of the nature and proper treatment of this....

Do not despair of ever recovering from the effects of past transgression, and plunge into greater depths of sin. Persevering, skillful treatment will cure almost every case.... Every sufferer from sexual disease must make up his mind to live, during the remainder of his life, as closely in accord with the laws of life and health as circumstances under his control will allow him to do."

A Final Word for Boys & Girls

Dr. Kellogg concludes *Plain Facts for Old and Young* with a final "*Chapter for Boys*" and a "*Chapter for Girls*." It comes as no surprise to find that these are devoted, almost in their entirety, to additional warnings against the evils of masturbation.

Under the heading "*Self-Murderers*," the author states, "Of all the vices to which human beings are addicted, no other so rapidly undermines the constitution and so certainly makes a complete wreck of an individual as this, especially when the habit is begun at an early age. It wastes the most precious part of the blood, uses up the vital forces, and finally leaves the poor victim a most utterly ruined and loathsome object. If a boy should be deprived of both hands and feet and should lose his eyesight, he would still be infinitely better off than the boy who for years gives himself up to the gratification of lust in secret vice...."

The doctor offers an illustrative case history especially written for his younger reader, under the title "*Two Young Wrecks*": "Charles and Oscar B_____ were the sons of a farmer in a Western state, aged respectively ten and 12 years. They possessed well-informed heads, and once had beautiful faces, and were as bright and sprightly as any little boys of their age to be found anywhere. Their father was proud of them, and their fond mother took great pleasure in building bright prospects for her darling sons when they should attain maturity and become competent to fill useful and honorable positions in the world....

"But suddenly certain manifestations appeared which gave rise to grave apprehensions on the part of the parents. It was observed that the elder of the little boys no longer played about with that nimbleness which he had formerly shown, but seemed slow and stiff in his movements. Sometimes, indeed, he would stagger a little when he walked. Soon, also, his speech became in some degree; he mumbled his words and could not speak distinctly. In spite of all that could be done, the disease continued, increasing in all its symptoms from week to week. Soon the hands, also, became affected, so that the little boy could not feed himself. The mind now began to fail. The bright eyes became vacant and expressionless. Instead of the merry light which used to shine in them, there was a blank, idiotic stare.

"Imagine the grief and anguish of the poor mother! No one but a mother who has been called to pass through a similar trial could know how to sympathize with such a one. Her darling son she saw daily becoming a prey to a strange, incurable malady, with no power even to stay the progress of the terrible disease.

"But there was still greater grief in store for her. Within a year or two the younger son began to show symptoms of the same character, and in spite of all that was done, rapidly sank into the same helpless state as his brother. As a last resort, the mother took her boys and came a long journey to place her sons under our care. At the time they were both nearly helpless. Neither could walk but a few steps. They reeled and staggered about like drunken men, falling down upon each other and going through the most agonizing contortions in attempts to work their way from one chair to another and thus about the room. Their heads were no longer erect, but drooped like wilted flowers. On their faces was a blank, imbecile expression, with a few traces of former intelligence still left. The mouths were still open, from the drooping of the lower jaws, and the saliva dribbled upon the clothing. Altogether, it was a spectacle which

one does not care to meet every day; the impression made was too harrowing to be pleasant even for its interest from a scientific point of view.

"We at once set to work to discover the cause of this dreadful condition, saying to ourselves that such an awful punishment should certainly be the result of some gross violation of nature's laws somewhere. The most careful scrutiny of the history of the parents of the unfortunate lads gave no clue to anything of an hereditary character, both parents having come of good families, and having been always of sober, temperate habits. The father had used neither liquor nor tobacco in any form. The mother could give no light on the matter, and we were obliged to rest for the time being upon the conviction which fastened itself upon us that the pair were most marked illustrations of the results of self-abuse begun at a very early age. The mother thought it impossible that our suspicions could be correct, saying that she had watched her sons with jealous care from the earliest infancy and had seen no indications of any error of the sort. But we had not long to wait for confirmation of our view of the case, as they were soon caught in the act, to which it was found that they were greatly addicted, and the mystery was wholly solved."

Although for Dr. Kellogg, "the mystery was wholly solved," he was unable to follow his remarkable diagnosis with any sort of cure, and the boys eventually returned home with their mother, where they lived out their remaining years thus afflicted, and eventually died.

The author devotes a considerable portion of these last two chapters to similar case histories. A young man, referred to as M.M., was the son of a mechanic and of humble circumstances. "Good school advantages were given him, and at a proper age he was put to learn a trade. He succeeded fairly, and his parents' hopes of his becoming all that they could desire were great, when he suddenly began to manifest peculiar symptoms. He had attended a religious revival and seemed much affected, professing religion and becoming a member of the church. To the exercises of his mind on the subject of religion his friends attributed his peculiar actions, which soon became so strange as to excite grave fears that his mind was seriously affected. At times he was wild, showing such unmistakable evidences of insanity that even his poor mother, who was loth to believe the sad truth, was forced to admit that he was deranged..."

"In this condition was the young man when he came under our care. We felt strongly impressed from our first examination of the case that it was one of sexual abuse [which prompts us to observe that this immediate diagnostic insight seems remarkably like what a psychiatrist might consider as a case of projection, on the part of Dr. Kellogg] but we were assured by his friends in the most emphatic manner that such was an impossibility. It was claimed that the most scrupulous care had been bestowed upon him, and that he had been so closely watched that it was impossible that he should have been guilty of so gross of a vice. His friends were disposed to attribute his sad condition to excessive exercise of [his] mind upon religious subjects. [Which prompts us to observe that the patient's friends display more psychiatric acumen than the sanitarium's chief physician.]

"Not satisfied with this view of the case, we set a close watch upon him, and within a week his nurse reported that he had detected him in the act of self-pollution, when he confessed the truth, not yet being so utterly devoid of sense as to have lost his appreciation of the sinfulness of the act. [Which prompts us to observe that this is one of the most incredible examples of diagnostic technique we have ever read.]

"When discovered in the act of self-abuse, the patient exclaimed, 'I know I have made myself a fool,' which was the exact truth."

Dr. Kellogg wasn't able to do anything to help this patient either, which appears to be something of a recurring theme, where the cases of "excessive sexual abuse" are concerned. The doctor reports, "At our suggestion the young man was removed to an institution devoted to the care of the imbeciles and lunatics. The last we heard of the poor fellow, he was still sinking in the lower depths of physical and mental degradation -- a soul utterly lost and ruined. How many thousands of young men who might have been useful members of society -- lawyers, clergymen, statesmen, scientists -- have thus sunk into the foul depths of the quagmire of vice, to rise no more forever! Oh, awful fate! The human eye never rests upon a sadder sight than a ruined soul, a mind shattered and debased by vice."

Oh, physician, heal thyself!

A last case history, and we are done with Dr. J.H. Kellogg forevermore. "A case came to our knowledge through a gentleman who brought his daughter to us for treatment for the effects of self-abuse," Kellogg reports, "of a father who adopted a summary method of curing his son of the evil practice. Having discovered that the lad was a victim of the vile habit, and having done all in his power by punishment, threats, and representations of its terrible effects, but without inducing him to reform, the father, in a fit of desperation, seized the sinful boy and with his own hand performed upon him the operation of castration as he would have done upon a colt. The boy recovered from the operation, and was, of course, effectively cured from his vile habit. The remedy was efficient, though scarcely justifiable. Even a father has no right thus to mutilate his own son, though we must confess that the lad's chances for becoming a useful man are fully as good as they would have been had he continued his course of sin."

Our Antisexual Heritage

We haven't devoted an entire installment of this editorial to Dr. J.H. Kellogg and his book simply to describe the twisted antisexuality of a single individual, or a single volume of his writings. We have given the space to thus extended consideration of *Plain Facts for Old and Young* because it serves as a classic case study of Puritan America at the end of the last century.

As we stated at the beginning of this article, Dr. John Harvey Kellogg was not an insignificant crackpot, whose irrational sexual rantings can be dismissed as of little consequence. Dr. Kellogg was a highly respected member of the medical profession, who held a number of important positions in his lifetime, who was affiliated with a number of influential medical associations, and whose words on any aspect of medical science carried considerable authority and import.

Under the circumstances, the pathological aversion to sex evidenced throughout the more than 500 pages of *Plain Facts* might be viewed as ample proof of the disturbed psyche of its author. In actual fact, however, the book is an accurate reflection of the guilt-and-shame-infested culture in which it was produced. If there is sickness in this sexual treatise, it is less the sickness of a single individual than a symptom of an entire sick society.

But this book was not written in the Old World during the Dark Ages; it was written here in the United States less than 100 years ago. The antisexual attitude expressed in this worn volume are typical of that severe puritanical period; the irrational intermixing of science, Scripture and superstition is typical, too.

It may be argued, with validity, that the fact most dramatically demonstrated by the naive nature of Dr. Kellogg's book is how much we have learned from Darwin, Freud, Kinsey, and others, regarding both the physical and psychological makeup of man, since the 19th century. But though our scientific insights have increased a thousandfold, our society's mores and laws are still rooted in the sterile soil of puritanism.

We still suffer, in this supposedly enlightened time, from taboos and guilts regarding sexual behavior that are directly derived from the almost total antisexuality of the late 1800s, so enthusiastically depicted in Kellogg's chronicle. It is hardly significant that the taboos have been somewhat tempered and the guilts become less grave, in the fourscore years between; the irrational restrictions and repressions still exist, and the difference in his world and ours is only a matter of degree -- not reason replacing superstition.

We devoted the two previous installments of *The Playboy Philosophy* to current U.S. sex laws, and can only conclude that these statutes, in all 50 states, are as unreasoned and unreasonable today as when Dr. Kellogg first put pen to paper. The American Law Institute proposed a Model Penal Code for sex offenses almost a decade ago, but no state has yet adopted this recommendation for more lenient

legislation; our sex statutes are still based more on puritanism than psychiatry, more on religious morality than scientific insight.

Many Americans do not realize that censorship in this country commenced in the 19th century -- mostly in its last three puritanical decades -- and was previously all but unknown here. Thomas Jefferson wrote, in 1814, "I am mortified to be told that, in the United States of America, the sale of a cook can become a subject of inquiry, and of criminal inquiry too, as an offense against religion; that a question like this can be carried before the civil magistrate. Is this then our freedom of religion?"

With our Puritan heritage, it is no surprise that when censorship came to our supposedly free society, it centered upon the literature and art that dealt with sex. In a memorable debate in the U.S. Senate in 1835, Clay, Calhoun and Webster declared that the government of the United States should never be involved in an act of censorship; and in the same year a visitor from France, Alexis de Tocqueville, reported "Attempts have been made by some governments to protect the morality of nations by prohibiting licentious books. In the United States no one is punished for this sort of work."

But in 1842 Congress passed a Tariff Act that forbade the importation of "obscene books or pictures into the United States"; and in 1865 another federal law was passed prohibiting the transmission of objectionable materials through the mails. "But there was one saving grace in these laws," wrote Ernest Sutherland Bates. "It never occurred to anyone apparently that they should be enforced. And then around 1870 the lid was clamped down. Censorship spread over the land like a prairie fire."

Anthony Comstock, the most infamous and influential censor in American history, was at his bluenosed, book-burning peak when Dr. J.H. Kellogg wrote *Plain Facts*, and the doctor commends Comstock for his censorship activities, and quotes him in several places, in his own remarkable volume of antisex. Comstock founded the New York Society for the Suppression of Vice in 1873, and the same year secured the passage of the so-called Comstock Laws from the U.S. Congress that made the interstate dissemination of "immoral" art and literature a serious federal offense; Comstock also managed to get himself appointed as a special, nonsalaried investigator for the post office, and in that position caused the conviction of countless persons, reportedly destroyed 160 tons of allegedly obscene literature and nearly 4 million pictures.

H.L. Mencken, noted American editor, author and social critic, wrote: "The story of the passage of the Act of Congress of March 3, 1873, is a classical tale of Puritan impudence and chicanery. Ostensibly...the new laws were designed to put down traffic [in obscenity] which, of course, found no defenders -- but Comstock had so drawn them that their actual sweep was vastly wider, and once he was firmly in the saddle, his enterprises scarcely knew limits...."

"In carrying on this war of extermination upon all ideas that violated their own private notions of virtue and decorum, Comstock and his followers were very greatly aided by the vagueness of the law. It prohibited the use of the mails for transporting all matter of 'obscene, lewd, lascivious...or filthy' character, but conveniently failed to define these adjectives. As a result...it was possible to bring an accusation against practically any publication that aroused the Comstockian blood-lust."

Publisher Bernarr MacFadden wrote, shortly after Comstock's death: "I propose to add to a dictionary that is already too long the word *comstock*; its meaning will be apparent to everyone. If you associate dirt, filth and obscenity with an idea, a picture, a statue, or anything, why -- you simply comstock it."

The U.S. censorship laws and their vigorous enforcement, established by Anthony Comstock in that Puritan period, are still very much with us today. And it has only been within the past decade that American literature and art have made any serious attempt to throw off the shackles of censorship placed upon them by Comstock and his followers at the end of the last century.

The Playboy Philosophy

Puritanism was still so dominant a force in America less than 50 years ago that, from 1919 to 1933, the entire nation suffered under the enforced Prohibition established by Congress with the 18th Amendment; and several states still suffer under various forms of Prohibition today. National Prohibition, known as the "Noble Experiment," was almost certainly the most corrupting legislation ever established in the United States; it made criminals out of honest men, and drunkards out of sober ones. It stands as a monument to the evil that can result when man attempts to establish by governmental edict what should rightfully be a matter of personal choice.

Abraham Lincoln said prophetically, in a speech before the Illinois House of Representatives, in 1840: "Prohibition will work great injury to the cause of temperance. It is a species of intemperance within itself, for it goes beyond the bounds of reason in that it attempts to control a man's appetite by legislation, and makes a crime out of things that are not crimes. A Prohibition law strikes a blow at the very principles upon which our government was founded."

And H.L. Mencken responded to the "Noble Experiment" with a quotation from the Bible: "There is crying for wine in the streets; all joy is darkened, the mirth of the land is gone."-- *Isaiah* 24:11.

In the mid-Twenties, the Puritan concept of theocratic control of the state became a national issue with the famous Scopes "Monkey Trial" in Tennessee. A young biology teacher was put on trial for introducing Darwin's theory of evolution to his classes, because a state law specifically prohibited the teaching of any theory of the origin of man that was not in strict accordance with a literal interpretation of the Bible. The case caused a sensation because Christian fundamentalist William Jennings Bryan went to Dayton, Tennessee, to assist the local prosecutor; and the American Civil Liberties Union persuaded Clarence Darrow, the most famous trial lawyer of his generation, to appear for the defense.

The judge's rulings made it impossible for Darrow to plead the real issues in the case and teacher Scopes was found guilty on a technicality; but Darrow managed to get Bryan on the stand as an expert witness on the Scriptures, and subjected him to a devastating cross-examination on his Puritan beliefs, regarding the conflict between science and the Bible, that made Bryan, and the Tennessee court, the laughingstocks of the nation. It was an experience from which Bryan never recovered; he died of a stroke five days after the trial ended.

If the "Monkey Trial" appears to be little more than a piece of quaint Americana from out of the past, we must inform our readers that there exists -- at this very moment in the state of Arizona -- a serious Puritan attempt to petition the legislature to pass an antievolution law, just like the one they had in Tennessee in the Twenties.

And how really different are the church-state considerations in the case of the biology teacher Scopes in 1925 and those of biology teacher Koch in 1960? Professor Leo F. Koch (pronounced "Cook") was dismissed from the faculty of the University of Illinois four years ago for responding to an editorial on student sex habits in the *Daily Illini* with a letter in which he stated: "With modern contraceptives and medical advice readily available at the nearest drugstore, or at least from a family physician, there is no valid reason why sexual intercourse should not be condoned among those sufficiently mature to engage in it without social consequences and without violating their own codes of morality and ethics." The campus paper published his letter and the university promptly fired him.

A few months ago another professor at the University of Illinois, Revilo P. Oliver, whose first name is his last name spelled backward because, according to some of his colleagues, "he doesn't know if he is coming or going," gained national attention with an article he authored for *American Opinion*, the magazine of the John Birch Society, in which he referred to the recently assassinated John F. Kennedy as "a valuable agent of the international Communist conspiracy."

The powers that be at the university, which happens to be our own alma mater, simply clucked disapprovingly at Professor Oliver's intemperate and ill-timed remarks, but concluded that his rather extreme political views did not hamper his ability as a teacher. Not so with Professor Koch; he got the boot!

Oliver was accorded his right to free expression, because all he did was call President Kennedy a traitor; Koch lost his right, because he did something far worse -- he questioned our Puritan concept of sexual morality. That is obviously the *one* excess that lies outside the protections given to free expression in our free society.

Professor Koch touched the heart of the matter himself, with an all-too-prophetic passage in his letter that none of the major newspapers or wire services bothered to include in their stories on his dismissal: "The...important hazard is that a public discussion of sex will offend the religious feelings of the leaders of our religious institutions. These people feel that youngsters should remain ignorant of sex for fear that knowledge of it will lead to temptation and sin."

And that is precisely what happened. Several churchmen voiced vigorous protests, and biology professor Koch got the old heave ho! He might have fared better at the University of Chicago, where, we understand, the Student Health Service hands out prescriptions for oral contraceptives to undergraduate coeds, married or unmarried, on request -- on the not altogether irrational premise that if a girl is sufficiently interested to come in and ask for the prescription, she is probably going to engage in sex, with or without it.

The Puritan would argue that it is immoral to give such a prescription to a single girl -- presumably in the severe and inhumane belief that the girl should be made to pay for her sin with pregnancy. The true moralist, we believe, would take a more considered and considerate view -- recognizing that giving the prescriptions to the girls who request them is in the best interests of the girls themselves, and that this, after all, should be the deciding factor.

A Cleveland court decision recently projected the puritanical viewpoint in a similar situation: A mother was found guilty of contributing to the delinquency of a minor for giving her underage daughter instructions in birth control, after the daughter had given birth to three illegitimate children in as many years.

And here we have the crystallization of his moral dilemma -- as real, as important, and as controversial today, as it was in the time of Dr. J.H. Kellogg.

The puritanical believe that their concept of sexual morality should be forced upon the rest of society through strict social taboos and governmental legislation. Those of us who believe in a free society -- whatever our personal religious and moral convictions -- believe that each individual in a democracy has a right to worship God in his own way, and follow the moral dictates of his own particular religion, or those that lie within his own heart, just as long as they do not encroach upon the personal rights of others.

By offering, in this installment of *The Playboy Philosophy*, a dissection of the extreme Puritan antisexuality that has existed in America over the past century, it should be easier to understand whence come the severe sexual restrictions still to be found in the society of the Sixties.

CHAPTER 18

GEORGE BERNARD SHAW had this to say on the subject of immorality: "Whatever is contrary to established manner and customs is immoral. An immoral act or doctrine is not necessarily a sinful one: On the contract, every advance in thought and conduct is by definition immoral until it has converted the majority. For this reason it is of the most enormous importance that immorality should be protected jealously against the attacks of those who have no standard except the standard of custom, and who regard any attack on custom -- that is, on morals -- as an attack on society, on religion, and on virtue...."

"It is immorality, not morality, that needs protection: It is morality, not immorality, that needs restraint; for morality, with all the dead weight of human inertia and superstition to hang on the back of the pioneer, and all the malice of vulgarity and prejudice to threaten him, is responsible for many persecutions and many martyrdoms...."

In the February and April installments of *The Playboy Philosophy*, we examined the extent to which our own society has attempted to control sexual "immortality" by governmental edict; we discussed in detail the degree to which the United States perpetuates, through its laws, the extreme antisexualism of our Puritan religious heritage.

In addition to the legitimate statutes established to protect the individual from uninvited and unwelcome acts of sexual abuse, aggression and attack, there are laws in all 50 of the separate states prohibiting -- under penalty of fine and/or imprisonment -- various forms of sexual intimacy between consenting adults, even within the privacy of a person's own bedroom and when the intimacy may reflect the considered wishes of both partners.

Our democratic government, dedicated to the doctrine of individual freedom and the establishment of a permissive society, nevertheless invades our most private domain and dictates the details of our most personal behavior. The government boldly asserts that our very bodies do not belong to us -- that we cannot use them in our own way, and at our own discretion, but only when and how the state permits. In matters of sex, we have already reached Orwell's world of 1984!

The legislators, judges and minor minions of the law are allowed to lurk in the shadows of our bedrooms, to pull away the covers -- revealing our nakedness -- and to direct the very kisses and caresses we may and may not use in our lovemaking.

Though we are free citizen in most other respects, in sex we are the slaves of among the most restrictive of any country's in the world; and they have helped in sustaining what is surely one of the most sexually repressed societies of the 20th century.

Drs. Eberhard and Phyllis Kronhausen wrote, in a concluding chapter of their book *Sex Histories of American College Men*: "We cannot help but feel that the present state of sexual confusion and its resulting miseries which most of us in the Western world have grown accustomed to enduring are not necessarily the most desirable and certainly not the only possible experience of which humanity is capable."

Dr. Alfred Kinsey and his associates of the Institute for Sex Research of Indiana University, in a summarizing statement in their comprehensive study *Sexual Behavior in the Human Female*, observed: "The law specifies the right of the married adult to have regular intercourse, but it makes no provision whatsoever for the approximately 40 percent of the population which is sexually mature but unmarried. Many...unmarried females and males are seriously disturbed because the only sources of sexual outlet available to them are either legally or socially disapproved. Kinsey added, "In nearly every culture in the world except our own, there is at least some acceptance of coital activities among [the] unmarried...."

The late Dr. Harry Stack Sullivan, who has been described by others in the field of social science as one of the foremost clinicians of our time, commented, in *The Interpersonal Theory of Psychiatry*: "Our

culture is the least adequate in preparing one for meeting the eventualities of sexual maturity, which is another way of saying we are the most sex-ridden people on the face of the globe."

Sex and Marriage

A majority of U.S. sex laws are predicated on the religious dogma that sex is immoral outside of marriage. The marriage license thus becomes a church state sanction to engage in sex. Without it, in most parts of the country, a couple that engages in coitus is committing a crime.

The sex-in-marriage concept is related, in turn, to the religious belief that the purpose of sex is procreation. Since children are best raised, in the framework of our society, as a part of a family unit that includes both a mother and father, there appears to be some rational secular justification for the prohibitions against nonmarital sex. But in order to be something more than the governmental enforcement of a religious morality (which is totally inconsistent with the American doctrine of religious freedom), legislation should properly be directed against the secular aspect of the problem -- prohibiting conception of children out of wedlock -- rather than indiscriminately outlawing all acts of nonmarital intimacy; and the inconsistency of this argument is compounded by our society's willingness to dissolve marriages, though state-sanctioned divorce, where children of even tender years are involved.

The religious origin of these statutes is especially obvious when one considers the unusually severe penalties prescribed for acts of nonprocreative sex. If the actual purpose of the laws was to assure offspring the benefits of being raised in a family environment, with both parents present and accounted for, the legislators would have been most concerned with prohibiting those forms of unsanctioned sex that could result in illegitimate births. But Judaeo-Christian moral tradition has, for 2000 years, stressed taboos against nonprocreative sexual behavior, and so it is nonprocreative sex -- marital and extramarital, heterosexual and homosexual -- that our lawmakers have proclaimed as the most serious crimes, and for which they have prescribed the most extreme punishments.

The religious taboos surrounding noncoital sexual activity may be considered consistent with the moral view that the purpose of sex is procreation. But the person who accepts such a sexual morality for himself should still oppose any attempt on the part of the state to force these religious restrictions upon those in our society who do not wish to accept them. By establishing a specific sex ethic as the law, our government deprives each individual of the free choice that our democracy is supposed to assure. This separation of the interest of church and state is one of the fundamental principles upon which this country was founded; it is one of the most important guarantees of the U.S. Constitution; it is what set American democracy apart from the suppressive church-state rule of the Old World.

The laws that govern our land are supposedly created out of a rational and humane concern for each citizen -- to protect his person and property -- and to keep secure his inalienable rights to life, liberty and the pursuit of happiness. The statutes that place coercive controls over the personal sex behavior of the adult members of our society are, however, quite clearly no more than the reflection of a particular religious code that is unrelated to our secular interests and welfare.

Criminal Coitus

The state's intrusion into the private religious-moral conduct of its citizens would be improper even if a relatively few members of society were adversely affected. But U.S. sex laws are so irrationally conceived, and so unrelated to the actual moral conduct of the community, that they make criminals out of almost everyone.

The most authoritative studies of U.S. sex behavior indicate that most American males (over 85 percent) and approximately half of all females (ranging up to 60 percent among women with some college education) have sexual intercourse prior to marriage. And almost all men and women (well over 90 percent) who have been previously married, but who have lost their spouses through death or divorce, continue to engage in sex on a fairly regular basis, with partners to whom they are not wed. But this sex

activity is listed as the crime of fornication in 36 of the 50 states, with penalties ranging from a \$10 fine in Rhode Island to \$1000 and/or one year in prison in Georgia, Missouri and Nevada.

In addition, approximately one out of every two married males, and one out of every four married females, have sexual intercourse with someone other than their respective spouses at some time during their marriages. This behavior is prohibited under adultery statutes in 45 states, with penalties including both fines and imprisonment in most, ranging up to five years at hard labor in Maine, Oklahoma, South Dakota and Vermont.

The Sin of Sex

Even though many of our society's present attitudes on sex are a direct outgrowth of the period, it is difficult for most of us to conceive the extent of the extreme antisexualism that existed in America at the end of the 19th and beginning of the 20th centuries, when most of our sex statutes were written.

We devoted the previous installment of this editorial series (*The Playboy Philosophy*, July 1964) to a consideration of this time of suppressive Puritanism in America, which had its parallel in the Victorian Era in England a few years earlier. Our grandparents grew up in a society so ashamed of the human body and its functions, and so generally guilt-ridden about sex, that it was not considered a fit subject even to be discussed in polite company; it was clearly understood that a "nice" girl did not possess any sexual desire; and sexual intercourse, within the bonds of marriage, was looked upon as a necessary evil for the perpetuation of the human race.

The notion that sex is inherently evil has been a part of the Christian tradition for centuries, but it has received greater emphasis in some periods than in others, and we have previously examined the complex codification that the medieval Church brought to all sexual activity -- both within and outside of marriage. The Puritans further reinforced this antisexualism after the Reformation and eventually almost all leisure was considered ungodly.

The sin of sex was primarily in its pleasure, and any sexual act that was not for the purpose of procreation, but engaged in for pleasure alone, was necessarily and especially immoral. Thus masturbation, sex play with animals and sexual intimacy between members of the same sex were all forbidden by religious law and called for the most severe penalties, sometimes including death. In the more extreme periods of religious antisexualism, nonprocreative sex was also forbidden between members of the opposite sex, even within marriage, since it frustrated the moral (religious) purpose of sexual congress.

Out of the close alliance of church and state in Europe, many of these ecclesiastical laws eventually found their way into the laws of secular society. And so, even while proclaiming the separation of church and state in America, we accepted into our own legislative doctrine many of the same statutes covering private sexual behavior that were, by then, a part of English common law -- even though they were clearly no more than a reinforcement of church dogma by the state.

Crime Without Coitus

The taboos -- both social and legal -- surrounding nonprocreative sex are still extreme in modern American society, but the activity is, nevertheless, quite common. Although masturbation was thought to cause all manner of mental, emotional and physical ills in our grandparents' day, almost all males (over 90 percent) and a majority of females (over 60 percent) admit to having some masturbatory experience; and precoital petting commonly includes some mutual masturbation, especially among males and females of higher education.

Mouth-genital activity (fellatio and cunnilingus) is also a common part of the heterosexual foreplay to coitus, and sometimes serves as a substitute for sexual intercourse, especially among unmarried, upper-educated adolescents and adults, with whom the taboos surrounding premarital intercourse seem

most successful. Dr. Alfred Kinsey states, in *Sexual Behavior in the Human Male*: "Mouth-genital contacts of some sort, with the subject as either the active or passive member in the relationship, occur at some time in the histories of nearly 60 percent of all males."

Kinsey and his associates found, in their studies of U.S. sex behavior, that approximately 18 percent of all American men have premarital, heterosexual oral-genital relations of an "active" nature (cunnilingus, performed by the male upon the female) and 38 percent have "passive" oral-genital relations prior to marriage (fellatio, performed by the female upon the male); approximately 15 percent of all U.S. women have some mouth-genital experience, either "active" or "passive," prior to marriage; and between 40 to 50 percent of all husbands and wives engage in such activity.

Although Kinsey neglected to tabulate the statistics on anal intercourse derived from his studies, and so specific figures on this behavior do not appear in either *Sexual Behavior of the human Male* or *Female*, Dr. Paul Gebhard, who succeeded Dr. Kinsey as director of the Institute for Sex Research on the latter's death, indicates that this form of noncoital sex is far more common than was previously assumed, and eventually involves between 10 and 20 percent of the total population.

Crimes With Man and Beast

Homosexuality is considered a perversion by most of contemporary American society and the recognized homosexual -- especially the male -- is often subjected to considerable abuse. It may come as a surprise to many, therefore, to learn that a relatively high percentage of all men and women have had some homosexual experience.

It is recognized by experts in the field of sexual behavior that most males and females can, under certain circumstances, be erotically attracted to members of the same sex. Whenever either men or women are placed in a situation in which their contacts are largely limited to their own sex for any appreciable length of time -- as in prison, boarding school or certain assignments in the armed service -- there is a marked increase in homosexual activity.

While only a small percentage is *exclusively* homosexual for a lifetime (4 percent of all U.S. males), Kinsey's researchers found that a minimum of 37 percent of the male population has some overt homosexual experience to the point of orgasm after puberty and prior to the age of 45; and 20 percent of the total female population has engaged in some homosexual activity prior to that age.

Sexual contacts between humans and other forms of animal life are even more taboo in our society than homosexual activity and, until recently, this was assumed to be a relatively rare form of sexual release for man; but Kinsey found that in rural areas, where a variety of animals was readily available, animal contacts were quite common in the early sexual experimentation of young males. Kinsey states, "Something between 40 and 50 percent of all farm boys...have some sort of animal contact, either with or without orgasm, in their preadolescent, adolescent, and/or later histories." While only 8 percent of the total male population has postadolescent experience with animals resulting in orgasm, the lowness of this figure would appear to reflect lack of opportunity more than anything else, since approximately 17 percent of the males from rural and farm communities have such contacts, and in some Western parts of the United States, the incidence rises to as high as 65 percent.

Crimes Abominable & Detestable

All of the aforementioned nonprocreative sexual behavior has been lumped together by our state legislators into omnibus statutes against "sodomy." In the literal sense, sodomy is anal intercourse involving two males -- the word is derived from the Biblical story of Sodom, which the Lord destroyed with fire and brimstone, because He was displeased with the prevalence of the practice there -- but its meaning is now sometimes extended to include sexual acts with animals (bestiality), as well.

It is difficult to arrive at any adequate legal definition, however, for the sodomy statutes of the U.S. encompass, without distinction, almost every imaginable form of noncoital sex -- homosexual and heterosexual, marital and nonmarital -- including fellatio, cunnilingus, pederasty, buggery, bestiality and, in two states (Indiana and Wyoming), even mutual masturbation.

Although the common law of England -- from which most American law is derived -- considered sodomy as either the act of pederasty or bestiality performed by or upon a man, a majority of our states' statutes have given it a far broader application -- covering oral as well as anal intercourse, and prohibiting such activity not only between members of the same sex, but also between members of the opposite sex. Including husband and wife.

Minnesota's statute reads, in part: "Any person who shall carnally know any animal, bird, man or woman, by anus or mouth, or voluntarily submits to such knowledge...is guilty of sodomy...."

Iowa goes further with: "Whosoever shall have carnal copulation in *any* opening of the body [emphasis ours] except sexual parts with another human being, or shall have carnal copulation with a beast shall be deemed guilty of sodomy...."

And Arizona goes further still: "Any person who shall willfully commit any lewd or lascivious act upon or with the body of [or] any part or member thereof, of any male or female person with intent of arousing, appealing to, or gratifying the lust, or passion, or sexual desires of either person in any unnatural manner shall be guilty of a felony...."

The Indiana law reads: "Whoever commits the abominable and detestable crime against nature with mankind or beast; or whoever entices, allures, instigates or aids any person under the age of twenty-one (21) years to commit to masturbation or self-pollution shall be deemed guilty of sodomy...."

Forty-nine of the 50 states have sodomy statutes; they are among the most irrationally conceived and emotionally written of any to be found in contemporary jurisprudence. The phrase "abominable and detestable crime against nature" appears with great frequency in these laws and often serves as an alternate name, and sometimes as the only description, for the offense.

Rhode Island actually lists its statute under that title; the entire Rhode Island law reads as follows: "11-10-1. Abominable and detestable crime against nature. -- Every person who shall be convicted of the abominable and detestable crime against nature, either with mankind or with any beast, shall be imprisoned not exceeding twenty (20) years nor less than seven (7) years." In Utah, Arizona and Nevada, the offense is referred to as the "infamous crime against nature."

These phrases further substantiate the religious superstition from which such laws were derived. The very concept of a "crime against nature" is religious; it is another way of describing what is considered to be, within a particular religious framework, an act that goes against the will of God.

Without any evaluation of the moral issues involved, it must be pointed out that the modern social scientist, armed with insights of psychiatry and evidence of the actual incidence of noncoital sexual activity in human and infrahuman species, recognized that such behavior cannot be considered abnormal, or "unnatural," in any scientific sense.

But these laws evolved from Puritan antisexualism, not scientific insight. And the subject has traditionally been considered so distasteful by those who have dealt with it, on both the legislative and judicial levels, that the statutes and their court application form a record of injustice that is far more "abominable and detestable" than the personal behavior they are supposed to suppress.

Crimes Not Fit to be Named

The noted 18th century justice Sir William Blackstone, author of the famous *Commentaries*, which are still fundamental in any study of English or U.S. law, reflected his own Puritan environment and the irrational emotionalism long associated with the subject, when he wrote: "I will not act so disagreeable a part, to my readers as well as myself, as to dwell any longer upon a disgrace to human nature. It will be more eligible to imitate in this respect the delicacy of our English law, which treats it, in its very indictments, as a crime not fit to be named...."

The "delicacy" to which Blackstone refers is quite without precedent in English and U.S. law. It means precisely what it implies -- that these acts have been deemed so improper, are viewed with such loathing and disgust, that it is considered unnecessary to describe them in any detail in either the statutes or the actual court indictments. The defendants in such cases are traditionally expected to prove themselves innocent of a charge, the particulars of which are unspecified, because they are "not fit to be named."

Former Judge Morris Ploscowe of the New York Magistrates' Court, now Adjunct Associate Professor of Law at New York University, states in his book, *Sex and the Law*: "Ever since Lord Coke's time, the attitude of judges has been that sodomy is 'a detestable and abominable sin among Christians not to be named.' The result of this attitude is a sharp departure from the usual rules of criminal pleading. It is one of the basic canons of criminal procedure that a defendant is entitled to know the particulars of the crime charged against him, so that he can adequately prepare his defense. If the indictment is not sufficiently specific, the defendant has a right to demand a bill of particulars. But when a man is charged with sodomy or a crime against nature, an indictment in the language of the statute is enough. It is enough that the indictment alleges that at a particular time and place the defendant committed a 'crime against nature' with a specific person. The defendant need not be informed of the particular sexual perversion which is charged against him. As the Court put it in the case of *Honselman vs. People*:

"It was never the practice to describe the particular manner or the details for the commission of the crime, but the offense was treated in the indictment as the abominable crime not fit to be named among Christians. The existence of such an offense is a disgrace to human nature. The legislature has not seen fit to define it further than by the general term, and the records of the courts need not be defiled with the details of different acts which may go to constitute it. A statement of the offense in the language of the statute is all that is required."

Punishment to Fit the Crime

Because U.S. sodomy statutes are so all-inclusive in their suppression of noncoital sex, the penalties prescribed are identical for the partners in a homosexual liaison, the farm boy who gets too friendly with his pet heifer, or the husband and wife whose marital intimacies include something more than simple sexual intercourse. All are equally guilty under the law.

And consistent with the Church's historically harsh view of sex for pleasure rather than reproduction (the fire and brimstone that God used on the Sodomites in the Old Testament was but a foretaste of the centuries of carnage the religious offered in pious sacrifice to antisex), the secular statutes against noncoital sex are especially severe. The English common law punishment for sodomy was death; the penalties that still exist here in the United States are, in some instances, exceeded only by those for murder, kidnapping and rape.

In 34 states and the District of Columbia, the maximum sentence specified for any act that may be considered a "crime against nature" is imprisonment for from 10 to 20 years. In Connecticut, the maximum possible sentence is 30 years; in North Carolina, the minimum sentence is 5 years, the maximum is 60; Arizona, Idaho, Montana and Tennessee statutes also have minimum sentences of 5 years; and in Rhode Island, the minimum is 7. In Wyoming and Indiana, where sodomy includes inducing or aiding any person under the age of 21 to masturbate, the maximum sentence prescribed are 10 and 14

years, respectively. In Georgia, a first conviction calls for imprisonment at hard labor for from 1 to 10 years; a second conviction increases the sentence to from 10 to 30. In California, Idaho, Missouri, Montana and South Carolina, the maximum possible penalty is left to the discretion of the courts; in Nevada, the law specifies imprisonment for life.

The combined effect of these premarital, extramarital and assorted noncoital sex statutes is to turn us into a nation of lawbreakers. The private sex behavior prohibited by these laws is, all public pronouncements to the contrary, practiced by a majority of our adult population. It has been estimated that if all of the sex statutes of the United States were strictly and successfully enforced, over 85 percent of our adult population would be put into prison.

Unenforced and Unenforceable

The majority of our sex laws are not efficiently or effectively enforced, of course, but this only adds another dimension to the problem. Ploscowe states, "Nowhere are the disparities between law in action and law on the books so great as in the control of sex crime."

Kinsey comments, "The current sex laws are unenforced and are unenforceable because they are too completely out of accord with the realities of human behavior, and because they attempt too much in the way of social control. Such a high proportion of the females and males in our population is involved in sexual activities which are prohibited by the law of most of the states of the Union, that it is inconceivable that the present laws could be administered in any fashion that even remotely approached systematic and complete enforcement. The consequently capricious enforcement which these laws now receive offers an opportunity for maladministration, for police and political graft, and for blackmail which is regularly imposed both by underworld groups and by the police themselves."

The very existence of laws such as these is an invitation to malfeasance and malicious mischief; while the random and often irrational enforcement of the statutes causes incalculable havoc, hurt and heartache -- making a mockery of the majesty of law -- applying justice in an unjust, inhumane, capricious and cruel manner.

Prosecution of Nonmarital Sex

There are only two legally permissible sexual outlets for the unmarried members of society: nocturnal emissions and solitary masturbation. Our Anglo-American legal codes restrict the sexual activity of those unwed by characterizing all nonmarital coitus as fornication, adultery, lewd cohabitation, seduction, rape, statutory rape, prostitution, associating with a prostitute, incest, delinquency, contributing to delinquency, disorderly conduct, public indecency, or assault and battery -- all of which are offenses, with assorted penalties prescribed.

Several of these statutes are designed to deal with special circumstances associated with the sexual act -- the use of force or coercion, the involvement of a minor, the payment of money for coitus, or intercourse between close kin. There is justification for some of these laws, though not necessarily the form that they sometimes take, or the manner in which they are sometimes administered. We will discuss these variations in sex legislation a little later.

Those laws which cover uncomplicated nonmarital coitus are only occasionally enforced: Although proof of adultery is grounds for divorce in every state, for example, and several thousand divorces are granted for adultery annually, the same evidence is rarely used for subsequent criminal prosecution: though it obviously could be, in any of the 45 states in which adultery is a crime.

A small number of unfortunate men and women do continue to get themselves arrested, convicted, fined and/or imprisoned, on charges of fornication and adultery each year, however. In most states these laws are what Ploscowe calls "dead letters." The annual crime reports for a majority of U.S. cities rarely include any reference to the apprehension and prosecution of adults for simple illicit

intercourse; but a select minority of our municipalities continue to bag a random few for their bedroom behavior. The numbers recorded are consequently slight, obviously representing the minutest imaginable percentage of like behavior occurring in each of these jurisdictions; but slight is hardly the word to describe the hurt done to the luckless citizens that these numbers represent.

The perusal of a half-dozen recent reports, from as many cities, reveals that Philadelphia, "City of Brotherly Love," can also become something of a Big Brother, la Orwell's *1984*, spying on love of a more illicit sort that might otherwise remain hidden in the shadows: There, among the figures for murder, aggravated assault, burglary, armed robbery and rape, are three arrests for criminal adultery. The Boston report for the same year is better: Two males and 17 females arrested and committed to the city prison for adultery; ten cases of fornication dealt with in a similar manner. The municipal records of 1960 for Baltimore include two cases of adultery (both dismissed); for Dallas, ten cases of adultery; for Seattle, 31 cases of adultery and fornication.

The citizens that these statistics represent were liable for punishments ranging from a \$10 fine (the penalty for adultery in Maryland) to a \$500 fine or three years in prison (the penalty for adultery in Massachusetts).

In New York during the same period (the city's fiscal year of July 1959 through June 1960), approximately 1700 divorces were granted for adultery (the *only* ground for divorce in New York State): but an analysis of the Annual Report of the Police Department for those 12 months fails to reveal a single arrest for the crime, which is punishable with a fine up to \$250 or six months in jail or both. Quite obviously, as Judge Ploscowe observes, "The left hand of the law does not know what the right hand is doing." Quite obviously, too, those 31 residents of Seattle, who were arrested for adultery and fornication would have had a happier, less harried year if they'd been residents of New York instead.

Kinsey offers this interesting comment on the capricious manner in which our state fornication and adultery statutes are administered: "Extramarital coitus is rarely prosecuted because its existence rarely becomes known to any third party. Even when it does become known, the matter is rarely taken to criminal court. Most of the cases which we have seen in penal institutions were prosecuted because of some social disturbance that had grown out of the extramarital activity, as when a wife had complained, or when the family had been neglected or deserted as a result of the extramarital relationships.... Not infrequently the prosecutions represented attempts on the part of neighbors or relatives to work off grudges that had developed over other matters. In this, as in many other areas, the law is most often utilized by persons who have ulterior motives for causing difficulties for the nonconformant individuals. Not infrequently the prosecutions represent attempts by sheriffs, prosecutors or other law-enforcement officers to work off personal or political grudges by taking advantage of extramarital relationships which they may have known about and ignored for some time before they became interested in prosecuting."

Kinsey then notes that in Boston, one of the few large cities in which there is an active use of the adultery law, the statute appears to serve chiefly as a means of placing heavier penalties on prostitution than the directly applicable statute provides. This explains the disproportionate female-male ratio to be found in the statistics cited for that city.

Prosecution for Cohabitation

Fifteen states have laws against what is termed "lewd and lascivious" cohabitation, which, upon investigation, turns out to be nothing more than an unmarried couple living together as man and wife, or carrying on an extended affair in what is deemed to be an "open and notorious" manner. One might logically assume that society would prefer this more permanent sort of liaison to the promiscuous, hit-and-run variety, but it must be obvious by now that logic has nothing to do with our sex legislation and, in general, the penalties for cohabitation are greater than for random fornication. In fact, Arkansas, California, Louisiana and New Mexico, which do not have laws against either fornication or adultery, do have statutes prohibiting cohabitation.

And in Arkansas, the more constant a fellow is to the girl of his dreams, the rougher things get: His first conviction for living with the lady brings only a small fine (\$20 to \$100); the second conviction for cohabitation boosts the fine to a minimum of \$100 and a maximum that is left to the discretion of the kindly old reprobate on the bench, who -- should judicial ire be provoked by the defendant, for taking a local pussycat out of circulation with such an illicit bed-and-board arrangement -- can elect to slap the fellow in the pokey for 12 months; the third time around, the constancy of the relationship is rewarded with a prison sentence of from one to three years.

On the other hand, if the same brash lad turned into a promiscuous version of the Arkansas Traveier, never tarrying in any one domicile for more than a night or two, he could visit every maid and madam in the community -- including the judge's wife and daughter -- with nary a fear of legal reprisal.

This tendency to deal more harshly with long-lasting relationships than with short-lived ones is also reflected in a number of the adultery and fornication statutes, which are worded in such a way as to make them actually laws against cohabitation. A number of lower court convictions for fornication and adultery have also been reversed by the higher courts, because no more than a single assignation, or two, was involved.

The prejudice against more permanent nonmarital affairs is justified by the proposition that they have a greater tendency to "debase and lower the standard of public morals," because they are less furtive, less secretive, are more open and available to public scrutiny. But we fail to see the logic in a legal position that promotes the promiscuous and prefers the hidden over honestly open; nor are we able to comprehend how the same act can be legal when it occurs more frequently.

The peculiar wrinkle in our sex legislation was conceived, we suspect, so that citizens could not easily enjoy the pleasures of hearth and home without the official church-state seal of approval. Such control over our private lives provides the Establishment with power; such power begets more power, which is used further to restrain us. It is a power that should rightly rest with the individual, we think, rather than with our government.

Two Cases of Adultery

A single act of nonmarital sex is sometimes quite sufficient, of course. And an act of adultery may be prosecuted, even when perpetuated with the approval of the spouse, an Oregon gentleman named Ayles learned the hard way. In the case of *State vs. Ayles*, a man was arrested for adultery for having had intercourse with a married woman. (As we have noted previously, in *The Playboy Philosophy*, February 1964, adultery is variously defined in the different states, sometimes including only the married members in extramarital affairs, and sometimes including the unmarried members as well.) During the trial Ayles offered to prove that the woman's husband had induced the adulterous relationship by leaving the couple alone, after making various remarks and innuendoes indicating to the defendant that whatever occurred would be all right with him. The Court excluded this evidence. The conviction was upheld on the ground that even if the husband had induced the relationship, the defendant was still guilty.

In an even more unusual case, commented upon in the February installment, intercourse between a husband and wife was construed to be adultery by the Court (*State vs. Grengs*, Wisconsin, 1948). The court record indicates that a man and woman were married in Wisconsin and subsequently separated, the wife moving to Minnesota. The husband then obtained a divorce in Wisconsin; under Wisconsin law, the divorce was not final for one year. During the year, the woman remarried in Iowa. Under Iowa law the second marriage was valid, despite the Wisconsin one-year waiting period. The newly married couple then decided to return to Wisconsin to live -- and that was a mistake. They were arrested, tried and convicted of adultery, because under Wisconsin law the wife was still married to her first husband.

Sex and Uncle Sam

In addition to the state statutes, the federal government also has a law, commonly referred to as the Mann Act (after Representative James Robert Mann, who drafted it), which has been used to prosecute acts of nonmarital sex. Though officially titled the White-slave-traffic Act, and passed by the U.S. Congress in 1910 to curb interstate prostitution, the law reads, "Any person who shall knowingly transport or cause to be transported, or aid or assist in obtaining transportation for...any woman or girl for the purpose of prostitution or debauchery, or for any other immoral purpose...shall be deemed guilty of a felony." The federal courts have interpreted "any other immoral purpose" to include simple fornication -- nonmarital intercourse between consenting adults -- and the maximum penalty prescribed is a fine of \$5000, or five years in prison, or both; if the girl involved is under the age of 18, the potential penalty is a \$10,000 fine and/or imprisonment for up to ten years.

A young man who takes his girlfriend with him on a vacation is subject to prosecution under the Mann Act, if they travel from one state to another -- even if neither of the states has laws against fornication. The young man may be found guilty under this law, even if he and his girl are not actually intimate; intention is sufficient: If he merely *considered the possibility* of their being intimate when he was making preparations for the trip, and she later refused him, he is guilty.

The first unfortunate fellow to be convicted in this manner was a Californian named Caminetti who took a female friend to Reno with him for the weekend. Writer Alan Holmes commented on this case in an article on the subject in Playboy (*The Mann Act*, June 1959), concluding: "Clearly, it had not been the intention of Congress to apply the Mann Act to this kind of peccadillo -- but in order to revise the law to conform to its original purpose, some brave congressman would have had to propose an amendment which would surely result in his being tagged throughout the land as an advocate of sin. A congressman that brave was not to be found at the time, and none has appeared since.

"Appellate courts have consistently ruled, therefore, that premarital intercourse comes under the heading of 'any other immoral purpose....'" Mr. Caminetti's weekend in Reno cost him a \$1500 fine and 18 months in prison.

Prosecution of Noncoital Sex

Just as the penalties for noncoital sex acts are more severe, so are they also more frequently applied. This is because, as Kinsey states, "There has been an insistence under our English-American codes that the simpler and more direct a sexual relation, the more completely it is confined to genital coitus, and the less the variation which enters into the performance of the act, the more acceptable the relationship is morally."

As previously stated, the sodomy laws of America are actually a catchall for every manner of nonprocreative sexual behavior. They are primarily used to prosecute offenses of a homosexual nature, but the statutes are written so as to apply to heterosexual noncoital acts as well. And none of the sodomy statutes of the United States make any distinction regarding the marital status of the partners.

Kinsey states, "It is not often realized that the [sexual] techniques which are employed in marriage may be subject to the same legal restrictions which are placed on those techniques when they occur between persons who are not wedded spouses.... In most states the sodomy acts are so worded that they would apply to mouth-genital contacts and to anal [intercourse] between married spouses, as well as to both heterosexual and homosexual relations outside of marriage.... While the laws are more commonly enforced in regard to such relations outside of marriage, there are instances of spouses whose oral activities became known to their children and through them to the neighborhood, and ultimately led to prosecution and penal sentences for both husband and wife."

There are court decisions not involving a husband and wife that have confirmed the applicability of these sodomy statutes to married couples also. In the case of *State vs. Nelson* in Minnesota, for

example, the Court stated: "It is not the normal sexual act that this statute aims at. Rather and only it is the unnatural and prohibited way of satisfying sexual desires that the statute is designed to punish. Thus husband and wife, if violating this statute, could undoubtedly be punished, whereas the normal sexual act would not only be legal but perhaps entirely proper."

Circumstantial evidence may be sufficient to obtain a conviction and the mere attempt to commit the act may be all that is required. The Alabama law states: "An offense may be proven under this section as in other cases, by circumstantial evidence, when positive proof is wanting" and "...A conviction may be had for attempt to commit an offense denounced by this section."

It is actually possible for a husband to be arrested and convicted of sodomy for simply *suggesting* to his wife that their marital sex might be more satisfying if it included something more than simple intercourse. Kinsey reports, "One case even goes so far as to uphold the conviction of a man for soliciting his wife to commit sodomy."

Kinsey's records include "cases of persons who were convicted because one of the spouses objected, or because some other person became aware that oral or anal play had been included in the marital activities." He goes on to say, "In those states where the definition of cruelty as one of the grounds for divorce include 'personal indignities' or 'mental cruelty,' divorce cases involving either the husband's or wife's desires or demands for the use of oral techniques are not infrequent." Ploscowe reports that in 1951 an appellate court in Pennsylvania had two such divorce proceedings in a single day (Glick vs. Glick, in which the wife asked for the relations; and Kranch vs. Kranch, in which the request came from the husband).

New scientific insights regarding the sexual nature of man have considerably altered society's views on this subject in recent years. What was once considered "unnatural" is now recognized as perfectly normal and, in many instances, desirable, since such noncoital techniques can add appreciably to the pleasure and satisfaction gained by both partners in the sexual act.

Most modern marriage manuals and experts in the field of sex education endorse a natural freedom in the love play that accompanies coitus; they indicate that the intimate preliminaries that precede the actual act of intercourse can be extremely important to the success of the coitus itself; they conclude that no intimacy that brings pleasure to both partners in the relationship should be considered improper or taboo.

This quote from *Sexual Harmony in Marriage* by Dr. Oliver M. Butterfield is typical: "Any position is proper which permits full satisfaction for both parties. All parts of the body are proper for use if they can be made to contribute to the general goal without giving offense to the taste or feelings of either partner, and if neither partner is harmed thereby."

D. Stanley Jones states, in a volume published by Medical Press: "Many of the variants of conventional sexual technique which were formerly regarded as perversions are now acknowledged as playing a legitimate part in the fore-pleasure that leads up to happily consummated intercourse.... It is now recognized that any form of body manipulation which can be used as an adjunct to mutual sex orgasm may in no way be regarded as a perverse or unnatural addiction."

Dr. Albert Ellis writes, in an article published in *Marriage and Family Living*: "The only true sexual 'perversion' is a fetish or rigidity which convinces an individual that he or she can only have satisfactory sex relations in one method or position. The great majority of sexual 'perverts' in this country are not sadists, homosexuals, exhibitionists or similar deviates, but 'normal' married individuals who only enjoy one method of coitus...because they are afraid or ashamed to try the dozens of other sexual variations that are easily available to them."

The attitude of most organized religion has also changed in this regard. A majority of the contemporary Protestant and Jewish clergy who offer guidance in this area expound the same

enlightened viewpoint on the naturalness of noncoital sex as do the secular experts. The Catholic Church holds a similar view, restricted only by the dictum that the natural end of the sexual association must always remain coitus, and thus procreation.

But in offering such sound advice, the marriage counselors, educators, scientists and clergy are actually inviting their fellow citizens to commit criminal acts in their bedrooms -- acts that are prohibited by law almost everywhere in America, with lengthy prison sentences prescribed for the guilty.

Almost all the U.S. sex laws are woefully unrelated to the realities of contemporary society, but the disparity is nowhere more evident than in legislation designed to suppress "unnatural" sex behavior.

Until quite recently, every state in the Union had a sodomy law and/or similar legislation on "perversion" and "crimes against nature." In 1961, in a moment of rare sexual enlightenment for a U.S. legislative body, the lawmakers of Illinois repealed their statute on sodomy, which was typical of those described in this editorial, including the usual prohibitions against unnatural acts with man or beast. As of this writing, none of the legislatures of the other 49 states has seen fit to follow in Illinois' lead. Nor is the current Illinois position as rational or permissive as this particular legislative action suggests. For the lawmakers repealed the state's sodomy statute, but left standing those for fornication and adultery. This puts Illinois in the interesting position of being more tolerant of homosexual than heterosexual sex; of permitting "unnatural" acts between partners of the same or opposite sex, while prohibiting acts of "natural" intercourse. (See letter of comment on this matter from Charles H. Bowman, Professor of Law at the University of Illinois, who was Chairman of the Drafting Sub-committee of the Joint Committee to Revise the Illinois Criminal Code, in *The Playboy Forum* in this issue.)

Ploscowe writes, "While it would appear that there is a definite softening of the legislative attitude toward the crime of sodomy in certain jurisdictions, there is no uniform profile of improvement or progress in this area. Here and there, retrogression in the form of increasingly severe penalties may be observed.

"Formerly, sodomy in Arkansas was punishable by a minimum prison term of five years. But in 1955, owing to the fact that juries for a long time had evidently displayed reluctance to condemn defendants to five years' imprisonment for the crime, the Arkansas legislature reduced the minimum penalty to one year. [In five states the minimum sentence is still five years and in one it is seven.]

"In a counter direction, just a few years earlier, Arizona, which previously had on the books a one-to-five-year range of prison penalties for sodomy, in 1951 increased the limits to five to twenty years.

"The severity of the penalties against sodomy and crimes against nature in so many jurisdictions indicates that the law has lost little of the abhorrence for aberrant sex behavior expressed by the early text writers [i.e., Blackstone, quoted earlier]. It is even more clearly revealed in the laws of states like Wyoming and Indiana. These states punish a completed act of sexual intercourse between a man and a girl under 21 as fornication, with imprisonment of three months and six months respectively. The masturbation of such a girl in those states would be sodomy, punishable by maximum imprisonments of five years and fourteen years respectively."

Prosecution of Homosexuality

All of the methods of sexual gratification that are commonly employed in a homosexual relationship are prohibited under our sodomy laws; and the statutes are more frequently enforced against homosexual than heterosexual partners. What is less commonly recognized is that almost all of the prosecutions for homosexual behavior are against male, although acts of female homosexuality (lesbianism) are quite common.

Kinsey states, "Our search through the several hundred sodomy opinions which have been reported in this country between 1696 and 1952 have failed to reveal a single case sustaining the conviction of a female for homosexual activity. Our examination of the records of all the females admitted

to the Indiana Women's Prison between 1874 and 1944 indicates that only one was sentenced for homosexual activity, and that was for activity which had taken place within the walls of another institution. Even in such a large city as New York, the records covering the years 1930 to 1939 show only one case of a woman convicted of homosexual sodomy, while there were over 700 convictions of males on homosexual charges, and several thousand cases of males prosecuted for public indecency, or for solicitation, or for other activity which was homosexual. In our own more recent study of the enforcement of sex law in New York City we find three arrests of females on homosexual charges in the last ten years, but all of those cases were dismissed, although there were some tens of thousands of arrests and convictions of males charged with homosexual activity in that same period time."

Several of the state statutes on sodomy do not apply to female homosexuality, including those of Connecticut, Georgia, Kentucky, South Carolina and Wisconsin. A footnote to the Georgia statute states: "Crime of sodomy as defined in this section cannot be accomplished between two women; hence person convicted in indictment charging her with sodomy, both participants in act being alleged to be females, will be discharged on habeas corpus on ground that she is being illegally restrained of her liberty, in that indictment on which she was convicted was null and void."

Heterosexual cunnilingus (mouth-genital act performed upon the female) has been held not to be "the crime against nature" by the courts in Illinois (prior to repeal of Illinois' sodomy statute), Mississippi and Ohio, and the decisions would presumably apply to homosexual cunnilingus as well. There is also some doubt as to whether the laws in Arkansas, Colorado, Iowa and Nebraska would apply to female homosexuality. In those states in which sodomy includes fellatio, but not cunnilingus, a heterosexual act of oral-genital intercourse performed by a female upon another female is not.

The legal leniency shown female homosexual behavior is consistent with the traditional religious attitude on the subject. The ancient Hittite code condemned only male homosexuality, and that only under certain circumstances, and made no mention of homosexual activity among females. Similarly, the references to homosexual activity in the Bible and in the Talmud apply primarily to the male. The condemnations were severe and usually called for the death of the transgressing male, but they rarely mentioned female activity, and when they did, no severe penalties were proposed. In medieval European history there are abundant records of death imposed upon men for sexual activities with other men, but very few recorded cases of similar action against women.

This inconsistency in attitude toward male and female homosexuality is probably a result of the differing social and legal status of the sexes in the past. Being socially less important than males, the private activities of females were more or less ignored, except where another man was involved. (We have previously commented upon the manner in which our modern prohibitions against adultery grew out of the early concept of women being the property of men; thus to use another man's wife sexually was a crime against property; the moral significance was not added until later.)

The prosecution of male homosexuality in the United States is not declining; if anything, it is on the increase. Ploscowe notes, for example, that during the ten years from 1930 to 1940, the New York City Police Department reported a total of 1396 arrests for sodomy, or an average of only 139.6 per year; during the eight-year period from 1950 through 1957 (the last year in which sodomy statistics were listed separately), a total of 2637 arrests were listed, an average of 329.6 per year. The great majority of these arrests were for homosexual acts, and these figures do not include the many thousands of additional arrests for homosexual behavior on other than sodomy charges.

In an excellent article titled "Homosexuality in America," in their issue of June 26, 1964, *Life* comments on the current get-tough attitude of officials in California and Florida: "As part of its antihomosexual drive the Los Angeles police force has compiled an 'educational' pamphlet for law-enforcement officers entitled *Some Characteristics of the Homosexual*. The strongly opinionated pamphlet includes the warning that what the homosexuals really want is 'a fruit world.'

"In their unrelenting crackdown on homosexuals the Los Angeles police used two approaches: One is an effort to deter homosexual activity in public, and the other is an arrest effort.... To arrest

homosexuals the police have an undercover operation in which officers dressed to look like homosexuals -- tight pants, sneakers, sweaters or jackets -- prowl the streets and bars. The officers are instructed to never make an overt advance: They can only provide an opportunity for the homosexual to proposition them. Arrests are made after the officer has received a specific proposition."

Life mentions that the legislators of some states, including New York and California, are currently considering penal code revisions similar to Illinois', which would remove the restrictions on homosexual acts between consenting adults. "But in Florida," the article continues, "early this year the Legislative Investigation Committee's consideration of homosexuality produced an inflammatory report, calling for tougher laws to support the conclusion that 'the problem today is one of control, and that established procedures and stern penalties will serve both as encouragement to law-enforcement officials and as a deterrent to the homosexual [who is] hungry for youth.' Its recommendations would make psychiatric examination of offenders mandatory and create a control file on homosexuals which would be available to public employment agencies throughout the state. The report, which included an opening-page picture of two men kissing and photographs of nude men and boys, was so irresponsible that it brought attacks from the Dade County state's attorney and the *Miami Herald*, which described it as an 'official obscenity.'"

Some authorities have suggested that homosexuality is itself increasing, but Kinsey's statistics tend to refute this assumption; he found little difference in the incidence of this and other forms of sexual activity among persons growing up in each of the decades since the turn of the century. He concludes that, in general, human sexual behavior changes from generation to generation; what changes greatly, however, is society's attitude toward the behavior. There is no question but that the new openness and permissiveness toward sex in contemporary society has produced a greater awareness of homosexual activity, creating the impression that the behavior itself is more prevalent.

We tend to think of ourselves as a heterosexual society; and to view homosexuality as relatively uncommon and a symptom of sickness. Neither assumption is valid.

Katherine B. Davis studied 1200 unmarried female college graduates who averaged 37 years of age; she found that half of them had experienced intense emotional relationships with other women and over 300, or one fourth of the total, engaged in sexual acts with members of their own sex. Of 100 married women studied by G.V. Hamilton, one fourth admitted homosexual episodes of a physical nature. Kinsey's research was far more extensive and must be considered the most authoritative available; he found that 20 percent of the total female population has some overt homosexual experience prior to the age of 45, and 13 percent has homosexual activity resulting in orgasm. Among women who are still unmarried at the age of 45, the incidence of overt homosexual experience rises to 26 percent.

Kinsey's research on male homosexual activity also confirmed the findings of previous, less extensive U.S. studies by G.V. Hamilton (1929), G.V. Ramsey (1943) and F.W. Finger (1947); Kinsey and his associates found that no less than 37 percent of the total male population has some homosexual relations resulting in orgasm between puberty and 45 years of age. Among males who are still unmarried at the age of 35, the percentage increases to "almost exactly 50 percent."

Ex-judge Ploscowe comments, "Obviously, the notion that sodomy and crimes against nature are loathsome perversions which occur only in rare instances and must be severely repressed because of their very abnormality is erroneous."

Even those who oppose the criminal prosecution of homosexuality as unjust and inhumane often consider it the result of an emotional abnormality; they believe it is simply a problem for the psychiatrist rather than the police. But you cannot call behavior abnormal when it involves 37 percent of the male population -- not if you want the word to retain any semblance of its scientific meaning.

Most analysts, psychiatrists and psychologists consider the confirmed homosexual emotionally disturbed; and the majority of those with whom they come in contact undoubtedly are. Analyst Ernest van den Haag was once told by a colleague, "All my homosexual patients, you know, are quite sick." "Ah, yes," said Dr. van den Haag, "but so are all of my heterosexual patients."

Freud did not believe that homosexuals were necessarily neurotic; in a letter to a mother of a homosexual, who had asked him for help, he wrote, "Homosexuality is assuredly no advantage, but it is nothing to be ashamed of -- no vice, no degradation, it cannot be classified as an illness." Neither did Kinsey, who was certainly no Freudian; he concluded that homosexual conduct was simply too widespread, in our own society and others, to be considered a sickness.

Kinsey points out the error in thinking of the homosexual and the heterosexual as two distinct classifications or types; there are only individuals who respond to various kinds of sexual stimulation in various ways; the nature of the response is dependent upon the taboos of a particular society and the extent to which the individual has accepted them. All mammals, human beings included, are born with the innate capacity to respond to homosexual as well as heterosexual stimuli. Zoologists have observed homosexual behavior in nearly every species of animal; anthropologists find it in human societies the world over; and historians find records of it in the civilizations of the past.

It may help our understanding of the matter if we make a distinction between the person for whom homosexual activity is but a part of the total sex experience; and the true invert, who may emotionally disturbed, and for whom homosexuality represents an escape from relations with the opposite sex. (Only 4 percent of the males interviewed by Kinsey were exclusively homosexual throughout their lifetimes; the other 33 percent had varying proportions of both homosexual and heterosexual activity in their histories.)

But it must be remembered that the law does not prohibit *being* a homosexual; it prosecutes a person for the performance of a homosexual act (or, as in the example of Los Angeles law enforcement, the individual who simply suggests such an act). Thus the full 37 percent of all U.S. males could be arrested for this part of their sexual experience; and undoubtedly would be, if they happened to be caught.

Even though homosexual activity is prosecuted far more aggressively than illegal heterosexual activity, it is obvious that the arrests represent only a minute percentage of the total behavior. Ploscowe states, "When the number of arrests and convictions are compared...with the estimates of homosexuality, and with reports on the incidence of unconventional methods of sexual satisfaction, it is obvious that the legal prohibitions against sodomy, homosexuality and crimes against nature are practically unenforceable. One study estimated that six million homosexual acts of sodomy, fellatio, and mutual masturbation take place each year for every 20 convictions."

Even if it could be justified, the most vigorous law enforcement would neither curb nor cure homosexual activity. *Life* reports, "Law officials and psychiatrists who have tried to make international comparisons do not believe that homosexuality is any more widespread in places like France, the Netherlands and Sweden, where it is not punishable under the law, than in other nations like ours where it is considered a crime.

"Most people who have studied homosexuality believe that the laws against it are what Freud once called them, 'a great injustice' and 'cruelty' -- unjustly penalizing the few who are unlucky enough to be caught. Indeed some observers think that the legal penalties and social stigma which threaten the homosexual's life may cause him more emotional disturbance than homosexuality itself -- and that even some defiant and thrill-seeking men may take up homosexuality for the very reason that it is illegal, just as some people who had never drunk before began drinking during Prohibition."

Society actually combines with nature to perpetuate homosexuality. The sexual patterns established at an early age tend to continue for a lifetime. And precisely at that period in his development when a young man's sexual desires are greatest, society forbids him to find release through heterosexual contacts. It is not surprising, therefore, that the most sexually precocious males are the ones most apt to be drawn into early homosexual experiences.

Says *Life*, displaying rare insight regarding sex for an American mass-circulation magazine: "Some well-meaning people feel that homosexuality could be reduced if our society were not so blatantly sexual in general -- that is, if we protected our growing boys from the stimulation of sexy movies, books,

magazines and outright pornography. But this theory ignores the urgency of the adolescent's sexual drive. 'When a boy reaches puberty,' says Dr. Gebhard [head of the Institute for Sex Research], 'his hormones keep him far more stimulated from the inside than he could possibly be stimulated by anything he sees or hears.' About the only effective way to discourage homosexuality at that crucial age, Dr. Gebhard believes, would be 'to encourage heterosexuality.'" That simple statement has significant implications for all of our social and legal restrictions on sex, including censorship, and the rest. If the legislator, judge, police official and common citizen understood the truth in those words, and their full significance, we might at last have an end to our society's continuing attempts at sex suppression.

Nothing but a healthier emphasis on the heterosexual will ever reduce the homosexual element in society. And not even that, it must be added, will ever eliminate it entirely -- for it is one of the natural variations on the human sexual theme. We must agree on this with the author of the article in *Life*, who concluded: "Many optimistic students of our society believe that we may someday eliminate poverty, slums and even the common cold -- but the problem of homosexuality seems to be more akin to death and taxes. Even if every present-day American with the slightest trace of homosexuality could be deported tomorrow and forever banished, Dr. Gebhard believes, there would probably be just as many homosexual men in the U.S. a few generations hence as there are now."

To which we add this thoughtful note from Kinsey, for a society that tends to perpetuate perversion when it believes it is suppressing it: "The judge who is considering the case of the male who has been arrested for homosexual activity should keep in mind that nearly 40 percent of all other males in the town could be arrested at some time in their lives for similar activity, and that 20 to 30 percent of the unmarried males in that town could have been arrested for homosexual activity that had taken place within that same year. The court might also keep in mind that the penal or mental institution to which he may send the male has something between 30 and 85 percent of its inmates engaging in the sort of homosexual activity which may be involved in the individual case before him.

"On the other hand, the judge who dismisses the homosexual case that has come before him, or places the boy or adult on probation, may find himself the subject of attack from the local press which charges him with releasing dangerous 'perverts' upon the community. Law-enforcement officers can utilize the findings of scientific studies of human behavior only to the extent that the community will back them. Until the whole community understands the realities of human homosexual behavior, there is not likely to be much change in the official handling of individual cases."

Sex Laws and Social Levels

As we mentioned in the April installment of this editorial series, Dr. Kinsey and his associates found a marked difference in sexual attitudes and behavior at various social and educational levels in society. These differences have a definite effect upon the legislation and administration of our sex laws.

Upper-level males suffer the greatest inhibitions regarding premarital intercourse and frequently resort to other forms of sexual release (masturbation, heavy petting, mouth-genital activity) in preference to coitus. In contrast, almost all lower-level males engage in coitus prior to marriage (98 percent of those with no more than a grade school education, compared to 84 percent of all males who have been to high school, and 67 percent with some college education); lower-level males have premarital intercourse more frequently and with a far greater number of different partners than their upper-level counterparts, but they have much stronger taboos against noncoital sex, often considering such activity as "unnatural" or a form of "perversion."

Kinsey comments on the relationship between educational background and our sex laws in *Sexual Behavior in the Human Male*: "Anglo-American sex laws are a codification of the sexual mores of the better educated portion of the population. While they are rooted in English common law, their maintenance and defense lie chiefly in the hands of state legislators and judges who, for the most part, come from the better educated levels.

"Consequent on this fact, the written codes severely penalize all nonmarital intercourse, whether it occurs before or after marriage; but they do not make masturbation a crime, even though there are a few courts which have tried to read such interpretations into the law [and, as previously noted, two states specifically prohibit mutual masturbation or inducing another person to masturbate].

"However, the enforcement of the law is placed in the hands of police officials who come largely from grade school and high school segments of the populations. For that reason, the laws against nonmarital intercourse are rarely and only capriciously enforced, and then most often when upper-level individuals demand such police action. It is difficult for a lower-level policeman or detective to feel that much of a crime is being committed when he finds a boy and a girl in a sort of sexual activity which was part of his own adolescent history, and which he knows was in the histories of most of the youth in the community in which he was raised. If the behavior involves persons against whom the policeman has a grudge (probably for some total nonsexual reason), if the relation involves too public an exhibition, if it involves a contact between a much older and a younger person (which under the policeman's code is more or less taboo), if it involves relations between persons belonging to different racial groups (which under his code may be exceedingly taboo), then the laws against premarital intercourse become convenient tools for punishing these other activities. But if it is the routine sort of relationship that the officer very well knows occurs regularly in the lower-level community, then he may pay little attention to the enforcement of the laws. The policemen's behavior may appear incongruous or hypocritical to the citizen from the other side of town, but it is based on a comprehension of realities which the other citizen is not often aware. There are policemen who frankly state that they consider it one of their functions to keep the judge from knowing things that he simply does not understand.

"On the other hand, if it is the case of a boy who is found masturbating in a back alley, the policeman is likely to push the case through court and see that the boy is sent to an institution for indecent exposure, for moral degeneracy, or for perversion. When the boy arrives in the reformatory, the small-town sheriff may send a letter urging that the administration of the institution pay special attention to curing the boy of the perversion. However, the educated superintendent of the institution is not much impressed by the problem, and he may explain to the boy that masturbation does him no harm, even though the law penalizes him for his public exposure. The superintendent may let it be known among his officers that masturbation seems to him to be a more acceptable form of sexual outlet than the homosexual activity which involves some of the inmates of the institution, and he may even believe that he has actually provided for the sexual needs of his wards by making such a ruling. On the other hand, the guards of the institution, who are the officials most often in contact with the inmates, have lower-level backgrounds and lower-level attitudes toward masturbation. In consequence, they continue to punish inmates who are discovered masturbating as severely as they would punish them for homosexual activity."

Sex and the Military

Though Kinsey does not explore the matter to any degree, it is interesting to note the extent to which the sexual attitudes that have long prevailed in all the branches of our military service reflect, even at the upper echelons, prejudices peculiar to the lower educational level in society as a whole. The U.S. Armed Forces have traditionally taken an extremely permissive attitude to nonmarital coitus: Free contraceptives are issued to all servicemen on request, regardless of age, rank or marital status; and there were instances during World War II in which military bases overseas sanctioned and controlled houses of prostitution in their areas.

Evidence of homosexuality automatically precludes a man from the military service, however; and a single homosexual act by any member of the Armed Forces is sufficient cause for a dishonorable discharge. It is fortunate that no examining officer can single out, with any degree of accuracy, the majority of the men who have had some homosexual experience, since the ranks of our Army, Navy, Air Force and Marines would be severely depleted if the one male in every three who has engaged in such activity was not permitted to serve.

In response to any suggestion of a possible negative correlation between homosexuality and military prowess, a historian would be apt to point out that Julius Caesar, one of the foremost military men of all time, was almost as well known for his conquests in the bedroom -- with male and female alike -- as for those on the battlefield (Caesar was referred to by his soldiers as "the husband of every woman and the wife of every man"). A sociologist might add that some of the fiercest fighters in the world belong to Arabian tribes that are notoriously homosexual. And a psychologist might suggest that the U.S. Armed Forces, or the military of any country, probably includes a higher proportion of males with homosexual experience than is to be found in society at large, since any protracted sexual segregation invariably leads to increased homosexual behavior.

A more remarkable lower-level sexual prejudice in the military is the attitude toward masturbation, which is considered due cause for the rejection of a candidate for the U.S. Naval Academy at Annapolis (any candidate "shall be rejected by the examining surgeon for...evidence of...masturbation" --U.S. Naval Acad. Regul., June 1940). If the inability to pinpoint the homosexual histories of men being considered for the armed services is fortunate, the futility in any examining surgeon's attempt to weed out Naval Academy aspirants who masturbate must be considered the height of good luck -- for if he were successful, Annapolis would be a lonely place; masturbation is commonest among college-level males and candidates for the Academy would have to be found among the sparse two or three percent without such experience.

Social Levels & Judicial Justice

In a further consideration of the relationship between law enforcement and educational background in society at large, Kinsey states: "On sex cases, the decisions of the judge on the bench are often affected by the mores of the group from which he originated. Judges often come from better educated groups, and their severe condemnation of sex offenders is largely a defense of the code of their own social level. Lower-level individuals simply do not understand the bitter denunciations which many a judge heaps upon the lower-level boy or girl who has been involved in sexual relations. They cannot see why behavior which, to them, seems perfectly natural and humanly inevitable should be punishable under the law. For them, there is no majesty in laws which are as unrealistic as the sex laws. Life is a maze. The sex laws and the upper-level persons who defend them are simply hazards about which one has to learn to find his way. Like the rough spots in the sidewalk, or the traffic on the street, the sex laws are things that one learns to negotiate without getting into too much trouble; but that is no reason why one should not walk on sidewalks, or cross streets, or have sexual relations."

As Kinsey notes, the influence of class mores is strikingly shown by a study of the decisions which are reached by judges with different social backgrounds. There is still a portion of the legal profession that has not gone to college and, particularly where judges are elected by popular vote, there are some instances of judges who have originated in lower social levels and acquired their legal training by office apprenticeship or night school courses. In addition, the GI Bill has made it possible for a number of veterans of the armed services from lower socioeconomic levels, who would not normally have been able to afford a higher education, to continue into college and postgraduate training. Sexual attitudes and patterns are established at an early age, however, and the individual most often carries the prejudices of his own social background with him for a lifetime, even though the increasing social mobility of our society may have permitted him to advance to an upper socioeconomic or educational level.

"The significance of the background becomes most apparent," Kinsey states, "when two judges, one of upper level and one of lower level, sit in alternation on the same bench. The record of the upper-level judge may involve convictions and maximum sentences in a high proportion of the sex cases, particularly those that involve nonmarital intercourse or prostitution. The judge with lower-level background may convict in only a small fraction of the cases. The lower-level community recognizes these differences between judges, and expresses the hope that when it is brought to trial it will come before the second judge, because 'he understands.' The experienced attorney similarly sees to it that his case is set for trial when the understanding judge is on the bench. Parole officers and social workers who investigate cases before they are decided in court may have a good deal to do with setting a particular

case before a particular judge, in order to get a verdict that accords with the philosophy of their (the parole officers') background.

"Judges who are ignorant of the way in which the other three-quarters of the population lives, naively believe that the police officials are apprehending all of those who are involved in any material infraction of the sex laws. If the community has been aroused by a sex case which has involved a forceful rape or a death following a sexual relation, the judge may lead the other public officials in demanding the arrest of all sex offenders in the community. Newspapers goad the police, and there is likely to be a wave of arrests and convictions which carry maximum sentences, until the wide scope of the problem becomes apparent to even the most unrealistic official...."

Some Conclusions

Dr. Kinsey sums up: "Eighty-five percent of the total male population has premarital intercourse, 59 percent has some experience in mouth-genital contacts, nearly 70 percent has relations with prostitutes, something between 30 and 45 percent has extramarital intercourse, 37 percent has some homosexual experience [and] 17 percent of the farm boys have animal intercourse. All of these, and still other types of sexual behavior, are illicit activities, each performance of which is punishable as a crime under the law. The persons involved in these activities, taken as a whole, constitute more than 95 percent of the total male population. Only a relatively small proportion of the males who are sent to penal institutions for sex offenses have been involved in behavior which is materially different from the behavior of most of the males in the population. [Thus] it is the total 95 percent of the male population for which the judge, or board of public safety, or church, or civic group demands apprehension, arrest and conviction, when they call for a cleanup of the sex offenders in a community. It is, in fine, a proposal that 5 percent of the population should support the other 95 percent in penal institutions. The only possible defense of the proposal is the fact that the judge, the civic leader, and most of the others who make such suggestions, come from that segment of the population which is most restrained on nearly all types of sexual behavior, and they simply do not understand how the rest of the population actually lives."

And it can be stated, in addition, that since the publication of the Kinsey reports, in 1948 (*Male*) and 1953 (*Female*), the legislators, judges, police officials, and other assorted defenders of public virtue no longer have the excuse of ignorance to justify their intemperate and inhumane attempts at sex suppression.

The extent and variety of human sexual behavior is now an established scientific fact, widely published and well publicized. Whenever a person is now arrested, tried or convicted for committing a sexual act of the kind we have been discussing here, those in authority are blatantly ignoring the evidence that a majority of our society regularly engages in similar activity.

Our officials should be prepared either to imprison all of us -- or none of us.

We can think of nothing more fitting, as a conclusion to this installment, than these words from Dr. Alfred Kinsey:

"Somehow, in an age which calls itself scientific and Christian, we should be able to discover more intelligent ways of protecting social interests without doing such irreparable damage to so many individuals and to the total social organization to which they belong."