

representatives has approved our adherence to the protocol under which the World Court was established. The importance of this cannot be exaggerated. It must now be evident that our high legislative chamber, which the fathers of the Constitution intended to inform and guide public opinion, has persistently obscured and thwarted it.

"For over one hundred years such a court has been the dream and the aspiration of our liberal and far-sighted lovers of peace. Successive Republican Administrations labored to prepare the way—labored largely in vain, yet with an intelligence equaled only by their patience and wisdom. Under a Democratic Administration the organized co-operation among nations was established which alone could afford a permanent basis for the Court, and this led to the discovery of fair and practicable means of electing judges. Still, the Senate found wiredrawn objections, invented them where they did not exist. Almost without exception our foremost ministers of the gospel of peace, the presidents of our leading universities, urged adherence to the Court. Organizations of high and varied character memorialized Congress, from American Legion posts to the Federated Council of Churches and the American Bar Association. The Senate seemed to regard them merely as irresponsible and misguided enthusiasts. The Administration drew up a program for our adherence to the Court which met all possible objections. The Senate countered with alternative plans which were offensive to common sense and which effectually blocked progress. The other branch of our Legislature was devised not to guide public opinion, but to reflect clearly and responsibly the will of the people. It has now rebuked the Senate by a stinging majority of over ten to one.

"The Court has today an importance of which Theodore Roosevelt and Woodrow Wilson could have been only dimly conscious. Whatever may be the fate of the protocol framed last September at Geneva,

it has already to its credit one service which is fundamental. For the first time it gives comprehensive expression to the truth that international peace and the disarmament of rival nations can be based only upon international law, steadily and justly interpreted. A workable 'league to enforce peace' may still be further off than the World Court was from the first Hague Convention, but the day of our adherence to the Court will bring it appreciably nearer."

JOHN N. McILWRAITH

LAW-BREAKING TO THE GLORY OF GOD

THERE is no great novelty in the action of the Tennessee legislature in passing a bill prohibiting the teaching of evolution in the public schools and tax-supported institutions of that state. Other legislatures have attempted to do the same. But the governor of Tennessee has made a contribution to the science of jurisprudence in connection with his message to the legislature on the subject. The governor favors the bill; he has signed it; it is now law in the sovereign state of Tennessee. It is now unlawful to teach at the tax-payer's expense "any 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." It is unlawful not only to deny the fact of the divine creation of man but even to deny the story of it as found in Genesis. Genesis is not only good theology; it is also good history. The legislature and the governor have said it.

The governor's contribution is two-fold: first, a definite course of reasoning as to the place the Bible holds in the legal system of his state; second, and much more important, a statement of what he means to accomplish by the passage of this bill. The closing words of his message are as follows:

Probably the law will never be applied. It may not be sufficiently definite to permit of any specific application or enforcement. *Nobody believes that it is going to be an active statute.* But this bill is a distinct protest against an irreligious tendency to exalt so-called science and deny the Bible in some schools and quarters—a tendency fundamentally wrong and fatally mischievous in its effects on our children, our institutions, and our country.

It appears, then, that in the opinion of Gov. Austin Peay there are two kinds of laws: active statutes which are intended to be enforced, and non-active statutes which are designed merely as protests against something. This particular law will please the anti-evolutionists, and the declaration that it is not meant to be an "active statute" will comfort the evolutionists with the assurance that no inquisition is to be established and that anyway the bill is so badly drawn that it probably could not be enforced. He does not say that it is badly drawn, but any bill is badly drawn if it is "not sufficiently definite to permit of any specific application or enforcement." So everybody ought to be satisfied and a unanimously grateful constituency ought to stand behind the governor in his next campaign.

Not going to be an "active statute." We thank thee, governor, for teaching us that word. It helps to explain many things which have been hazy in our minds, and opens the way to the clarification of many persistent puzzles in American law-making and law-breaking. We see now that we have been unwarrantably harsh in our judgment of men whom we have uncharitably deemed law-breakers. There are, for example, the people who, ignoring the speed laws, drive their automobiles fast and furiously to the danger of all pedestrians. They have grasped the idea that speed laws are not "active statutes" but are simply intended as a "distinct protest" against speeding—an exhortation, in short, rather than legislation. Then there are our thirsty neighbors who do not give that measure of obedience to the eighteenth amendment and the Volstead act

that we have been in the habit of supposing that all laws should command. Their course would be very reprehensible if this were an active statute. But now we can see that it was probably never so intended. It is merely a temperance speech, a protest against inebriety. Everybody knows how difficult is its "specific application and enforcement"—and of course there is no enforcement of a law except specific enforcement—and there are millions who are confident that this is "not going to be an active statute." Hitherto they have had to bear a certain amount of odium as scofflaws, with only such defense as they could derive from the assertion that it is a foolish and oppressive law. Most Americans, however, have clung to the old-fashioned notion that individual nullification is an impractical program if there is to be any government at all, and that a law that is worth passing is worth enforcing. It is not impossible that Gov. Peay's distinction between active and inactive statutes may also help to clarify and standardize practice in regard to the exercise of the elective franchise by persons of African descent in certain states.

At any rate, now that the principle has been laid down, it is obviously capable of indefinite extension and application. Perhaps the next step to be taken in the evolution (beg pardon; we should not have used that word) we mean the development—of this new principle of jurisprudence, ought to be to determine what authority shall be competent to decide whether a given statute is to be active or inactive. Clearly it will not do to leave it a matter of individual caprice, as in the case of the Volstead act and the speed laws, and not every executive can be trusted to make the classification as promptly, as confidently, and as wisely as Gov. Peay has done in declaring the anti-evolution statute to be "inactive." The courts are so bound by tradition and by their oaths to enforce the laws that they would be seriously handicapped in perform-

ing this function. It is a difficult problem. We can only hope that the enlightened statesman who has discovered and so clearly stated the principle will continue his study of the theme and suggest some practical and reliable criterion by which all men may readily know which laws are intended to be enforced and which are simply protests against something which the executive and legislative branches of the government consider dangerous.

We alluded above to the train of reasoning by which the governor of Tennessee supports the conclusion that the teaching of evolution is a peril to the state. The question of the truth or falsity of the theory does not enter into this argument very conspicuously. It even appears, though he does not say so, that it might be more dangerous if it is true than if it is false. The propositions may be linked together thus: 1. The constitution of the state of Tennessee declares that "no person who denies the being of God or a future state of rewards and punishments shall hold office in any civil department of this state." (Tennessee has not yet had its Bradlaugh case.) 2. Future rewards and punishments must be meted out "obviously by those laws which God has revealed to us." 3. The laws of God "have been revealed to us in the Holy Bible, *if at all*" (Fie, fie, Governor, why "if at all!") 4. "Therefore our civil institutions are directly related to the Bible and our whole scheme of government is inseparably connected with it." 5. "The integrity of the Bible in its statement of man's divine creation is denied by any theory that man descended from any lower order of animals."

The sum and substance of this argument seems to be that it is necessary to have an inerrant Bible to provide an indisputable basis for that belief in future rewards and punishments which the constitution of Tennessee makes a condition of office-holding.

—*The Christian Century.*

CONTRIBUTIONS FROM THE TRAINING SCHOOL

A SPRING POEM PROGRAM

WHEN a fifth grade literature class in the Training School decided to give a program of spring poems and to invite an English class from the College, they set to work to arrange the best program they could. While searching through readers for spring poems, they became familiar with many beautiful ones and formed the habit of reading poetry more frequently. After reading these poems aloud to the class and discussing them, bringing out the main points, they selected the most beautiful ones for the program.

They were then ready to write an invitation to the English class. Since the most carefully written invitation was to be used, each child did his best. In doing this their knowledge of correct form in letter-writing was strengthened. As the invitation was promptly accepted, the children were even more eager than before to make the program a success.

A class committee lengthened the program by adding two spring songs and also explanations of some drawings which they had made illustrating poems and stories. Deciding that written programs should be made, this committee planned them and appointed two pupils to stand at the door to give them out.

Those taking part practiced outside of class and then rehearsed before the class. After this rehearsal the children criticised each other's reading, using the following aims:¹

I. To make the audience see the pictures.

II. To make the audience experience the humor, sadness, or excitement of certain passages.

¹Pennell and Cusack—*How to Teach Reading.* Houghton Mifflin Company.