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## **BLACK AND WHITE MAGIC**

**Judge Thinks Both are Nonsense**

### **CROWLEY APPEAL**

#### **Publishers Deny Book Contained a Libel**

The "Black Magic" libel action was again before Lords Justices Greer, Slesser and Roche in the Court of Appeal yesterday.

Mr. Aleister Crowley complained of the summing-up of Mr. Justice Swift in the action brought by him against Miss Nina Hamnett, authoress of "Laughing Torso," Messrs. Constable and Co., Ltd., publishers, and Messrs. Charles Whittingham and Briggs, the printers.

"Laughing Torso," he said, imputed that he had practised black magic in Cefalu in Sicily. He denied that he had done anything of the kind, and said that black magic, was for the most part, criminal and foul.

Mr. Crowley also took exception to a statement in the book that a baby disappeared as alleged, and claimed that no evidence had been given of such disappearance at the trial. He now asked for a new trial on the ground that the jury received no proper directions from Mr. Justice Swift.

Mr. J. P. Eddy (for Mr. Crowley) submitted that, while the jury were told quite rightly that it was for the defendants to prove that the libel was justified, there was not a word in the summing-up about the evidence, or absence of evidence, on all important points. Nor was there a single reference to Mr. Crowley's prolonged cross-examination. Part of it was no doubt directed to the plea of justifications, but a very large portion was wholly irrelevant to that plea.

#### **"Only Course" for Jury**

"My case," said Mr. Eddy, "is that it was perfectly open to a properly directed jury to give a verdict for the plaintiff. In fact, it was the only course open to them."

Lord Justice Roche: Why is an imputation of black magic defamatory?

Mr. Eddy: Some people practice what is called white magic. Some people practise what is alleged to be black magic. To my simple faith that means nothing; but the plaintiff says there is a vital difference between the two.

Lord Justice Greer: If a special meaning was to be put on the words "black magic," it ought to have been pleaded as an innuendo, and it was not.

Mr. Eddy: What the plaintiff said was, "It is common knowledge what black magic is. It has been known for centuries as something foul, something criminal." With reference to white magic, he said that was something he had been interested in; and the object of white magic was to raise humanity to a higher spirituality.

Lord Justice Greer: I don't know that. No ordinary persons know the difference between white and black magic. I should have thought they were both nonsense.

Mr. Eddy: I am not suggesting otherwise.

Counsel said that, besides the books criticized by the Judge, Mr. Crowley had written many beautiful things. He had written about 50 hymns.

## **Contents of Books**

Lord Justice Roche asked if complaint were made of the accuracy of what the Judge said in regard to the contents of some of the books?

Mr. Eddy: Beyond all question there are many things to which any decent person would very properly object. I don't object to the Judge holding the views he expressed.

Lord Justice Roche: Do you deny that the expression is accurate.

Mr. Eddy: I don't make any submission in regard to whether it is accurate or not.

Lord Justice Greer: I suppose the references to newspapers in the cross-examination were put in with the object of showing that the plaintiff was a man whose reputation was valueless?

Mr. Eddy: That was undoubtedly the object. But the suggestion, in the main, Mr. Crowley dealt with and refuted.

Counsel added that even on the assumption that a plaintiff had a damaged reputation he was still entitled to have his case fairly put. He submitted that Mr. Justice Swift misdirected the jury by saying that the plaintiff had to prove damage to his

reputation. Mr. Crowley was entitled to judgment for some sum in any event.

The difference between such a judgment and judgment for the defendants meant £1,138 payable in costs to the defendants, Mr. Eddy explained.

Lord Justice Greer: It may mean that; but in the case of judgment for the plaintiff for a nominal sum, the Judge has control over the costs.

Mr. Eddy argued that the Judge ought to have told the jury that the plaintiff did not need to prove malice.

### **Alleged Justification**

Mr. Malcolm Hilbery, K.C. (for Messrs. Constable and Co.), submitted that by his pleadings Mr. Crowley did not aver that the libel meant he had murdered a baby. What he complained of was the charge of practicing black magic, and that charge the defendants justified.

The case presented on behalf of the publishers was that this was no libel, and that it could be no libel, in that Mr. Crowley's reputation was that of a black magician. Out of his own works and out of his own mouth, the defendants undertook to show that Mr. Crowley's work, whatever it be called, was "a mixture of eroticism and sex in its most unpleasant and widest signification."

"I put it to the jury," said Mr. Hilbery, "that it was impossible for reasonable people to come to the conclusion that Mr. Crowley had been libeled. On his own confessions in the box, and his own confessions in writing, he had, throughout his works stood for the negation of what every decent and right-minded person has ever held to be either decent or sacred. From his earliest days he had written poems of every possible sexual perversion that human beings have ever been guilty of.

"It was said that was in an old work, but it was still obtainable at the time of the trial. More than that, it had been brought up to date by a volume of 'Confessions' published in 1929.

"In 'Confessions' what he did was to say, 'My admirers have, in consequence of that book, regarded me as addicted to every sort of abominable vice.' That was what he had had to say of his reputation with his admirers."

It appeared that Mr. Crowley had kept a skeleton in a "temple" he had in a flat in Chancery Lane, said counsel. He had endeavoured to give life to the skeleton, and fed it on little an-

imals; but all he had succeeded in doing was to get it covered with an unpleasant mucous or slime.

Lord Justice Slesser: He says in his evidence that he does not approve of black magic.

Mr. Hilbery: What I say is that that must be a downright lie, because he practised all these things which no one could say was anything but black magic.

The hearing was adjourned until to-day.