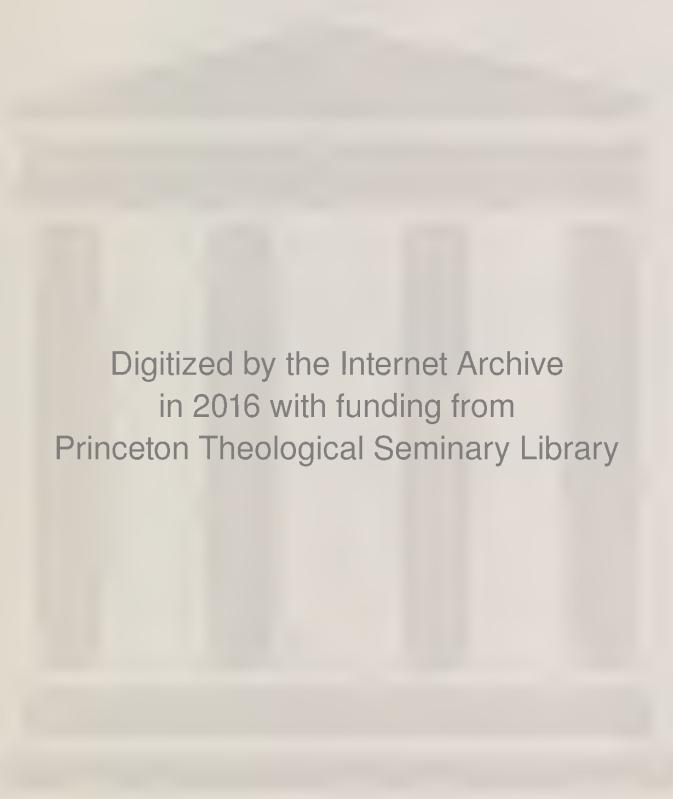




LIBRARY OF PRINCETON

MAY 15 2007

THEOLOGICAL SEMINARY



Digitized by the Internet Archive  
in 2016 with funding from  
Princeton Theological Seminary Library



THE  
PRINCETON  
REVIEW

---

Edited by *Jonas M. Libbey*

---

*SIXTIETH YEAR*

---

MAY

---

	PAGE
FEDERAL AID TO EDUCATION . . . . .	215
HENRY RANDALL WAITE	
THE PSYCHICAL RELATION OF MAN TO ANIMALS . . .	236
Prof. JOSEPH LE CONTE	
LAND-OWNER AND FARMER IN ENGLAND . . . . .	262
DAVID B. KING	
MYSTICAL THEISM . . . . .	278
The Late Prof. M. STUART PHELPS	
SHERIDAN AND HIS BIOGRAPHERS . . . . .	292
BRANDER MATTHEWS	
SHALL WE HAVE A SECOND FEDERAL CONVENTION? . .	304
ALEXANDER JOHNSTON	

---

2 NASSAU ST., NEW YORK

THREE DOLLARS A YEAR

FIFTY CENTS A NUMBER

## JULY, 1883.

THE MOST RECENT PHASES OF THE TARIFF QUESTION. (*Second Article.*)  
DAVID A. WELLS, LL.D., D.C.L.

ANTHONY TROLLOPE. BAYARD TUCKERMAN.

THE ALLEGED CONFLICT OF NATURAL SCIENCE AND RELIGION. GEORGE  
P. FISHER, D.D., LL.D., Yale College.

ON THE EDUCATION OF MINISTERS: A REPLY TO PRESIDENT ELIOT.  
Prof. FRANCIS L. PATTON, Princeton Theological Seminary.

RECENT RESEARCHES IN CEREBRAL PHYSIOLOGY. WILLIAM B. SCOTT, Ph.D.,  
Princeton College.

THE POLITICAL SITUATION IN FRANCE AFTER THE DEATH OF  
GAMBETTA. EDMOND DE PRESSENSÉ, Late Member National Assembly.

---

## SEPTEMBER.

"A COLLEGE FETICH." President PORTER, Yale College.

OUR IRON, WOOLEN, AND SILK INDUSTRIES BEFORE THE TARIFF  
COMMISSION. HERBERT PUTNAM.

INCINERATION. Rev. JOHN D. BEUGLESS.

THE ARTIST AS PAINTER. JOHN F. WEIR, N.A.

THE ANTECEDENT PROBABILITIES OF A REVELATION. DAVID J. HILL,  
Ph.D., President of Lewisburg University.

RECENT FRENCH FICTION. J. BRANDER MATTHEWS.

---

## NOVEMBER.

THE ABNEGATION OF SELF GOVERNMENT. Hon. THOMAS M. COOLEY, LL.D.

DIVORCE REFORM. LEONARD WOOLSEY BACON.

TOURGENEFF. BAYARD TUCKERMAN.

THE "FOREIGN COMPETITIVE PAUPER LABOR" ARGUMENT FOR PRO-  
TECTION. Hon. DAVID A. WELLS, LL.D., D.C.L.

CURRENCY PROBLEMS. WORTHINGTON C. FORD.

THE CRITICAL STUDY OF THE SCRIPTURES. Rev. FRANCIS A. HENRY.

---

The above volume (three numbers) of the REVIEW for 1883, will be sent to any address, postage paid, for one dollar and fifty cents.

## FEDERAL AID TO EDUCATION.

ONE of the distinctive features of government in the United States is the peculiar adjustment of Federal and State relations which permits the exercise of supreme central authority, while preserving the essential autonomy of the State. The governing power thus constitutionally reserved, by each member of the Union, is accompanied by corresponding obligations for the meeting of which the functions of the State, under ordinary circumstances, are not only to be exercised, but are supposed to be sufficient. It may happen, however, that a State is powerless, either to control evils without, which affect its own citizens, or evils within, which affect the citizens of other States, or both. In view of such contingencies, when the Union was formed, powers larger and broader than those of any one of the States, by the action of all, were delegated to a central government, which, within defined limits, should have jurisdiction over their combined territory,—to use the language of an early writer,—“for the conducting of such matters of general concern” as “equally relate to all the parts.”<sup>1</sup>

That perils arising from the social and political evils engendered by ignorance, under given conditions, may present an exigency of the character thus clearly contemplated, and therefore justify Federal interposition, is doubtless the belief of the majority of intelligent men in Congress and elsewhere. But even when the warrant of the Constitution and all applicable precedents are urged in its favor, there ought also to be a clear understanding of the conditions, present or prospective, which warrant the interference of the National Government in affairs ordinarily so plainly beyond its province.

<sup>1</sup> Preface to “The Federal Constitution.” J. Debrett (London, 1795).

In considering this subject it is to be borne in mind that the extent to which the Federal Government may be concerned in an exigency affecting given States is a question apart from the exigency itself. The interest of the nation, legally rather than sentimentally considered, and the nation's responsibility, in a given case, are properly limited by the degree in which the exigency is in effect national and not purely local. An exigency which vitally concerns both local and general interests may confront the people of New York, and be so clearly subject to the control of its own legislative and civil authorities as to make Federal interference neither necessary nor justifiable. On the other hand, a contagion in the ports of Louisiana may provide an exigency, not only of vital importance to the citizens of that State, but of such general concern as to demand the prompt interference or assistance of the national legislature. Interferences in affairs within a State for the purpose of checking the spread of cholera and yellow-fever, of which we have many examples; for the purpose of checking contagion among live-stock, a matter which has just furnished occasion for heated debates in Congress; and in the matter of education as a cure for the evils of ignorance, are acts similar in kind so far as the prerogative of the National Government is concerned. In the first instance, the justification for Federal action is in the danger to human life; in the second, the danger to property; and in the third, the dangers arising out of conditions which afford nourishment for social, industrial, and political evils,—any one of which, while largely localized, may unquestionably affect the general welfare through the interdependence of the States, and the necessary intimacy of their relations.

What the nation may constitutionally do in meeting one of these dangers it may do in meeting all: neither more nor less. The limit of its prerogative in this respect is clearly defined by its repeated action in emergencies where human life has been endangered by contagion. While such perils may, and will, prompt speedier action on the part of a legislative body than those which affect property, or more remotely threaten social and political interests, there is no justification in the Constitution for Federal action in the one case which does not exist in each of the others. This truth is clearly indicated in



the words of the only warrant for such action, found in section 8 of its first article, as follows: "Congress shall have power to levy and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defence and general welfare of the United States." There is nothing here which authorizes Federal legislation in the interest of human life, and denies similar action with reference to the protection of property, or the maintenance of a status of integrity in the body politic, the destruction of which would make life less enjoyable or property less valuable. If this interpretation requires support, it may be found in the Federal Bankrupt Laws; the Fugitive-Slave Acts; legislation relative to National Banks and Inter-State Commerce; the statutes intended to give force to the Fourteenth Amendment; grants for the benefit of institutions for the deaf, dumb, and blind; the bestowal of aid to schools established under direction of the Freedmen's Bureau; and provisions for the alleviation of widespread suffering caused by sudden calamities. In connection with these and many other Federal enactments may be found precedents which not only justify the interpretation of the Constitution indicated, but often point to one far broader. Whatever inconsistencies may appear in legislation of the character referred to, we discover one significant fact: that in exigencies in any State analogous to those arising from the presence of contagious or infectious diseases, the policy of the government has been reasonably uniform and consistent. These acts interpretative of the Constitution therefore embody the most authoritative definition of the limits of the Federal prerogative in any exigency affecting the general welfare. A proper examination of the constitutional grounds thus afforded for the Federal Aid to Education which its advocates have so zealously sought would certainly have provided a justification for their claims, and, it would seem, must long ago have commended them, if wisely presented, to the approval of Congress. Unfortunately, their arguments have been based too much upon the supposed precedents afforded in Federal action with reference to land-grants for educational purposes. It seems not to have occurred to them that in the bestowal of these grants Congress had in view no such conditions, either as to the need of aid or the methods of its application, as are con-

templated in the present emergency; they were not intended to avert imminent danger, nor did they contemplate direct drafts of enormous sums from the Federal treasury to be chiefly expended for any reason among selected States. But aside from being inapplicable, these so-called precedents are suggestive of results in view of which, if there are no better grounds for such action, Congress may well hesitate to bestow the aid now sought.

These results will appear from an examination of the records of the States in which the munificent land-grant endowments provided by the nation have been partly or wholly misappropriated or squandered. It is not the part of wise statesmanship to ignore the teachings of the past; and the fact that we are in the midst of an era of good feeling must not be permitted to blind the eyes of our legislators to the truth that the States into whose hands the nation is asked to so trustfully commit enormous sums of money include the greater number of those in which spendthrift use has been made of former bounties, as shown by the printed reports of their own school-officers. That there have been similar, altho less extensive, abuses in certain Northern and Western States does not affect the adverse argument, which is the only applicable one, derivable from the precedents so inopportunately cited.

It is also to be regretted that claims for Federal aid to education have been based to such an extent upon the mere statistics of illiteracy, and upon such statistics so inconsiderately presented, as to be misleading. Illiteracy, in the abstract, as related to the population of a State, is a matter of State and not National concern; nor can it become a proper subject for Federal legislation until the conditions which it fosters take the form of aggressive evils, which not only affect society within the State, but, working outward through the relations of the State to the Federal Union, affect the general welfare. The matter of the increase or decrease of illiteracy is, therefore, important only in so far as it is directly related to the increase or decrease of the evils which it originates.

It may thus happen that while illiteracy has actually decreased in amount its evils have increased, and *vice versa*. That arguments based upon its mere statistics may be mis-

leading, and are in themselves no justification for Federal interference, is evident from the following tables.

TABLE I.

STATES AND TERRITORIES.	Number unable to write.		Increase or Decrease.	Number unable to write in each 1000 of total population.	
	1870.	1880.		1870.	1880.
Southern.....	4,159,216	4,715,395	Inc. 556,179	300	255
Eastern and Middle.....	712,074	699,369	Dec. 12,705	58	48
Western.....	676,948	714,841	Inc. 37,893	57	44
Territories.....	64,643	84,575	Inc. 19,932	238	139
District of Columbia.....	28,719	25,778	Dec. 2,941	218	145
United States.....	5,641,600	6,239,958	Inc. 598,358	146	124

It will be seen that in the Southern States, in spite of every obstacle, such as inability to provide sufficient educational privileges, and regardless of the increase of over half a million in the aggregate of illiterates, the number of illiterate persons in each one thousand of the total population shows a decrease for the decade of 45, as compared with 10 in the Eastern and Middle States, 13 in the Western States, 99 in the Territories, and 73 in the District of Columbia. Turning to the individual States of the South, we find that the number, and the decrease in the number of illiterates in each one thousand of the population, was as follows :

TABLE II.

	Ala.	Ark.	Del.	Fla.	Ga.	Ky.	La.	Md.	Miss.	Mo.	N.C.	S. C.	Tenn.	Tex.	Va.	W. Va.
1870.....	384	275	185	382	306	251	379	173	378	129	371	411	289	270	364	184
1880.....	343	252	132	298	337	211	338	144	330	96	331	371	266	198	285	138
Decrease.	41	23	53	84	59	40	41	29	48	33	40	40	23	72	79	46

These figures clearly show that arguments as to the growth of illiteracy based upon the increase of a half-million in the aggregate of illiterates, however startling or impressive, when the corresponding increase in population is taken into account, are wholly misleading; the conditions to which they point being the reverse of true. Illiteracy in the Southern States has in reality diminished in the last decade to an extent, and under such circumstances, as to warrant the expectation that its decrease, augmented with each succeeding decade, will at no very distant day place these States, in respect of the matter in question,

where the Eastern and Middle States now stand. For example, should the decrease per 1000 from 1870 to 1910 average 75, the number of illiterates in each 1000 of population in the Southern States in the latter year would be but 48. There is, therefore, every reason to believe that under normal conditions these States may, within a single generation, reduce their illiteracy to the present average in the Eastern and Middle States of 48, or that in the Western States of 46, in each 1000 of population.

Obviously the mere statistics of illiteracy, indicating results in the abstract so hopeful, cannot be regarded *per se* as evidence of an emergency requiring Federal interposition. But the actual element with which we have to deal is not mere ignorance, which in the abstract may not legally concern the nation, but the results of ignorance as they affect the general welfare. This distinction, from a legal point of view, is as plain and as worthy of consideration as that between poverty and vice and their results. However these may affect the individual, so long as they do not lead to acts directly influencing the public welfare they are confessedly matters with which even the individual State assumes to deal only through efforts equitably applied in the promotion of thrift and morality. It must not be forgotten that ignorance, in common with the many evils which it fosters and those with which it has no connection, not only cannot be legislated out of existence, but must be regarded as a permanent factor in the body politic. Wise legislation, intended to lessen its evils and prevent its growth, is undeniably the right and duty of government. But such legislation under ordinary conditions, by the plain terms of the Federal compact, demands the exercise of State and not National functions. The early policy of the Federal Government in this respect was a consistent one; and every departure from it has been the source of evils in view of which the resulting benefits have afforded no adequate compensation. Federal enactments setting apart lands within the Territories for the creation of school-funds, the policy instituted in 1789, were legitimate measures, because they affected domains under the immediate jurisdiction of Congress. Grants for similar purposes, made to States as such, have not only given ground for grave constitutional objections, but, as we have seen, with the lax political morality engendered by the unguarded bestowal of Federal bounties, have led to notorious

abuses, in themselves sufficient to make the continuance of the latter policy a matter of more than doubtful wisdom. Under ordinary conditions, therefore, there can be no sufficient reason for Federal grants, either in lands or money, for purposes of education within the States; and claims for such grants not grounded upon evident and extraordinary necessities, and which are supported by precedents of more than doubtful authority, may well be denied.

We come now to the question, Have the evils resulting from ignorance (considered apart from the mere existence of ignorance) assumed such proportions as to create an exigency demanding the exercise of the extraordinary powers contemplated in section 8 of the Federal Constitution. An emphatic answer to this question, not to mention others, is found in two specific evils, the one a corrupted suffrage, and the other idle, lawless, and vicious elements, weaned from honest labor, and which are a menace to good government and a dangerous barrier to industrial progress.

An indication of the power lodged in these elements as now arrayed in hostility to the common weal at the ballot-box and in the avenues of trade, may be found in the following table, collated from the returns of the Tenth Census:

TABLE III.

STATES.	Males of voting age unable to write.	Per cent of whole number of males of voting age who cannot write.	Total vote Presidential election 1880.	Number of votes necessary to have changed results.	Per cent of whole number of votes necessary to have changed results.
Alabama.....	120,858	46	151,507	17,423	11½
Arkansas.....	55,649	30	106,229	9,560	9
Delaware.....	6,742	17	29,333	586	2
Florida.....	23,816	38	51,618	2,219	4½
Georgia.....	145,087	45	155,651	25,000	16
Kentucky.....	98,133	26	264,304	21,772	8½
Louisiana.....	102,932	47	97,201	15,817	13½
Maryland.....	46,025	19	172,221	7,739	4½
Mississippi.....	111,541	46	117,078	21,000	18
Missouri.....	59,683	11	397,221	27,805	7
North Carolina.....	124,702	42	241,218	4,321	1½
South Carolina.....	106,934	51	179,956	27,352	16
Tennessee.....	105,549	31	241,827	10,398	4½
Texas.....	92,754	24	241,478	49,502	20½
Virginia.....	131,684	39	211,996	6,454	3½
West Virginia.....	22,885	16	112,713	5,635	5
Total Southern States..	1,354,974	32	2,762,551	252,583	9½
“ East. & Mid. “ ..	243,654	6	2,965,147	82,043	2½
“ Western “ ..	272,289	6	3,475,338	186,684	5½
“ Territories.....	28,723	13	100,801	8,061	8
Total United States..	1,899,640	15	9,303,837	529,371	5½



As here shown, a change in the votes of Arkansas, Delaware, Florida, Louisiana, Maryland, North Carolina, Virginia, and West Virginia, amounting in round numbers to a total of 52,000, would not only have placed the executive control of these States in other hands, but would have altered the electoral vote by the number of 49, many more than sufficient to have changed the National administration.

The fact that the control of but a small fraction of the illiterate suffrage in the States named would have secured such important changes, and, with unaltered conditions and a full vote, may be depended upon as a means of determining the controlling political power in these States and in the Nation in future elections, in view of the startling developments of the campaign of 1876, and the less open but significant efforts for the improper control of votes in 1880 and subsequently, in several of the States named, must certainly be regarded as indicative of a perilous state of affairs. It is a matter of little consequence which political party is affected by changes secured through corruption of the suffrage, since the peril to the general welfare lies not so much in such changes, in themselves, as in the means used to effect them, and the success of which to its extent is a shameful and dangerous subversion of popular government.

The existing conditions in the Southern States are more pregnant with evil to-day than in 1876, when they gave rise not only to intrigues and corruptions affecting the control of individual States and the National Government, but to results which threatened the peace of the nation. The politician, as a teacher, has been in advance of the schoolmaster. Whatever else they have failed to learn, ignorant voters begin to appreciate the fact that their ballots are of importance in determining political results; and rapidly increasing numbers of such are found willing, for hire, to serve the ends of unscrupulous managers as pawns upon the political chess-board.

These ignorant voters, hitherto massed chiefly within a single party because through that party came emancipation and enfranchisement, held together by fear of re-enslavement and by loyalty to a sentiment, have possessed, and in many instances exercised, a power which they have lacked the wisdom, if not

the disposition, to use wisely, and which has been turned to the advantage of political adventurers and the despoiling of humiliated and helpless States. So long as overwhelming elements of ignorance thus threaten to lift the standard of misrule, there will inevitably exist conditions disturbing to the public peace and perilous to the general welfare; and should there be a mere change in the political affiliation of these elements, peace-disturbing and perilous conditions will continue to exist. Thus, whenever the negro, besotted in ignorance but taught to place a mercenary value upon the ballot, shall vote without restraint and at the behest of the highest bidder, we shall see the color-line in politics obliterated and the so-called "Solid South" broken: but following these results, instead of a wholesome change, we may expect to find rival parties conducting a shameless traffic in a corrupted suffrage. If, as has been claimed, and as is probably only too true, many of the leaders of the colored race, illiterate men whose ready tongues are uncontrolled by fixed principles, and whose "little learning is a dangerous thing," can be induced by flattery or bribery to conjure at the shrine of the Moloch of Political Corruption in the garb and with the authority of a sacred office<sup>1</sup> it is not to be supposed that the masses who are below them in intelligence and morality will be beyond the reach of mercenary influences.

The serious political evils which we have outlined, and which may so vitally affect the interests of every citizen of the Republic, in themselves not only afford justification for, but demand the unhesitating exercise of, every power which the Nation may lawfully employ in defence of the common welfare.

There are, however, other conditions, traceable to a like origin in the dense ignorance of great masses in the population of certain States, which equally justify the interposition of the Federal Government.

From the statistics of the Tenth Census relating to occupations, by an analysis closely approximating accuracy, we derive the facts presented in the following table:

<sup>1</sup> As a single indication of the drift indicated, a prominent State official in one of the Cotton States said, not long since, in the hearing of the writer, "We have discovered a better way to control the colored vote than by intimidation . . . We have only to buy up the negro preachers."

TABLE IV.  
SELECTED OCCUPATIONS, BY GROUPS OF STATES.

STATES.	Popula- tion of the age of ten and over.	Agricultural proprietors.		Unskilled laborers: all classes.		Engaged in the professions.		Engaged in manufacturing, mechanical, and mining indus- tries; trade and transportation, including proprietors and expert employees.	
		No.	Per cent.	No.	Per cent.	No.	Per cent.	No.	Per cent.
Southern.....	12,783,612	1,888,906	14.8	3,272,407	25.6	226,912	1.8	938,045	7.4
Western .....	12,123,874	1,698,621	14.0	1,767,872	14.6	344,278	2.8	1,040,881	13.6
Eastern & Middle Territories.....	11,270,090	693,717	6.2	1,559,675	13.9	366,185	3.2	2,690,145	2.4
	584,031	65,433	11.2	103,014	17.6	36,212	6.2	99,796	17.1
Totals .....	36,761,607	4,346,677	11.8	6,702,968	18.2	973,587	2.6	5,368,867	14.6

It will be seen that the excess of unskilled laborers in the Southern States as compared with the Eastern and Middle States is 11.7 per cent, and as compared with the Western States 11 per cent; while the number of their citizens employed in the commercial and industrial pursuits named in the table is 16.6 per cent less than in the Eastern and Middle, and 10.4 per cent less than in the Western, States. While the difficulty of drawing an exact line between skilled and unskilled labor makes an entirely complete and satisfactory classification impossible, the Census statistics plainly show that the number of unskilled laborers in the Southern States is in excess of 3,272,000, or more than a quarter of their entire population of the age of 10 and over. The number of those engaged in agriculture in these States, including proprietors, tenants, and all tillers of the soil, constitutes a percentage of the population referred to of 14.8, or a percentage slightly in excess of that similarly employed in the great agricultural States of the West, and 8.6 per cent less than that thus employed in the Eastern and Middle States. Careful investigations, supported by statistics, indicate that, at a low estimate, not less than 500,000 of those engaged in agriculture, and most of them negroes, must, in respect of special fitness for the occupation, be classed with the great body of other unskilled laborers, by whom (however little encouragement may be drawn from the comparison) they are surpassed in



intelligence and enterprise. With this addition, the total of unskilled laborers in the Southern States is increased to more than 3,700,000 out of a total engaged in all of the commercial and industrial pursuits named of about 6,100,000; or, if we add the number of those pursuing professional callings, out of a total of 6,326,000. In other words, in these States the number of unskilled laborers included in the total of those reported as engaged in all occupations is in excess of one half by more than 500,000, and equal to nearly 30 per cent of the entire population of and over the age of 10.

To appreciate the significance of these facts, it must be borne in mind that the industrial change in the South, little short of a revolution, now in progress, is compelling an almost complete re-organization of the activities of this immense area. A rapid increase in the number of landholders by deed or leasehold, due to the partition of plantations; changes in agricultural methods; the phenomenal developments in manufacturing industries, are all conspiring to create a demand for labor of a kind and quality hitherto needed only in small degree. Inexorable conditions require that this demand shall be met promptly; the necessary material, in crude condition, is at hand; every consideration of expediency suggests the desirability of utilizing it, and every effort is being made on the part of the employer to do so. Nevertheless, the demands of the South for labor of the kind required, under present conditions, is not and cannot be met. The explanation is simple. The intelligent, progressive spirit which is working a transformation in all other respects has thus far influenced the ignorant and unskilled laborer, for the most part, only to the extent of making him restless and discontented. Free from the exactions of ante-bellum days, labor weds itself to indolence, and exerts itself only to the extent necessary to meet the more ordinary of every-day needs. There is a general absence of the industrious application in special fields of industry which leads to skill; and while there is thus little real progress in the conditions necessary to the betterment of his condition, the laborer subjects the employer to exactions and caprices, and hangs like a drag upon the wheels of progress. This condition of affairs can end only in one of two ways: the Southern laborer must meet the demands of the new South, by

becoming fitted to its uses, or, to the extent required, it will supply its needs otherwise, and do without him. So serious has this problem already become, that in many instances, some of the most notable of which have come under my own observation, laborers whose industry and skill can be depended upon have been imported in colonies from abroad. This serious question, only beginning to attract attention, unless speedily solved, will soon overshadow all other problems affecting the welfare of the Southern States. Every addition to a laboring population, already excessive, is an addition to what may become an army of malcontents, whose power for mischief, under the inspiration of the prejudices and passions born of ignorance and poverty, and the direction of demagogues, will be exercised to the detriment of every public and private interest—political, social, and industrial.

That the conditions thus sketched in outline afford exigencies which justify the Federal interference, invited alike by the patriotic and thoughtful citizens of the States directly and indirectly concerned, is undeniable.

The remedy for these perils is plainly suggested by the fact that they have their source in ignorance. Ignorance must be displaced by intelligence, and this must be the work of education—and education applied with special reference to industrial necessities.

The fact that the Southern States by their unaided efforts have accomplished so much in the direction of educating their ignorant population, and at a point where their abilities are exhausted are met by an exigency like that now existing, is assuredly not only a ground for Federal action within the warrant of the Constitution, as interpreted by the indisputable precedents established as we have seen under analogous conditions, but an occasion for prompt and willing legislation. If it may legitimately interfere, in the face of such evident dangers, why has Congress so long withheld action? While apathy, and engrossing attention to legislation affecting selfish interests, may be assigned as among the reasons for the neglect by our National legislators of this as well as other matters of National importance, their inaction, in the present instance, may be attributed in large degree to the fact that those who have directed

the efforts to secure the legislation desired, have not been fortunate in the framing of measures or in the presentation of grounds for their adoption. In the respect last named, as we have indicated, the question has been needlessly complicated by the importance attached to previous legislative acts, not only irrelevant but antagonistic to the action desired, while there has been an obvious failure to sufficiently emphasize the only valid ground for such action—the existence of an exigency not only within the warrant of the Constitution, but analogous to those clearly recognized so to be. In the respect first named, the framing of measures for the bestowal of the desired aid, those approved respectively by the Senate and House Committees of the last two Congresses, have been vitally defective in the following essential particulars: (1) as to the amount of aid; (2) as to the limit of its continuance; (3) as to provisions for its proper application. As to the amount of aid sought, each of these bills (the one providing in the first year \$10,000,000, and the other \$7,000,000) have contemplated at the very outset the bestowal of a fund of such magnitude and under such conditions that few, if any, of the Southern States could or would put it to wise or proper use. They have in effect proposed to put the Federal Government in the attitude of saying to many of these States: We expect you to expend for school purposes within a year from a given date (say June, 1884) a fund, which we will put into your hands, equal to twice or thrice the amount you are now expending from your own school revenues, and which shall be spent, not in place of, but in addition to, these revenues.

In the enactment providing for Federal aid which has just passed the Senate, among other amendments in the direction of a wise exercise of the power in the premises which Congress may legitimately exercise was one reducing the initial sum to be bestowed from \$15,000,000 to \$7,000,000. While it cannot be urged against the bestowal of the sum last named that it will provide in many States an amount equal to twice or thrice that which they themselves now expend for school purposes (as \$15,000,000 would have done), it is nevertheless a question whether even so large a sum as this can be wisely expended in the first year.

TABLE V.

STATES.	To be appor- tioned by House Bill, waiting action.	To be appor- tioned by Senate Bill as enacted.	Amount of final appropria- tion, Senate enactment.	Amount as per state- ments following.	Amount ex- pended for public-school purposes in 1880.
United States... ..	\$10,000,000 <sup>1</sup>	\$7,000,000 <sup>1</sup>	\$5,000,000 <sup>1</sup>	\$4,071,190 <sup>2</sup>	\$79,339.814
Alabama.....	694,631	526,339	347,316	332,790	430,131
Arkansas.....	323,750	217,810	161,675	166,672	382,637
Delaware.....	31,112	24,040	15,556	10,034	172,455
Florida.....	128,499	99,814	64,250	59,090	117,724
Georgia.....	834,005	634,945	417,003	402,810	653,464
Kentucky.....	558,324	367,003	279,162	265,862	1,025,659
Louisiana.....	510,228	422,619	250,114	209,556	373,081
Maryland.....	215,527	158,333	107,263	67,952	1,117,145
Mississippi.....	598,083	448,632	299,042	274,580	679,475
Missouri.....	334,544	197,325	167,272	156,946	3,092,332
North Carolina.....	743,555	522,990	371,777	346,772	328,717
South Carolina.....	592,709	457,399	296,354	270,900	308,230
Tennessee.....	658,213	560,605	329,107	330,098	634,587
Texas.....	507,106	364,212	253,503	258,976	713,908
Virginia.....	689,671	512,432	344,835	290,016	716,153
West Virginia.....	136,821	73,975	68,410	64,994	527,090
Southern States.....	\$7,556,878	\$5,588,473	\$3,778,439	\$3,508,048	\$10,755,588
Other States and Ter...	2,443,122	1,411,526	1,221,561	563,142	68,584,226

Should the amount of Federal aid granted be \$4,071,190, the average amount received by the Southern States would be, in round numbers, equal to one third of the entire sum expended by them, from their own resources, in 1880, while in the States of North and South Carolina and Louisiana the sums on the one side would very nearly equal those on the other. That the National Government can, in wisdom or justice, properly expend for school purposes in these States in any one year a larger sum than the one indicated is a matter of grave doubt; and yet the Senate enactment at the outset would increase this sum by 75 per cent, while the House bill, with phenomenal prodigality, would increase it by nearly 150 per cent. Examining more closely, we find that the amounts provided by the House bill in seven States exceed their school expenditures in 1880 by from twelve to sixty per cent, while those provided by the Senate enactment are also in excess of State expenditures in four States.

If it be urged that the school revenues in a majority of the Southern States have largely increased since 1880, this increase, if it has exceeded in proportion the increase in the population

<sup>1</sup> Distributed on the basis of the whole number of illiterates, including adults.

<sup>2</sup> Distributed on the basis of \$2 per capita for each illiterate of the age of 10 and under the age of 21.

of school age, only adds force to the arguments which may be urged against lavish Federal appropriations.

In effect, for a greater or less period, under the terms of these measures, the Federal Government, in several States, will be called upon to assume the major support of the public schools, the States in question being graciously permitted to retain the privilege of contributing a moiety of the school-fund expended within their borders, and under such accommodating conditions as to make it possible for whatever officials are in control to adjust even this amount, in large degree, to suit such uncertain standards as they shall themselves create.

In the serious work which lies before the citizens of the New South,—the substitution of intelligence and thrift in the wide fields occupied by ignorance and idleness,—the development and exercise of their own abilities, under the influence of an honorable spirit of self-dependence and patriotism, is of more importance than any money aid which can be bestowed from the overflowing treasury of a paternal government. That would be an unwise exercise of Federal generosity which would in any degree break down the patriotic, independent local spirit upon which the success of the public-school system must chiefly depend. To stimulate and encourage this spirit should be the first object of Federal aid; and it should be prevented, with jealous care, from passing the limit beyond which its bestowal will supplant and destroy it, by removing the incentive to private effort, and by providing a temptation to official corruption.

That the smallest of the sums named in Table V. would be sufficient to meet the present needs of the States engaged in a contest with ignorance is not only evidenced by the progress which they have made in their brave struggle within the last decade, but by the measure of the financial aid proposed as compared with their own expenditures, and which will represent, as translated into force, an addition to that now in use of one third. To properly utilize this added force will require new schoolhouses, more teachers, the kindling of the sentiment which brings these, and other materials, into form and shape, and arrangements for that wise supervision as the result of which the machinery of the school system shall be adjusted to



the successful application of the increased power. That two dollars per capita for each illiterate, excluding adults, will provide a sum sufficient for this purpose, is best evidenced by what it will accomplish.

The whole number of public schools in the United States in 1880 was 225,880, of which 72,465 were in the Southern States. The entire expenditure for public schools in all the States in the same year was \$79,339,814, of which the Southern States expended \$10,755,588, or an average amount for each school of nearly \$150.

If National aid should be bestowed in these States to the amount of \$3,508,048 (see Table V.), and should be devoted wholly to the establishment of new schools, at the average named above, it would provide for 23,386 such schools in a single year, or an average for each State of one less than 1500. As the average number of public schools in the sixteen Southern States in 1880 was 4529, an average addition of 1500 would be equivalent to the planting of one new school for every three now existing. On the other hand, if the amount of aid named be used for the better support of existing schools, the average expenditure per school will be increased by the sum of \$48.50, or to a total amount of \$198.50 per annum, which is within \$18 of the average sum per school expended in Maine, \$13.70 less than in New Hampshire, and \$24.20 more than in Vermont. While it is undoubtedly true that the sum expended in the three States named is insufficient for the best interests of education, if the Federal Government shall assist in the immediate establishment of schools, in their sister-States of the South, which shall be maintained at equal cost and approach these in usefulness, it will certainly have done all that it can be reasonably asked to undertake.

If it be thought wise, however, in view of the importance of securing the resultant benefits at the earliest possible moment, to extend Federal aid in such degree as to enable the States to provide for the better support of schools while establishing new ones (which would be a concession on the side of liberality), an increase of the amount bestowed per capita of illiterates between the ages of ten and twenty-one, amounting either to fifty cents or to one dollar, would add to the sum named \$2,035,595 [a

total of \$6,106,785] or \$1,017,797 [a total of \$5,825,214], the latter of which amounts probably, and the former of which certainly, would represent an additional expenditure as large as would be on any ground justifiable.

To secure the proper application of this aid, it should be apportioned, not upon the basis of the entire number of illiterates, which would include 4,204,363 adults who are beyond the reach of common-school instruction, but upon the basis of the number within its reach. These, as nearly as determinable from the published statistics of the Census of 1880, are the illiterates of the age of ten and under the age of twenty-one years, numbering in the United States 2,035,595, and in the Southern States 1,754,024. Whatever aid is extended should also be apportioned among the several counties<sup>1</sup> of the States, payable in drafts upon the U. S. Treasury, or in such other manner as shall secure to each its proper share of assistance—a precaution which would serve to protect the funds from misuse, and to the adoption of which there can be no valid objection, since the moneys are to be expended in accordance with State laws. The Federal enactment should in this connection provide for the withholding of aid from any county not complying with such wise terms relating to its use as it may seem proper to enact, the State officials to be the judges in such cases, and to have authority to devote funds thus withheld, under approval of the Commissioner of Education, to Normal-school or similar purposes.

Beginning with an appropriation of two dollars per capita, in view of the probable ability of the States to then wisely use an increased sum, Federal aid could, if deemed expedient, be annually increased fifty cents per capita of the illiterates before referred to, reaching a maximum sum of \$7,016,096 in the fifth year, after which it should be annually reduced fifty cents per capita, with which amount per capita, a total for the Southern States of \$877,012, it should also end. By this policy the aid would be so gradually withdrawn as to enable the States growing in prosperity to supply without serious difficulty, from their own

<sup>1</sup> The bestowal of a stated sum per capita of illiterates, as in the fourth column of Table V., will make apportionment among the counties a simple matter.

yearly increasing revenues, the amount required to maintain and advance the efficiency of their public schools.

The bills to which attention has been directed are alike fatally defective in the item of the (ostensibly) final appropriation. By the provisions of the Senate enactment, this appropriation, at the end of ten years, is to be \$5,000,000; and by the provisions of the House bill, at the end of six years, \$10,000,000. From what sources are the States expected to supply the large deficiencies thus suddenly to be met? After ten years' enjoyment of the prodigal bounty of the Nation, if it shall cease with an appropriation of \$5,000,000, will there be cheerfully added to the local budgets, in a single year, an increased school-tax in Alabama of \$347,000; Arkansas, \$161,000; Georgia, \$417,000; Kentucky, \$279,000; Louisiana, \$250,000; Mississippi, \$299,000; North Carolina, \$371,000; South Carolina, \$296,000; Tennessee, \$329,000; and Virginia, \$344,000? And if these deficits are sufficient in amount to arouse serious question as to the ability or willingness of the States to meet them promptly, what may we expect if they are doubled in amount, as proposed by the terms of the House bill? There can be but one answer to these questions. In either event the States named (and is not this the expectation of some of the interested advocates of these measures?) will come again to the National Treasury with the plea that a continuance of Federal aid is essential in order to save their school systems from sudden collapse. If they shall then obtain aid on grounds which have not the validity of those now presented, conditions intended to be temporary will be made permanent, and the dangerous precedent established by unwise legislation will begin to bear fruit.

There is also to be noted, in the measures referred to, an absence of such simple and wholesome provisions as are required in order to secure the proper expenditure of even a fraction of the amounts which they would bestow. Apparently influenced by the sentimental consideration that to accompany the bestowal of Federal aid, with safeguards for its proper use, would be a reflection on the integrity of the States, or an impertinent interference in their domestic concerns, it is proposed to make the conditions so generous as to leave the widest margin for its misuse at the hands of careless or corrupt officials.



There ought, surely, to be no question as to the right or duty of the National Government, in an emergency which demands the expenditure of Federal moneys for the general welfare, to exercise the same authority in arranging for the proper disposition of its aid which it exercises in its bestowal. And the States most deeply interested, in view of the delinquencies of their trusted officers in the past, and the contingencies suggested by the possible control of political machinery through the corruption of ignorant voters, ought to regard with satisfaction, and to accept without cavil, such safeguards as are calculated to ensure the wise use of the school-funds provided from the National Treasury.

The willingness of the representatives of the States chiefly benefited to receive lavish appropriations whose bestowal requires the abandonment of doctrines with regard to the relative prerogatives of the Federal Government and the States, which they have hitherto held with tenacity, instead of leading the friends of good government to the adoption of a line of policy not warranted by the Constitution, or which may be productive of future ills, should put them on their guard. Nor should the unwillingness of any State to accept aid, on reasonable conditions, in the meeting of needs however pressing, win concessions from the friends of education, as the result of which their beneficent plans for the promotion of the general welfare may be defeated. If the evils of ignorance can be met only under conditions which shall invite others, hardly less hateful, Federal inaction may be the policy of wisdom.

Finally, as the aid bestowed, to be within the warrant of the Constitution, must contemplate the meeting of an evident exigency, its bestowal must be confined to those States, or parts of the Union, where such an exigency exists. While there may be difficulty in satisfactorily determining within what limits an exigency such as the Constitution contemplates may be said to now exist, it is safe to exclude the States whose illiterates constitute less than twelve per cent of the population. All of the States thus excluded are beyond doubt themselves abundantly able to care for their ignorant population, the chief part of which, it is worthy of remark, is of adult age. The portions of the Union included would then embrace the only area within

which there can be any justification for Federal interference, —the sixteen Southern States, the Territories, and the District of Columbia.

A measure embodying the essential features outlined, and free from the objectionable ones noted, would not only meet the exigency, but be in harmony with the various Federal enactments germane to the subject.

These, as we have seen, both in themselves and in the discussions antecedent to their adoption, have indicated a fixed determination not to transcend the limits of the National prerogative by any action which could possibly lead to the permanent establishment of a system which, under normal conditions, would infringe upon the proper functions of the States. The fear that such results might attend Congressional action, whenever Federal aid has been sought for the relief of any State or section in the presence of imminent peril, has roused the jealous defenders of the Constitution, and led to heated and sometimes acrimonious debates. This watchfulness, unquestionably wholesome in its effects, when the National bounty has been granted in the face of any pressing need, has with few exceptions led to its bestowal on conditions and under limitations which may be studied with profit at this time.

While it is to be hoped that no unworthy considerations, such as a desire to secure for any State appropriations which are either excessive or wholly unwarranted, will influence the members of the two Houses in the final action which they shall take in this most important matter, immediate assistance should be rendered to the ex-slave States in the development of an educational system suited to their political and industrial needs.

"Slavery," says Robert C. Winthrop, is but half abolished, emancipation is but half completed, while millions of freemen with votes in their hands are left without education." He adds, "Every year brings another instalment of brutal ignorance to the polls to be the subject of cajolement, deception, corruption, or intimidation." In the words of President Garfield's inaugural address, "All of the Constitutional powers of the Nation and the States and all the volunteer forces of the people should be summoned to meet this danger." But the Federal power exer-

cised to meet the danger must be stayed within the area where it exists.

Federal aid to education should, therefore, be devoted to the enlightenment of the negro, as the only lawful means by which to disarm this Goliath in the hostile forces which menace our institutions.

HENRY RANDALL WAITE.

## THE PSYCHICAL RELATION OF MAN TO ANIMALS.

I N this REVIEW for November, 1878, I published an article on "Man's Place in Nature." The present article may be regarded as a continuation of the subject from a different point of view. In the former article I tried to show how, without violating the laws and analogies of nature, the spirit of man may be conceived to have arisen by progressive individuation out of the forces of nature, through the vital principle of plants and the anima of animals. In this I wish to fix attention on the last and most important step, and to determine, if possible, its nature. I wish to show in what consist the essential differences between the *spirit* of man and the *anima* of animals.

This question undoubtedly lies at the very basis of all philosophy. It is the question most fundamental of Locke, of Hume, and of Kant, viz., the origin of knowledge from sense-impressions. It is more: it is a question which touches the origin of all that is characteristic of man, of art, of language, of society, of morals and religion, and is thus closely bound up with all our dearest hopes and noblest aspirations. It is and must ever be, therefore, a question of the most transcendent importance; but under the new light shed upon every department of biology by the theory of evolution, it must now be approached in a different way and reinvestigated in a new spirit.

In the past, man's nature, both bodily and spiritual, has been studied too much apart from that of animals. Human anatomy, human physiology, human embryology, and human psychology have been treated as separate sciences. This is no longer possible. The method of comparison is the characteristic and most powerful method of discovery in all the more complex departments of science, such as biology, sociology, psychology, etc.

This method has already been applied with the most admirable success to all departments concerned with the human body, and the time has come when it must also be applied to what concerns the human spirit. Anatomy did not and could not take on true scientific form until it became comparative anatomy. Physiology and embryology did not and could not become truly scientific except through comparative physiology and comparative embryology; so, also, psychology can never take on true scientific form until it consents to become *comparative psychology*—until man's psychical nature is studied in relation to those foreshadowings and beginnings which we find in the lower animals and in infants. The method which has been found so successful in the lower departments must be applied here also.

There is, however, a danger against which we must guard. The older philosophers assumed, and rightly, an immense gap between man and animals, and therefore thought lightly of the apparent likeness; the tendency of modern evolution-methods, on the contrary, is to insist upon and even exaggerate the likeness, and to minimize the difference. This tendency shows itself in two opposite ways, often in the same individual. On the one hand, we project our own nature into animals, and thus elevate them into the human plane; on the other, we drag man down to the animal plane, or both man and animals down even to the physical and chemical plane. On the one hand, we hear much talk about "*plastidule souls*," and on the other, of animal and even human *automata*. Thus we oscillate from fetichism to materialism. Now, the only true rational attitude is to admit with the older philosophers the immense, yea, infinite gap, and with the newer science the wonderful resemblance and even possible genetic connection, and then to try to reconcile the one with the other.

Admitting, then, both the close resemblance, perhaps genetic connection, and the immense difference, I wish to show in the most general way in what the essential distinction consists. This, I know, is no easy task. The greatest philosophic thinkers have striven in vain to make this point perfectly clear. I am fully aware that I am not able to solve completely so difficult a problem. This can be successfully done only by a profound critique, combined with far more extended observations on the

psychical phenomena of animals and of infants, and more careful induction from these phenomena, than have yet been attempted. All I can hope for is to contribute something, however small, toward the solution of the problem, by bringing together an *assemblage* of differences of the same kind and pointing in the same direction, each by itself perhaps doubtful and unsatisfactory, but each strengthening the others, and therefore all together in their combined effect convincing. Also, I may hope that all these lines of difference pointing in the *same direction* may suggest the common point of departure. In view of the strong tendency at present among biologists to minimize the distinction between man and animals, and thusto make man a higher family of animal *and nothing more*, this attempt cannot be considered unnecessary either in a philosophical or a practical point of view. All I shall attempt, however, will be to touch lightly each point, barely indicating the line of thought, leaving to others of greater metaphysical acuteness the harder task of complete development. Of the several points of difference taken up, I will treat first those which seem to me the simplest; in the hope that these will furnish a key which will help us to understand the others.

#### I. LANGUAGE.

This has always been regarded as one of the most important distinctive marks of man, and many have made it *the* one essential distinction from which gradually all others have arisen. I will not stop to discuss this point, but only draw attention to the familiar fact that animals, as for example dogs, may be taught to understand human speech, and that parrots and some other birds may even be taught to speak intelligibly. What, then, is the distinction betwixt such parrot-speech, or such human speech as understood by dogs, and true human speech? Many will say that parrots speak only the words which have been taught them; that their speech is pure imitative speech, mere idle sound signifying nothing, because carrying with it no corresponding idea in the mind of the parrot. But this is certainly not wholly true. In the mind of the speaking parrot the word or phrase is undoubtedly sometimes associated with a *thing* or an *action*. When the parrot says, "Polly wants a



cracker," she means what she says. When she says, "Bring in breakfast," she desires and expects that food be set on the table. Doubtless there is usually much idle repetition, but there is often at least some dim association of word and thing. Is there any difference between such speech and ordinary human speech, except such as may be found in less degree in the speech of men of different degrees of culture? I believe there is, *and it is just the difference between sign-language and rational speech.*

*Sign-language vs. Rational Speech.*—Sign-language is used by all higher animals, and even by many insects. Cries of distress, terror, pain, notes of pleasure, of joy, of love, are the natural language of emotion whether in animals or man. So, also, pointing to an object or place, or imitating of an action desired, comes under the category of sign-language. Social habits necessitate a more elaborate system of communication, and therefore social insects, especially ants, undoubtedly communicate with each other freely. This species of natural language, as might be expected, is carried to the highest degree of perfection by savage races of men, especially by the nomadic American Indians, as a means of communication between tribes speaking different languages. The sign-language of deaf-mutes is mostly of the same character. The alphabetical deaf-mute language is of a higher and more strictly human kind.

Now *sounds*, also, as well as gestures, may be signs: and *words* are only sounds. So that word-language or speech may also be only sign-language. Words may be only signs of things and associated in the mind with things, so that by frequent collocation the word suggests the thing, and the thing the word. Now this, and this only, is the highest significance of parrot-speech or of the speech of man as understood by a dog. Such speech has no more significance than the sign-language of an intelligent dog who wishes to make known his wants to his master, or than the sign-language of the ant who wishes to tell his fellows of some fortunate find. It surely can make no essential difference that the signs in one case are sounds or words. It is true that the words and phrases are never any but such as have been learned and imitated, but by frequent collocation the words become the signs of things and not mere idle sounds.

But it will be asked, Is not this the case with all speech?

Does not the child, too, *learn* the words, and by practice to utter them? Does not the child, too, learn by frequent collocation to associate sounds with things? Yes, it is true that all the speech of earliest childhood is nothing more than this sign-language, this imitated parrot-speech. But true rational speech is very different, and we may see the one pass into the other, often somewhat suddenly, in the history of every child, if we only observe closely. The process is as follows:

The child, by observing their frequent collocation, learns to associate certain words with certain objects, and vice versa; then to *use* the words as signs of the objects; then several words or a *phrase* (to him only a long word) to indicate certain actions. This is all parrot-speech, tho doubtless far more perfect than in any animal. But at a certain time, sooner or later, there comes something more: not only more perfect, but different, not only a *growth*, but a *new birth*. At a certain time the child perceives the *power* of words *in relation* to each other. He analyzes phrases which were before only long words, and perceives the power of each part in relation to other parts. Immediately he *makes* new untaught combinations, *invents* new phrases, *creates* original sentences. There is now for the first time a *grammar* in language, altho only intuitively perceived by the child. Now there is no longer any limit to new combinations. In the history of every child, some of these attempts at new combinations give rise to strange and even laughable phrases which are treasured and repeated by the fond mother as the smart sayings of her darling. Now just here true *rational* speech, characteristic human language, begins. All before is sign-language, and does not differ except in degree from the sign-language of many animals. Many animals might be taught such speech if their vocal organs and their tongue were suitably formed; but the second stage no animal can attain for want of the mental faculties necessary.

Sign-language, however, may doubtless serve the purpose of rational speech, but only because Reason supplies the relations which are wanting in the signs. In rational speech these relations are expressed by appropriate words. A grammar may be injected into sign-language by the rational spirit, but is not expressed, as it is in true rational language.



The difference between word-sign-language and rational word-language is similar to, and may be illustrated by, the difference between *spoken* and *written* language. As in rational speech the phrase-word is analyzed into its components, and the separate powers of these components in relation to each other is perceived, so in written language the analysis goes one step farther, and each word is again analyzed into its separate sounds, and the separate power of each sound in relation to other component sounds is perceived. But the first analysis seems to be connected with the *birth* of human reason, the second only with a *stage of culture*.

I leave to others of greater acuteness to follow out in detail the distinction here pointed out. My object now is to give a whole assemblage of similar distinctions, each one only in outline, trusting to their combined effect for the conviction which I seek to produce. I wish to show that in all the faculties and powers of the human mind, as compared with the corresponding ones in animals, and especially in the manifestations of these in art, there is a distinction similar to that just pointed out.

## 2. USEFUL ART.

The gradation between the constructive art of animals and the lowest art of man seems at first sight very complete, and therefore it is more difficult here to draw sharply the distinction. But a little reflection, I think, will show where it must be drawn, and also that it is of the same kind as that already pointed out.

The constructive art of animals, as shown by the nest-building of birds, the dam-building of beavers, the complex galleries of ants, and the cellular honeycombs of bees, is apparently the final result of a succession of blind divergent trials and survivals of the best methods, continued through successive generations and conserved in inherited brain-structure, until a really marvellous excellence is sometimes attained. The successive improvement under such blind divergent *trials* and survivals seems to be wholly unconscious and unintentional, and therefore exactly like the improvement of the organism itself under divergent *variation*—struggle for life and survival of the fittest. It is, in other words, *unconscious evolution* of constructive methods. This is what we call Instinct: and it is in this way, undoubtedly,

that the most wonderful instincts have been gradually formed. That we have rightly interpreted the significance of such art is shown by the fact that its excellence is not at all in proportion to the intelligence, but rather to the fixedness of the habits, and therefore the narrowness of the line along which improvement takes place.

But the constructive art of man, even the rudest, has always also another element. In man's work there is always a distinct conscious purpose which he deliberately tries to attain. Furthermore, there is always in man a *perception of law*: unconscious, intuitive perception, it may be—i.e., perception by methods which he does not stop to analyze, and could not analyze if he would—but still a perception of the laws of nature underlying his work. As beauty is harmonic relations perceived by imagination or æsthetic sense, so law is harmonic relation perceived by the reason. The one is the basis of fine art, the other of useful art and science. In other words, in art man is always *inventive, creative*, and even the inventive genius of a Watt or an Edison is only a higher form of that which distinguishes man in the lowest stage from animals.

But as in language so also in art there are at least two grades on the human plane, and the distinction between these is perhaps more easy to draw than that between the human and the animal. The two grades here referred to are empiric art and scientific art. As already explained in a previous article,<sup>1</sup> empiric art is the result of unconscious intuitive perception of law, scientific art of the conscious perception—the rational knowledge—of the laws of nature. Man first *originates* and improves art by incessant trials,—not wholly blind like those of animals, true, but guided only by the rushlight of intuitive reason. By this method alone, through successive generations, and perhaps aided, as in the case of animals, by an inherited capacity, a high degree of perfection is sometimes attained. But sooner or later such art is arrested in its growth. But if under the stimulus of such art the self-conscious reason be fully awakened and applies itself to the understanding of the principles and processes involved in art, then art becomes scientific and thereby becomes

<sup>1</sup> PRINCETON REVIEW, Nov., 1881.

endowed with new and higher life and indefinitely progressive. Thus in *this*, as in every department, there is for man a human life and a *higher* life. The first separates him from animals—a birth into humanity; the second separates him from his lower self—a new birth into a higher plane of life.

### 3. FINE ART—MUSIC.

I suppose that most persons imagine that in music, in song, some lower animals, e.g. birds, approach very near to man. Who has not been charmed by these songsters of nature? Who will deny that the pleasure thus derived, too, is of a very high order? Yes, of a *very high* order; but this very fact ought to lead us to suspect that the source of this pleasure is far different from what is usually supposed. There is, as I believe, a profound difference not only in degree but also in kind between this bird-music and human music, and that the pleasure we derive in the two cases has an entirely different source. I would even go much farther and affirm that as the speech of parrots is no true speech, so the music of birds is no true music, and the pleasure we take in the two cases is of an entirely different order.

*Beauty vs. Sense-agreeableness.*—Sugar affects our gestative nerves agreeably, and quinine disagreeably; but no one thinks of calling this pure sense-pleasure *beauty*. So odors produce in us pleasure or pain; but no one thinks of dignifying such pleasure by the name of *beauty*. The reason is because these lower senses are not closely connected with the higher faculties of the mind. But in the higher senses the connection is so close between sense-agreeableness and the higher emotions that the two become confused in the mind, and therefore in popular language. Thus we often speak of a beautiful sound or a beautiful color, whereas the proper word is "*sweet*;" for the pleasure derived from a pure sound or a pure color is on the same plane and of the same order as that we derive from sugar. It is pure sense-agreeableness and nothing more. But if we take *two* pure colors, place them side by side and compare them, something more and higher is at once perceived. Each color by itself, indeed, as before affects us agreeably (sense-pleasure), but in addition we perceive also the relation between them, whether

of concord or discord. This is an *intellectual* perception, not a *sense*-perception. It is a perception not of a *thing*, but of a *relation*. The impression or effect is not on the plane of *sense*, but on the plane of *mind*. Here, then, is the simplest perception of beauty. The harmonious combination of colors in various ways with colors, and of form with form, and these two again with each other, becoming more and more complex, and higher and higher, constitutes the whole art of painting.

So, also, is it with music; and in fact the principle is best illustrated here. A simple, sweet, pure sound produces in us not the feeling of beauty, but only a sense-pleasure. The æsthetic feeling, the so-called *sense* of beauty (see how hard it is to avoid the language of sense), is and must be at least one step removed from the plane of sense. But if we make *two* sounds, whether consecutively or together, we may compare them. Now we perceive as before each sound (sense-perception), but we perceive also something more which is not mere sense-perception. We perceive the *relation* between the two, whether concordant or discordant. If concordant, we call it *harmony*, whether *consecutive* or *chordal*. This is beauty and æsthetic feeling reduced to its simplest terms. These are the simplest elements of music as distinguished from mere sense-pleasure. These simple harmonies, consecutive and chordal, may be combined again into more complex harmonies; and these again into still more complex and higher, thus *creating* new combinations without limit, until the complexity of the relations becomes so great that it is only by long culture that we are able to perceive and enjoy them.

The outcome of all I have said is this: The simplest element of beauty, the lowest possible æsthetic feeling, is still one step above the plane of mere sense. It is an *intellectual* perception, not a sense-perception. It is a perception not of a thing, but of a *relation* between two or more things. Or to express it differently, it is the perception not of a *material* thing, but of an *intellectual thing*. As art becomes higher, the perceived relations become more complex and difficult to grasp; the intellectual thing becomes higher and higher, and therefore more and more removed from the plane of sense.

It is easy to see, then, why fine art is confined to the two

senses hearing and sight. It is because of the infinite variety of the kinds of sensuous impressions in these, and therefore the complexity of the *relations* among these impressions. It is conceivable, however, that there may be, and perhaps there is, a low species of fine art connected also with the lower senses of taste and smell. By the skilful combination of tastes with tastes and smells with smells, and these two again with each other, it is possible that the arts of cookery and perfumery may rise one step above the plane of sense. But from the dominance of the sensuous element, there is danger that in the cultivation of taste in this art the intellect may be dragged down to the plane of sense and thus debased, rather than the senses raised toward the plane of intellect and thus refined. The latter, I need not say, is the true end of fine art.

But to return and apply these principles. I do not think that birds either make or appreciate music in the sense above defined. I am aware that many think differently. I know that some have even attempted to set bird-song to scale; but for myself, altho I have a keen perception of harmony, and perhaps for that reason, I have never been able to assure myself of any true purposive harmonic relation amongst the notes of birds. Sometimes there seems to be such a relation and sometimes not. When there is, it seems to me to be accidental and unintentional. The very best which we can accord to bird-music is what we have already accorded to the constructive art of animals. It is probable that by blind divergent trials and survival of the *sensuously* best or most agreeable results continued through successive generations, not only have the notes of birds become sweeter, but also some simple harmonic relations have been attained; not, however, because these harmonic relations were perceived and enjoyed *as relations*, but because there is probably also a *sensuous element*, a sweet *nerve-thrill* in harmonic *vibrations*. In any case, even those who think they perceive real music in bird-song, and attempt to set it to scale, must admit the profound difference between it and human music. Sing it, play it on an instrument, and see whether we derive any pleasure at all from it. The difference is fundamental. Man *creates* combinations of sounds purposely and indefinitely. He combines chords into musical phrases, phrases into strains,



strains into songs, and songs into choruses: birds never reach beyond simplest phrases, and these not *created*, but, parrot-like, *learned and repeated*, or else *inherited*, and even then only sensuously, not æsthetically, enjoyed.

I have often, and again recently, listened carefully to what might be called choral music of birds. Red-wing blackbirds and the Western meadow-larks often sing together, filling the air with their sweet jargoning. But altho the effect is delicious, I could detect nothing like true concord; it was after all only sweet jargoning. The pleasure is of a different order from that derived from music, and similar to that derived from the sounds of nature, such as murmuring of streams and rustling of leaves.

Whence, then, the question returns—Whence, then, the exquisite delight we derive from the song of birds? Why the ecstasy of poets over the skylark and the nightingale; and why do we who are not poets, but who love poetry, sympathize so deeply with the poets on this subject? I will try in a homely way to explain the source of the pleasure and of the poetic inspiration.

Suppose, then, all the conditions favorable: bright spring morning, deep forest, romantic spot, and murmuring stream. Suppose, further, a small boy with glass-tube whistle and tumbler of water, hidden from view and imitating perfectly the joyous notes of the canary. There can be no doubt that so long as we really believed we were listening to a bird our enjoyment would be of a very high and refined order, higher and more refined just in proportion to the nobleness and refinement of our nature; but would wholly vanish so soon as we detected the imposture. But why? If there be any real music in bird-song, we ought surely to enjoy equally the whistle. But, on the contrary, all that is left is some sense-pleasure of sweet sound, and perhaps some intellectual pleasure from clever imitation; but of æsthetic pleasure, such as that derived from music, there is not a trace.

What, then, is the source of the high delight in bird-song? Doubtless there is here some mere sensuous pleasure of sweet sounds; but what besides is added, elevating, dignifying, refining this mere sensuous pleasure? I answer, Not æsthetic pleas-

ure of music, but sympathy with *joy*, with *happiness*, in even the humblest of God's creatures. There is nothing nobler, purer, higher than this deep sympathy of the spirit of man with nature in all its aspects and all its grades—with murmuring streams, rustling leaves, and singing birds. It is the sympathy of the spirit of man with the infinite spirit of nature, which is the Spirit of God in nature. But its noblest form is sympathy with the happiness of animals; for happiness is the harmonious activity of the whole being according to its nature, and animal happiness is therefore the symbol of that higher spiritual happiness which is the unattained holiness and blessedness after which we all sigh. The pleasure above mere sense which we take in the song of birds is of the same order as that which we take in all exhibition of pure joy—in the gambols and skipping of lambs, the mad bounding of colts, or the merry laughter of children. If we call it music, then is it the grand chorus of nature, in which bird-song is but one insignificant twanging string.

But if there are some who would object to this view, and would make bird-song a real music, differing from human music only in degree, not in kind, thus raising birds into what I believe the characteristic human plane, there are not wanting others who would accomplish the same result by dragging down human music, in fact everything human, to the plane of the animal. Many of the materialistic school of modern philosophy will doubtless say that all music is in the plane of sense only—is naught else than a *succession of pleasurable nerve-thrills*; that harmony, or what we have called perception of relation, is but unison of thrill with thrill, making a still more pleasurable compound thrill. The answer to this is plain. In consecutive harmony the two or more notes are combined in *memory* only; and there is therefore no compound nerve-thrill at all. But above all, think of the ecstasy of DEAF Beethoven in composing his exquisite symphonies! Is this pleasurable nerve-thrilling? Pleasurable thrilling of the auditory nerve in the deaf! Is it not rather noble soul-thrilling?

I need hardly add that the pleasure which animals take in human music—if indeed they take any at all—is of a purely sensuous kind, and not at all an æsthetic pleasure. It is an enjoy-

ment of sweet sounds, not of harmonic relations ; it is a delicious quivering of nerves, not thrilling of soul.

What I have said of music applies, of course, to all other forms of fine art. Music, tho capable of such high development, must be regarded in its lower kinds as the most elementary form of beautiful art. It is not even pretended that any other form of fine art is ever attempted by animals or possible to them.

#### 4. THOUGHT.

Thus far we have spoken only of sensible results, of characteristic manifestations of human activity, as language and art, both useful and fine art. Now we come to speak of the powers underlying and determining these characteristic results.

Perhaps in no department has there been so much discussion concerning the relation between man and animals as in the department of thought. What is the relation of instinct and intelligence in animals to reason and thought in man? What is the origin of rational knowledge so characteristic of man? These are among the deepest questions in philosophy. Of course I can touch them only in the lightest way. Perhaps I ought to apologize for touching them at all.

First of all, in order to make myself intelligible, it is necessary to distinguish between instinct and intelligence in animals, and then between animal intelligence and human intelligence, or reason. It is this latter distinction with which we are chiefly concerned.

*Instinct and Intelligence.*—It is common to imagine that instinct and intelligence are corresponding but mutually excluding endowments, the one characteristic of animals, the other of man ; but it is certain that both coexist along the whole line from the lowest animals up to man, but in varying, almost inverse proportions. In man and animals alike there is a variable and an invariable element in conduct or activity ; the former belongs to intelligence, the latter to instinct. Under a previous head, in speaking of the constructive art of animals, I said that it was the result of blind divergent trials and survival of best methods integrated through successive generations by inheritance, until finally the integrated sum may be very large, and the



resulting art even more perfect than the lowest art of man. Now the integrated sum is called instinct, while the small individual additions must be accredited to a different and more voluntary faculty which we will call animal intelligence. All wise conduct or activity adapted to ends is the result of experience, but the experience is partly individual and partly ancestral and inherited. Of the whole experimental *wealth*, the inherited bank-account belongs to instinct, the individual acquirement is due to intelligence. Now it is easy to see that in proportion as the conditions of life are narrow and fixed, and the conduct of the animal is limited to certain lines, in the same proportion is such conduct easily fixed in habits, and such habits finally petrified in inherited brain-structure as instincts. Thus it is that perfect instincts are incompatible with a high degree of intelligence, and therefore that in animals, especially insects, instinct, in man intelligence, greatly predominates. In animals the inherited bank-account is large, the individual acquirement very small; while in man, tho the bank-account is still large, far larger than is commonly supposed, yet the individual acquirement always predominates.

*Animal vs. Human Intelligence.*—So much for a brief characterization of instinct and intelligence. But there is a profound and fundamental difference between animal intelligence and human intelligence, or reason; a difference which is shown in the inevitable tendency of the former to integration and fixation as instinct. Intelligence works always by individual experience, but the individual experience is very different in the two cases. Experience, whether in man or animals, comes by constant trials, but the trials of animals are blind trials in all directions (divergent), and only by survival of best methods the end is reached; while those of man are *directed* by thought to desired end. Thus, as already explained, the individual acquirement of animals is the result of blind trials in all directions—of divergent variation of conduct—and survival of the best in useful habits, which are again finally embodied by inheritance in instincts; while the acquirement of man is the result of creative, purposeful thought. It may, indeed, be hard to draw sharply and clearly the line of distinction between the blindly experimenting intelligence of animals and the thought-

ful intelligence of man, and all the more so because there is so much of the animal kind in man himself; but there is undoubtedly in man a wholly characteristic element, small it may be at first, but constituting a new departure with infinite consequences. We will attempt, very briefly, to suggest the nature of this new element.

Perhaps it may be put in one word, thus: Animals perceive objects or things only; man perceives also the relations and properties of things as abstracted from the things themselves, and thus forms conceptions or general ideas. Comparing with art: As there is a sense-pleasure (nerve-thrilling) and an intellect-pleasure (soul-thrilling), so there is a sense-perception and an intellect-percēption (*conception*), and all rational knowledge is founded on the latter. Or again, comparing with language: As rational language is based on the capacity of perceiving the power of words in relation to each other, and therefore, also, the meaning of words expressing such relations, so rational knowledge is based on the perception of such relations and properties abstracted from the things themselves, and must therefore precede rational language. *External, actual* things are the objects of *sense*; properties, relations, *internal, ideal* things are the objects of *thought*. And this is only the lowest plane of thought, for the thoughts themselves about these relations and properties become in their turn the objects of thought. Thus in the realm of thought also, there is a human life and a higher life. In a word, animals perceive *things* only; or if, in some sense, relations and properties also, only as embodied in,—as belonging to,—never as abstracted from, the things. Man perceives not only the things, and not only relations and properties as embodied in things, but also abstracts such relations and properties from the things, and considers them separately. Animals *have* *percepts* only; man *forms, creates, concepts* also. And such concepts being not *given*, but *created* by him, there is no limit to their number and variety. They become more and more general, more and more complex, more and more abstract, as we rise higher and higher in the scale of reason. Now, since all true knowledge is based on concepts or ideas only, it is evident that what seems like knowledge and wise conduct in animals is blind instinct, which is in its turn but the inherited sum of the re-

sults of divergent purposeless trials, and never the abstraction of general ideas applicable beyond the limits of actual experience. In other words, in all knowledge there are two elements, an external and an internal. Nature through sense furnishes the materials; mind by thought shapes, lays, and cements these according to a plan or idea in the mind. Now, animals are the absolute slaves of sense; with them there is no creative work of mind. Of the elements of knowledge they have but one: they have materials, but no builder, and therefore no edifice of knowledge; or if a seeming edifice, *it grew, was not built*.

### 5. IMAGINATION.

I think from the preceding we may assert that animals only *re-present* in the mind as *images* what had already been *presented* to it in *experience*. In them, therefore, there is only slavish reproduction of experience. There cannot, therefore, be in them any real, i.e. *creative*, imagination. It is true that man also is absolutely limited to experience for the materials out of which he makes pictures by the imagination; but *only for the materials*. These materials he combines in an infinite variety of ways, and thus *composes* pictures which never existed either in his own or in any other experience. No such creation of pictures by new and original combination of materials, it is believed, ever occurs in animals. But it will be objected, Do not animals, dogs for example, dream, and are not dreams pure creations of the imagination? I answer, Tho we cannot enter into their consciousness, and therefore into the nature of their dreams, I think we may be sure that nothing appears in their dreams which had not already appeared in their experience. In their dreams they merely again go through all the exciting details of the chase previously enjoyed. On the contrary the dreams of man tho they are compounded out of materials furnished by experience, these materials are united in an infinite variety of ways to form new and often improbable combinations—are woven into strange and fantastic patterns. Human imagination is therefore literally *creative*. The power of making new combinations, of *creating* pictures by the imagination waking or sleeping, is essentially characteristic of man; the power of combining these with beautiful result is characteristic of

Genius. It is this alone which makes the artist. If, then, creative imagination be characteristic of man, how much more must the higher form of creative imagination and its beautiful result, fine art, be also characteristic of him!

*Reveries* are but waking dreams. In a waking state, also, we may exercise the creative imagination in constructing fantastic and improbable pictures; only in this case we recognize them as subjective creations, not mistake them for objective realities as we do in dreams. We build castles in the air both dreaming and waking; but in the latter case we recognize their unsubstantiality. Now if we are right in what precedes, then *reverie* is also characteristic of man. But if *reverie*, then also *hope*; and if *hope*, then also true *memory*, is characteristic of man. Animals live wholly *in the present*; man alone, also in the past and future. If it be objected that animals *profit* by experience and therefore must have memory, I answer, So, also, many of them provide for the future, and yet, obviously, they cannot have any idea of the future. As provision for the future is, in them, only conduct without purpose continued from generation to generation because the result is good, and therefore, in the struggle for life, prevails over other conduct—a mere survival of the fittest conduct in the (to them) purposeless struggle for life—even so, memory with them is only *apparent*, not real. They profit by experience; yet I suppose such experience does not appear to them as localized in the *past*, but as present, as in their dreams. The *representation* or reproduction of a past experience is to them, I imagine, almost, if not quite, *like a present reality*. The law of struggle and survival has determined their conduct in wisdom without any real, wise purpose on their part. We will allude to this again under another head, and therefore dismiss it now.

We have used for our illustrations the phenomena of dreams and *reverie* because we have in these the simplest operations of the imagination according to its own laws, unchecked and unguided by reason, thought, or will. Rational, thoughtful imagination is far more complex in its operations and in its results. It is this which produces art, both useful and fine. These, therefore, must be characteristic of man.

One pregnant thought we throw out by the way, and pass

on. If animals live wholly in the present—if to live not only in the present but also in the past and the future be characteristic of man, then the elevation of man to higher and higher planes must be by increase of his life in the past and future; and he reaches his ideal when past, present, and future are combined as equal elements in his being.

#### 6. CONSCIOUSNESS AND SELF-CONSCIOUSNESS.

External objects affect the sense-organs. The impression is carried as a vibratory thrill along the sensory fibres to the nerve-centres, and determine there certain physical changes which in their turn determine, how we know not, changes in consciousness which we call sensations, perceptions, images, etc. Immediately there is set up a return-series of changes: change in the consciousness which we call Will, physical change in the nerve-centres, vibratory thrill along the motor-fibres, contraction of the muscles, movement of the limbs, changes in the phenomena of the external world. Thus through the nerve-system, with its receptive organs, the senses, and its executive organs, the muscles, is established action and reaction between an outer and an inner world. In animals this is absolutely all. But in man there is something more. The sensations, pleasurable or painful, the perceptions, images, ideas, etc., thus produced, become themselves the objects of thought (reflection). Still more: the mysterious self in which inheres feeling, consciousness, and thought, becomes itself the object of consciousness and thought (self-consciousness). Thus there is a consciousness the objects of which are the facts of the external world; and there is also an inner consciousness the objects of which are the facts of consciousness. There is a consciousness, and a consciousness of consciousness—a consciousness in the second degree. There is a sanctuary and an inner sanctuary of consciousness. Now it is this higher, inner consciousness, this consciousness in the second degree, this consciousness of self, which is the characteristic of man. In the history of every child there is a time when self-consciousness emerges or is born out of mere animal consciousness. At that moment, it seems to me, the child rises from the animal into the human plane of existence.

I remember with great distinctness the time when the con-



sciousness of *self* first became clearly present to my mind, and the sense of mystery, the wonder, the awe, it produced. I well remember the difficulty of imagining that others felt as I did this infinite mystery of *selfhood*. With this, also, undoubtedly comes the sense of *personal identity*, and therefore of continuous personal history, and therefore, also, *true memory*. It may seem strange and paradoxical, but, as I have already said, I do not believe that animals have what we know as memory. Images of previous experiences are certainly reproduced to their minds and determine appropriate action corresponding; but the idea of personal identity, and therefore of these experiences as belonging to a self existing at a previous time, is, I believe, not possible. A sense of continuous history, and therefore a true memory, is impossible. The proof of this is, I think, found in the observation of the phenomena of infants, taken in connection with the facts of our own remembered history. There can be no doubt, as shown by Preyer,<sup>1</sup> that the child a year old is already farther advanced than any, even the highest, animal. Yet such a child has no consciousness of self, of personal identity, no true memory of experiences as belonging to self, no sense of continuous existence, and therefore no future or past, no memory or hopes. All this comes, according to my own experience, at the age of about three years, and therefore at a time when the child is very far raised above the condition of any known animal. If our view is correct, this is the reason why our remembered history extends back only to the age of about three years. It extends only over the period of self-conscious, rational, personal existence.

#### 7. WILL AND FREE WILL.

The difference here is similar to the last, but even harder to draw the line of distinction, because there are many degrees of freedom with almost insensible gradations between. There is confessedly no question in philosophy more difficult than that of the freedom of the will. I shall not attempt, therefore, to define its exact nature, for this would be but a bootless task.

<sup>1</sup> Die Seele des Kindes. Beobachtung über die geistige Entwicklung des Menschen in den ersten Lebensjahre. Von W. Preyer. Leipzig.



My attempt will be far less ambitious, but I believe more important—viz., to show the various degrees of freedom of animal conduct, and that the most marked of these degrees commences with man, and is therefore characteristic of him.

There are some, yea, many in these latter days, who cut the Gordian knot of this difficulty by asserting that there is no such thing, not only as *free* will, but as will of any kind, such as we imagine. They assert that the animal, yea, the human body with all its functions, physiological and psychological, is naught else but pure mechanism. The whole phenomenon of life is naught else but action and necessary reaction between the external world and nerve-centres. If the process is attended with consciousness, as it sometimes is, then we call the reaction *will*, but it is none the less necessary on that account. According to these philosophers, an animal or even man himself is a pure *automaton*, altho a *conscious* automaton—an automaton conscious of what is going on within, but wholly unable to modify the automatic phenomena. Consciousness is present, true, but not as a controlling agent, not as a force affecting the result; only a passive, helpless observer of phenomena. This view is presented in a masterly way by Prof. Huxley in his Dublin address.<sup>1</sup>

To most persons, and I believe with reason, a sufficient answer to this view is found in an appeal to consciousness itself; but the competency of this witness is disallowed by the other party. In default of this appeal, the easiest answer, it seems to me, is the *reductio ad absurdum*. If consciousness be not a factor in the result of reaction of nerve-centres under the stimulus of sense-impressions, then would this result, viz., the conduct of animals, be precisely the same if there were no consciousness. This seems sufficiently incredible: but more remains. If consciousness and self-consciousness be not a factor in human conduct, then history or all the results of human activity, both individual and social, would have been precisely the same as we now find it, even tho there had never been any consciousness or self-consciousness at all. Society would have progressed; wars, revolutions, and parliamentary debates would have occurred:

<sup>1</sup> *Nature*, vol. x. (1874) p. 362.

telegraphs, cotton-mills, and railways would have been built; masterpieces of poetry, painting, and music would have been achieved; science, philosophy, and religion would have arisen and blessed mankind; in fine, all the details of work done, and every word written or spoken, would have been precisely the same, even tho man had been all along, and were still, entirely unconscious of what was going on. Man's body and mind, and human society, according to this view, are each a wonderful complicated engine rushing along at rapid rate without engineer except necessity, law, first cause, or what not. Consciousness is on the engine, true, but only as passenger, not as engineer: altho understanding clearly and sympathizing deeply with every movement, tho affected with joy or grief, with hope or terror, wholly unable to modify in the least the course of events. Everything happens by necessity, and would happen just the same even tho consciousness were not present! It seems to me impossible that any sane mind unsophisticated by metaphysical subtleties and fully realizing the logical consequences of this view, can maintain it. Consciousness *must* be a factor determining the course of conduct, even in animals; much more in man.

And yet, certainly, most complicated and wonderful machinery in the animal and human body works perfectly without consciousness. Complex, delicately adjusted, and appropriate purposive work goes on without conscious engineer. Here is the difficulty. How shall we explain it?

The animal body, as already said, is an apparatus for action and reaction between the external and the internal world; but there are many degrees in *the freedom of the reaction*. In its simplest and most automatic form the steps of the process are briefly as follows: *Action*—*a*, sense-impression; *b*, centripetal transmission; *c*, change in the nerve-centre. *Reaction*—*d*, centrifugal transmission; *e*, muscular contraction; *f*, change in external phenomena. In the simplest case this is all. Thus, if the centre be the *spinal cord*, or the medulla oblongata, action is followed by reaction with certainty and precision, and the most complex movements may be perfectly and yet wholly unconsciously performed. The whole series is in the domain of *physiology*. But if the centre be the *cerebrum*, then at least two

more links are added to the chain from the domain of *psychology*. The incoming current determines changes not only in the brain, but also in *consciousness*, as sensation, perception, etc.; and the outgoing current is started not by brain-changes only, but by the *will*. Now if the incoming current started by external impression is followed immediately and automatically, like the rebounding of a ball, by the outgoing current determining movement, and without the intervention of consciousness, we call the movement *reflex*. On the contrary, if changes in consciousness and will intervene and control the result, then we call the movement *voluntary*. We are not to suppose, however, that the nerve-systems which determine these two kinds of movements act separately, one in one, the other in another, portion of the body. On the contrary, the reflex system operates in every part and in all animals, the conscio-voluntary being super-added in some of the movements of the higher animals and then assumes control. In these cases the reflex underlies and conditions, the conscio-voluntary stands above and dominates. If the conscio-voluntary be paralyzed, or its activity be withdrawn by sleep or coma, then the reflex is far more distinctly and universally operative.

Thus, then, there are two primary and strongly contrasted groups of animal movements, the reflex or automatic, and the voluntary. But there are gradations in each approaching the other. In the reflex group there are: 1. Purely automatic movements wholly withdrawn from consciousness and will. Movements of the alimentary canal, of the heart, etc., come under this head. 2. Movements withdrawn from will, but not from consciousness. Such are the movements of swallowing, coughing, sneezing, etc. 3. Movements attended with consciousness and *partly* affected by the will. Such are the movements of breathing, etc.—So also, on the other hand, voluntary movements are of various grades approaching the reflex. 1. Movements which are perfectly voluntary—*deliberate* movements requiring the whole attention, and in some cases of complex movements even painful attention. Such are nearly all movements performed for the first time. 2. *Habitual* movements. These require only a *dim* consciousness and a *general* superintendence of the will. They are withdrawn from the undivided

attention, and are therefore semi-automatic. Ordinarily they go on without decided consciousness or direct control of the will; but if anything goes wrong, consciousness and will quickly intervene to rectify, and again they relapse into semi-automatism. Walking, flying, speaking, writing, playing on a musical instrument, come under this head. These at first belonged to the first class, but were rendered easy by frequent repetition; they are therefore acquired by individual experience. 3. *Instructive movements*. These are more nearly automatic. They are the result not of individual experience, but of ancestral experience inherited. They are therefore withdrawn from individual experience in their formation, but not from consciousness, nor wholly from will. 4. *Reflex or automatic movements*. These are finally withdrawn from consciousness and will, but in various degrees, as already seen.

Now all these kinds of movements belong to animals as well as to man, altho the first or deliberately voluntary only to a very limited extent, and only in the incipency of the formation of habits and instincts. Nearly all the so-called voluntary acts of animals are habitual or instinctive, determined by impulses, not by motives. But there is in man still another and higher form of activity not yet mentioned, viz., that in which consequences, especially moral consequences, are presented to the mind and weighed: when impulses, solicitations, motives, are weighed one against another; when all these mental conditions become themselves in their turn the objects of conscious thought, and we feel distinctly conscious that we ourselves determine, and are therefore responsible for, the final result; that we are undoubted umpire and hold the balance. The determining force in this case is will in a *higher, freer* sense. This is the free will characteristic of man. No such weighing of motives (if motives there be at all in them, and not mere impulses), no such reflection on motives as objects of thought, exists, or can possibly exist, in animals. We call it *free* will, not because it is absolutely free and unconditioned, but because it is free in relation to any other and lower form of will. As already said, there are many degrees of freedom of activity. Instinctive acts are free in relation to reflex; habitual acts are free in comparison with instinctive, and deliberate acts of animals are free in

relation to habitual. So, also, self-determined moral acts are free in relation to all other lower forms. Thus there is a gradually increasing freedom of activity as we go up the animal scale. The increase between animals and man is an immense one, so great that we may well speak of the will of man alone as free. But perfect unconditioned freedom of will belongs to God alone.

Finally: We have already in several departments shown that there is a human plane and a higher human plane; that there is a human life as distinguished from animal life, and a higher human life as distinguished from a lower. So is it here, also. There is a free will distinguishing man from animals, and a freer will distinguishing a higher from a lower type of manhood. There is a free will—which is free only in the sense of *self-determined* and therefore morally responsible, but is nevertheless *unwillingly restrained* by, and chafes against, the impassable bounds set about it by the all-embracing will of God, which is the perfect law of righteousness—and there is a freer will: freer because no longer restrained by law; because the law of righteousness is freely accepted as the law of its activity; because it moves in loving accord with the absolute will.

Out of the last two characteristics treated above, viz., self-consciousness and free will, grow the moral and religious nature of man. These, therefore, must be characteristic of man. In fact, they are the most obvious of all characteristics. We do not count these among the essentials, only because they so obviously flow from the simpler elements given above.

Now, of the seven characteristics of man enumerated above, which is most fundamental and essential? Which, if any, underlies, determines, and includes all the others? Some have thought that the use of language is that essential characteristic from which all others flowed.<sup>1</sup> But it is quite evident that ideas must precede at least *rational* language, as defined in the early part of this article; the perception of relations and properties abstracted from things must precede the use of words expressing these abstractions. In the history of every child, abstract

<sup>1</sup> Lloyd Morgan, *Nature*, vol. xxvi. (1882) p. 523.



ideas are formed before the words expressing them are used. On this account others, with much more show of reason, have regarded thought as most fundamental—the power of abstraction; the power of forming general ideas abstracted from things. This is undoubtedly more fundamental than the other, but it seems to me there is still another more fundamental than these—than all—viz., *self-consciousness*. This is the most comprehensive and most fundamental of all abstractions. The recognition of self as separate from psychical phenomena is *the* abstraction which includes and determines all other abstractions, and therefore, also, the possibility of rational speech, rational art, and all else characteristic of man. Properties and relations have no *real* existence apart from things; and yet we must think of them as so existing, for they are the necessary material of thought. Why is this? Why, but that *one* most fundamental abstraction in which all other abstractions inhere *is indeed a reality*. The consciousness of *self* is the recognition of *the* reality of which all other abstractions are but the signs and shadows—a true *reality of spirit*, which underlies and gives potency to all other abstractions and ideas. In this fact we find the foundation of a true realism, or rather a true reconciliation of realism and nominalism.

But self-consciousness is but the necessary result, and therefore the sure sign, of the *completion of spirit-individuality*, or personality. In a word, the view which I presented in my article on “Man’s Place in Nature”<sup>1</sup>—that spirit alone is essential energy, that what we call the physical and chemical forces of nature are different forms of Divine energy immanent in nature in a generalized condition, and that throughout the whole geological history of the earth there has been a progressive individuation of spirit, first as the vital principle of plants, then as the anima of animals, until at last completed in man—explains all the phenomena as no other can. According to this view, it will be remembered, the anima of animals is spirit in embryo fast asleep in the womb of nature, unconscious of self and incapable of life separate from gross matter. In man, spirit came to birth as a distinct entity, capable of independent life, with the sudden

<sup>1</sup> PRINCETON REVIEW for November, 1878.



awakening of new and higher spiritual senses. This view, as I have already shown, completely explains the close resemblance in every faculty, and yet the infinite difference, between man and animals. It completely explains the significance of human life, and makes entirely reasonable our hope of immortality.

JOSEPH LECONTE.

## LAND-OWNER AND FARMER IN ENGLAND.

THE agricultural interests have during the past few years received an unusually large share of attention in England, and numerous plans for modifying the laws and customs relating to owning, transferring, and renting land have been discussed by the press, on the platform, and in Parliament. Undoubtedly the poor crops have been the most important cause of the depression that has led to these discussions. There had occasionally been a series of years when the crops were very poor, but there is no record of any such long succession of years unfavorable to the farmers as that which has just occurred. Four of the six years following 1872 yielded crops much below the average, while the crop of 1879 is said to have been the poorest since 1816, yielding less than half the average. Since 1879 the harvests have been better, altho by no means averaging the yield of the years preceding this disastrous series. So many poor crops in such quick succession could hardly fail to produce distress in any circumstances. In former times, however, when the crops were short, prices rose, and the farmer often made up in part for the smaller quantity that he had to sell by getting a higher price than usual. In view of this fact it has been said that "the years of plenty in the olden time were years of agricultural distress, and the years of scarcity years of agricultural prosperity." But now foreign supplies are so abundant and cheap that when crops are poor prices do not increase. On the contrary, in bad seasons the quality of the home product is often poorer than usual, and the farmer is compelled to take a lower price per bushel for it than for the ordinary good quality produced in a good season. With cheap and easy transportation to all parts of the world, farmers everywhere will

suffer more than formerly from a partial failure of crops. The farmers in the eastern part of this country have suffered hardship from this cause. While there are some who hold that the interests of English farmers will not be permanently affected by American competition, but that "a few seasons of sunshine will remove the depression," there is a pretty widespread conviction among the more intelligent Englishmen that the cheap products of our well-nigh boundless wheat-fields will continue to be a formidable obstacle to the success of the English farmer. In one of his Midlothian speeches four years ago Mr. Gladstone characterized the struggle which the farmer has to undergo as "a struggle of competition with the United States." The Agricultural Commissioners, in their report made after taking a great deal of testimony, say that, "Next to unfavorable seasons, foreign competition is alleged to have produced the most disastrous results. Altho it is suggested that, notwithstanding foreign competition, British farmers will be able to hold their own, and that the alarm at the competition has subsided in a great measure lately, yet the preponderance of opinion is in accordance with the view that foreign competition must be reckoned upon in the future as permanently affecting the price of British agricultural produce." I have frequently heard similar views expressed by English farmers. Germany, Austria, and other continental nations also feel the pressure from American competition, and their statesmen and economists have suggested various means of relief. Dr. Alexander Peez, a member of the Austrian Reichsrath, in a pamphlet which has been quoted at length in a special report of the U. S. Department of Agriculture, strongly urges the necessity of a combination among the other states of Europe to protect themselves against the manufacturing and commercial enterprise of Great Britain and the enormous grain importations from Russia and America. Some of the German writers and statesmen advocate a similar course. Others urge the necessity of the utmost care and energy, with the best scientific skill and money-saving machinery, and that government aid be given, particularly in fixing very low rates for transportation of agricultural products and in controlling the forests, so as to improve the climate. The prospects are that with the further opening up of extensive wheat-fields in the

United States and Canada, with the increase of wheat-growing in India and Africa and better facilities for transportation, foreign competition may exert a still more hurtful influence on English agriculture. With a constant and abundant supply at low prices there will undoubtedly be a much greater consumption. As our population increases we shall need more grain for home consumption, and there will no doubt come a time when the cost of production will be greater. It will, however, be hard for the countries which find it necessary to keep large armies and navies and expensive government establishments, involving high taxes, and in which the capital invested in land is very great in proportion to the area, to compete with the United States, where taxes are likely to be very low and land very cheap for many years to come.

The wisest English statesmen and farmers realize the necessity of adapting their agricultural system to these new conditions which foreign competition has created. The discovery of the best methods of farming by assiduous experimentation, the use of the greatest skill and economy, the reduction of taxes on agricultural interests, and the substitution of the raising of fruits, vegetables, milk, butter, poultry, and flowers for grain are strongly urged as means of relief. Protection for English farmers against American farm-products has in recent years been frequently advocated in newspapers and in speeches before constituents and in Parliament. These proposals, however, have not met with general favor. In a country where the great majority of the people are in some way concerned in manufacturing and commercial pursuits, it is of the utmost importance that there should always be a good supply of food at low prices. One of the chief reasons for the repeal of the corn-laws was the conviction that, in order to do the manufacturing and trading of the world, England must always be able to get cheap and abundant supplies of food for her people. England is therefore not likely to put a tariff on grain, however desirable such action may seem to her farmers in their distress.

Besides the bad weather and foreign competition, the hardships of the English farmer have been increased by the higher rents and wages that he has been compelled to pay. Estimates made by a writer in the *Edinburgh Review*, based on the con-

clusions of Mr. Giffen and Sir James Caird, and apparently reliable, place the average loss from diminished production for the three years 1877-9, as compared with the three years 1867-9, at £18,000,000, the loss from the fall of prices at £14,000,000, from increase of rent at £5,000,000, and from rise of wages at £5,000,000, making a total loss of £42,000,000 for each year. Of the average value of agricultural products, which is put at £260,000,000, £70,000,000 are said to go to the landlords as rent, and £138,000,000 to labor, fertilizers, and other expenses, leaving £52,000,000 to the farmers as their profits. It is thought that two thirds of the entire £42,000,000 lost each year was borne by the tenants, the landlords allowing an abatement of rent equal to the remaining third. The farmers would, according to this estimate, lose £28,000,000, or considerably more than half their profit, each year. As results of these losses through these years many of the farmers have become bankrupt or deeply involved in debt, a large number have been compelled to quit the business, and large tracts of land are now allowed to lie uncultivated for lack of farmers who will occupy them even at a very low rent.

In view of this state of things there have been frequent demands for changes in the system of land-owning and farming. There is a disposition to charge much of the depression to the peculiarities of this system, which, as is well known, differs greatly from those in vogue in other civilized countries. In this country we have a large number of small farms, commonly farmed by the owners, and the transfer of land is effected cheaply and easily. This general distribution of land we are accustomed to regard as a great good for the people and the country. The consciousness of ownership begets a feeling of manly independence, fosters a patriotic conservatism in politics, and incites the farmers to use the greatest industry and economy.

There has been during the present century a general tendency throughout Europe to subdivision of land and to peasant-proprietorship. Much has been said about the results of this tendency in France. The provisions of the *Côte Napoléon* have compelled the breaking up of the larger estates and led to the somewhat minute distribution of landed property. The law provides that a testator with one child may dispose of one

half, with two children of one third, with three children of one fourth, of his property, and that the remainder, or in case of intestacy the entire property, shall be divided equally among all the children. The result is that many of the farms are quite small. About one third of the land in the country is divided into small lots averaging about seven and one half acres, another third into larger tracts averaging about fifty acres, and the remaining third into large farms averaging seven hundred and fifty acres. About one half the land is farmed by the owners. During the last fifty years the value of agricultural products in France has increased much more rapidly than in England. This increase has been mainly on the smaller farms, and can without doubt be attributed chiefly to the general introduction of the system under which the land is owned by those who till it. While there are some who claim that many of these small peasant-proprietors are in a wretched condition, the advocates of peasant-proprietorship for Ireland and England point with great confidence to the results of the French system. In Prussia and the North-German Confederation there is a similar tendency to subdivision, produced chiefly by legal provisions relating to the descent of lands similar to those of the French code. The design of these provisions was to distribute the land among a large number of people, and to raise a large body of day-laborers to the rank of peasant-proprietors. The result has fulfilled the expectations of the legislators. In the Rhine provinces and in Westphalia the subdivision has been carried so far that each proprietor owns on an average only ten acres. The land there is in a very high state of cultivation. "The Palatinate peasant," says Dr. Morier, "cultivates his land more with the passion of an artist than the plodding spirit of a breadwinner." Of the 440,000 proprietors in Wurtemberg 160,000 have estates of more and 280,000 of less than five acres. In Austria the law favors a general distribution of land, and almost everywhere throughout the empire the farmers own their farms. In Switzerland and Belgium, and, tho not to the same extent, in Holland, there is a similar tendency to subdivision and peasant-proprietorship. The results of this tendency are generally admitted to have been beneficial to great numbers of the people in those



countries, elevating them from the rank of tenant or laborer to that of proprietor.

In England, on the other hand, there has been a tendency toward the concentration of land in the hands of a few owners. There are, it is true, small estates in England, but, like the large estates in the other countries of Europe, they are the exception and not the rule. According to the most reliable estimates there are in England and Wales a little more than 150,000 proprietors, having more than half an acre each; nearly one half the land is owned by 2250 proprietors, averaging more than 6000 acres each, and four fifths of it are in the hands of 7000 owners. The fondness of English gentlemen for country life, the pride in ancestral estates, and the social and political importance belonging to great land-owners often lead to the retention of great estates in the possession of families, and to their enlargement in cases where money might be more profitably invested in commerce or manufactures. The laws of primogeniture, settlement, and entail, and the great expense attending the transfer of land, have often kept large estates from being broken up. The law of primogeniture is nowhere else in general use, nor are entails and settlements so common in any other country as in England. It is impossible to ascertain just how much of the land of England is under settlement, but reliable estimates place it at from one half to three fourths of the whole. In these cases the free sale of the property has been impossible, and the landlord, having only a life-estate in it, has not had the same incentives, and often not the same power, as an absolute owner to make improvements. Entails and settlements have often prevented the making of long leases and caused the more general introduction of yearly tenancies. Progressive English statesmen have long regarded them with disfavor, and there have been a number of enactments providing for cutting off the entails under certain conditions, and for increasing the powers of limited owners. The Settled Land Act, passed in 1882, is the most recent and one of the most important of these enactments. It gives tenants for life power to sell any portion of the land with the exception of the family mansion. Mr. Shaw Lefevre says of this Act: "It has, in fact, thoroughly undermined the principle on which primogeniture and family entails are founded.

When land and personalty under settlement have no longer any practical distinction and can be converted the one into the other by the tenant for life, the legal distinction between them cannot long be defended. . . . When, also, it comes to be thoroughly understood that, no matter how the landed property may be tied up, or how great the desire of the settler or testator to keep the land in the family and to put it beyond the danger of dispersion, his next heir, immediately on coming into possession, may sell it and convert it into personalty, and that it is impossible, therefore, to secure the preservation of family property from conversion into personalty by the temporary owner, it is certain that a great change of opinion will occur in the family view of such arrangements." While there is no doubt that hereafter there will be more of a tendency to sell and distribute land, still family pride in ancestral estates, and social and political reasons, and the trouble and expense of conveyancing will continue for some time to be great obstacles to the dispersion of great estates.

Only a small portion of the soil of England is cultivated by the owners. Even where the farming is nominally done by the owner, it is often in reality entirely in charge of a bailiff, and carried on for purposes of experimentation or fancy stock-raising instead of grain-growing. While a few of the tenants hold under leases, the majority hold from year to year. The history of the rise of these yearly tenancies and of their substitution for leases and tenancies at will is very interesting, but beyond the limits of this article. While almost all the tenancies are from year to year, in the great majority of cases tenants live on the same farms for many years, often for their whole lives, and not unfrequently their sons are their successors. The landlords commonly make and maintain all the permanent improvements. Many estates are well managed, the improvements wisely made, and the most approved methods of farming, the results of the latest scientific experiments, and the best money-saving implements are used. On the other hand, landlords are sometimes careless in regard to making improvements. Entails and settlements giving landlords only life-estates and preventing the sale of any portion of the land for the purpose of properly improving the remainder have often prevented

landlords who were in straitened circumstances from making greatly needed improvements. In these cases the tenant must build the houses, barns, and fences, drain the land, and make and keep up the other improvements or suffer greatly from the lack of them. Where the best methods of farming are in use, there is always a large outlay by the tenant of money and labor in boning, liming, chalking, manuring, or fertilizing in some other way. The increased productiveness resulting from such investments often continues for many years and adds greatly to the value of the farm. If soon after the tenant has expended a large sum in this way his tenancy should be terminated, he would lose the greater part of his investment. In some parts of the country it had long been the custom for the landlord to pay the tenant for these unexhausted improvements. In most places, however, there was no such custom. When there was a possibility that a notice to quit might be served, or the rent increased at any time, the tenant was often slow to invest his money in improvements which his landlord had a legal right to appropriate. The number of instances of hardship was probably not large, as the changes of tenancies were not frequent. The general effect, however, of this feature of the system was to prevent the making of needed improvements and to create discontent.

The failure of crops and the pressure from American competition increased the discontent, since the changes in tenancies and the instances of losses on the part of tenants became more numerous. While some of the inconveniences and losses and hardships which were really due to unfavorable weather or other causes have been attributed to the system of tenure, there has no doubt been good ground for some of the objections urged against it. The agitation and discussion in connection with the Irish land-laws called the attention of the English tenants repeatedly and emphatically, and at a time when they were suffering severe hardships from several causes, to those features of their system which presented grounds of complaint similar to those from which the chief complaints of the Irish tenants arose. The greatest grievance of the Irish tenant was that he was forced to make and maintain all the improvements, and that his landlord could virtually appropriate them at any time by

increasing the rent, or turn him out without giving him any compensation. True, custom and his landlord often allowed him to sell his interest, but he had no legal right to do so. The law of 1870 gave him, on quitting his holding, a right to compensation for his improvements, and also to compensation for disturbance, when forced to leave by his landlord. It did not, however, provide against the landlord's so increasing the rent as virtually to appropriate the entire value of his improvements. The Act of 1881 remedied this by providing a court that should fix a fair rent to stand for fifteen years. The tenant's interests—his right to live on and farm the land indefinitely at a fixed fair rent, and his right to his improvements—were recognized and secured to him. He can now use and enjoy or sell them for the best price he can get for them. The law even goes further, and proposes to lend the tenant three fourths of the purchase-money, if he wishes to buy the landlord's interest in this quasi-partnership. To the English tenant, thoroughly familiar with the discussions which led to these results, increase of rent, notice to quit after a long tenancy, and the power of the landlord to appropriate improvements which he had made, became much more serious matters than before. Altho the conditions of his tenancy were in many respects entirely different from those of the Irish tenant, it was perhaps not unnatural that he should demand for himself the same rights that had been secured to the latter. There has accordingly been a rapidly growing demand in England for compensation for tenants' improvements, tenant-right, and peasant-proprietorship. Thus far, however, legislation has not made much progress in the direction of the last of these demands, altho it has gone far towards securing the first and has come to the verge of recognizing the second.

Long ago the law permitted the tenant who had left his holding to return for the crop which he had sowed but not yet harvested, so that he might not lose the just fruit of his investment of seed and labor. By and by it extended his right somewhat, and, in order that he might not incur loss or be put at disadvantage by the sudden termination of his tenancy, provided that he should have six months' notice to quit when his landlord wished to resume possession of the holding. In

process of time in many parts of the country there was added to these two legal rights, of possession for a certain period and of reaping the crop sowed before leaving, the customary right to compensation for unexhausted improvements. There were from time to time complaints of the injustice of the tenants' not having a legal right to such compensation. The Agricultural Holdings Act of 1875 was the first important step in the direction of remedying this grievance. The Act provided for compensation for certain classes of improvements under certain conditions, but, as it could be avoided by either landlord or tenant giving notice to the other within a definite period, and, as the great majority of the landlords availed themselves of this privilege, the results were disappointing to the tenants, and there was a general demand for a measure that should give them adequate security for their improvements. This demand was met by the Agricultural Holdings Act of 1883, which is similar to the Act of 1875, but goes considerably further.

Like its predecessor, it divides improvements into three classes. The first of these classes comprises (1) "Erection or enlargement of buildings, (2) Formation of silos, (3) Laying down of permanent pasture, (4) Making or planting of osier beds; (5) Making of water meadows or works of irrigation; (6) Making of gardens; (7) Making or improving of roads or bridges; (8) Making or improving of watercourses, ponds, wells, or reservoirs, or of works for the application of water-power, or for the supplying of water for agricultural or domestic purposes; (9) Making of fences; (10) Planting of hops; (11) Planting of orchards or fruit bushes; (12) Reclaiming of waste land; (13) Warping of land; (14) Embankments and sluices against floods." The improvements of this class are mostly such as affect the permanent character of the holding, and have commonly been made and maintained by the landlord, who still retains the right to make them, and cannot even under the act be compelled to give the tenant who makes them, without his consent, compensation. When the landlord does consent to the tenant's making them, he may make a different standard for compensation, from that provided by the Act. The non-compulsory feature of this portion of the Act is quite unsatisfactory to many of the tenants and land reformers. It has



been thought by some that the establishing of a legal standard of compensation, with ready means of applying it, will often lead landlords who wish to have their property improved but are unable to bear the expense and tenants who are able and willing to improve to consent and undertake to make improvements.

Drainage constitutes the second class of improvements. This has sometimes been done by the landlord, sometimes by the tenant. On large estates, comprising many farms and requiring extensive systems of drains, the landlords are commonly much more competent to undertake the work than the tenants, who occupy only portions of the estates. On the other hand, the experience of the tenant in tilling the soil often enables him to judge much better than the landlord of the need of such works, and the quick returns from them in increased harvests give him an immediate interest in making them. While they often change the character of the holding, they have a very close connection with the cultivation of the soil—the proper work of the tenant. The tenant therefore is given the right to make them or to secure their being made by the landlord. In order, however, that his claim for compensation may be good, he must, not less than two months nor more than three months before beginning to execute such improvements, give the landlord notice of his intention, and of the manner in which he proposes to execute the intended work. Upon such notice being given, the landlord and tenant may agree on the terms as to compensation on which the tenant shall do the work, or the landlord himself may make the improvements and charge the tenant an annual sum, not exceeding five per cent on the amount expended. If the landlord does not agree to give the tenant satisfactory compensation for executing the works, or execute them himself within a reasonable time, the tenant may proceed to make the improvements, and shall be entitled to compensation as provided by the Act.

Improvements of the third class consist of (1) "Boning of land with undissolved bones; (2) Chalking of land; (3) Clay burning; (4) Claying of Land; (5) Liming of land; (6) Marling of land; (7) Application to land of purchased artificial or other purchased manure; and (8) Consumption on the holding by cattle or pigs of cake or other feeding stuff not produced on the holding."



These improvements are very intimately connected with the tenant's work of tilling the soil, and have usually been made by him. He finds the need of them more quickly, and can often make them more cheaply, than his landlord. They repay the money invested in them quicker than improvements of either of the other classes. Still it is often many years before they are exhausted; and this fact, in the absence of any legal right to compensation, has often prevented the tenant from making them, since he might be compelled to quit his holding while it contained a considerable portion of his capital. The law now allows the tenant to make improvements of this class without the consent of or notice to his landlord, and secures him compensation for whatever part of them remains unexhausted on quitting his holding.

The standard of compensation fixed is the value of the unexhausted improvements to an incoming tenant. There has been much diversity of opinion in regard to what would be the fairest standard for fixing the compensation. The act of 1875 made the cost of the improvements the basis, and deducted a certain per cent for each year that the tenant occupied the holding after they were made. After much discussion, the Irish Court of Appeals, in the famous case of *Adams vs. Dunseath*, much to the disappointment of many of the Irish tenants, decided that "improvements" under the Irish Land Law Act of 1881 meant "improvement works" and not the increased value of the holding caused by the improvements. These improvements the Irish tenant may sell for the best price he can get for them. It has been strongly urged that there ought to be included under the term improvements the increased value of the holding arising from energetic and careful farming as well as from improvement works. Good farming by careful and systematic methods often involves a considerable expenditure of money and labor, and adds far more to the value of the holding than some of the specific improvements provided for in the Act. It was with this view of the matter that the Farmers' Alliance, the strongest farmers' organization in England, urged that "any work or operation executed by a tenant upon a holding which adds to its letting value as a farm" should be considered an improvement. The Act of 1883 declares that the award of

compensation shall specify the several improvements, acts, and things in respect whereof compensation is awarded, the time at which each was done, and the sum awarded in respect of each, and that there shall not be taken into account as part of the improvement "what is justly due to the inherent capabilities of the soil." The amount of compensation may be fixed, by agreement, by arbitration or by the court. The tenant is entitled to compensation only on quitting his holding.

"The sitting tenant" has no right to compensation, nor any security against such an increase of rent as will render his improvements practically valueless to him. He may quit when an increase of rent is proposed, but moving is expensive and troublesome, and he will often prefer to pay more rent rather than undergo the trouble and expense involved by moving. The failure of the Irish Land Law of 1870 to provide against a similar increase of rent was, as we have seen, supplied by the provision of the Act of 1881 establishing a court that should fix a fair rent. The Farmers' Alliance has taken advanced ground in regard to this matter, and declared its purpose to secure a system of judicial rents for the tenant-farmers of England. Most English statesmen, however, shrink from the adoption of judicial rents and the principle of quasi-partnership which they imply. Neither of the great political parties has yet ventured to favor the movement which is nevertheless growing in strength. Slight as the immediate prospects of its success appear, there is something quite significant in the tendency of legislation to recognize more and more rights as belonging to the tenant. This recent Act not only provides for compensation in the manner described, it has further secured the tenant against sudden interruption, by requiring the landlord to give him a year's notice to quit, and has reduced the landlord's power to distrain for six years' rent to the power to distrain for only one year's rent. It has, moreover, well-nigh completed the revolution in the old law of fixtures by which whatever was fixed to the soil became the property of the landlord. Contract and custom had often given the tenant his fixtures, and early in the eighteenth century he was allowed before leaving to remove fixtures set up by him purely for purposes of trade. An Act passed in 1851 allowed the tenant who had with the con-

sent of his landlord, erected buildings or machinery at his own cost to remove them. The Act of 1875 considerably extended this right and made the landlord's consent unnecessary. The Act of 1883 enacts that where a tenant affixes to his holding any engine, machinery, fencing, or other fixture, or erects any building for which he is not entitled to compensation under the Act or otherwise, or which has not been erected in pursuance of a contract or instead of some fixture or building belonging to the landlord, then such fixture or building shall be the property of and removable by the tenant. The landlord, who is to have a month's notice of the tenant's intention to remove the building or fixture, has the first right to purchase it, "paying the tenant the fair value thereof."

While in all the discussions in connection with this measure the government were careful to repudiate the idea that judicial rents would speedily follow the provisions of the Act, the discussions outside of Parliament and some other indications certainly point in that direction. A system of judicial rents would be very obnoxious to most land-owners, who would regard it as an unwarrantable interference with their right of ownership, and would be regarded by many who are not land-owners as altogether too great an interference with freedom of contract. The present Parliament, in passing the Irish Land Act, the Arrears of Rent Act, the Ground Game Act, and the Agricultural Holdings Act has, in the opinion of many, gone much too far in the direction of interfering with the freedom of contract. It remains to be seen whether, in view of further agricultural distress arising from bad seasons, foreign competition, and other causes, and of the growing feeling that public policy demands that the government encourage the best possible farming, and that to this end the tenant must have greater freedom, more entire control over his holding, and every encouragement to make all sorts of improvements, the opposition to judicial rents will be forced to yield. If the same causes which have brought about the recent legislation shall continue to operate, there will no doubt be still further and perhaps greater changes.

I have already referred to the increase of rent as an element in the recent distress. Sir James Caird has estimated the rise of rent in England for the past eighteen years at twenty-one per

cent. Mr. John Clay, in his special report in 1882, as a member of the Agricultural Commission, says: "The case is so urgent and pressing, that nothing less than a reduction of from twenty per cent to thirty per cent will save the present tenantry from ruin." It has been the custom in many parts of the country for the landlords to allow an abatement of rent on the partial failure of crops. The Civil Law provides that the produce of the farm shall exceed the rent, and that if the crop fails the landlord shall share the loss with the tenant. The somewhat primitive custom of farming on shares in vogue in many parts of this country has the same equitable principle as its basis. It would be natural to enact into a law the present custom of the landlord's allowing the tenant an abatement in the rent in bad seasons.

Any legislation that would still further interfere with the rights of owners and with freedom of contract would no doubt lead many landlords to sell their land, while others would prefer to manage their estates themselves rather than admit their tenants to a quasi partnership in the event of judicial rents being established. The dual ownership which would practically be established by a system of judicial rents is objectionable from almost every point of view. It may be said, however, that the Ulster Tenant Right, which is somewhat of this character, has on the whole worked well. Many of the tenants in England now pay their landlords as rent not more than from one and one half to three per cent on the money which the latter have invested in the land. If the tenants should undertake to borrow money to buy out the landlords they would have to pay a considerably higher rate than this for the money. It is a question, therefore, whether, so far as the tenants are concerned, it would not be better to have tenant-right with judicial rent than peasant-proprietorship. The general introduction of labor-saving machinery has made the minute subdivision of land for grain-growing purposes undesirable. The expense for machinery for a farm of two hundred acres is nothing like four times as great as for a farm of fifty acres. This consideration would seem to suggest that where grain raising is the chief thing it would be more desirable for a farmer with limited capital to own the tenant-right and the improvements on two hundred

acres than the fee-simple of fifty acres. It is a significant fact that during the past few years the number of small holdings in England has decreased while the large holdings have increased in number.

The proposals made by Mr. Henry George, Mr. Alfred Russel Wallace, and others, that the state shall take possession of all the land in the kingdom, paying the present owners no compensation or a comparatively small amount, letting out the land to the tenants, collecting the rents, and in general acting as landlord, attracted a good deal of attention among the laboring classes a few months ago, chiefly because of the brilliant way in which they were presented. No English statesman or economist, and no editor of any standing, has, however, taken them up; while all the political parties, even the Irish land reformers, have hastened to disclaim having any sympathy with them. They are evidently not yet within the range of practical politics. In fact the interest in them seems to have in a great measure subsided. The proposals to provide better dwellings for agricultural and other laborers, and to settle them on land with state funds, have much more support, and may shortly take some practical shape that may result in important legislation. If the Representation of the People Bill now before Parliament becomes a law, it will add to the 3,000,000 voters now in the United Kingdom upwards of 2,000,000 more, the great majority of whom are workingmen, and about 1,000,000 of whom are agricultural laborers. As Parliament is exceedingly sensitive to the desires of the constituencies, important results are certain to come from shifting so much of the balance of political power in the direction of these laborers.

DAVID B. KING.



## MYSTICAL THEISM.

MYSTICISM is a symptom, rather than a philosophy. It is to be studied as a phenomenon, rather than analyzed as a truth. Science seeks its causes in psychology, rather than its foundation in logic. Yet the historical developments of mysticism have always been interesting. There is something very attractive in those strange theosophies of the East; like all Eastern jugglery, they fascinate us. We respect the struggles of the Eleatic. Plato the poet charms us even more than Plato the philosopher. We are, at least, amused by the many absurdities of Neo-Platonism and the puerilities of scholasticism. But there is something of the quiet worship of a cathedral in the aspirations of Spinoza. The constructive philosophy of the Absolute attracts us by its very difficulties, tho we turn away from it with a sad suspicion that we are growing stupid. And,—what is it, is it the July sun or—something else which makes us feel a little bewildered at Concord?

Varied feeling mysticism produces in us, because its phases are varied as feeling itself. It starts with feeling; it appeals to feeling; it ends in feeling. It is audaciously illogical and triumphantly inconsistent. It is the asylum of impotent intellect and lame logic. Shattered systems take refuge in it. Wounded argument crawls through its portal in search of narcotics. Sentiment, jarred by rough-edged fact, hides behind its heavy curtains, to dream its fancies into realities.

Even asylums may be architecturally beautiful. We use flowers in the sick-room and at funerals. Tombstones may be ornamental. There has been in mysticism much beauty and pathos. To many minds it is religion, and the whole of religion. To all minds it is a temptation. The wise psychologist will

treat it tenderly. Still, as a phenomenon, it belongs to the pathology of mind. It has no place in the material used in the construction of truth. Truth may stop with a mystery deep as eternity. Heaven itself may be the roof of its structure. But all foundation-work, to be reliable, must consist of blocks which are handled, and measured, and weighed. Logic is a science of definite measurement: it has all the heartlessness of mathematics. Feeling and aspiration have nothing more to do with its processes than a nightmare has with the tariff-bill. Are we gods, that our desires should create facts?

Psychology explains the mystical tendencies of certain minds and of certain nations. But when those tendencies work in constructive metaphysics, Logic calls a halt and demands a purification of material. Mysticism in the individual faith is well enough. Let it alone. Like any other reverie, it may give pleasure and may even be of use. But mysticism in Philosophy is a danger which threatens to undermine Science.

It is a disagreeable task to criticise the arguments of those whose conclusions are your own. Nothing but a firm conviction that the mystical method of theistic proof will inevitably produce more evil than good would justify the present attempt to show the weakness and the danger of that method. An illogical faith in God is better than no faith at all, if it leads to the desired practical results; for religion, after all, is life, rather than logic. The question, then, need not concern him who already believes.

But the unbeliever—what shall we say to him? The poor in faith, like the poor in purse, are always with us. We find the unbeliever everywhere. He is always ready to argue; but he is equipped with an argument of his own, which claims to be scientific. He is frequently honest and open to conviction; but he demands, with right, that you shall meet his science with science and prove yours to be the better.

The argument against the existence of a personal God, as presented to-day, is a scientific one. It has escaped from the cynicism of French wit. It has outgrown the crudeness of British egotism. It is no longer made ridiculous by the metaphysical ignorance of the laboratory. It comes to the questioning mind, to the college-student, from the lips and pens of men

of pure life, of honest purpose, of keen judgment, of scientific method, of attractive expression. To many a young man it comes as a revelation, a science of fact, and a fact of science. What have you to say, Christian preachers and teachers? Is there a God? Show him to us.

This is the fundamental problem of modern science, as it is the central question of human life. It is the live question of the day; and the conflict is a battle of giants. Systems clash with systems. A superficial analysis, a silly illustration, a careless statement, a weak argument, on either side, is aid and comfort to the enemy. Have we time to waste in dallying with mysteries, and playing with rosaries, and kissing relics? Is there a God? It is a simple question of fact. Worse than useless is the attempt to bewilder the questioner with unintelligible mutterings. We must give him clear-cut common-sense, or, whatever they may be to us, our rhapsodies are, to him, hysterics.

The first principle, then, which we would urge is that the modern theistic argument, to be successful, must be *scientific*. We cannot now compel belief. Even our little social inquisition serves us no longer; and socially, as well as politically, man is free to think. Theism is put upon the defensive by the attack of science. It must meet that attack of science upon the ground of science, and with the weapons of science, and to the satisfaction of science, or else it must go under. Faith may be beautiful, sublime; but if faith is all, science will coolly explain it on principles of heredity, tradition, early education, prejudice, and will quietly plod along by it as the pedestrian in the Alps passes by the crucifix at the roadside,—relic of an ancient and curious epidemic of superstition.

Science is right in refusing to take the trouble even to investigate the clairvoyant who begins by turning off the gas and hiding behind a curtain. So, too, when science, asking the fair question "Is there a God?" is told that "the existence of God cannot be proved," and that "we can know God only through God," why should it try to masticate the stone given to it in the place of bread? The questioner asks for proof of a fact. We cannot blame him if he refuses to accept as proof a figure of speech. The theism of the future must be a science, commanding respect in the brotherhood of sciences, or else take its

place in the museum, by the side of idol-worship and witchcraft.

Again, modern theism can be scientific only as it is *logical*. Science *is* logic. It is the inference of facts from facts by legitimate method. It has established canons which must not be ignored. Non-logical theism is illogical theism; and illogical theism is superstition. It may satisfy the believer. Superstitions generally do. But, beyond the mystic circle of the few who believe because they believe, such theism has no force of conviction, because it lacks the first principle of conviction. If we cannot logically prove the fact of a God, there is no God to the greater part of the race to-day, and to the whole of the race a hundred years from now. Is there a God? It is not the question of sin, or of prejudice, or of ignorance. It is the natural question of the honest mind, which demands *reason* for its belief.

Further, the theistic argument, to be logical, must have *facts* for its major premise. One may sail with reasonable accuracy by dead reckoning. But to do it he must start from a definite, well-known point. Put the sailor suddenly into an unknown somewhere in the middle of the ocean, and log and compass and logarithms are of little use to him. It is an axiom of science and of sense that we can reason to facts only from facts. We might as well use the paper of a plumber's bill in the place of lead pipe and expect water to come from it, as to try to prove the fact of a God by an appeal to fancy and to metaphor. We can construct a reality only upon a reality. A God is certain only as the argument for a God starts from a certainty.

But, again, a logical argument for a God must be based upon facts which are *definite*, *intelligible*, and *defensible*. There is no use in arguing with a man unless you and he can start out from common ground. To secure the acceptance of your major premise is the first step in conviction. No matter whether that premise is true to you or not, it is of no use in the argument unless it is true to your opponent. If he cannot understand what it is, or, understanding, denies that it is, your subsequent reasoning is a mere waste of time. To that man you can never prove your conclusion from that premise. We do not need to prove the fact of a God to the man who already knows that there is a

God. But to him who fairly questions, we can prove this ultimate fact only by starting with other facts which he understands and admits.

And this leads us to the assertion that *mystical feeling* can never be a satisfactory ground for belief in scientific theism.

It is a discouraging task to try to extract the truth from Father Malebranche's famous doctrine of "Vision in God." With French perspicuity he carries us up to it; with ornate rhetoric he enounces it; and then, just as we are prepared to measure its length and breadth and depth with a logical yard-stick, its outlines become blurred and indistinct, and it fades away from our grasp like a half-remembered dream. When Arnauld, the Dr. Bacon of that age, brought his merciless logic to bear upon the mystical doctrine, the priest of the Oratoire could meet him only with evasion and abuse.

Equally intangible has been this doctrine of Vision in God in all of its more recent phases. What is this ground of faith which is to be found in feeling? The German philosopher calls it a feeling of dependence. The German theologian claims to know God through God. To the English philologist it is, even in primitive man, a sense of the Infinite. In recent American theology it is an organic necessity: something given in the spiritual life to be realized in thought as belief.

Yet we encounter great difficulty as we seek to examine this mystical doctrine. The thing wriggles when we try to pin it down; it is almost impossible to grasp it firmly, and to hold it long enough to detect its species. The vagueness of such mysticism is its strength as well as its weakness. It fails of persuasive force, but, for the same reason, it has the self-protection of evasive slipperiness. We must "think ourselves through God first." It is hard to tell whether logic or psychology is the more helpless before such a statement.

In the attempt to analyze this doctrine we can, at least, avoid some confusion by setting aside the claim of an immediate intellectual apprehension of God. As we understand it, the disciples of Schleiermacher and of Dörner do not make this claim. If they should do so, it is enough to say that historical discussion has settled that point once for all. Anselm, and Descartes, and Dr. Clarke have done their best, and have failed to win a re-



spectful hearing for their *a priori* arguments. The Boston lecturer who talks of an "immanent idea of God" challenges the established verdict of centuries of psychological criticism. As a simple fact of mind, there is no such immanent idea: and that is the end of the discussion.

But the Sensibilities, we are told, have not been given their proper place in the theistic argument. Our theism is too much rationalized. We have neglected the "organic and dynamic" elements. Feelings are realities, not "states of mental temperature." Christian theology must explain the "formation of intellectual feelings into rational beliefs."

For the moment let us disregard the psychological vagueness of this. We might say, with Professor Flint, that "mere feeling is mere absurdity." But, admitting that there is some such mysterious feeling, in what possible way can it be used to establish the objective fact of the existence of a God? Either the feeling itself is God, or else God, as a fact, is an inference from the feeling as a fact. The first statement is too meaningless to admit of discussion. Only in the second part of the alternative can a justification of belief be found. What is its value as an argument?

If the appeal to feeling has any force in establishing the fact of a God, it must be by means of some such inference as this. This feeling of the Infinite, of dependence, of moral obligation, —whatever it is,—exists in man; therefore God, the objective correlate of this feeling, exists. But this is an inference; and an inference is a logical process; and a logical process is true or false as it satisfies or defies the established tests of legitimate reasoning. It is easy to say that the "belief in God is not founded, ultimately, on processes of argument." But subjective feeling can establish an objective fact only by a process of argument. The feeling itself must be established scientifically as a valid premise; and the inference to the objective fact must be defended as a valid process of argument. If this appeal to feeling cannot stand these tests, both in metaphysics and in practical life, it is of no more value, in convincing of the fact, than is the confidence of the maniac in the reality of his illusion. Logic has nothing to do with it, you say. It is higher than logic,—superior to the tests of reasoning. On the

contrary, logic has everything to do with it if it asserts an objective fact. The derailed engine, ploughing over ties and through the sand, is more trustworthy than the human feeling, which, plunging from the tracks of legitimate thought, precipitates itself upon facts. Feeling may establish a fact, as the fire in the locomotive may carry the train safely to its destination. But it must keep to the rails, to do it. We can test the value, then, of this appeal to feeling, in the theistic argument, only by the methods of established logic; and only as the process is verified by those methods can we have any confidence in the result.

The statement of the argument, as given above, is not an immediate inference, but is an enthymeme with a suppressed major premise. In full it would read somewhat as follows: Every natural feeling in man has its objective correlate in real existence. This feeling of God is a natural feeling in man. Therefore God, its objective correlate, really exists. To render this conclusion valid, both premises must be established as scientific facts. Is either premise true?

Properly qualified, the major premise may be true. But certain very explicit qualifications must be introduced; and, even then, the principle depends for its truth upon the very fact which it is here used to prove, namely, the existence of a wise Creator. To render the statement true, in any case, we must take the words "man" and "natural" in the broadest sense possible,—as involving absolute universality and absolute originality. And, even then, the argument falls into that most suspicious of all forms, the argument from analogy. Empirical psychology teaches us that certain feelings in man, as hunger, and the desire for society, are universal and original; and experience shows that, as a matter of fact, the correlates of those feelings, as food, and fellow-beings, are really existent. Hence we infer that other similar feelings probably have their own objective correlates, ready to satisfy them. This probability increases, of course, under the established principles of inductive method, as the number of verified cases in experience increases. But if we take a step beyond that,—as this argument must, to be of any value,—and assert that every universal and original feeling *must* have its correlate, the only reason which we can

urge for this statement of a general principle is that God is good and will not distort his creation by originally imperfect adjustments. This is valid reasoning. The appeal to benevolent intelligence in creation establishes the principle claimed. As thus established, we have a right to use it, in psychology and in metaphysics. But, as a part of the theistic argument, it assumes the very point to be proved—that there is a God at all. Properly qualified, the major premise of this syllogism is true, as a matter of fact; but we can know its truth only after we have, in some other way, proved that there is a God, whose wisdom is the guarantee of this principle. The theist who appeals to feeling may claim a fair logical presumption, based on the analogy of experience, in a limited number of similar cases; and this may fairly be used, as one element in a cumulative theistic argument. But, taken alone, it can have but little weight. Yet, if more than this is claimed for it, the critic has a right to refuse to be convinced by an argument the major premise of which is valid only as it implies its own conclusion in a whole system of theistic metaphysics.

Moreover, a fatal objection can be urged against this appeal to feeling, on the ground that the feeling appealed to is neither original nor universal. Within a very few years, Intuitionism has been compelled to change its ground completely, in its treatment of the feelings. Psychology, in this respect, has been revolutionized by the doctrines of Evolution. It is unscientific, to-day, to trust to the evidence of any one matured, intelligent mind as proof of the originality of a feeling. Many feelings are clearly instinctive with us; but they are as clearly resultants of variable and contingent ancestral experience. The principles of Heredity and Adaptation have made such havoc with our inherited psychology that we can have no confidence in the originality of anything which does not bear the distinct impress of absolute necessity. Time is a formal principle of all thought, because thought itself can exist only under that form. Pleasure or pain is a formal principle of all feeling, because feeling can be feeling only as it involves pleasure or pain. But, because it has, in the past, made so many false claims, modern psychology is very cautious, now, in its assertions of originality. It wisely yields to development everything which can be shown

to be a possible product of experience, individual or ancestral, and claims for original nature only that which can be proved to be necessary.

But this mysterious feeling of God, to be of use in this argument, must be original, a necessity of man's nature. Experience is full of accidents, perversions, misinterpretations. A feeling generated by experience may be utterly unreliable as a test of fact. I have an innate and intense physical repugnance to a certain article of food. No *trieb* of my nature is stronger than that dislike. Yet the books tell me that the article of food is one of the healthiest given to the race. Of what value is my inherited feeling, as evidence of a general divine plan? What right have I to argue from this uncontrollable aversion to the objective and general harmfulness of the article concerned? It is very different from the assumption that because all men are created with the necessity of eating, in order to maintain life, therefore there must be, somewhere, food to be eaten. This feeling of God, to have any force in proof of the fact of a God, must be freed from all contingent, experiential elements, and shown to be original and necessary.

It can be claimed as a primitive norm of man's nature only in one of two forms,—either as a feeling of moral obligation or as a feeling of dependence. Modern anthropology, however, quickly overthrows the argument which holds that there is, in man, an innate feeling of moral obligation to a personal God. Recent developments in the study of primitive races have settled that point. In fact, it is not necessary to look beyond the nursery, in our own advanced civilization, to see the process of education, by which the child learns the fact of moral obligation, to parents first,—and to a God afterwards.

There is a certain truth, however, in the claim that the feeling of dependence is original. There is, and must be, in every mind, from the very first act of consciousness, a feeling of repressed energy, arising from experience of conflict with external force. This is original, because it is necessary to that duality without which consciousness itself cannot begin. In psychology we call this simply the consciousness of the *non-ego*. It may loosely be termed a feeling of dependence; that is, it is a recognition of a Force other than my own, a Force which, in

its manifestations, is, or may be, superior to my own. Human reason, by the use of the despised methods of logical argument, may infer the God behind the Force manifested. Historically it has done so in most primitive races. But this is a rational process of inference; it is not the dogmatism of feeling. The original feeling is simply that of repressed energy, giving the consciousness of another Force. It is heaping a whole system of metaphysics upon this very simple feeling, to say that it gives to consciousness, in itself as feeling, knowledge of the existence of a personal God. It may be a personal devil; it may be a finite human power; it may be matter and motion. The original feeling of the non-ego gives only two elements, externality and activity. All further predication comes, not from feeling, but from the processes of logical thought. It is a rather startling feat of legerdemain which transforms this primary recognition of external Force into the immediate apprehension of a thinking, loving God.

Neither, then, as a feeling of moral obligation nor as a feeling of dependence can this mysterious feeling of God be shown to be an original necessity of man's nature. But, beyond this, the feeling is neither uniform nor universal, tho it must be both to be of use in the theistic argument. The appeal, here, to primitive man is an unfortunate one. The argument, if it proves anything, proves too much. Such a feeling, as innate, must be purest in its simplest form; and its simplest form is its primitive form. But its primitive form gave, almost everywhere, a polytheistic physiolatry. Christian mysticism derives little comfort from the facts of the genesis of the religious sentiment. Starting, thus, with an incomprehensible perversion, the feeling, so far as there is any, has developed into strange incongruities. "We feel God; therefore there is a God." But some men have felt many Gods. Are there, then, many Gods? Most men have felt differently from all other men in regard to God. Does God change his character with the convolutions of each human brain? Where shall we draw the line, here? There are whole volumes of heresy in the mere suggestion of such relativity. A natural feeling, adduced as proof of a fact, ought to be reasonably uniform. If one man feels a Jehovah, and another feels an Agni, an Indra, and a Surya, all at once; if one man



feels a God who loves, and another a God who hates, the presumption is that their feelings are very unreliable, even as regards the fact of any kind of a God. There ought to be no difference in the primary and essential attributes of the thing felt.

If it is urged that these variations of form only are experiential and can be accounted for by the influences of the environment, but that the belief in a God of some kind remains, and that no more than the fact of such a concept is claimed, the answer is a very prompt one. This belief itself, even in its most abstract form, is not universal, and therefore it is not innate. It is true that some persons have a highly developed and positive feeling of a God. A child inherits the piety and reverence of a godly ancestry. He is taught, in the nursery, not to reason, but to pray. His emotions are developed by the Sunday-school and the church. Faith, love, reverence, are stimulated by all his most sacred associations. Arrived at manhood, he does not stop to reason. His education has made his feelings facts. Is there a God? What an absurd question. Of course there is a God. He knows God through God; and if wicked worldliness suggests a question which threatens trouble to this complacent self-sufficiency of personal desire, he wraps the cloak of his feelings all the more closely about him and defies the chilliness of penetrating scepticism. But another child comes into being, with the blood of generations of brutal crime in his veins. His object-lessons are those of sin. The filth of the street is his home, depraved desire his development. You rest your theistic argument on human feeling. Go to him and ask if *he* feels a God. See if *he* knows God through God.

This feeling of a God, tho it may exist in many as an inheritance or an emotive development, is far from being universal. Some men do not feel God at all. Is there, then, no God? Why not? If the argument from the presence of a feeling is conclusive, the absence of that feeling is at least suggestive. If this mysterious feeling, which is the only proof of a God, is a divine gift limited to a part of the race, as one of the neglected remainder I protest against the injustice done to me in creation. I can find no such feeling in my own conscious-

ness. The Force outside reveals to me the limitations of my own power at every turn of life; but in that consciousness of a mechanical non-ego I can find no responsive feeling which springs to the assertion that this repressive Force is the God of the Christian revelation. From facts of existence I infer a First Cause; in the forms of manifestation I read the characteristics of that First Cause. By what I believe to be a scientific process of logical *a posteriori* inference, I have learned, and therefore I know, that there is a God. But it has been a process, a thought-process, a laborious thought-process. If the mystical theologian is right in his predication of so deliciously simple a short-cut to blissful certainty, in the name of many a believer, and of every unbeliever, I protest. It is a partiality, unjust tho divinè, which has created so many of us only half-made at this most critical point.

It is an insult to say that some men fail to feel God properly because they are blinded by sin. I know atheists to-day who honestly, earnestly desire a God. With tense nerve they are searching after God. They cry out for a God, sometimes, in an agony of despair. Dare you go to such a man with a pretty phrase about knowing God through God; and when he says that he does not understand you, answer that it is because he is a sinner who lives on too low a plane to have a normal intelligence? Which is the worse—such psychology as that, or the theology which it supports? Granted that a mysterious feeling of God is God's best evidence to man and in man that he exists, and we all have a right to demand an innate share in that feeling. Divine justice, to say nothing of divine love, would give that proof to every creature.

The fact that such a feeling does exist in some men (we take their word for it) can be explained on principles of heredity and development. Psychologically it means simply that a man lets his feelings run away with him, and allows instinctive desire, unsupported by reason, to postulate external realities. But the fact that such a feeling does not exist in most men proves that it is not a reasonable ground for the theistic argument, and that, therefore, it is a dangerous position for the defenders of theism to assume.

As has been said, this is a question of method rather than

of fact, and one which concerns, primarily, the practical working value of the theistic argument as a force of conviction. Since it is thus a question, not of theoretical result, but of practical use, I trust that I shall be pardoned if, in support of my criticism, I present evidence from my own experience in the lecture-room. Of course there are all around us men and women of an inherited faith which is so strong as to make them sublimely indifferent to any possible interrogation-point of the human reason. To such persons all metaphysical science is unintelligible and the throbbing discussions of the day are a mystery. But, as an instructor, I have never yet met with a single mind which, when once made fairly acquainted with the tremendous problems of modern speculation, could in any way be satisfied by an appeal to a mystical feeling. I find that intelligent minds searching after the truth *insist* upon knowing the grounds of their faith. With deep respect for the authorities who support it, I have tried to use, for all that it is worth, this appeal to the feeling of a God in support of the fact of a God. And I have failed. It is not a working argument. It does not meet the objections which must be met. It does not answer the doubts which come spontaneously to every mind which seeks self-justification in Christian belief. Whatever may be true of the assembly of believers in the church prayer-meeting, Christian theism must have a better defence than this in the metaphysical lecture-room, or else be set aside, as other illogical systems are set aside, as unscientific and indefensible.

The substance of this whole criticism has been well expressed in a few sentences by the keenest philosopher of the day. "The proofs of the existence of God," says Ulrici (*Gott und die Natur, Einleitung*, p. 1), "after having for a long time played an important part in philosophy and theology, have, in our own day, fallen into disrepute—especially since the famous criticism of Kant. Since then it has been the general opinion of believers and unbelievers alike that the existence of God cannot be proved. Even theologians readily agree to this; they ridicule the vain attempts at proof, and seem to think that they are thus doing a service to the faith which they preach. But the proofs of the existence of God coincide with the reasons for the faith in God. They are simply the objective reasons of this

faith, scientifically established. If there are no such proofs, then there are no such reasons: and a faith without any reason—if it were possible at all—would not be a faith, but only an arbitrary, self-made, subjective opinion.”

M. STUART PHELPS.

## RICHARD BRINSLEY SHERIDAN AND HIS BIOGRAPHERS.

RICHARD BRINSLEY BUTLER SHERIDAN, dramatist, orator, and wit, was born at No. 12 Dorset Street, Dublin, Ireland, in September 1751. He produced the comedy of the "Rivals" in January 1775, and the opéra of the "Duenna" in the following November; he bought out David Garrick and became the manager of Drury Lane Theatre in 1776; he finished the comedy of the "School for Scandal" in May 1777, and the farce of the "Critic" in October 1779. In 1780 he entered the House of Commons as the chosen representative of the independent borough of Stafford. In February 1787 he brought forward with Burke the chief charges against Warren Hastings. This was the height and climax of his splendid career, and from this time forward his fortunes declined. He sank into poverty and sickness, and when he lay on his death-bed he was neglected. He died in Saville Row, London, England, on July 7, 1816, and was buried in the Poet's Corner of Westminster Abbey.

"Most men," says Sainte-Beuve, "have not read those whom they judge; they have a ready-made opinion got by word of mouth, one scarcely knows how." No one has suffered more from these off-hand judgments than Richard Brinsley Sheridan. A ready-made opinion of a man who found so many and such various means of expressing himself, an opinion got by word of mouth, one scarcely knows how, can scarcely be other than unjust. Ordinarily the biographers of a celebrity correct these current misrepresentations and, by leaning to the side of mercy in their statement of his virtues and his vices, his failings and his merits, enable us to reconstruct again the man



as he was in the flesh. But to Richard Brinsley Sheridan the biographers have been merciless. They have been ignorant and careless like the latest of them—Mrs. Oliphant; or hostile and careless like the earliest—Dr. Watkins; or they have thought more of themselves and their living friends than of their dead subject—like Moore. It is only by a careful comparison of all the biographies and by a careful selection of references from contemporary memoirs that we are able at all to reconstruct Sheridan as he was and to get a clear understanding of his complex character.

The first of Sheridan's biographers was a certain John Watkins, LL.D., who was a bookmaker by trade. His "Memoirs of the Public and Private Life of the Rt. Hon. R. B. Sheridan" were compiled hastily and appeared in two volumes quarto in 1816, within a few months after Sheridan's death. So great was the public interest in Sheridan that even as dull a life as Watkins's was eagerly bought, and a second and a third edition, in octavo, followed within two years. Neither as an author nor as a politician did Sheridan fare well at the hands of Dr. Watkins, who was not critic enough to understand Sheridan's writings nor honest enough to understand his sayings and doings as a public man. Dr. Watkins suggested that Tickell had lent Sheridan material aid in the writing of the "Critic," and that Sheridan was perhaps not the real author of the "School for Scandal," which was the work of an unknown young lady who had gone to Bath in a decline and there died: and the most of the learned Watkins's criticism is no better than this. Fortunately, Watkins's literary criticism, sprawling as it is, fills only a quarter of his bulky and unnecessary book. Unfortunately the other three quarters are filled with an account of Sheridan's political career quite as misleading and as mischievous as the account of his literary career. But the blundering in the literary discussion is the result of ignorance, while the blundering in the political history is intentional or, at least, the result of a strong bias against the principles of the party to which Sheridan belonged.

In the library of the late John Forster, the biographer of Goldsmith and of Dickens, now preserved in the South Kensington Museum, there is a thick bundle of MS. notes and scraps of all shapes and sizes relating to the life of Sheridan.

It had not been carefully examined when Mr. Sketchley, the librarian, courteously placed it in my hands. I soon found that it contained the materials used by Watkins, arranged in chronological sequence. Apparently it had been provided for him by the hack whom he had hired to do the rough work of research in magazines, newspapers, and debates. This hack was a Tory and hated the Whigs as sturdily as any Dr. Johnson. A perusal of these hasty, ill-digested, unverified notes, with their insinuations and innuendoes and their contemptuous allusions to the Whigs, and a comparison of these notes with Watkins's biography as published, will account for the worthlessness of the latter.

After Watkins came Moore. Mrs. Norton has told us that Lord Melbourne, than whom there could have been no more competent person, had begun a life of Sheridan when he heard that Moore had agreed to write the biography. Lord Melbourne, with a generosity recalling Irving's to Motley, relinquished his attempt and turned over to Moore all he had written and all he had collected. "Lord Melbourne afterwards said he never regretted anything more than having resolved to give up those papers and to abandon the idea of writing a memoir, which again, in Moore's hands, turned out to be so utterly unsatisfactory." Mrs. Norton adds aptly and curtly, "It is a singular fact that, in all the biographies Moore wrote, he contrived to lower the subject of his biography in the public estimation. Lord Edward Fitzgerald, Byron, Sheridan, all fared alike in this respect." To disprove Watkins's allegation that Sheridan had not written the "School for Scandal," Moore reprinted the several drafts and outlines of the comedy, and, taking the reader into the workshop, revealed the slow shaping and ceaseless toil by which the play was brought to its brilliancy and its beauty. The result was that it is now believed by many that Sheridan was a dull man who labored hard at the manufacture of jests, while from other parts of Moore's book others have derived the incompatible impression that Sheridan was lazy and careless and incapable of sustained effort. That Sheridan had written the "Rivals," the "Duenna," the "School for Scandal," and the "Critic" before he was twenty-eight is all the evidence we need to assert positively that he was not lazy, not

careless, and not dull. That these diverging accusations should be brought against Sheridan is not a little his own fault. He affected a reckless ease and he carefully concealed the long labor he gave ungrudgingly to the perfecting of his work. Like a prudent wit, he stored up shafts for future warfare, polishing them to the finest point and laying them away in his arsenal. But because he prepared himself whenever he could, he was none the less ready when taken unawares. Lord John Townshend bore witness that no man was quicker than he in the writing off-hand of party squibs and paragraphs; and there are numberless anecdotes of his repartee in positions where no preparation was possible.

Moore's biography has other faults quite as mischievous as these. Its treatment, for instance, of Sheridan's political career is wholly inadequate; in all the latter portion of his book it is evident that Moore relied on Watkins while denying him when possible. The fact is that Moore tired of the work early, and so confessed in his own *Memoirs*. He wrote the first four chapters in 1818 and then did nothing for six or seven years, when the book was finished as best he could. The result is that the early chapters devoted to Sheridan's literary career are in many respects admirable, and that the later chapters rapidly fall away in interest and in value. Nevertheless, it must always remain the standard biography of Sheridan, from its fulness of detailed information. Perhaps the nearest approach to an ideal biography of Sheridan would be a new edition of Moore's, scrupulously respecting Moore's text, but accompanied by frequent and elaborate notes in which Moore's mistakes might be corrected and in which the information available since Moore wrote might be utilized.

For fifteen years after the publication of Moore's biography Sheridan was allowed to rest in peace, and no further attempt was made upon his life. But in 1840 there was privately printed at Leeds a little book of less than a hundred pages, purporting to be a "Memoir of Mr. Sheridan" and written by William Smyth. This William Smyth was a Professor of History in the University of Cambridge, and had served in Sheridan's family as the private tutor of Thomas Sheridan, the elder son. In this capacity he was enabled to take an inside view of Sheridan's

home. He was a man of querulous temper, high conceit, and little knowledge of the world: and he was also lacking in the decency which ought to have kept him silent as to what he learned in the sanctity of private life. His memoir might have been valuable if carefully controlled, but it is disfigured by slanderous insinuations and indiscreet revelations. Professor Smyth reveals unhesitatingly things which he says Sheridan tried hard to conceal—the manner of the death of Tickell, his brother-in-law, for instance; and he sets down these things with an unblushing absence of any feeling that he is playing a contemptible trick on the man who by his own showing always treated him with respect and regard. He contradicts Watkins who falsely declared that Sheridan was unaffected by his wife's death, and shows that Sheridan's grief was almost uncontrollable and that its effects were lasting; and then on hearsay, and the tittle-tattle of old women, he takes away the character of Mrs. Sheridan. When Professor Smyth's discreditable pamphlet appeared Richard Brinsley Sheridan had been dead nearly twenty-four years, and his son Thomas Sheridan, to whom Smyth had been tutor, had been dead nearly twenty-three years—for he had died but a few months after his father. There was no one authorized to protest but the widow of Thomas Sheridan, and she wrote a letter to Professor Smyth which probably took effect even on his conceit. This letter has never been published, but I am enabled to print it by the kindness of the son of the writer, the present Richard Brinsley Sheridan, Esq., of Frampton Court, Dorchester, whom I take great pleasure in thanking publicly for the many courtesies shown in my search for facts concerning his illustrious grandfather:

*Mrs. Thomas Sheridan to Prof. Smythe.*

46 GROSVR. PLACE [BATH], March 30 [1840].

DEAR SIR: On hearing that you had written a little account of your tutorship in the family of Mr. Sheridan, I felt great impatience to read what I conceived would contain some new anecdote, or at least some kind mention of your pupil, which might be gratifying to his children and to me. You may imagine that I read the book with equal pain and surprise. You had a right to judge the character and conduct of those whom circumstances had exposed to you as severely as you chose, but had you a right to print that judgment?

A friend, a tutor, a governess domesticated in any family must witness their joys, their sorrows, become acquainted with their weaknesses and their faults, and, if so constituted as not to feel any sympathy with the former, is at least bound by discretion, good taste, and Christian charity not to print the latter for the information of the public, even if "found to amuse a friend" and "thought likely to amuse others."

Your book is, in fact, not an account of your tutorship, but a very unfavorable commentary on Mr. Sheridan's character and a painful exposition of his difficulties.

This was enough to annoy his family, but there is a graver charge of which I am entitled to complain.

You state that you were wholly unknown to our family till you entered it. Mr. Sheridan's lovely and accomplished wife was already dead. You could not therefore have had a personal opportunity of forming any judgment respecting her conduct and character. Yet from *hearsay* you found a scandalous accusation against her when she has been more than half a century in her grave. Has any gentleman of the many who fill similar situations in the distinguished families of Great Britain ever been known so to outrage the charities of private life?

You state that you sought employment in our family in consequence of a bankruptcy in your own. Such events rarely occur without eliciting accusations (however unfair)—involuntary injustice—unkind reflexion on the sufferer. Had your pupil been your tutor at that time and collected such matter not merely to "*amuse a friend*," but printed it, "*thinking it might amuse others*," should you have approved that self-imposed task?

Your pupil always spoke of you with kindness and respect; neither have I or any one of my children given you the slightest offence. How can you feel justified in making this causeless attack on a family who have already so often suffered from printed injustice? How can you (who close this very attack with religious reflexion) think it consistent with Christian charity to print forgotten defamation of one who never offended you and of whom you know nothing?

In an age when private scandal is so welcome to the public, this memoir will probably be published after your death. Will you not avoid doing a posthumous injury by recalling the copies which you have distributed among your friends and *at least* cancelling that very offensive passage, if not the whole book, which, I assure you, is considered to do you little honor, even by those entirely indifferent to our private injury?

I am, Dear Sir,

Your Obedt. Servt.,

C. H. SHERIDAN.

In 1841 Leigh Hunt wrote, in his usual flippant and chirpy style, a brief biographical and critical sketch of Sheridan, in the course of which he contrived to be both careless and cruel. Far



better is the careful account of Sheridan's career put together in 1847 by Mr. G. G. Sigmund to precede Sheridan's plays in Bohn's Standard Library. And in 1859 there was published "Sheridan and his Times, by an Octogenarian who Stood at his Knee in Youth and Sat at His table In manhood" (2. vols. London: J. F. Hope), which contains much good-humored gossip and a few characteristic anecdotes. The authorship has been well concealed, altho the writer gives us a clue to his identity when he declares (volume ii. page 273) that he was a member of the managing committee of Drury Lane Theatre when Edmund Kean and R. W. Elliston were first engaged there. In marked contrast to the gentle and genial gossip of the Octogenarian was the scurrilous sketch of Sheridan contained in a book called the "Wits and Beaux of Society" and purporting to be the work of "Grace and Philip Wharton." It was this wretched compilation which called forth from the Honorable Mrs. Norton, the granddaughter of Richard Brinsley Sheridan, a letter published in the number of *Macmillan's Magazine* for January 1861, which scorches and scourges the latest assailants of her grandfather's memory as sharply as her mother had dealt with Professor Smyth. It is greatly to be regretted that Mrs. Norton never carried out the project promised in this letter: no more delightful book, at once entertaining and instructive, would have been found in the literature of the last half-century than her "Lives of the Sheridans," had it ever been written. And beside the pleasure and profit we should gain from its perusal it would have conferred a negative boon also; for if Mrs. Norton had written out of the fulness of knowledge a history of the Sheridans, Mrs. Oliphant might have refrained from a monograph on Richard Brinsley Sheridan written out of the fulness of ignorance.

But between Mrs. Norton's proposal and Mrs. Oliphant's performance came a book by Mr. Wm. F. Rae, "Wilkes, Sheridan, Fox—the Opposition under George III.," in which is to be found altogether the best account of Sheridan's career with which we are acquainted. Within the limited space of a scant hundred pages Mr. Rae found room to be both just and generous. He had sympathy with Sheridan's politics and a knowledge of the inner political intriguing of the time sufficient

for the appreciation of the rectitude of Sheridan's course. Mr. Rae, too, was the first to draw attention to the exact shorthand report of the great Begum speech, a reference to which shows that Sheridan was guiltless of the bombast put into his mouth by the concoctor of the ordinarily accepted speech. Sheridan's style as an orator was not beyond reproach: he violated the first principles of decoration and of declamation in that he was wont to construct his ornament instead of ornamenting his construction. While his style in level passages, in narration, in satire, was always admirable, racy, idiomatic, he had a tendency to "tall talk" and "fine writing" whenever he sought to be elevated. But he never sank to the depths of flowery rhetoric which we find in the inaccurate report. Mr. Rae's study of Sheridan originally appeared in the *Fortnightly Review* when it was edited by Mr. John Morley, and it is greatly to be regretted that when Mr. Morley planned the brilliant series of biographic and critical monographs known as the "English Men of Letters" series he did not recall Mr. Rae's essay and intrust Mr. Rae with the preparation of the volume on Sheridan. Unfortunately the task was confided to Mrs. Oliphant, a lady whose novels are many and delightful and whose frequent biographies are a delusion and a snare.

To those who have made any study at all of Sheridan's life and works and times, these two hundred pages of Mrs. Oliphant's monograph on Sheridan are simply astounding. Mrs. Oliphant is not interested in Sheridan and does not really understand him. She has made no personal research whatever: that she made no application to the family for the papers, documents, and manuscripts in their possession we happen to know. As a result her book contains absolutely nothing new—except a few blunders naturally resulting from the copying of the blunders of her predecessors.

A few of Mrs. Oliphant's minor blunders must be set down here—her major blunder being the book itself. Sheridan's first venture into print was with a free translation from the Greek of the equally free "Love Epistles of Aristenetus," done in partnership with his friend Halhed. Mrs. Oliphant takes the dubious Greek poet for a "Latin author" (p. 17), and then proceeds to suggest that there was no original at all, and that the

whole thing was a literary hoax—altho any dictionary of biography would have told her that the original did exist, and a glance at "Allibone" would have shown her that Sheridan's translation figures at the present day among the English versions of ancient authors included in Bohn's series, familiar to all college boys. Mrs. Oliphant follows Moore in declaring that the "Love Epistles" failed to sell satisfactorily; this may be so, but at any rate the book managed to get itself into a second edition. Mrs. Oliphant follows Moore again in her account of Sheridan's purchase of Drury Lane Theatre, but it is on her own responsibility that she declares that "Sheridan eventually bought Lacy out at a further expenditure of £45,000, partly obtained, it would appear, from Garrick, partly by other means" (pp. 74, 75). Now, there is no evidence that Garrick ever lent Sheridan a penny; and there is no evidence that Sheridan paid Lacy £45,000 for his share. As a matter of fact, he did nothing of the sort; he assumed a mortgage and he agreed to pay Lacy and Lacy's partner an annuity for two lives. Of course, Mrs. Oliphant sheds no light on the vexed question of how Sheridan, having nothing, managed to buy Drury Lane Theatre, a question which we believe Moore could have solved had he chosen, and which the present writer believes he has solved for himself—as he hopes to show in the introduction to a forthcoming edition of Sheridan's comedies.

Even more frequent is Mrs. Oliphant's blundering whenever she touches the stage. She declares that Sheridan's revision of Vanbrugh's "Relapse" called the "Trip to Scarborough" did not attract the public (p. 75); but this is not so, for after the first shock of disappointment that the young manager should offer an adaptation in place of a new and original play, the "Trip to Scarborough" began to be judged on its merits and it held the stage for years. After declaring that Sheridan was not "a playwright by science, but rather by accident"—whatever this may mean—Mrs. Oliphant informs us that he preserves "the unities of time and place because it suits him to do so" (p. 94): it would be interesting to know just what Mrs. Oliphant means by those much-abused words, "the unities of time and place," and to have her point out in what play or plays Sheridan

observed either the unity of time or the unity of place—two things he never thought about in any way. Mrs. Oliphant also ventures to speak of Sheridan as the “stage-manager” of Drury Lane, which he never was; and she suggests that “it would no doubt have been higher art [in the screen-scene of the “School for Scandal”] could the dramatist have deceived his audience as well as the personages of the play, and made us also parties in the surprise of the discovery” (p. 90)—as tho our enjoyment was derived from a single shock of vulgar surprise instead of arising from our full knowledge of the situation and our humorous anticipation of the coming catastrophe. An emphatic protest must also be entered against Mrs. Oliphant’s most unwarrantable assumption, at first, and assertion at last, that Sheridan’s wife, the Maid of Bath, was the model from whom he drew *Lydia Languish*. This is Mrs. Oliphant’s one contribution to the history of Sheridan’s works, and with the misplaced pride of a discoverer she recurs to it again and again, rising from the first insidious insinuation to the final reiterated assertion, as tho it were a fact.

Nowhere, does Mrs. Oliphant present us with a satisfactory sketch of Sheridan’s character; and yet in no one volume of the series is a psychological outline of the subject more needful than in this. Sheridan’s character is enigmatic, and Mrs. Oliphant has not taken time to think out the difficult problem. She has formed for herself no distinct idea of Sheridan. She treats him now harshly and now kindly, now like a spoilt child and now like a bad man. But Sheridan cannot be taken in this way. His character is not to be read off-hand and at random. It is complicated and unequal and variable; and it is to be understood and explained only at the cost of effort.

Sheridan was good-natured and warm-hearted; he never did any man an intentional injury: but he brought trouble on all who trusted him. He was gentle, kind, and affectionate, but his wife had reason to feel neglected and his father parted from him in anger. He earned enormous sums of money and his advice to others was always admirable, but his own affairs were in ever-increasing confusion. He was always involved in debt; yet his accounts as a government officer were scrupulously accurate. To continue the antithesis would be easy, for the story of his life is a series of antitheses: but to suggest a clue to

the labyrinth of his character is not so easy. Briefly, I am inclined to think that it is to be found in the uncommon conjunction in Sheridan of two irreconcilable things, a very high standard of morals with an absence of training and discipline. The latter failing vitiated the former virtue. Incapable of keeping himself up in the clear air and on the high level of exalted principle to which he aspired, he was far less careful in the ordinary duties of life than those whose aim is not so lofty. When he found that he could not attain the high standard he had set before him, he cared little how much he fell short of it—and so sank below the ethical mean of ordinary mortals. There was nothing venal or sordid about him; he was liked by all, tho all who liked him did not respect him; he was a humorist even in his code of morality. He always meant well, but while the spirit might be willing the flesh was often weak. He intended to be not merely generous with everybody but also to be absolutely honest and upright; his heart was in the right place, as the saying is, but his views were too magnificent for his means, and he had neither self-denial nor self-discipline: when, therefore, he had once put himself in a position where he was unable to do exactly what he had agreed to do and what he always desired to do, then he ceased to care whether or not he did all he could do. When he failed to keep his word, he failed completely; he “let things slide,” to use an expressive Americanism, and he never tried to make the best of it. In time this habit grew on him, and the frequency of failure to accomplish what he had intended blunted his aspirations. He always meant well, as I have said, and as time went on people more and more had to be content to take the will for the deed. This type of character is not as uncommon as it may seem at first sight. Substantially it does not differ greatly from the *Thérèse* of “*Elle et Lui*” which George Sand’s latest biographer declares to be “a faithful picture of a woman not quite up to the level of her own principles, which are so high that any lapse from them on her part brings down more disasters on herself and on others than the misdemeanors of avowedly unscrupulous persons.” In Sheridan this type was modified for the worse by an ambition perilously akin to vanity and by an indolence accompanied by an extraordinary power of hard work whenever spurred to it by an extraordinary motive. This



vanity and this indolence were the contending evil spirits who strove for the mastery in Sheridan's later days. The indolence encouraged his carelessness in money matters, and the vanity, or ambition or pride stiffened his impracticably high code of morality. He was always paying his debts in a large-handed, reckless way; but he was never out of debt. He scorned to examine an account or to catechise a claimant; when he had money he paid, and when he had none he promised to pay—and he kept his word, if reminded of it, when money came in. All or nearly all of his shares in the rebuilt theatre were given to creditors without any question of their claims. Sheridan stripped himself and died in poverty and left but few debtors unpaid. From sheer heedlessness he probably had paid far more than he actually owed, but he never made an effort to investigate his liabilities or to set them off against his assets to see where he was. He had not the mercantile morality as he had not the mercantile training which would have stood him in good stead so often in his checkered career. But he had personal morality in money matters, and he had political morality. His nice sense of honor led him to withdraw his wife from the concert-stage as soon as they were married. He told a creditor who had his bond, and who found him in unexpected possession of money, that he had to use the money to meet a debt of honor, whereupon the creditor burnt his bond before his face and declared his debt was thereafter a debt of honor, and Sheridan paid it at once. In his political career he more than once sacrificed place to principle.

As Carlyle says of Schiller, "we should not lightly think of comprehending the very simplest character in all its bearings; and it might well argue vanity to boast of even a common acquaintance with one like" Sheridan's, which was even more complex and enigmatical than Schiller's. "Such men as he are misunderstood by their daily companions, much more by the distant observer, who gleans his information from scanty records and casual notices of characteristic events, which biographers are often too indolent or injudicious to collect, and which the peaceful life of a man of letters usually supplies in little abundance." From this injudicious indolence of biographers no man has suffered more than Richard Brinsley Sheridan.

BRANDER MATTHEWS.

## SHALL WE HAVE A SECOND FEDERAL CONVENTION ?

THE material progress of the United States for the decade 1870-80 must be looked upon as one of the most noteworthy features of the time. To those who realize that economic laws work as surely on the minutest as on the grandest scale, the phenomena are not so much a surprise as an interesting and valuable opportunity to study economics with all the advantages of the microscope. Most minds, however, are best impressed by ultimate statistics, by such evidences of prosperity as are summed up in the facts that one sixth of the world's wealth is now within the limits of the United States ; that the wealth of the country is increasing at the rate of \$2,000,000 a day, more than twice as rapidly as its nearest rivals, Germany and Great Britain, and nearly six times as rapidly as the most prosperous of its other rivals ; and that the American people are already doing one third of the world's mining, one fourth of its manufacturing, one fifth of its agriculture, and one sixth of its banking, on a territorial capital of but one eighteenth of the world's land-area, and that, too, but very partially reduced to use. In the face of such evidence of material prosperity, criticism of still tolerable evils generally seems ungracious, and the usual organs of public opinion are disposed to take a much more rose-colored view of public affairs than was presented by the lugubrious centennial orations of 1876. The newspapers are inclined to confine their indictments for rascality to a more limited portion of the opposite party. Political platforms find it more difficult to specify the evils which they propose to cure, and more convenient to declaim about the blessings which they pro-

pose to increase. There are even a few contented optimists, generally assistant-deputy-postmasters or presidents of ward associations or of surviving campaign clubs, whose limited political ideal is already completely attained, and who unhesitatingly pronounce our army, our navy, our civil service, and our politics respectively "the finest on the planet."

But the "plain people," to whom Lincoln was wont to look, and who are still the national jury, do not share in this complacent feeling. Whatever may be their material prosperity, the wheels of government do not seem to them to move with the smoothness and certainty which they have a right to expect from the workings of their admirable Constitution in a time of profound peace. There is a frequent jar and rumble and friction, which is not only uncomfortable, but suggestive of absolute peril. It is not easy to say which party was more grateful in 1880 that Garfield's electoral majority was unimpeachable; and both parties, knowing that the Presidential election of 1884 has hardly any more administrative safeguards than that of 1876, are entering upon it with only the usual American confidence in the good fortune of the Republic. Polygamy has ceased to be a simple sore and risen to the consideration due to a growing ulcer; and yet remedies, theoretically the most drastic, prove to be nullities in practice. The complex organization of national life has passed beyond the two simple factors, State and nation, and has evolved a third, the city. The proportion of urban population has risen from one thirtieth in 1790 to one fourth in 1880. National political evils have reacted upon the smaller constituencies until, in very many of the cities, government by the people has confessedly ceased to exist; and a Governor, when he desires to be relieved of a pest in the State Senate, addresses the petition for his suppression not to the people who are legally presumed to have elected him, but to the unofficial city Boss. Our cities have long ceased to afford to taxpayers the protection to life, liberty, and property for which taxes are paid. Now the mass of citizens are beginning to feel the pressure, and apply the wild justice of revenge. City government in the United States is fast becoming a régime of public plunder and protection to vice, tempered by riots, lynch-law, and individual vengeance. Surely here are new grooves

for which there are no wheels, or in which the wheels provided by the Constitution do not fit as they once did.

In addition to these failures to work at all, there is an equally startling inefficiency in the accomplishment of work by the national political machinery. The people pay cheerfully and liberally for the fourth largest iron-clad navy of the world, and get in return a naval force beneath the contempt of a South American republic. They pay enough for the maintenance of their little army to make it a model machine of its kind, and get in return a force of officers' servants, of whom one man per annum in every seven deserts. They cannot afford to allow their coasts to be properly fortified, or their insubordinate rivers to be reduced to control, for fear their rapacious representatives will seize the opportunity to plunder the Treasury for the benefit of their respective "deestriacts" and their own prospects of a reelection. They elect a Congress, and it invariably proves incompetent to do anything more useful than to talk, pass upon special legislation, and adjourn. Every year a long pent-up sigh of relief breaks out when Congress adjourns, and the country is left with no worse government than a Judiciary to interpret the laws and a President to enforce them.

It would be idle to expect contentment with such a state of public affairs from a people who are intelligent, who do their private and corporate work intelligently and well, and who have as little respect for public as for private incapacity or inefficiency. The people are not satisfied: they have exhausted every ordinary remedy without encouraging success, and an extraordinary occasion would only bring more plainly to the surface a dissatisfaction whose existence has already been quietly made known. Election after election has come and gone; each political party has met and triumphantly surmounted its alternate "tidal wave;" desperate and unavailing efforts have been made to organize a third party; private societies for political education, for the abolition or reformation of the caucus, or for other kindred purposes, have not yet achieved any marked success: who can suggest any ordinary remedy that has not been tried already, and has not failed completely? Gulliver was not more scientifically and securely tied down by the minute and multitudinous threads of the Lilliputians than the political action of the peo-

ple of the United States is controlled by that indispensable, always useful, but often troublesome class of public servants called politicians. Evidently it is high time for the American Gulliver to bestir himself, and perhaps his determination to do so may be quickened and rightly directed by recalling to his recollection the manner in which he burst, at the first effort, the far stronger meshes in which the same class had bound him in 1777-87.

The Articles of Confederation, which preceded the Constitution as the organic law of the United States, were proposed by the Continental Congress, Nov. 15, 1777, were ratified within a year by eight of the States, and went into force, March 1, 1781, on the ratification of the thirteenth State, Maryland. The formal proposition of this scheme of government was the work of Congress, but the work of preparing it was in reality done by the local politicians of the various States, assembled in their State Legislatures. Congress was no free agent in the matter. It was the Legislatures that sent the delegates to Congress, and recalled them at pleasure; it was the Legislatures that were to ratify or reject the scheme of government, when completed; and the Articles had to be so drawn as to meet fully the ideas of the politician class, which controlled the Legislatures, in those days of limited suffrage, more directly than, and perhaps as completely as, its successors control our modern Legislatures.

And never was a State politician's notion of an ideal national government more perfectly worked out than in these Articles of Confederation. The national government was to have, practically, only the power to recommend action to the Legislatures; of its own power, it was to raise no armies, equip no navies, levy no taxes, and exert no control over commerce. Shays's Insurrection might shake Massachusetts to its centre: Congress could do nothing. The "King of New York" might levy imposts on the products of New Jersey or Connecticut: Congress could do nothing. The principal and interest of the public debt, the ordinary running expenses of the national government, might remain unpaid: Congress could do nothing. Treaties with foreign nations might be violated in every article by State Legislatures or by individuals: Congress could do nothing. And to cap the climax, and tie a treble hard knot in



the last of the bonds which held the sleeping giant down, a provision was added that no alteration should ever be made in any of the Articles without the consent of the Legislatures of *every State!*

Having dealt themselves such a hand as this, the State politicians might well be content with the state of the game. Their object was the conservation of their own power in their States, not the welfare of the national people, or the care of national interests; and their object seemed to have been securely and permanently attained. They had so tied the people down in the forms of law that their own tenure of power in all the States seemed secure so long as they could retain control of a single Legislature. And they played with "the rigor of the game," as politicians always do. Time and again the most obviously essential alterations were proposed by Congress, with the strongest popular approval; but they were defeated by the veto of three Legislatures, or two, or even one (Rhode Island). Then, as now, the public servants were determined to do nothing, and in the forms of law there was no remedy.

In 1786-7, after a long correspondence and consideration, a little knot of really national politicians, headed by Hamilton, loosed the thunderbolt against the powers that were, by calling for a Federal Convention, nominally to propose alterations to the Articles of Confederation. Against this demand, backed by popular approval, the Legislatures were powerless. They might find plausible excuses by dozens for vetoing any particular alteration which might be proposed to them; but they could not resist the concentrated popular clamor for a Federal Convention. One Legislature after another yielded and appointed delegates to the Convention which Congress had sanctioned; and its meeting in May, 1787, was the death-warrant of the Legislatures' carefully contrived Articles of Confederation. It is not necessary to consider the work of the Convention any further than its ousting of the State politicians from their apparently impregnable position. It is sufficient to notice here that the Legislatures, which alone had the legal power to even alter the Articles of Confederation, were not to pass upon the Constitution at all; that the ratifications were now to be by

State Conventions; that unanimous ratification was supplanted by a three-fourths ratification; and that Gulliver was free.

The ordinary process which was then settled upon for future Amendments to the new Constitution is familiar enough. If an Amendment can secure the favorable vote of two thirds of each House of Congress, and the ratifications of three fourths of the State Legislatures or State Conventions, it becomes a part of the Constitution. The question then arises: Why not resort to this familiar process for the purpose of securing remedies for existing evils?

It is true that an Amendment is ratified by federal, not by national, action; and yet it requires a singularly national support to be successful. Failing of this, it will fail somewhere, or everywhere, in the long process of ratification, no matter how necessary it may appear to be. The Amendment proposed by Congress in 1861, forbidding Congress to interfere with slavery in the States, is not the only still-born Amendment in our history. It is not generally known that in 1809 Congress formally approved and proposed an Amendment depriving of citizenship any citizen of the United States who should accept from a foreign power any title, or (without consent of Congress) any "present, pension, office, or emolument;" and that this Amendment still remains *in limbo*, not ratified by a three fourths majority of the States, nor rejected by more than one fourth. The first eleven Amendments were really a concession to the class which had opposed the Constitution, the furthest concession that Congress was willing to make. The twelfth Amendment was very similarly the result of the party needs of the new order of politicians which was already growing up under the Constitution. Behind the last three Amendments there was a strong popular impelling force which saw, or thought it saw, the evil and the remedy, and compelled its legislators to act. A successful Amendment, whether it comes from the politicians or from the people, must have behind it an unusually definite and decided impelling force, and a general consensus of opinion upon the exact remedy which is required for the particular case.

. But our present difficulties are all the more dangerous in that they are as yet only superficial, and have no such pronounced symptoms as to attract general consideration and

definite agreement. The people at large are too closely occupied by their legitimate struggle for existence to be able to seek out and agree upon the exact remedies for the pestiferous pustules which afflict the body politic. Their legislators are made incompetent to prosecute any reforms by the continuing force of the evils which demand reformation. The Washington correspondents reported, last December, a practically unanimous agreement among Congressmen of both parties against amending the Constitution in any particular. It is to be expected that both State and national legislators should be content with a state of affairs to which most of them owe their official existence. Considering the composition of Congress and the Legislatures, he must be at fault, either in his judgment or in his sincerity, who professes to hope, first, that, without any official summons to do so, the thirty-nine legislative bodies of the country will for a season drop the business which is dearer to them, and discuss Constitutional Amendments; second, that Congress will be at all likely to hit upon the exact remedy required; and, third, that the wisdom and authority of Congress will so impress twenty-nine of the thirty-eight State Legislatures that they will ratify the remedy proposed.

It was this difficulty of inducing Congress and the State Legislatures to make use of the ordinary method of amendment which led that very acute observer, Alexander H. Stephens, to speak as follows, so long ago as January, 1860: "I very much doubt if we have not passed the period in our Republic's life when any amendment of the Constitution is practicable; when any, however apparently proper, could be made: whether, in a word, for the balance of our existence, long or short, we must not make up our minds to get along as well as we can, and do the best we can with the Constitution as it is." He who will consider the insuperable difficulties which would beset the path of a Civil service reform Amendment, for example, will be inclined to agree with Mr. Stephens. The ordinary method of amendment was evidently not intended for any period of general, but undefined, dissatisfaction; and, if there were no other method, we could only regret that the Constitution was not altogether the Aladdin's lamp which we had supposed it to be, and subside into Mr. Stephens's conclusion.

The framers of the Constitution, however, were no such bungling workmen as to make this conclusion a correct one: they have provided another method of amendment, tho it is so carefully covered up and hidden in the ordinary process as to show that they intended it to be the exceptional method, while the other was to be the rule. They do not seem to have imagined that their work would always be executed with the same freedom from friction, after the freshness of its first existence should be past. The manner in which the politicians of the Confederation period had tied down the people in the forms of law was fresh in their memories, and they seem to have made careful and ample provision for a recurrence of such an emergency, by providing for a new Federal Convention, to consider reforms which should be persistently neglected by the public servants who control the ordinary method of amendment. The reader will find the provision in Article V. of the Constitution. Separated from the matter in which it is imbedded, it would read as follows: "The Congress, on the application of the Legislatures of two thirds of the several States, shall call a convention for proposing Amendments, which shall be valid to all intents and purposes as part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths of them, as the one or the other mode of ratification may be proposed by Congress."

Here, then, is common ground for reformers of every shade and variety of opinion and object. All the forms of individual or organized dissatisfaction may spend their strength for a century to come in beating at the doors of Congress and the State Legislatures, without ruffling the serenity of the powers that be, so long as these know that there is no union of popular desire for any particular reform. But a concentration of all these separate efforts, with the one purpose of forcing the State Legislatures to demand a Federal Convention from Congress, would wear a very different aspect, both to the powers that be and to the people behind them. If there really are, as we believe there are, evils that demand correction, the struggle would be a brief one. The first election after a refusal would bring the Legislatures to a surrender at discretion.

It is not difficult to see the advantages with which a Federal

Convention would approach our present difficulties. It would be a body entirely freed from the embarrassments or excuses of other work, and constituted for the special purpose of considering the imperfections of governmental machinery, eliminating small evils and unavailable remedies, and settling finally upon the serious evils and their appropriate modes of relief. It can, in this respect, do easily and well a work to which every other agent is incompetent.

Nor is it any more difficult to see with what weight the recommendations of such a body would come to the State Legislatures or conventions. They would have passed from the domain of "theory" to that of "practical politics," and it would be simply political suicide for a legislator to undertake to ignore them altogether. Whether ratified or rejected, they would at least compel that immediate attention which will never be given by Congress or by the State Legislatures to the most earnest efforts of scattered organizations or of individual citizens, without unity of purpose or concert of action. The Federal Convention is the nation's proper mouthpiece for its recommendations to the States.

It is in the highest degree improbable that the amendments proposed by such a Convention would be radical. Radical changes are not needed. The Constitution, in its true intent, suits and fits the people as well to-day as in 1787. The Convention's work would be mainly to clean the wheels, and its propositions would rather be declarative of the Constitution's true intent than remedial of its defects. Above all, the changes which the Convention might propose must be such as could successfully pass the ordeal of ratification by three fourths of the States; and this alone would be a sufficient guaranty of safety. There are, however, some changes which the material advancement of the country would bring prominently before a Federal Convention for consideration; and it seems advisable to suggest some of them here, as at least a *raison d'être* for the Convention itself.

(1) Congress has thrown the electoral system completely out of gear. It has asserted a *hiatus* of its own invention; it has claimed that, as no authority was given to any one to count the electoral votes, it had at least as good a right to do so as any



other agent; and then, by transforming "count" into "canvass," it has assumed to itself a control over the whole electoral system which was first suggested in 1817 only to be rejected, was established in 1821, and has grown more dangerous the more it has been exercised. The "electoral count" has been for sixty years an utterly lawless count, subject only to the partisan will of whatever party controls Congress, or to chance, if Congress be divided. Even the Hoar bill (or Edmunds bill) retains to Congress, in certain cases, this vicious power to "canvass," to which Congress has no more constitutional right than has the Chamber of Commerce of New York City. If the intent of the Constitution is to be followed, Congress should be compelled in plain terms to give up its asserted power to canvass the electoral votes, leave the choice of electors to the States, and pass only general, not special, laws to govern the final canvass of the votes by the President of the Senate. The Constitution meant to concentrate responsibility, not to divide it.

(2) Congress might be restricted to some extent in the matter of special legislation. No one can examine the Statutes at Large, from 1874 until 1881, as recently collected, without asking himself: "Is it for this that the country has paid nearly \$2,000,000 a year in Congressional salaries alone, in addition to mileage, 'stationery,' and the pay of a strong battalion of clerks, stenographers, and other employees?" In the whole mass of these eight years' legislation, there is but a corporal's guard of statutes of national importance, outside of the appropriations and the acts for the government of the Territories; and even these latter are packed with clauses interesting only to individual Congressmen and a very few of their constituents. There are experienced parliamentarians in each House, and in each party, who could undoubtedly suggest some remedy for this evil which would not take away the powers of special legislation which Congress must exercise in many cases. One remedy, an enlargement of the veto power, will be suggested next.

(3) The introduction of "riders," or foreign clauses unconnected with the general purpose of a bill, was never contemplated by the Convention of 1787, or by the Constitution, as necessary to be guarded against. The manœuvre, called in

Great Britain by the name of "tacking," had been altogether abandoned in that country since the Revolution of 1688. In 1702 the House of Lords formally condemned it as "unparliamentary and tending to the destruction of the constitution of this government." In 1704 the Tory majority in the House of Commons undertook to "tack" a bill against conformity to a money bill. The majority broke, and the attempt failed; and of the 134 members who voted for it, nearly half were thrown out at the next election. This lesson was sufficient to put an end even to attempts at "tacking" in Great Britain. When the United States entered upon existence, the practice was so unfamiliar that only one State (Maryland) thought it necessary to guard against it in the State constitutions. In course of time it was again introduced as a weapon of party warfare, both in Congress and in the Legislatures; but even in 1855, when an effort was made to decrease the tariff by a "rider" on the civil and diplomatic appropriation, it was denounced as an "unprecedented" attempt to coerce the Senate. It certainly was not unprecedented, even then; but it had never been an instrument of such common recourse as it was destined to become thereafter.

The conditions of the Civil War period—a homogeneous majority in both Houses of Congress, profoundly in earnest, and oppressed by a necessarily enormous mass of legislative work—almost destroyed the moral consciousness of the essential iniquity of these "riders." Time was even more than money; and economy of time often seemed to demand the union of several distinct measures into one bill. When a two-thirds majority in Congress was called upon to do battle with the President, during the Reconstruction period, the rider was a weapon too conveniently at hand to be neglected. The words "and for other purposes" in the titles of bills became a cover for the most extraordinary conjunctions, the climax being reached in 1867, when a rider to the army appropriation bill actually deprived the President of his constitutional functions as commander-in-chief. Twelve years afterward the opposite party attempted to use the same means to compel the President to refrain from executing an unrepealed law. These two cases may serve as shining examples of a practice which has been familiar not only to every party which has controlled Con-

gress since 1860, but to every clique of the party, and sometimes to energetic and influential individuals.

The practice of course falls most heavily on the appropriation bills, for the President must sign or veto a bill as a whole, and a veto of an appropriation bill, entailing the possible stoppage of part or all of the governmental machinery, is a most serious affair. It is impossible to say how many times in the last thirty years items of barefaced rascality, which have been smuggled into a bill in the hurry of the last hours of Congress, have received the unwilling signature of the President in order to save the appropriations and avoid a special session; but the number must have been very considerable. There is a further danger which was partially thrust upon public consideration in 1879. If a majority in one or both Houses is to refuse appropriations unless the President signs a rider, it must be remembered that the President has also the constitutional power to summon Congress together in special session again and again until one side or the other is wearied out, unless impeachment and conviction or open revolution intervene. A party weapon which makes such tactics even possible is hostile to constitutional government, and only fit to be abolished by organic law.

The remedy is simple. It is only necessary to so enlarge the veto power as to enable the President to veto single clauses of an appropriation bill, while approving the remainder. The following provision from the Confederate States' Constitution may serve as an example of the manner: "The President may approve any appropriation and disapprove any other appropriation in the same bill. In such case he shall, in signing the bill, designate the appropriations disapproved, and shall return a copy of such appropriations, with his objections, to the House in which the bill shall have originated; and the same proceedings shall then be had as in case of other bills disapproved by the President." The principle of this remedy has since been introduced into the State constitutions of Alabama, Arkansas, California, Colorado, Florida, Georgia, Louisiana, Missouri, Nebraska, New Jersey, New York, Pennsylvania, Texas, and West Virginia. President Arthur took occasion to recommend it to the attention of Congress in his Message of last December; and Congress gave no more attention to it than if he had made no

such recommendation. It seems equally difficult to suggest any valid argument against it, or any hopeful means of obtaining it, except through a second Federal Convention.

(4) The principles of the Pendleton Act, in relation to the civil service, should be so placed in the Constitution as to secure all political parties from temptation, and all future Presidents from pressure.

(5) There is strong reason for giving to Congress the power to legislate, always by general laws, on the subjects of marriage and divorce. Exclusive jurisdiction over them is now reserved to the State Legislature; and our marriage and divorce laws have come to be, like other sin, a reproach to any people. The laxity of the bonds of marriage is working secretly, but surely, upon our family life; and sooner or later the effects must extend to our national life, if they have not already done so. Even from the standpoint of the individual, prompt and effective national interposition has come to be imperatively demanded. Every lawyer knows that there are thousands of ignorant women to whom the diversity of State marriage and divorce laws has done grievous wrong; that there are thousands of couples in the various States who believe themselves to be married, but are not married by human law; and that, as to thousands of others, it is difficult and practically impossible to tell whether they are married or not, and whether their issue is really legitimate. In many of the States it is positively unsafe for a new-comer, male or female, to be either married or unmarried; and the general results of this relegation of these subjects to the State Legislatures are such as no Christian man or woman can contemplate without shame.

In such a grant of power to Congress lies also the easy solution of the Mormon problem, for the difficulty in that case lies not so much in the present government of Utah as a Territory, but in the coming pressure for its admission as a State. Once admit it as a State (and the necessity for this step is yearly growing more pressing), and its State Legislature at once becomes omnipotent over the subject of marriage. The recently proposed Amendment simply prohibiting polygamy might prove a delusion, no matter what powers "to enforce this Article by appropriate legislation" were given to Congress;

so long as the State of Utah should pass no laws to formally permit or encourage polygamy, the Supreme Court might feel forced to emasculate the Amendment, as it has lately done with the XIVth and XVth Amendments. But if the proposed grant to Congress of power over marriage and divorce be made, if a record of conviction for bigamy in a Federal court becomes a bar to the holding of office as governor, legislator, or elector, it would be safer to govern Utah as a State than as a Territory, and political necessity would soon evolve a new monogamous revelation.

These five suggestions are only advanced as offering some justification for the proposal of a second Federal Convention. Of course they are not the only ones, and will seem to many by no means the most important ones that would be brought to the consideration of such a Convention. Indeed, that body would become a sort of funnel, into which would be poured the whole stream of the country's dissatisfaction; but, fortunately, the further necessity of ratification by three fourths of the States would also act as a filter, and would make it difficult for any alteration to pass the ordeal of the Convention unless greatly commended by its evident advisability. On the other hand, if any proposed alteration cannot pass the ordeal of the Convention, it must become evident to its most determined supporters either that it is defective in substance or that the country is not ready for it, and that in either case its present adoption would have had far less chance of success by the ordinary process of amendment. From any point of view it seems difficult to suggest a safer, surer, or easier method of dealing with our petty, irritating, and possibly dangerous national difficulties than this strictly constitutional method of a second Federal Convention.

No one can study the Constitution, its history and its workings, without being impressed by the keenness of judgment shown by its framers in their provision for the unknowable. It has risen superior to the disturbing influences of steam, electricity, and democracy, which have radically altered every other form of government; and it well deserves Gladstone's characterization of it as "the most wonderful work ever struck off at a given time by the brain and purpose of man." But

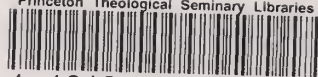


perpetual motion is an impossibility; and it is certainly asking too much, even of a machine so nearly perfect, if we expect it to run for a century with undiminished smoothness. Some of its wheels are certainly clogged and crusted by the dust of so many years. To what agency can the work of cleaning and restoring them be more appropriately committed than to the same agency which formed them, the Federal Convention? And what year could be more appropriate for the meeting of a second Federal Convention than the rapidly approaching year 1887, the hundredth year from the meeting of the first Federal Convention? Fortunate will the country be if our descendants shall be able to live out another century of national life before feeling compelled to call upon the same agency for a similar service.

ALEXANDER JOHNSTON.



Princeton Theological Seminary Libraries



1 1012 01446 0580

**For use in Library only**

For use in Library only

