

The Open Court

A MONTHLY MAGAZINE

Devoted to the Science of Religion, the Religion of Science, and the
Extension of the Religious Parliament Idea

Founded by EDWARD C. HEGELER

VOL. XXXII (No. 7)

JULY, 1918

NO. 746

CONTENTS:

	PAGE
<i>Frontispiece. The Taking of the Bastille.</i>	
<i>A Sound Constitution.</i> ROLAND HUGINS	385
<i>The Gloom and Glory of Russian Literature.</i> M. J. RUDWIN	390
<i>Labyrinths and the Pitcher of Tragliatella.</i> PAUL CARUS	407
<i>Modern Criticism and the Resurrection.</i> F. R. WHITZEL	425
<i>The Cycle of Law.</i> HOMER HOYT	435
<i>"Are You Going Back to Jerusalem?"</i> C. C. COHAN	441
<i>Our Frontispiece</i>	448

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CHICAGO

Per copy, 10 cents (sixpence). Yearly, \$1.00 (in the U.P.U., 5s. 6d.).

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THE GOSPEL OF BUDDHA

By

DR. PAUL CARUS

Pocket Edition. Illustrated. Cloth, \$1.00; flexible leather, \$1.50

This edition is a photographic reproduction of the *edition de luxe* which was printed in Leipsic in 1913 and ready for shipment in time to be caught by the embargo Great Britain put on all articles exported from Germany. Luckily two copies of the above edition escaped, and these were used to make the photographic reproduction of this latest edition. While the Buddhist Bible could not in any way be considered a contraband of war yet the publishers were forced to hold back many hundred orders for the book on account of orders in council of Great Britain.

When the book was first published His Majesty, the King of Siam, sent the following communication through his private secretary:

"Dear Sir: I am commanded by His Most Gracious Majesty, the King of Siam, to acknowledge, with many thanks, the receipt of your letter and the book, *The Gospel of Buddha*, which he esteems very much; and he expresses his sincerest thanks for the very hard and difficult task of compilation you have considerately undertaken in the interest of our religion. I avail myself of this favorable opportunity to wish the book every success."

His Royal Highness, Prince Chandradat Chudhadharn, official delegate of Siamese Buddhism to the Chicago Parliament of Religions, writes:

"As regards the contents of the book, and as far as I could see, it is one of the best Buddhist Scriptures ever published. Those who wish to know the life of Buddha and the spirit of his Dharma may be recommended to read this work which is so ably edited that it comprises almost all knowledge of Buddhism itself."

The book has been introduced as a reader in private Buddhist schools of Ceylon. Mrs. Marie H. Higgins, Principal of the Musaeus School and Orphanage for Buddhist Girls, Cinnamon Gardens, Ceylon, writes as follows:

"It is the best work I have read on Buddhism. This opinion is endorsed by all who read it here. I propose to make it a text-book of study for my girls."

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122 S. MICHIGAN AVENUE

CHICAGO

ILLINOIS





THE TAKING OF THE BASTILLE,
July 14, 1789.

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A SOUND CONSTITUTION.

BY ROLAND HUGINS.

I.

WHEN the fathers, in their wisdom, met to endow the new Union with a set of institutions, their task was to create a government. They were thinking chiefly of political forms, political rights. And they wrote a political Constitution. They would be astonished, were they here to-day, to find so much economic significance read into their work. In the eighteenth century it was the fashion to talk government. In the early twentieth it is the fashion to talk economics. The associates of Washington, Hamilton and Jefferson thought little about industrial democracy, one way or another. They did not debate at length over problems of property, wealth and commerce, shoes and ships. They were preoccupied with questions of sovereignty, and with the rights of man.

When one reads the Constitution of the United States he sees unfolding before him a carefully planned political structure. It builds the House of Representatives, the Senate, the Executive, the Judiciary; it defines their duties and powers, and fits them together. It rears a neatly jointed Federation on the foundation of the States. The outlines are sharp and definite, the plan substantial and solid. A representative republic takes shape, unified in principle, complete in detail. This political structure has, down to the present day, remained very largely unaltered.

The fact that the Constitution is a product of the eighteenth century is a reason for esteeming it, detractors notwithstanding. The eighteenth century brought forth the French Revolution and the American Commonwealth. Out of the idealism of the eighteenth century grew the liberalism of the nineteenth. And it was the nineteenth century, in spiritual weariness, that made the attempt to throttle liberalism.

II.

For the last decade or two the Constitution has been under intermittent bombardment as a bulwark of property rights. Critics have seen a causal connection between the provisions of our fundamental law and the inequalities of American life. From this document they have derived exploitation of labor and concentration of wealth. These critics have not been irresponsible agitators. For example, Arthur T. Hadley asserted that, "the constitutional position of the property owner in the United States has been stronger than in any country in Europe."

When these critics come to elaborate their case they lay great stress, of necessity, on the decisions of the courts. Their line of logic runs in general as follows. The Constitution forbids any State to pass laws that impair the obligation of contracts. In the Dartmouth College case of 1819 the court held that a charter is a contract. Hence a legislature has no power to revoke the privileges and immunities granted to a corporation, even though granted in perpetuity. The Fourteenth Amendment declares that no State shall deny to any person within its jurisdiction the equal protection of the laws. By legal definition a corporation is a person. In 1882 the Southern Pacific Railroad, in California, took the position that a State cannot tax individuals (persons) at a different or lower rate than corporations (also persons). The courts sustained this view. Entrenched behind these decisions and interpretations, vested interests were indeed strongly fortified.

Such are the facts. But what do they prove? They prove very little concerning the intent of the founders. American courts have been very solicitous of the rights of small property holders. In this they have but reflected popular sentiment and philosophy. That large property holders should have profited more than any one else is a logical, although to a large degree a fortuitous and unforeseen result.

One cannot but be impressed by the slimmness of the Constitutional stalk from which all our property privileges have bloomed. Out of all the hundreds of affirmations and prohibitions in the Constitution and its Amendments, only a tiny number have a capitalistic color. They are quickly quoted:

"No State shall...pass any... law impairing the obligation of contracts." Article I, Section 10.

"No person shall...be deprived of life, liberty, or property,

without due process of law; nor shall private property be taken for public use, without just compensation." Fifth Amendment.

"...nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." Fourteenth Amendment.

That is the sum of the plutocratic bias in the Constitution. And obviously these provisions were not written for the benefit of millionaires. If these few provisions were stricken out or amended, and if the elaborate superstructure that the courts have reared upon them were leveled, the property owner would stand quite defenseless before any legislature bent on his expropriation.

Indeed, it is not an exaggeration to state that the Constitution, with very small alterations, could be made to serve the purposes of a socialistic régime. Suppose that within the next fifty years ultra-radical ideas supplanted the present conservative beliefs of our people. Imagine that the radicals captured Congress, the Presidency, and the bulk of the States. What would stand in their way? What would bar them from putting their program into effect? The Constitution could be amended, or reinterpreted. Could the Supreme Court uphold the hands of privilege? Could it override statute law? The Supreme Court is powerless against the President and the Congress. In the first place Congress can, under the Constitution, direct that the decision of a lower court shall be final, except in a few restricted cases, both as to law and fact. In the second place the size of the Supreme Court is not fixed. Additional judgeships can be created. Just as the British House of Commons can, at any time, swamp a recalcitrant House of Lords by the creation of new peers, so the American Congress and Prēsidēt can swamp a reactionary Supreme Court by the appointment of new Justices.

I am not saying that it would be desirable to establish a Socialistic commonwealth in America. I am only saying that the Constitution is flexible enough to permit the establishment of such a commonwealth without political revolution.

III.

Our diverting friends, the Bolsheviki, appear to have a distaste for any sort of political institutions. What is the need, they ask, for a government—between friends? They have a deep suspicion of the state and all its works, as being intrinsically predatory. In this they follow the syndicalists, who are opposed in principle to all political action. They deem a simple guild government, like the

Soviets of Workmen's and Soldiers' Delegates, quite sufficient to carry out the purposes of a revolutionary proletariat.

One school of Continental political philosophers has maintained that the state is primarily an organization for the exploitation of wage-earners. Its essence is the enforcement of tribute to property. The Russian radicals apparently have embraced this philosophy. They regard government in itself as an evil thing. Dr. Johnson said, in the eighteenth century,—“I would not give a half a guinea to live under one form of government rather than another; it is of no moment to the happiness of the individual.” The Bolsheviki go further. They are not merely indifferent to governments; they reject them all. Democracy, they contend, must be economic in essence. Democracy will be evidenced by an equitable distribution of income, not by popular elections or by the supremacy of parliaments. Once achieve genuine industrial democracy, and political forms can be left to take care of themselves.

I should not care to debate with a Bolsheviki on the nature of democracy. He might have the right of the argument; and then again, undoubtedly I could not convince him if he were wrong! But I am certain that these Russian radicals, intelligent men though they are, will make a profound error in despising political institutions and political strategy. No matter what their economic program, they must necessarily use governmental means to put it into effect. And these means must be adequate. Furthermore political institutions alone give stability to a society. If the Bolsheviki want their régime to last half a generation they cannot afford to neglect devices for perpetuating their power. Revolutionary ardor will die down. Some sort of order will be established, for no civilization is possible without order. And in any orderly society power has a curious way of slipping from the hands of radicals into the hands of conservatives.

At present the Russian reformers are absorbed, quite naturally, in questions of predial distribution, ownership of natural resources, and industrial organization. But they will do well if they remember, a little later, that a profitable study may be made of such matters as proportional representation, the recall and referendum, the relation of the executive to the legislature, and budget making.

IV.

Our form of government may be termed representative republicanism. The Constitution prescribes exactly how this government shall function. Although economically the Constitution allows a

wide range of variation, politically it is rigid. What powers shall be exercised, how these powers shall be divided among the different officials, and in what manner and degree these officials are held responsible to the electorate,—all these and similar matters are definitely decreed. The absorption of students in the economic corollaries of the Constitution has diverted attention from its basic principles. For it is upon the political side that the Constitution is legitimately open to praise or blame.

The Constitution is fundamentally sound. It has stood the test for a century and a quarter. But it is not perfect. It has disclosed defects.

May I suggest the direction that constructive criticism is likely to take? John Stuart Mill, who hit the center of so many social truths, has given us an excellent formula for the measure of governmental institutions. He said:

“We have from the first affirmed, and unvaryingly kept in view, the co-equal importance of two great requisites of government: responsibility to those for whose benefit political power ought to be, and always professes to be, employed; and jointly therewith to obtain, in the greatest measure possible, for the function of government the benefits of superior intellect, trained by long meditation and practical discipline to that special task.”

To apply this formula in detail to the Constitution would be an undertaking too large for the limits of a single article. Undoubtedly the Constitution would stand the analysis well; for the principles of American government are wrought of verities. On the other hand it would be possible to make changes in our institutions which would bring them into closer alignment with the “great requisites of government.” The first of these is responsibility to the people. Would it not be advisable to provide machinery for a general election of Congressmen, or for a referendum, on great public questions? The people, as matters now stand, seldom, if ever, have an opportunity to record an opinion on definite and clear-cut issues.

The second requisite is, according to Mill, the recruitment of superior intellect. Would it not be wise to allow candidates for the House of Representatives and for the Senate to choose the constituencies for which they would stand? In England and on the Continent of Europe aspirants to national legislatures may seek popular support wherever they deem their chances of election best. This arrangement smoothes the path of able young men who endeavor to enter public life, and also insures unbroken tenure of

position to men of proven worth. In the United States candidates are restricted, by Constitutional provision, to local constituencies. In consequence the quality of our leadership suffers.

Politically it is a great Constitution, one of which we are rightly proud. It might, however, easily be improved—were the world any longer interested in politics.

THE GLOOM AND GLORY OF RUSSIAN LITERATURE.¹

BY MAXIMILIAN J. RUDWIN.

Russian Literature the Lady of Sorrows of Holy Russia.

“**A**BANDON all hope, ye who enter here.” These fateful words of Dante might well be inscribed on the fly-leaf of every Russian book. The foreign reader of Russian literature walks in the Valley of Shadow. He is overwhelmed by a wealth of woe. He is steeped in gloom.

The Tragedy of Russian Life.

Russian literature is a faithful record of the history of Russia. In her literature, hapless and helpless, Russia has recorded her grief and sorrow. In her song and story she has uttered her heaven-rending cry of anguish. Russia's fiction is the direct outcome of the sufferings of her people. The misfortunes of Russia are darker and deeper, her shrieks of agony are louder and longer than those of any other country. Her literature is sadder and gloomier than that of any land. It is the literature of a country which is always “complaining and sighing and wailing.” If the joys of Russia are bitterly ignored in her literature, it is because in truth they cannot be said to exist. The humorous details in Russian literature often hide a most tragical background, which all of a sudden breaks

¹ In this essay pre-revolutionary literature only will be considered. With the overthrow of the czaristic régime, the literature of Russia enters upon a new phase. It is impossible to overestimate the effect which the Russian revolution will have upon Russian literature. Russian literature under the old régime was but an incomplete reflex of the life and character of the country. It was a fragment. It was but that part of the whole which succeeded in escaping governmental authority. It was circulated for the most part in manuscript form just as if Johann Gutenberg had never lived. It was born in prison and was but the echo of the sighs which were heaved in gloomy dungeons. The Russian revolution opened the gates of prison for Russian literature as well as for its makers. A literature finally set free will gradually wipe out the traits which it acquired in the house of bondage. It will in the course of time rid itself of its grief and gloom. It is to be hoped that it will not lose its glory.

through. Russian literature is indeed a faithful reflex of the life and character of the land and the people. When Gógol read to Púshkin the manuscript of his novel *Dead Souls*, Púshkin exclaimed: "My God, how sad our Russia is!" In speaking later of this novel to others, Púshkin added: "Gógol invents nothing; it is the simple truth." Nor did any of the later novelists, following in the footsteps of their master, invent anything. They told the simple truth, the terrible truth about the fate of their country, and about their own fates.

The Tragedy of Russian Literature.

The same adverse fate which has brooded over Russia has in a like manner inexorably pursued her writers. In the writers of Russia are mirrored the life and character of their country. They on their part reflect in their works their own sad lives. In the creations of their imagination they reproduce their own sufferings, griefs and fears. With many a Russian author it is as though he had dipped his pen in his own blood. *Le malheur d'être poète* is not wholly a Russian trait. Sappho and Tasso are classical examples of the tragic fate of a poet. In all lands have the writers drunk of life's cup of bitterness, have they been bruised by life's sharp corners and torn by life's pointed thorns. Chill penury, public neglect, and ill health have been the lot of many an author in countries other than Russia. But in the land of the Czars men of letters had to face problems and perils which were peculiarly their own, and which have not been duplicated in any other country on the globe. It was a great misfortune in Russia to possess a talent. "The devil," cried Púshkin in despair, "has caused me to be born in this country with a talent and a heart." The literary career was especially filled with danger in Russia. Every man of letters was under suspicion. The government of Russia treated every author as its natural enemy, and made him frequently feel the weight of its heavy hand. The wreath of laurels on the brow of almost every poet was turned by the tyrants of his country into a crown of thorns.

Social Discontent in Russian Literature.

The hatred of the rulers of Russia against writers had its good reason. They saw in them their literary chastisers. Russian authors were enthusiastic supporters of the dream of social justice. They were, indeed, fighters for liberty on a battlefield where the pen was a sword. Russian literature in the last century was actuated more than any other by a powerful social instinct. It reflects more than

any other the main tendencies of the social and political movements of the day. In Russia more than in any other country, literature was a vehicle for social ideas. A country without free speech and free press must needs turn to literature for the discussion of its social and political problems. In its literature at first did it try to solve in an ideal way the problems which it hoped would some day be solved in reality. A novel, a story, a poem, an essay on literature, when reading between the lines was not neglected, was a political manifesto. The Russian expected to see in the work of every writer of note a new program of social and political reform. He was accustomed to regard a good writer as a prophet. The best of the Russian authors became indeed the guides of their people. They were not only writers, but apostles and martyrs, who in the cause of Holy Russia faced imprisonment, exile and death.

Oppression and persecution bred demigods. "The madness and pride to starve and to die will never be wanting me," writes Bêlinsky not merely of himself, for it was true of any of the best Russian men of letters. Their history is, indeed, a catalog of tragedies. It is hard to mention a single great writer in Russia, who was not condemned to death, or sent as a convict prisoner to the mines of Siberia, or put as a conscript into a disciplinary battalion, or was not exiled to remote provinces, or interned on his estate, or silenced by the censor. Of all the men of letters of the world, those of Russia can surely boast of the greatest number of martyrs. Alexander Herzen calculated that during the reign of Nicholas I, the most typical and the most determined adversary of the freedom of the press that Europe has ever seen, within a period of thirty years, the three most illustrious Russian poets were either assassinated or killed in duel, three lesser ones died in exile, two became insane, two died of want, and one by the hand of the executioner. The writers who saved their lives by flight to foreign countries pined away with homesickness and loneliness in their voluntary exile. Turgénev, for instance, declared that in a strange land a man lived isolated, without any real props or profound relation to anything whatsoever. These Russian exiles used to say, in bitter irony, that they could see their country, the object of their study and love, better from a distance. In foreign lands such an unfortunate did not feel at least the torments of being a burning dreamer in a land of eternal snow. Herzen, the creator of a public sentiment in Russia from his refuge in London, could well say to his countrymen: "Here in a foreign land I am your uncensored speech, your free voice." But it was the voice of a preacher in the wilderness. Herzen lived in

London a stranger. In the British metropolis he felt, before he was joined by Bakúnin and other countrymen, as isolated as he had been in exile in Russia. Russian fugitives felt their exile more keenly than their German or French comrades. Those who had to flee from Germany or France for their political views found a congenial atmosphere in Switzerland or Belgium. But there was no free Slavonic country which could offer the Russian exiles a pleasant asylum, one in which they would not feel totally strange ground under their feet.

Many a Russian writer, who did not seek safety in flight, smothered his inspiration, or broke his pen in despair before his time, or sought to forget his disappointment in drink, or lost his mind, or took his own life! Attempts at suicide were very common among the younger generation of Russian writers. If they did not end their lives themselves, consumption as a result of privations and overwork, or *delirium tremens* as a consequence of the drink habit, or insanity, which developed from melancholia, a disease so common among Russian authors, lay in wait for them. Many Russian writers died just when or even before they had reached the full development of their talents. The knell of every ambition sounded for them just when the first rays of glory touched the long despised brow. "Whom the gods love die young." They preserved by this means many a Russian writer from a worse fate. Death saved Púshkin, Gógol, Nádson, and Chékhov from insanity, and death saved Bêlinsky from prison. The cause of early death of such a great number of Russian authors lay not wholly in the stark misery of their youth, although many authors of plebeian descent had to acquire an education under the most terrible privations. The brief span of life allotted to these Russians is chiefly due to the sudden transition from an uncultured state to strenuous mental activity. "It is but natural," says Brückner, "that a generation so suddenly brought into contact with an ocean of new ideas should turn giddy on the edge of the abyss and lose its balance."²

The Apostles and Martyrs of Russian Literature.

It would fill volumes to record the martyrdom of Russia's men of letters. The lives of the better known among them, considering but the last two centuries, will show the manner in which Russia stoned her prophets.³

² A. Brückner, *A Literary History of Russia*, p. 528.

³ This survey of the lives of the Russian authors starts with the reign of Peter I who gave a new turn to Russian literature by bringing it in contact with the literature and learning of Western Europe. Literature proper, how-

Iván Pososhkóv (1670-1726), an economist and self-taught writer, author of *The Book of Poverty and Wealth*, was the first of them to be thrown into the fortress of SS. Peter and Paul. He thus consecrated this mausoleum for living Russian authors.

Vasíli Tretiakóvsky (1707-1769), was paid for his endeavors to reform Russian versification with poverty and persecution.

Mikháil Lomonósov (1711-1765), who laid the foundations for a Russian grammar, suffered from political persecution and the hostility of his colleagues. He gave the first impulse to the liberation of Russian intellectual life from German domination. But as he himself owed all his knowledge to German schools (Marburg and Freiburg), he was not a fit person to undertake this task.

Alekséi Sumarókov (1718-1777), the first writer of *belles lettres* in Russia and the founder of the Russian national stage, was rewarded for his great services with poverty and public neglect.

Vasíli Máikov (1728-1778), the Russian Scarron, was cast into the gloomy dungeons of the fortress.

Gabriel Derzhávin (1743-1816), the poet laureate of Catherine, was accused in his old age of Jacobinism for having translated into verse one of the psalms of David.

Nikolái Nóvikov (1744-1818), the first Russian philosopher, was sentenced to death. The death-sentence, however, was afterward commuted to fifteen years in the fortress.

Aleksánder Radíshchev (1749-1802), a political writer, the foe of slavery, as Púshkin called him, tasted prison and exile, his death-

ever, interested this monarch very little. He looked upon all printed matter as a mere vehicle for the importation of practical sciences to his half civilized country from abroad. Russia's national literature begins with Lomonósov, who has justly been called the Peter the Great of Russian letters. As far as of interest to the western world, Russian literature begins with Púshkin.

The Biographic Dictionary of Russian Writers by S. Vengérov has not been accessible to the writer. The biographical details presented in this paper have been gathered from various books on Russian literature in the English language. To harmonize the conflicting records of the lives of Russian authors as presented in our literary histories was almost as difficult as to attempt a harmony of the Gospels. The writer's own knowledge of men and affairs in Russia has been of great help to him in the preparation of this paper. It was not always easy to ascertain the correct dates of the birth and death of each author mentioned. Some of the Russian men of letters probably did not know themselves in what year they were born. Of the living authors Górký, for instance, is not sure whether he was born in 1868 or in 1869. The Russian does not think of his age as a matter of great importance. He does not observe his birthday, as he does not consider his birth a piece of great luck.

Pains have been taken to present a uniform transliteration of Russian names. It is highly desirable that a stop be put to the Babel in the English rendition of Russian words. English writers on Russia should agree on a standardized transliteration. In all names the vowels *a, e, i, o, u* have to be pronounced as in *father, then, in, on, push*, and the consonants *ch, g, zh* as in *church, go, azure*.

sentence having magnanimously been commuted to ten years of Siberian exile. When his superior in office jokingly asked him one day if he longed for the Siberian landscape, he lost his mind and poisoned himself. Radishchev's *Ode to Liberty* is the fore-runner of all the poems of liberty of the Decembrist group.⁴

Aleksándr Lábzin (1766-1825), a Christian mystic, died in exile.

Nikolái Karamzín (1766-1826), a novelist and the first Russian historian who can properly claim the title, lost through the persecutions he had to suffer all zeal and love for literature and turned wholly to history.

Iván Kozlów (1774-1838), paralyzed and blind,—the poet of calm resignation.

Vasíli Zhukóvsky (1783-1852), the Columbus of Russian romanticism, spent the last twelve years of his life in voluntary exile and ended like Gógol as an ascetic mystic.

Kondráti Batúshkóv (1787-1855), a poet, ended in insanity. His verses on Tasso are almost an autobiography. He dragged on for thirty-three years the miserable existence of a man hopelessly a maniac.

Piótr Chaadáev (1793-1855), a philosopher, one of the most original and brilliant thinkers of Russia, was declared to be a maniac by the czar and was turned over to the care of an alienist. When he was finally freed from the strait-jacket, he fled to Paris.

Kondráti Ryléev (1795-1826), the citizen-poet, as his countrymen called him, was one of the five Decembrists who were hanged by Nicholas I.

Aleksándr Griboédov (1795-1829) author of the comedy *Wit Comes to Grief* and also a Decembrist, was assassinated by a mob in Persia. His short life was moreover embittered by prison and banishment. In his exile he fortunately tided over the December revolt.

Aleksándr Bestúzhev (1797-1837), a prose writer and also one of the Decembrists, was killed in the Caucasus, where he had been sent as a conscript soldier, after having served his term of forced labor in the Siberian mines. He was so cut to pieces by Circassian sabres in an engagement with the mountaineers that his body could not be found.

⁴ The Decembrists or "Dekabrists" are the members of the Northern Society who openly revolted on the 26th of December 1825, when Nicholas I came to the throne. From this event dates the revolutionary movement in Russia. For a short account of the Decembrist uprising see Peter Krapótkin, *Russian Literature*, pp. 34-36.

Baron Anton Delwig (1798-1831), a poet and a personal friend of Púshkin, died of consumption.

Aleksánder Púshkin (1799-1839), the father of modern Russian literature and the greatest of Russian poets, was killed in a duel which was the result of a drawing-room conspiracy. He died, as Lérmontov expressed it, "a victim of honor." Of the few years of his literary activity six were spent in exile from the capital for his liberal views. His banishment, however, was a great blessing to him as it was to Griboédov. He would have shared the tragic fate of his friends if he had been in St. Petersburg during the December uprising.

Mikháil Venevítinov (1800-1822), a great poet and a pessimist, died of a broken heart and melancholia in his twenty-second year, his end hastened by insults and outrages.

Prince Evgéni Baratínsky (1800-1844), the most gifted of the Russian romantic poets, the earliest and most brilliant of Russian pessimistic bards, died of melancholia, after having spent twelve years in exile in Finland.

Prince Aleksánder Odoévsky (1803-1839), a poet and a friend of the Decembrists, met with an early death in the Caucasus, where he had been sent as a conscript soldier, after having suffered in the dungeons of the fortress of SS. Peter and Paul in the capital and in the convict prison in Siberia.

Nikolái Yasíkov (1803-1846), a poet, also died young, worn out from continual illness.

Nikolái Polezháev (1806-1838), a poet, died in the military hospital in Moscow of consumption and drink, to which he had fallen a prey during the eight years of forced military service in Caucasia.

Piótr Kircévsky (1808-1856), a philosophical writer, suffered exile.

Alekséi Koltsóv (1809-1842), Russia's greatest folk-poet, the Russian Burns, died of consumption at a very early age, worn out in body and mind, killed by hard work and sorrow. He was more unhappy than the Ayrshire poet, with whom he has also this point in common that his poetic vocation, too, sprang from a thwarted love, for he never married his Jean Armour.

Nikolái Gógol (1809-1852), the first master of Russian fiction, spent the last ten years of his short life in mental darkness, his brain becoming diseased with religious superstition. In fits of rage and despair he twice flung the second and third parts of his novel *Dead Souls* into the fire. His was an inspired insanity. He finally

died of what may indeed be called religious *delirium tremens*. He was found one morning lifeless before an icon which hung at the head of his bed, and before which he had often spent his nights in prayer.⁵

Vissarion Bêlinsky (1810-1848), the famous literary critic of Russia, who was called by some the Russian Lessing and by others the Russian Marat, was carried off by consumption in the midst of his impassioned literary fight with the official world and the official literature of Russia. But he did not die too soon. A pleasant cell had already been reserved for him in the fortress of SS. Peter and Paul. A merciful death rescued the unhappy man from this imperial "advancement."

Aleksándr Herzen (1812-1870), a political writer, called the Russian Voltaire, the very incarnation of the aspirations and agitations of the year "forty-eight," fled abroad after six years of imprisonment and exile in order to avoid a worse fate. Many sufferings embittered his short life. He was stigmatized an illegitimate child because his father, a Russian nobleman Ivan Yakóvlev, who married in Germany the daughter of a Stuttgart merchant, did not legalize his marriage in Russia.⁶ Both his mother and his son were drowned in a shipwreck,⁷ and his wife—his cousin Natasha—with whom he had eloped while still in exile in Russia, left him for a while for Georg Herwegh, the German political poet and revolutionist.⁸

Ivan Goncharóv (1812-1891), author of the famous novel *Oblómov*, took an involuntary trip to Siberia.

Nikolái Ogarev (1813-1877), the intimate friend of Herzen, while attending the University of Moscow was arrested for singing revolutionary songs and was banished to his father's estate. He later fled abroad and spent the rest of his life in exile.

Mikháil Lérmontov (1814-1841), the most fascinating personality among all Russian poets, died before he had even reached the

⁵ Recent writers claim to know that Gógol died of typhoid fever, which, with his chronic infirmities, was a fatal complication.

⁶ According to other writers, no marriage ceremony ever took place between his parents. As a natural son Alexander did not feel justified in taking the name of his father. Nor did he wish to assume his mother's name Haag. But as a token of love for her he chose the first half of the pet name by which she used to call him—*Herzenskind*, "child of my heart."

⁷ According to other biographers, two of his children were drowned with his mother in a shipwreck which occurred between Nice and Marseilles.

⁸ That most important part of his memoirs, on account of which all the rest seems to be written, and written, as Turgénev says, with tears and his heart's blood, the part which deals with this most tragic episode of his storm-tossed life, was suppressed by his relatives.

zenith of his powers. He was killed in a duel in his twenty-seventh year.⁹ But in his short life he had twice been banished to the Caucasus.

Táras Shevchénko (1814-1861), the Ukrainian poet, was put into the disciplinary battalions in the Caucasus for ten years. Already in his youth he had more than his share of the whip and the knout.

Mikháil Bakúnin (1814-1876), a revolutionist and political writer, escaped from his exile in Kamchatka, and after having been hounded from country to country died in poverty and neglect, forsaken by all his former friends and associates.

Iván Turgénev (1818-1881), the greatest artist among Russian novelists, spent a month in prison, a few years in banishment to his estate, and the rest of his life in voluntary exile in foreign lands. He had many trials to endure in his life. He suffered from nostalgia and melancholia. He was attacked on account of his books both by the conservatives and the liberals, by "fathers and sons." The last two years of his life were unrelieved agony. He died from an incurable disease, cancer of the brain.¹⁰

Alekséi Pisémsky (1820-1881), a folk-novelist, died amidst much mental and physical suffering, neglected and despised by the literary men of his time.

Iván Polónsky (1820-1898), a poet, suffered for the greater

⁹ He did not believe in duels, but as an officer had to accept the challenge. As he had done before in the first duel, he purposely missed; but his opponent slowly and deliberately took his aim, so as even to call forth the protests of the seconds, and shot Lérmontov through the breast. He died on the spot. This was the death he had always wished for himself. Already as a boy of eighteen he expressed his opinion that it was better for one to die with a bullet in his breast than of the slow decay of old age. He also had a presentiment of his death, as is seen in his poem *Dream* (1841):

"With lead within my tortured breast,
A burning wound, in midday sun,
I lay in the vale of Daghestan,
While drop by drop the blood did run."

On the 15th of July of that same year the poet actually died in this manner.

¹⁰ Turgénev was from his childhood on all through life very lonely. His parents had no affection for him and treated him like a miscreant. He knew many women in his life, but he never married. Still he yearned for a home, a hearth of his own. He is reported to have said that he would gladly surrender all his literary fame if he had a fireside of his own with a woman by it who cared whether he came home late or not. For the greater part of his life he was in the fetters of an infatuation for Mme. Pauline Viardot, a concert singer, the wife of a French writer. He felt a deep devotion and admiration for her and meekly submitted to her rule. But it was not a *liaison*, as a few malignant countrymen of Turgénev have claimed. His daughter, who married a Frenchman in 1864, was not from Mme. Viardot. She was born to him by a beautiful but illiterate Russian serf, with whom he had lived in 1841-1843 while banished to his estates.

part of his life from ill-health. He laughed at himself that he, half a denizen of the grave, ventured to sing of love.

Nikolái Nekrásov (1821-1877), a poet, whom M. de Vogüé, the French critic, calls the Russian Vallès, experienced utter want and misery in his youth, which left him broken and embittered for life.¹¹ His last two years were unspeakable agony.

Fiodór Dostoévsky (1822-1881), the poor, diseased, possessed, inspired spokesman of the "humiliated and offended," was acquainted with grief from the very beginning. As he was born in a charity hospital, his eyes first opened upon scenes of misery and suffering. Through life he was destined to see and know little else. Pinched by poverty, hounded and persecuted, he never knew a moment of peace or serenity. When fame and fortune came to him, they were accompanied by increased physical anguish and mental distress. He languished in the dungeons of the fortress, spent seven years as a convict prisoner in Siberia and four years as a conscript soldier in the Caucasus, and another four years in flight abroad from the debtors' prison. The agonies which he endured when in 1849 he heard his death-sentence pronounced for supposed participation in a political conspiracy, left their traces on his body and mind. He was all his life a victim of a violent form of neurosis, of epilepsy, and of hallucinations.

Aleksánder Palm (1822-1851), a dramatist, was in prison and exile.

Aleksánder Ostróvsky (1823-1886), the dramatist, was placed under police surveillance for a drama he wrote in his twenty-fourth year. His life was cut short by illness, brought about by years of privation and physical suffering.

Piótr Lavróv (1823-1901), the philosopher and political writer, was arrested and exiled to a small town in the Urals. He succeeded, however, in escaping to London.

Valerian Máikov (1824-1847), who promised to become a literary critic of great power, died very early in life, having literally killed himself by overwork.

Iván Nikítin (1824-1861), a poet, died of consumption as a result of overwork and privation. As a student he had to support

¹¹ Writing later of his student life in St. Petersburg, Nekrásov says: "For fully three years I felt continually hungry every day.... It often happened that I entered one of the great restaurants where people may go to read newspapers, even without ordering anything to eat, and while I read my paper I would draw the bread plate toward me and eat the bread, and that was my only food."

not only himself, but also the family, the head of which was constantly under the influence of drink.

Alekséi Pleshchéev (1825-1893), a poet, spent many years among the convict gangs in the Siberian mines and among the conscript soldiers in the Orenburg region.

Iván Kókorev (1826-1853), a folk-novelist, died very young of consumption as a result of overwork and privations, which he suffered in his childhood and youth.

Mikháil Mikhailóv (1826-1865), a translator of poems and one of the most brilliant writers of the Russian review *The Contemporary*, died in Siberia after four years at hard labor.

Mikháil Saltykóv (pseud., Shchédrin) (1826-1889), the chief Russian satirist, was exiled to Viatka for seven years.

Nikolái Chernyshévsky (1828-1889), one of the most gifted writers Russia has ever had, was totally broken by oppression. He spent two years in the fortress of SS. Peter and Paul, seven years at hard labor in the Siberian mines and fifteen years in solitary confinement in Eastern Siberia.

Count Lvóv Tolstóy (1828-1910) was spared by the Russian government for fear of public opinion abroad, but he suffered to see his followers persecuted for his own ideas while he himself was not molested in the slightest manner. In his yearning for a share in universal suffering, he exclaimed: "Oh, for a rope, to have it put around my own neck to make me share the fate of those who suffer and are put to death in my country!" This was the tragedy of the life of a man who otherwise was indeed the spoiled child of Fortune.

Nikolái Pomialóvsky (1835-1863), a folk-novelist, died before he had even reached the age of thirty from the effects of the abominable conditions in the clerical schools which he describes in his novels.

Aleksándr Lévitov (1835-1877), also a folk-novelist, tasted poverty from the first to the last of his short but sad life. He lived for many years in exile in the far north of Russia, and died from inflammation of the lungs, superinduced by drink for which he had acquired a taste from the monks while yet a child in school.

Nikolái Dobrolúbov (1836-1861), a realistic critic, early worked himself to death. His short life was barren of all joys and pleasures.

Gleb Uspénsky (1840-1902), the writer of scenes from village life, had a very sad and shattered existence.

Dmítiri Pisárev (1841-1868), a literary critic, paid with four

years in the fortress of SS. Peter and Paul merely for an offense against the censorship. In the casements of this terrible prison he wrote the greater part of his essays. When he was freed, his health was already affected, and while bathing at a Baltic sea-side resort where he had gone for his health, he was drowned.

Fiodór Reshétnikov (1841-1871), a folk-novelist, died early in life from the effects of drink. He had been taught to drink in a monastery school to which he had been sent for a petty offense. In his novel *Among Men* he tells the story of his own terrible childhood.

Sergéi Kravchínsky (pseud., Stepniak) (1852-1890), who wrote chiefly in English, was forced to flee from Russia because of his revolutionary leanings. He died in a railway accident.

Vladímír Korolénko (born 1853), a short-story writer, was banished to the frozen regions of Siberia for many years. Like Tolstóy he also frequently contemplated suicide.

Alekséi Pavlów (born 1854) was a political exile in Caucasia. He had shown such great talent in his *Three Tales* that the czar declared that the author might for the future be recommended to describe life in Caucasia and other remote provinces of Russia.

Vsévolod Gárshin (1855-1888), a war-novelist, committed suicide early in life in a fit of insanity, leaping headlong down a stairway. He had suffered all his life from melancholia and had been committed for a few years to a mad-house.

Nikolái Petropávlovsky (pseud., Karónin) (1857-1892), a poet of village life, died of consumption. He had taken an involuntary trip to Siberia.

Anton Chékhov (1860-1904), a short-story writer, also died of consumption. His early death saved him from insanity which he had feared all his life, for he, too, suffered from deep melancholia.

Piótr Yakubóvich (pseud., Mélshin) (1860-1911), a folk-novelist, was kept for twelve years at hard labor in Siberia as a political prisoner.

Aleksándr Amfiteatrów (born 1862), a popular feuilletonist, was suddenly arrested one fine morning, and nothing has been heard of him ever since.

Semyon Nádson (1862-1887), lyric poet, suffered from deep melancholia, which would have ended in insanity, if consumption had not carried him off before.

Maxim Górký (pseud., Alekséi Péshkov) (born 1868 or 1869) is also afflicted with the consumptive malady, which is the result of

the privations of his youth.¹² When twenty-one years old, he attempted suicide by shooting himself in the chest. He was repeatedly imprisoned and exiled for his revolutionary ideas and activities.

Leonid Andréev (born 1871), like Górký, came to know fearful misery early in his life and tried to put an end to it, but, as he himself ironically remarks, "without any appreciable result." He, too, suffers from melancholia.

Mikháil Artzibáshev (born 1878), the author of that famous novel *Sanin*, is suffering from pulmonary tuberculosis, inherited from his mother.

Pessimism in Russian Literature.

"Sadness, scepticism, irony," said Alexander Herzen, "are the three strings of Russian literature." Pessimism and scepticism are Russian national traits of character. The Russian is the spirit of negation become flesh. He is the spirit of doubt and denial. His heart is the abode of *der Geist der stets verneint*. "Truly," said Dostoévsky, "the Russian soul is a dark place." The Russian soul, alas! has always been fed on the milk from what Nietzsche calls "the udders of sorrow." Profound pessimism is as distinctive a feature of Russian literature as it is of Russian temperament. As far as we can trace back the history of Russian literature, we find these traits of the national character permeating it. The plaintive note of their national music, the soul-gripping melancholy of their folk-songs, the dreary sadness of their folk-tales, the overwhelming pessimism of their literature, all are the manifestations of these national characteristics of the Russians. All the chords of the Russian lyre are strung to the same tunes of mental sadness, moral scepticism, and spiritual despair. The only muse which the Russian poets seem ever to have invoked is the muse of Hypochondria. "I owe my early inspiration to the muse of sobs, of mourning and of pain—the muse of the starving and the beggar." What the poet Nekrásov says of himself is true of nearly all Russian writers.

All men of letters in Russia express this national trait, but it differs with each individual in accordance with his own temperament. The pietistic melancholy of Zhukóvsky, for example, differs from the indignant melancholy of Gógol; Lérmontov's militant melancholy stands in contrast to the sceptical, almost ironical melancholy of Púshkin; the idealistic melancholy of Turgénev is different from

¹² Górký has told the history of his childhood and youth in his narratives *My Childhood* and in its continuation *In the World*, which is an account of two or three years of aimless wandering and of various occupations, and ends with his setting out in quest of an education.

the fatalistic melancholy of Tolstóy; the meek melancholy of Gárshin forms a sharp contrast to the bitter melancholy of Górký; Korolénko's melancholy is not the heartrending, cheerless kind of melancholy of a Baratínsky or Nádson; Chékhov's pessimism is not as cynical as that of Pisémsky. But dark despair has taken possession of the souls of all Russian writers. There are pessimists among the great men in all literatures, but the Russians are especially sad.

"No novelist in Western Europe," says Brandes, "is so sad as Turgénev."¹³ Professor Phelps says he heard Professor Boyesen remark that he had never personally known any man who suffered like Turgénev from sheer despair.¹⁴ It is so characteristic of Turgénev that the last page written by him bore the very title *Despair*. His pessimism is fundamental. Melancholy was with him a matter of conviction as well as of temperament. It was due to his losing all faith in God and man. Seated one day in a garden, he became the solitary witness of a struggle between a snake and a toad. This made him first doubt the providence of God. Whatever he saw later in life confirmed him in the conviction that nature is totally unconcerned about insect or man, that nature treats the man of the noblest aspirations and the man of the most brutish disposition with equal indifference. And so all ideals of the human race are in his opinion a matter of total indifference to it. He loved the good and the true, but he had no faith in the triumph of the good and the true. Turgénev anticipated by half a century the naturalist's point of view of our own day.

Turgénev's views of nature are most admirably set forth in his sketch *Nature*, which appeared in his *Poems in Prose*:

"I dreamt that I entered an enormous subterranean hall with high vaults. It was all filled with an even, subterranean light.

"In the very center of the hall sat a majestic woman in a flowing garment of green color. Bending her head on her hand, she seemed to be buried in deep meditation.

"I saw at once that this woman was Nature herself, and, with a sudden chill, a reverential awe entered my soul.

"I approached the woman who was sitting there, and making a respectful bow: 'Oh, our common mother!' I exclaimed. 'What are you meditating on? Are you, perchance, pondering on the future destiny of the human race? Or, how it may reach the highest possible perfection and happiness?'

"The woman slowly turned to me her dark, piercing eyes. Her

¹³ Georg Brandes, *Impressions of Russia*, p. 273.

¹⁴ William Lyon Phelps, *Essays on Russian Novelists*, p. 70.

lips moved, and there issued from them a ringing voice, like the clanking of iron.

"I am thinking how to add greater strength to the muscles of a flea's legs, that it may more easily save itself from its enemies. The equilibrium between attack and defense has been impaired—it must be reestablished."

"What?" I lisped in answer. "Is it that what you are thinking about? But are we men not your favorite children?"

"The woman barely frowned: 'All creatures are my children,' she spoke, 'and I take equal care of them, and equally exterminate them.'

"But goodness—reason—justice—" I muttered again.

"These are human words," was heard the woman's voice. "I know neither good nor evil—reason is not my law, and what is justice? I have given you life, and I shall take it from you and shall give it to others, worms or men—it makes no difference to me—you defend yourself in the meantime, and do not bother me!"

"I wanted to retort—but the earth around me gave a dull groan and trembled, and I awoke."

Humor is as alien to Russian literature as it is to Russian temperament. "Our laugh," said Herzen in speaking of Russian writers, "is but a sickly sneer." The laughter of the humorist Gógol is full of tears and bitterness. It is so characteristic of him, the first Russian novelist, that his last words were the old Russian saying: "And I shall laugh with a bitter laugh."¹⁵

Renunciation in Russian Literature.

The uselessness of the struggle for existence, and the necessity for resignation is the prevailing theme of Russian literature. Through the mouths of the children of their sorrows the Russian authors express their renunciation of hope, their weariness of the world. Many a Russian writer reminds the reader of a monk who would fain drag down all men to the level of his own renunciation. As life had never given anything to him, he could not realize that it might have something to give to others. Some of the characters in Russian literature in their sad weakness resemble the aged saints in Russian sacred pictures. The call to physical joy and physical revolt, which is the predominant note in most recent Russian literature, is alien to the Russian temperament. This self-asserting individualism, which has found its strongest and fullest expression in Artzibashev's novel *Sanin*, has its origin in the philosophies of

¹⁵ These words were placed on Gógol's tombstone.

Max Stirner and Friedrich Nietzsche. How it will blend with the Russian temperament is hard to foresee. It is a part of the great Russian enigma.

Russian writers do not consider life the supreme possession of man. Lérmontov calls life "a stupid jest." Chékov speaks of the nothingness of life, the absurdity of life. Nádsón believes that the only goal of man is non-existence. Andréév shows us the weakness, vanity and vacuity of life, nay, the nonsense of life. Turgénev, although he loves life, sadly realizes its fleeting nature.

But in spite of this *taedium vitae*, these Russians fear death. This fear of death, which in an intensely intellectual people like the Russians is an obsession of terror, is found in almost all the works of the best-known Russian writers. It runs all through Tolstóy's diaries and novels. It is eloquently expressed in certain pages of Turgénev's *Poems in Prose*.

Poetry of Human Suffering in Russian Literature.

Suffering is the foundation of Russian literature, as it is the essence of Russian life. The poetry of the sorrow of man is the *Leitmotiv* of many and many a Russian song or story or drama. The Russian capacity for suffering is the text of the great works of Russian literature. The patience and passivity, the humility and long-suffering (*smirênie* and *dolgotêrpenie*) of their nation is stressed in the writings of all of Russia's representative men. Dostoévsky, who fully understood the hearts of his countrymen, in perfect accord with the national temperament, regards suffering as a blessing, shows the transports of dejection and despair, describes the purification of character through grief and sorrow.

Pity for Human Suffering in Russian Literature.

The great and glorious result of this suffering as set forth in the lives and works of Russian men of letters is universal compassion and commiseration for suffering humanity. Pity, as all the world knows, is a fundamental trait of the Russian character. Pity is also the keynote of Russian national literature. Gógol was the first writer to point out this trait in the Russian temperament—the tolerance and forbearance, the kindness and tenderness for the poor, the ignorant, the weak—nay, even for those who have sunk to the very bottom of the Inferno of Life. Russian pity extends even to the dumb beasts. "The death of a horse described by one great Russian novelist," says Bazan, "is more touching than that of any emperor."¹⁶

¹⁶ Emilia Pardo Bazan, *Russia; Its People and Its Literature*, p. 204.

This trait of the Russian national character has found its most perfect expression in the novels of Dostoévsky. In them we learn "the charity that passeth all understanding, and the pity that is a folly to the worldly wise."¹⁷ Dostoévsky loves more than any other Russian writer, for he has suffered more than any other. There is nothing on which he would not take pity. With him, suffering puts a halo even around sin, it sanctifies the wretchedness of the most wretched and the ugliness of the ugliest. In his novel *Crime and Punishment* the assassin kisses the feet of the harlot and exclaims: "I do not bow down to you personally, but to suffering humanity in your person." This evangelical charity for sinful humanity was raised by Dostoévsky to the highest degree of piety, to "pious despair," a phrase coined by the French critic Vicomte Melchior de Vogüé. Dostoévsky loved erring humanity, and did better than judge it—he pitied it. "If there ever was a person," a writer has said, "who would forgive any human being anything seventy times seven, the individual was Dostoévsky." To him Christianity is reduced to the three parables of the repentant thief, the prodigal son, and the woman taken in adultery. His whole religion is summed up in the one verse: "Judge not, and ye shall not be judged; condemn not, and ye shall not be condemned; forgive, and ye shall be forgiven" (Luke iv. 37). In the novels of Dostoévsky as in the writings of other great Russians we find the essence of Christianity. It is, indeed, remarkable what analogies the Russian writers offer to the early Christians. Turgénev was an atheist, but his life may have been more pleasing to God than that of many a self-styled believer. Professor Phelps claims that Turgénev was a true Christian in the definition of Edwin Booth, who said that a Christian was a man who rejoiced in the superiority of a rival.¹⁸ Turgénev was always happy over the success of a rival. Tolstóy may have been anathematized by the church, but with his principles he indeed had a better claim to Christian fellowship than the members of the church of his country, and of many another country.

The Russian has eyes for suffering only. No scenic beauty, no material grandeur, impresses him as much as human need. He has no eyes for nature or art. He seeks but man in his misery. What memories did Dostoévsky bring back from London? Was he impressed by Westminster Abbey, by the English fleet, by England's Constitution? queries Brückner. O no. One little scene in the streets of London left an indelible impression upon his mind. A

¹⁷ *Ibid.*, p. 246.

¹⁸ William Lyon Phelps, *Op. cit.*, p. 73.

poor girl, clad in rags, to whom he gave a silver coin, who fled like a wild animal from him and all men, to hide her little treasure! What memories did Tolstóy bring back home from his travels in Western Europe? queries Brückner further. For the rest of his life the Russian sage incessantly thought of the beggar-musician in the streets of Lucerne to whom no one gave anything. "Aye," comments Brückner in the words of Herodotus, "the barbarians have lizard's eyes."¹⁹

LABYRINTHS AND THE PITCHER OF TRAGLIA- TELLA.

BY THE EDITOR.

IT is not so very long ago that the reading public was still of the belief that the ancestors of mankind should be sought in the south and that, their original state being a kind of happy primitive paradise, their home should be identified with the Biblical Eden. Some facts, however, caused certain scholars from the camp of the natural sciences to reject this idea and rather seek for the cradle of the human race in the north. They pointed out that the north was the place where nature had in readiness for man that severe school in which primitive folk would develop higher and higher on penalty of perdition, and that it was from here that from time to time emigrations of tribes took place that sought for a happier and better state in the more prosperous south. The emigrants did find easier conditions of existence and more fertile and pleasanter countries, but the people that remained behind and stayed longer in the school of nature advanced in the meantime by eliminative selection to still higher degrees of development, which enabled them to send out new streams of emigrants even more fit to survive in the struggle for existence than those who had preceded them.

This view, which turned the search for the hypothetical cradle of the human race in the opposite direction, has been most vigorously opposed by the representatives of the philological world because in the new era of comparative philology the oldest language of the highest races was thought to be Sanskrit, and Sanskrit was discovered in India. It was considered as the classical language of ancient India, the language spoken by the ancestors of the Indo-Germanic races. From the frontiers of India, probably the valleys of the Hindu-Kush, they were supposed to have emigrated north,

¹⁹ A. Brückner, *Op. cit.*, p. 392.

north-east, west and south, having developed not only the modern languages of the Hindus, but also the European languages of the Greeks, the Latins, the Germans, the Slavs, Letts and the Celtic peoples, such as the Irish, the Welsh and the Highland Scotch.

All this is changed since the other view has been gradually adopted, first through the influence of natural science, and later even through the support of philologists; nevertheless, philologists have been the strongest antagonists of this modern theory, and it is only of late that we may say that the later view has won its way. Mr. Latham was the first philologist who stood up for the idea that the cradle of the Aryans was not in the south but in the north, that for philological reasons we must assume that northern people migrated south, transferring their northern names of animals and trees to similar southern objects, that it was much easier to explain the perplexities of comparative philology by assuming such a northern origin, and that the names of the typically southern plants and animals were additional inventions. This theory, first scouted by professional linguists, has later on been broadly accepted, and is now no longer heretical.

Now it is a fact that on the trail of the Aryans thus broadly fixed we find a peculiar kind of monuments made of huge stones, the best preserved sample of which is Stonehenge; but it seems that wherever Aryan people went south, even into Palestine, they left similar monuments which may rightly be called the cathedrals of primitive man. They are monuments of a primitive solar worship and bear witness to the religious devotion of our ancestors.

It so happens that in addition to such monuments of gigantic stones there are also relics of primitive monuments in which groups of stones represent winding paths, called labyrinths and which tradition frequently designates as Troy towns, or *Trojaburgen*, in apparent commemoration of the ancient Homeric city famous throughout the Greek and Roman world as the place of heroism where the great warriors of Hellas fought for ten years over the possession of Helen, the beautiful.

These monuments, scattered over all northern Europe and also sometimes found in the south in the wake of Aryan conquests, have frequently been preserved near Christian churches. Maybe, however, the reverse is true. Churches may have been built near the labyrinths because the labyrinth was a holy place, and we know that in some of these labyrinths the return of spring was celebrated in ancient times. Some labyrinths have also been modeled, especially in France and northern Italy, as mosaics within the churches, a fact

which favors the theory that they are somehow connected with the religious notions of primitive people. Some inscriptions in the churches present us with a Christian interpretation of the labyrinth



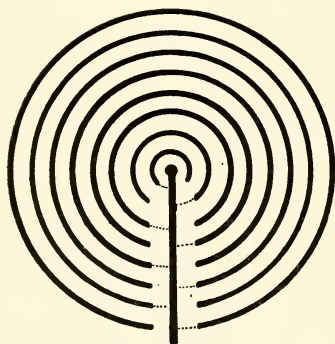
THE RESCUED BRIDE OF CHRIST.
After woodcut border of Lucas Cranach.

idea, drawing the comparison with the world and its escape from its wanderings through the victory of Jesus Christ. It is also brought into connection with the rescue of the Virgin, the Bride of Christ, confined in the labyrinth.

These strange monuments were explained by Carus Sterne as monuments which more than anything else prove the northern origin of the Indo-Germanic race. Carus Sterne is the *nom-de-plume* of Dr. Ernst Krause. Being more of a naturalist than a philologist, his views were based upon the whole on reasons of natural science rather than on philological arguments; so, as might be expected, the philologists of his day fell upon him with great vigor, denouncing him as being weak in his etymologies of names as well as in his philological comparisons. His first book on the subject was called *Tuiskoland*, and when he, on account of it, was severely and bitterly criticised by philologists of his time, he answered by a new book entitled *Die Trojaburgen Nordeuropas* (Glogau, 1893), in which he explained the main specimens of such labyrinths, demonstrating thereby their general prevalence, especially in Swe-

den, but also in England and other northern European countries, including Russia.

Carus Sterne claims that the construction of the labyrinth represents the place where the passing of the winter season and the liberation of the sun from its confinement in the power of winter was celebrated. Here we are confronted with a myth which could not have originated in the south, but is easily explained by the conditions of the north where the sun for long periods most perceptibly decreases in power or even totally disappears. It was but natural for primitive people to believe that it had been entrapped by the arch-enemy of mankind, until in spring the thunder-god reappears and liberates the captive from the clutches of the fiend. It would then appear that the labyrinths were built for the purpose of having



FUNDAMENTAL PLAN OF TROY
TOWNS.



INVENTION OF THE LABY-
RINTH FORM.

a place where to celebrate the vernal dance, which ended in the liberation of the sun from the labyrinth, and the chasing out of the winter-god, the fiend who is responsible for the capture of the sun. We must remember that in some of the old languages, including Sanskrit, the sun is of feminine gender and that the solar deity is represented as a virgin. Her liberation ends in her marriage to the thunder-god, Thor, or whatever his name and identity may have been in different parts of Eurasia.

The figure of a labyrinth stood not only for the rejuvenescence of the year but also for the idea of human immortality. Hence it is natural that the myth of the labyrinth should easily have adapted itself to Christianity so that Christian priests did not find it amiss

to introduce such figures into their churches as symbolizing a belief which had become dear to the people and represented fundamentally the same idea which Christianity had come to teach.

The name *Troja*, Carus Sterne connects with the names by which the winter demon was known to Hindus, Persians and South Slavs, *Druh*, *Druja*, *Drukh*, *Draogha*, and *Trojan*. So it would seem that the nucleus of the Homeric epics, as of others, represents but an age-old tradition of the Sun Virgin being incarcerated in the enemy's fortress and held prisoner there until the thunder-god of spring came to liberate her and restore the pleasant season to the world.

Such religious views cannot have originated in the south where winter is rather the season of relief from the heat of the sun, and it rather proves that the people who left the north and took up their abode in southern countries must have carried with them a religion

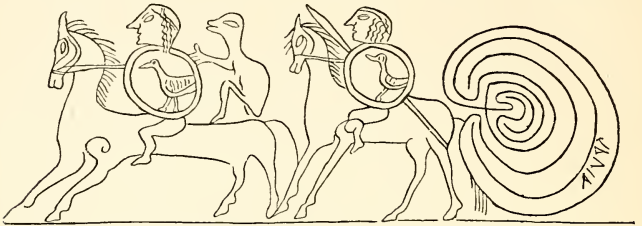


THE PITCHER OF TRAGLIATELLA. $\frac{1}{6}$.

the chief features of which they preserved in these representations of the labyrinth, the Troy Towns, as they were otherwise called.

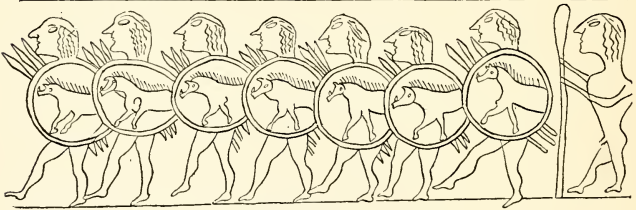
At this point of the controversy, when Carus Sterne's contentions were still considered to be very questionable, an archeological discovery, made in Italy some fifteen years previously, came into view again, at once verifying his theory and deciding the controversy in his favor. It was the discovery of a pitcher, the pitcher of Tragliatella, which in primitive drawings represents the ceremony of the labyrinth and thus manifestly proves that the ceremony did exist and was actually performed as a kind of spring festival among the early inhabitants of Europe. The pitcher found in Tragliatella shows us two people on horseback coming out of a labyrinth which

bears the inscription *truia* in the most ancient Italian characters. The two riders are preceded by seven dancers, each armed with three spears and a shield, and are followed by a single man holding a



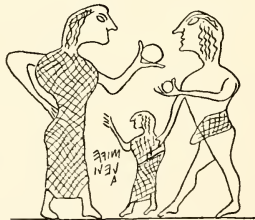
RIDERS COMING OUT OF THE "TROJABURG."

After *Jahrbücher d. röm. Inst.*, Vol. LIII, plate L.



GROUP OF SEVEN DANCERS.

After plate L of *Jahrbücher d. archäol. Inst.*, 1881.



SO-CALLED JUDGMENT OF PARIS OF THE PITCHER.

staff in his hands and followed in turn by a man and a woman between whom is a person of smaller stature, evidently also a woman. The two persons hold in their hands round objects looking like apples, and there is an inscription on the jar in ancient Etruscan be-

tween the taller woman and the smaller one which seems to be the word *MIFELENA*, most probably *mi Felena*, which reproduces the old digamma (pronounced like a bilabial "f" or "v") and shows the identity of the name with Helena. The other two persons correspond in the legend in Homer, possibly to Paris and Venus at the moment when Venus is giving Helena to Paris after having received the prize of the apple in her contest with the other two goddesses. Why there are two balls in the hands of the two persons is difficult to explain, but in some primitive pictures things that change hands are put in those of both persons so as to indicate where they have been in two moments, before and after.

Carus Sterne also offers another interpretation, based upon one version of the Theseus legend, according to which it was Theseus who delivered Helena from the labyrinth. If this be accepted, the



WOMAN WITH TWO ICONS.

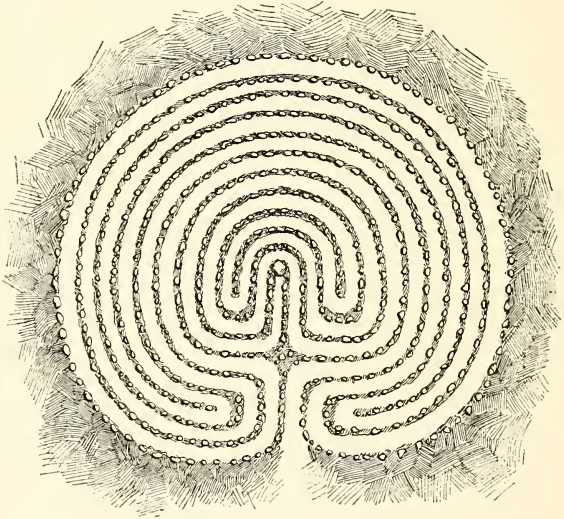
round body in question might well be the ball of twine handed to him by the goddess before he entered.

There is a third picture which shows a woman with two icons before her and which is more difficult to explain. Carus Sterne tries his best to make a plausible comparison with a ceremony told by Plutarch and Pausanias. It is difficult to say whether he is right, but whatever the meaning of this scene may have been we have no other key to its explanation and may as well be satisfied with stating that so long as we have no better, we have to reckon with the solution as it is given.

Labyrinths are most frequent in northern countries; in Scandinavia they are called *Trojin*, *Trojeborg*, etc., exhibiting the design of snail-shells. The same pattern of winding lines is preserved in the models of ornaments, which indicates that the idea of these winding paths was so prominent in the minds of northern people

that it became the type for ornaments on clasps, brooches and kindred fastenings for the garments.

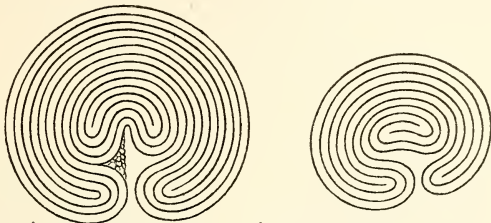
One of the best known of these labyrinths in the north, on the island of Gotland near the city of Wisby, was described by Karl Braun of Wiesbaden in his *Wisbyfahrt*, Leipsic, 1882. The center of this construction was a natural cave of limestone, such as are yet common in the vicinity of Wisby. There are several labyrinths in Sweden and in Norway. These Scandinavian Troy Towns were first described by Dr. S. Nordström of Stockholm, who read a paper on the subject at the convention of Swedish



TROJABURG AT WISBY, GOTLAND.
After K. Braun's *Wisbyfahrt*, Leipsic, 1882, p. 120.

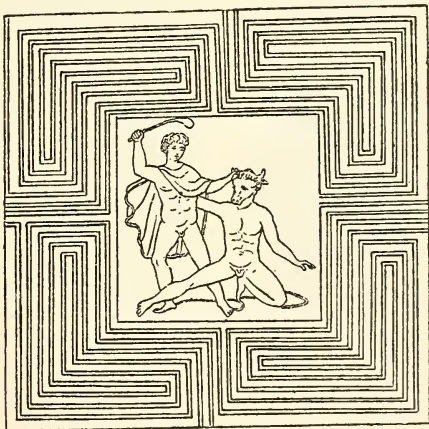
anthropologists and archeologists at Strengnäs, 1877, and proved that they existed not only in southern Sweden but also in Norrland and Norway, furthermore in the provinces of Sleswick-Holstein, formerly belonging to the Danes, and in Denmark itself. Besides the one mentioned we may enumerate quite a number of them, one at the Enköping church, another at Dalarö, the latter as much as forty feet in diameter; a third, *Kristinas Labyrint* at Kungsör, which was so called by the people in memory of the riding-grounds of Gustavus Adolphus's daughter and successor; fourth, one on the

island of Gotland as above; several in Småland, southern Sweden, several in Norrland, one in Wäderö on the western coast; several in Norway; one northwest of the Vånga Church, one near Nyköping and two near the Horns Church in West Gotland.



LABYRINTHS ON AN ISLAND NEAR BORGIO.

Dr. Nordström judged from the nearness of these labyrinths to churches that they possessed a religious significance, and this view is strengthened by the fact that there is a church-bell which



FIGHT WITH MINOTAUR.
Center-field of the Salzburg mosaic.

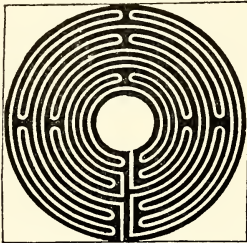
bears the plan of a labyrinth on the outside. Though we need not doubt that the religious significance was originally of pagan origin, we must assume that Christian churches adopted it and celebrated the traditional festivals connected with the ideas of the labyrinth,

which is also apparent from the fact that there are a great number of labyrinths preserved in the churches of France, although we do not know definitely how they were used.

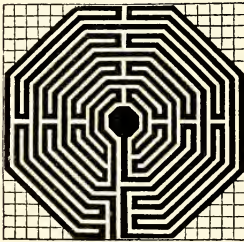
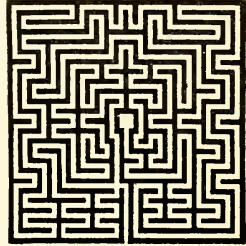
Upon the whole the pictures of most of the northern labyrinths show paths that in curves wind around a center; some of the church labyrinths, however, are in rectangular lines.

We here reproduce the labyrinths preserved in the cathedrals of Sens, St. Omer, St. Quentin and St. Bayeux.

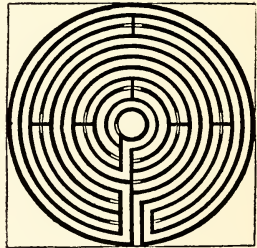
SENS



ST. OMER



ST. QUENTIN



ST. BAYEUX

LABYRINTHS IN THE CATHEDRALS OF SENS, ST. OMER, ST. QUENTIN AND ST. BAYEUX.

From Ernest Bosc, *Dictionnaire raisonné d'architecture*.

The Salzburg labyrinth is an echo of Greek tradition because it represents the fight of Theseus with the Minotaur in the labyrinth of Crete, and an inscription interprets it in a Christian way as symbolizing the erring paths of the world and the dangers from which a true Christian has to make his escape. The labyrinth proper is surrounded by smaller representations depicting other scenes of the

struggle with the Minotaur, showing the hero receiving Ariadne's clue which enabled him to find his way back out of the labyrinth, the scene of the embarking of the saved persons, and the relinquishment of Ariadne to Dionysus. As an instance of a Christian interpretation of the labyrinth we here reproduce a Latin verse inscribed on the middle court of one. It reads:

"Ecce Minotaurus vorat omnes quos Laborinthus
Implicat: Infernum hic notat, hic Zabulum."⁴

The fiend, here called Zabulus, is, in Christian language, equivalent to the devil. The form laborinthus is the medieval spelling of labyrinth and must have been influenced by the idea of *labor* and *intus*, a form which is already used by Boëthius. The labyrinth consists of seven circles, and its inner court contains a representation of the Minotaur. According to the scholar who copied the manuscript, it was probably prepared in the year 1084 or 1085, its author looking upon the world as a labyrinth in which Zabulus, the devil, lies in ambush to devour man unless Christ, by God's assistance, will overcome him and break his power, just as Theseus with the assistance of Ariadne's clue led the fair captive to the exit of the labyrinth.

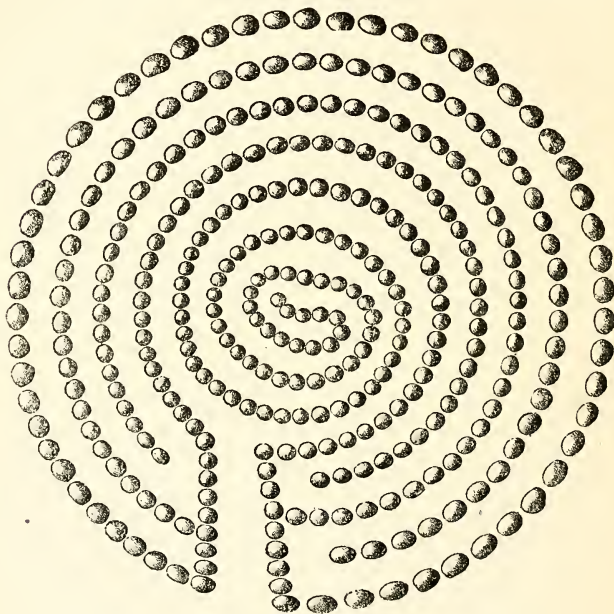
One labyrinth has been found in Pompeii, and the house in which it was found has been called after it the *Casa del laberinto*.

In Russia the labyrinths are called *Babylons*, and one of them has been described by the famous naturalist Ernst von Baer, who on a trip to the northern provinces discovered one of these Babylons on the uninhabited island of Wier. The island is bare rock and covered with boulders, but some of the roundest boulders have been selected to form the figure of the labyrinth in a very simple spiral design. It is noteworthy that the stones were fairly round, some as smoothly finished as if they had been turned on a lathe, and many of them of an oval shape. Professor Baer happened to come upon this place because his ship was forced to land there on account of a calm.

Eleven other Russian ships had been in the same predicament, and it is worth mentioning that the sailors who had all landed for the same reason did not disturb this little work of primitive art, but respected it with due reverence for the people who had made it. In circumference it was between twelve and fifteen ells (according

⁴ This verse has been copied by W. Meyer from a Freysingen manuscript preserved in Munich, No. 6394, in the rear of leaf 164.

to Baer's judgment) and he believes it could not have been built without the cooperation of several strong men. Furthermore, it must have been built a long time ago, for the stones were covered with moss and algae. All that the priest of the nearest village, Ponoï, knew of these stones arranged in spiral formation was that they must be very old, for no one knew who had set them up, nor for what purpose. A citizen of Kem afterward informed Baer



STONE LABYRINTH ON THE ISLAND OF WIER.

After E. v. Baer's drawing in *Bulletin de l'Académie de St. Pétersbourg*, 1844.

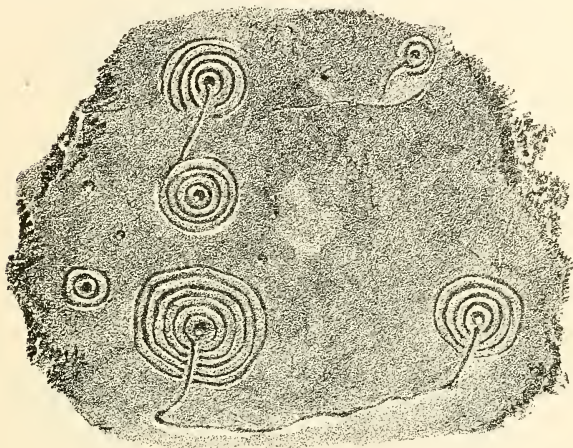
that this kind of a stone construction was called a Babylon, and he deposited an account of them in the St. Petersburg Academy, January 14, 1842.^o

Toward the close of the sixteenth century there arose a dispute between Russia and the Danish-Norwegian kingdom concerning the possession of Lapland. According to Karamzin, the famous historian of Russia, the Russian representative for the delimitation

^o Reprinted in the *Bulletin Historico-Philologique*, St. Petersburg, 1844, Vol. I, pp. 70-79.

of the frontier inquired of the natives to whom the country was tributable, and they claimed that a long time ago a certain Valit or Varent, who ruled Karelia as a vassal of Great Novgorod and was a man of exceptional strength and courage, had made himself master of the country. The Laplanders, thus the story went on, sought help from the Norwegians, but the Norwegians could not protect them from him either. He, however, in commemoration of his victory, erected this stone in the center of the Babylon and surrounded it with smaller spherical stones.

The Norwegians recognized Valit, whom the Russians called



FRAGMENT OF SCULPTURED STONE FROM THE TOP OF WHITSUNBANK HILL, NORTHUMBERLAND.

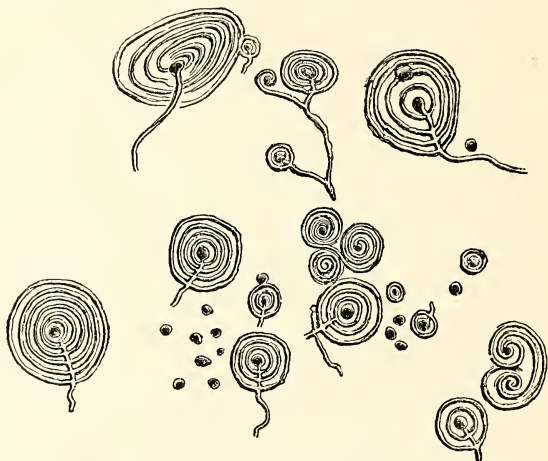
$\frac{1}{2}$ nat. size. After G. Tate.

Vassili, as their conqueror, leaving to his dominion Lapland up to the river Inger, and it became established that the Laplanders of this part of the country paid their tribute to Novgorod. Such was the statement of the Russian claim.

Karamzin continues that the Norwegians claimed the authority of Saxo Grammaticus and of Münster's *Cosmography*, but their testimony was not convincing either, and the arguments exhibit fairy tales on both sides. However, Ernst von Baer came to the conclusion that it was this doubtful strip of land which, in another old description of Russia, was called *Valitowa Gorodishtshe*. Un-

fortunately, he was unable to say what it means because *gorod* or *horod* in Slavic idioms means simply any place that is fenced in and hidden, a fortress, or a *burg*. It may mean a stone monument as well as a fortified place. Nor does *Valit* give us any more light, for in Finnish *valit* may simply mean "prince," while the name Varent probably signifies but a *Waräger* or *Waringer*, that is, a Norseman, or Varangian. At any rate it is interesting to have these Russian Babylons mentioned as of age-old existence in documents as early as 1592, even if the attendant facts of their construction are unattainable.

England is rich in labyrinths, and also in figures scratched on



ROCK SCULPTURES OF AUCHNABREACH, SCOTLAND.

After Sir. J. Lubbock and Sir J. Y. Simpson.

sandstone and representing such labyrinths. J. C. Langlands has first described these monuments in the beginning of the nineteenth century, but his reports were overlooked and forgotten until Wm. Greenwell in 1852 at the Archeological Meeting at Newcastle read a paper on the largest of these stone monuments at Routing-Linn in Northumberland. This piece of sandstone, about sixty feet long and fourteen feet wide, presents a great many labyrinth incisions, and all kinds of circular formations, most of which have an entrance into the circle. Some are interconnected so as to show several as parts of one group-formation.

The typical picture of these labyrinths re-occurs in many places and also on the lids of funeral urns, which obviously proves their religious significance. A great many of them are also preserved in the rock sculptures of Achnabreach in Scotland. They have been described by Sir J. Lubbock² and Sir J. Y. Simpson.³

The prehistoric existence of these monuments has been re-



ROCK SCULPTURES OF OLD BEWICK HILL, NORTHUMBERLAND.

$\frac{1}{2}$ nat. size. After G. Tate.

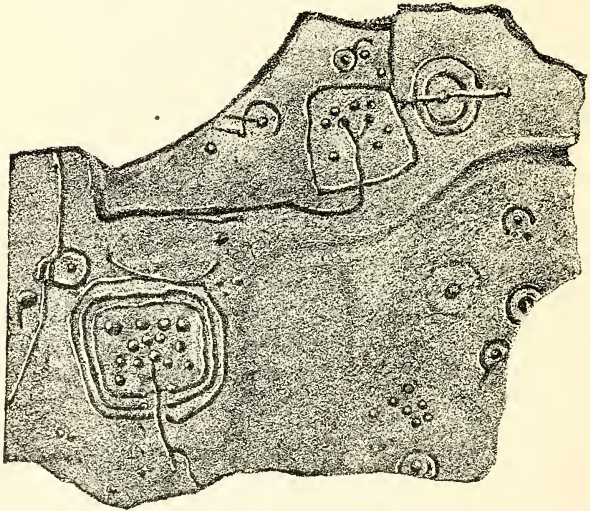
garded as fully established through their connection with tombs, the crania in which belong to the brachy-cephalic race, by many scholars looked upon as that of the original inhabitants of Europe. Simpson regards these monuments as very old, judging from a tomb in the county of Meath, Ireland, which bears the labyrinth symbols,

² *Pre-Historic Time*. See also *On the Sculptured Stones* by Stuart.

³ *Proceedings of the Society of Antiquaries of Scotland*, Vol. VI, 1867. Appendix.

and contains some fragments of crude ancient pottery, flint arrow-heads, flint knives, and remnants of a necklace, also tools manufactured of bones, sea-shells, etc.

Possibly we find allusions to the circles of our labyrinths in the oldest documents of the ancient inhabitants of Great Britain, for in these seven or nine circles are reported to have constituted the world. But the sense of the verses, called Welsh Triads, because they are built up in verses of three lines, is too obscure for us to come to a definite conclusion. In one of these triads we read how



FRAGMENT OF A SCULPTURED ROCK OF DOD-LAW,
NORTHUMBERLAND.

$\frac{1}{25}$ nat. size. After G. Tate.

the novice who is to be initiated into the Druidic doctrines enters into circle after circle. On leaving that of the common material world (*Caer Bediwyd*), he first enters into the Circle of the Just (*Caer Mediwyd*), then into that of the Royal Assembly (*Caer Rigor*), and ultimately into the Cromlech, or Circle of Darkness (*Caer Golwr*), which means absolute subjection to the order. Continuing his progress within the order itself, he proceeds to the Zodiac of the Wandering (*Caer Vandwy*) and hence to the completion of the metempsychosis in the Circle of Life (*Caer Ochren*). The

highest perfection is reached by his reception into the Heavenly Circle (*Caer Sidi*), the time of which, in the song of Taliesen, is the first of May. In another part of the poem we find that sixteen heroes entered together with King Arthur into the center of a *square enclosure* on the "island with the strong gate where twilight and darkness rule," and only nine returned, while the rest became the "prey of the deep." It is not impossible that the small pits on the Dod-Law stone of Northumberland refer to such traditions, but ideas of this kind are mere assumptions, and we are not enabled to accept any definite views as to what these stone monuments really are.

We read that the astronomer Gwydon-ap-Don at Caernarvon was buried under a stone covered with enigmatic drawings, and we may imagine that the labyrinths preserved on this tombstone were like those described above.

How far these labyrinths were spread in ancient times and how sacred they were to the people we may learn from the fact that at



OLD COIN OF KNOSSOS, CRETE.

Knossos (Crete) the inhabitants used the labyrinth as a mark on their coins, and there are quite a number of these extant to prove the sanctity and the importance of this symbol. The philosopher Boëthius handed down the picture of a labyrinth as a symbol of his faith in immortality in his *Consolations of Philosophy*, a standard classic of the Middle Ages, which he wrote shortly before his execution in the year 525 after he had been accused of treason against his sovereign, the Gothic king Theoderic. In many illuminated manuscript copies we find the labyrinth as an illustration.

In Iceland the labyrinth was used by boys in a game, but it is a pity that we have no directions which would indicate how this was played. The builder of the labyrinth in Iceland was called *Völund*, a name identical with the English Wayland the Smith, the German Wieland, and the labyrinth itself was called *Völundar hús*. Iceland was settled by the Norsemen in the ninth century, which proves that the use of labyrinths was still common among the

Norsemen of that time, and we may be assured that this practice was carried down in their pagan religion to the time when in a peaceful meeting in the year 1004 the Icelanders decided to introduce Christianity. Here was the only place where the religious change was accomplished without bloodshed and without a struggle, and in consequence of it we have the old pre-Christian religion preserved in a certain love of the ancient myths, possibly with an adaptation of a Christian interpretation.

Apparently the labyrinths and also representations of the labyrinth are of very ancient origin. The labyrinths themselves were apparently used to celebrate sun festivals, probably in the beginning of spring. The labyrinth designs scratched upon stones were then made to give expression to the ideas conveyed in these festivals of the return of the sun and of the religious ideas conceived through the delivery of the sun from winter captivity by the saviour god, who is identical either with the thunder-god or the deity representing spring. The figure of a labyrinth on urns or on boxes containing the remains of the dead may be considered as an evidence that it was regarded as a symbol of resurrection or rather, immortality. The adoption of it in Christian times and the reproduction of labyrinths in Christian churches proves that the idea had become dear to the people and that representatives of Christianity deemed it appropriate to adopt the symbol. The story which gave rise to these labyrinths may be regarded as the oldest expression of prehistoric mythology. Naturally the myth was retained longest in the north where astronomical conditions preserved the idea most effectively in the minds of people, as is also brought out by the celebration of Yuletide changed in Christian times into Christmas. The North kept a further reminiscence of it in the winding lines of their jewelry preserved in almost all northern countries in such a way that we cannot say whether it is genuinely Norse or Danish, or British, or prehistoric.

We shall publish in the next number a translation of Carus Sterne's essay entitled: *The Northern Origin of the Legend of Troy Attested by the Pitcher of Tragliatella, a Monument of Three and a Half Thousands of Years.*

MODERN CRITICISM AND THE RESURRECTION.¹

BY FRANK R. WHITZEL.

[Professor Bowen's theory of the resurrection of Christ has been neglected by our modern theologians, probably because it presupposes spiritualism and would accept the principles of the Psychical Research Societies as possible.—Ed.]

IT is but a truism to say that the Resurrection is the central feature of Christianity. It is the living pulsing heart of the religion without which Christianity is little more than a formal system of morality, cold and lifeless. From the very first the Resurrection was preached as a vital fact and with a great and gladsome ardor which could come only from unshadowed conviction. And more than all else combined, the power of this preachment it was which carried the faith to victory over every obstacle. To fathom the reasons for this sure conviction and to bring to light the historical facts which occasioned it have been the task and the despair of rational inquiry for nineteen centuries. Some small progress has been made of late toward unraveling the mystery, or at least toward disentangling the warp of essentials from the woof of fancy woven into the fabric; and it is the present object to set forth in non-technical phrase the results arrived at by the critics, whose works, not always easy of access, are usually difficult of understanding to those unskilled in ancient and modern languages.

Students of the New Testament commonly begin by reading the Gospels, and they find therein four short and fragmentary accounts of the Resurrection. Possibly the story was told in a different form some time prior to the composition of these narratives, discussion of this possibility will be deferred for the moment. Three of the versions are no doubt based upon the same tradition, but all of them betray a childlike naïveté which reveals clearly the simple faith of the writers. The different accounts are not at all congruous. If any one be accepted as historically true, each of the others must be regarded as necessarily false. Yet Christians since the age of the Apostolic Fathers have had no difficulty in accepting all the accounts

¹ For a thorough discussion of this subject in all its aspects, those interested are referred to *The Resurrection in the New Testament*, by Prof. Clayton R. Bowen of the Meadville (Pa.) Theological School, of whose views this study is in very large part an epitome. The book, price \$1.25, can be procured only from its author.

as equally veracious, the word mystery reconciling all contradictions. The authors of the narratives thought of Jesus as a man who had been dead and had come to life again, and after coming to life was exactly the same as before his death. Or not quite the same, either. They confused the properties of a living man with the properties they imagined a spirit might possess, and they endowed the newly awakened Jesus with both sets. He could talk and feel and eat the same as ever, walk along the road, expound the Scriptures, even work his customary miracles. But he could also make himself invisible, pass through closed doors or rise bodily in the air. His unhealed hands and feet, his spear-pierced side, though the wounds were sufficient to cause his death two days ago, now occasioned him no distress, and his clothing had mysteriously returned from the gambling soldiers. All this is charmingly ingenuous if viewed rightly. It illustrates the artless belief of the evangelists, and like the errors and inharmonies in other documents of the New Testament which witness irrefutably to their essential truth, it brings to us the strong conviction that *something happened*.

What could that something have been? That is the question which almost two millenniums of earnest study have not succeeded in answering satisfactorily. Men to-day cannot accept angels and reviving dead men or indeed miracles of whatever kind. They require evidence before accepting anything. Hence, critics seek to simplify the Resurrection problem by pruning away the miraculous features of the Gospel narratives, and then they inquire if the residuum can be historical truth. By comparing the various accounts thus truncated and by eliminating next the patent contradictions, they offer us as embodying the actual events which set the Resurrection legend on foot the following outline sketch. On Sunday morning following the crucifixion certain women visited the tomb of Jesus and discovered that it was vacant. They reported the fact to Peter and John who hastened to the sepulcher and found it indeed to be empty. Without further evidence, but recollecting the prophecies of their Master, the disciples believed that Jesus had come back to bodily life, and they immediately began that perfervid preachment of the Resurrection which volumed into a world religion.

That, it is claimed, is the residue of fact. Whatever else the disciples may have experienced was but subjective, having no existence save in their own highly excited minds. They may have believed that they held frequent communion with their Master, but such fancied experiences were of a piece with those of ecstasies

and mystics of all ages and all religions. An empty tomb was the source of the Resurrection legend, and all we need inquire is how that tomb came to be empty. Many theories have been advanced in vain to account for this empty tomb, and the present writer pleads guilty to the charge of ascribing the abstraction of the body it had sepulchered to Joseph of Arimathæa, that mysterious personage who appears only to bury Jesus and as quickly to disappear.

But, let us inquire if the story thus outlined is adequate to explain the facts. Men of that period may have been credulous and uncritical, but they were not fools. They possessed common sense even as people of to-day, and the Gospels themselves bear witness to the surprise excited by the announcement of the Resurrection and to the great reluctance of the disciples to believe it. Let us ask, What would be our attitude to-day under similar circumstances? Suppose we chanced to find deserted and empty a tomb in which we knew some one had recently been buried. Would we jump to the conclusion that its late occupant had come to life? How absurd! No assertions of strangers, no protestations of friends, in fact no power on top of earth could make us believe otherwise than that some person or persons had taken the body away. How illogical, then, to imagine that these hardheaded fishermen and peasants, unskilled in metaphysical subtleties but fully competent to judge of matter-of-fact concerns, would at once reach so extraordinary and at the same time, by hypothesis, so fallacious a conclusion!

No, the empty tomb alone would not be adequate. But suppose the man buried there had predicted his rising, and then, after his death and burial, was actually seen clothed in his ordinary body, would this be sufficient to create a belief untroubled by faintest qualm that that man had come back to life after being genuinely dead? At first thought one is tempted to concede a hesitating yes, but further consideration evokes a doubt which grows quickly into a sturdy negative. To begin with the prophecies. Careful study has brought to light the probability that Jesus, in saying he would rise on the third day, had reference only to the long standing belief, derived by the Jews from the Persians, that the soul of any one deceased hovered near the corpse three days to make sure of death before taking its flight to its permanent abode. Stating the case in the mildest form, it is at least very doubtful if Jesus ever foretold his resurrection in the sense that he would be seen prior to his second advent by any man, disciple or not disciple, in any body, spiritual or carnal. Very many critics now believe his prediction

meant merely, "They will kill me, but I shall not die. After three days my spirit will rise to Heaven."

But whether or not this interpretation be correct, it is at all events certain that the disciples had no expectancy of any sort of resurrection. Especially is this fact evident after the crucifixion when they fled in dismay from Jerusalem. They had at that time exactly the same anticipatory state of mind regarding a future appearance of Jesus that any person would have now-a-days in respect to seeing a beloved companion who had crossed the boundary. What then would we ourselves believe were we to meet in the flesh a man whom we knew to have been pronounced dead and to have been buried? After our first incredulity were overcome and we were convinced of its being actually the same person, would we then say, "This man was dead and has come back to life?" Never. Not by any possibility. We would inevitably say, "Why, the man did not die after all." Explanations, protestations, even any conceivable proofs would be of not the slightest avail. No sort of argument would be able to vanquish our instantly formed judgment that this was a case of suspended animation and that the man had not really been dead. Or, if proof of death were irresistible, back we would swing to denial of identity. We could by no manner of means be persuaded of return from real death to real life; indeed, before accepting the allegation we would go so far as flatly to deny our own sanity of mind.

It is fair to assume that the effect of such an occurrence upon the Galilean fishermen would have been precisely the same as upon ourselves in so far as concerns believing in the veritable death of the person before them. True, they had not our knowledge of continuity or of the rule of law in nature, hence were prone to look upon miracles as a normal mode of action of the supernal powers. But it would still seem to be beyond the bounds of possibility that they would immediately and unanimously have believed as fact the revival of a man really dead, and have proceeded to preach that belief with such a certainty of conviction as not merely to persuade their immediate associates but also to determine the creed of the entire European world for some sixty generations.

Thus it is clear that neither the empty tomb nor the revived body of Jesus is at all adequate to explain the Resurrection. From such premises the story in its present form could not have arisen. Realization of this insufficiency has led students of the subject to go behind the Gospel narratives in quest of some more stable basis for the legend. When we consider the early date of the story itself

and its consequences to the world, the radiant certainty of those companions of Jesus who proclaimed it, their triumphant appeal to eye witnesses of events as occurring in the broad light of day, and the readiness with which evangelists of the teaching sealed their conviction with their blood, we are compelled to grant that that teaching, true or false, must have had an origin commensurate in some degree with its momentous import.

After all, say the critics, the Gospels are not our earliest witnesses of the Resurrection. They were written by the second generation, not the first, and took form from forty to seventy years after the events they narrate. But in the letters of Paul of Tarsus we have the thoughts of a contemporary of Jesus and an associate of his disciples. Paul wrote with absolutely no knowledge of the Gospels since they were not then in existence, though it is now difficult to read his letters without unconsciously carrying over into them ideas absorbed from previous reading of those Gospels. But let this be avoided. Let Paul be read as if for the first time. Laying aside utterly all conceptions of the Resurrection gained from later documents, let it be remembered only that here is the very first mention of the event, to be taken just as it stands without any supplementary coloring from other sources. What does Paul say? 1 Cor. xv: "Christ died...was buried...rose again the third day...was seen of Cephas, then of the Twelve...of above five hundred...of James, of all the apostles...of me also." (The Greek verb is better translated "appeared to" than "was seen of," in fact is so translated elsewhere, Luke xxiv. 34, and as used implies a vision rather than merely normal sight.) Jesus was "raised from the dead"; not, as our English necessarily puts it, from the abstractly dead, but from among the souls of those who have died, from out the whole collective body of departed spirits. The word employed is plural and means not simply "the dead," but "the dead people." Repeated in many forms, this is past all peradventure the meaning Paul gives to the Resurrection. Although he lived closer in time and contact to the events he mentions than any other man whose writings have come down to us, Paul tells us almost none of the incidents we are accustomed to connect with the passion and rising of Jesus. He has not a word of an empty tomb, of an announcing angel, of a corpse that revived and ate with friends or discussed the new evangel. And as Paul believed and taught so did Peter and James and all the rest of the apostles. Said Paul, speaking of the Twelve, "I labored more abundantly than they all...Therefore, whether it were I or they, so we preached and so ye believed."

Hence, whatever was Paul's understanding of the Resurrection was that also of the other apostles. Let us then examine more closely the conceptions underlying his theological message.

No one can properly comprehend the Resurrection story until he has made himself familiar with the metaphysical beliefs held either consciously or unconsciously by the people of that far-off age. To us of to-day resurrection and a future life, that is, a continuance of personality after bodily death, are approximately the same thing. Should it be proven to us that some deceased friend is still existing in another sphere of being, we would at once assume that he was essentially the same person in his mentality, inclinations, loves, longings, even imperfections that he was when he lived among us. We would look upon him simply as himself, perhaps somewhat modified by his enlarged opportunities for apprehending the truth, but still himself in all distinctive qualities. Not so the ancient Greeks. They did not as a rule question the fact of continued existence after death. But they looked upon this existence as a shadowy, unsubstantial condition, if not positively miserable at least barely endurable even for those who had led the best of lives. "I'd rather live on earth a peasant's hireling than king it o'er the dead," mourned the shade of Achilles.

But, it may be objected, Christianity arose among the Jews, and surely they believed in no such cheerless immortality. Indeed they did. Passing over the Sadducees who, in revolt of soul at such a dreary fate, chose rather to deny all possibility of a future life, the Pharisees and the Jews generally held to just this conception. The dead survived, yes, but in a far-away Sheol, neither damned nor blessed, merely vegetating, almost forgotten of Jehovah who took a personal interest in the living rather than in the dead. It is possible to find passages in the Old Testament ascribing to departed souls a more vivid existence, and indeed the details of the picture were hazy, confused and inconsistent; but without doubt this was the common belief of the day.

Came now Jesus, and after him with far more proselyting zeal Paul, preaching a Resurrection from the dead, meaning a translation of the souls immured in this hopeless, cheerless, ineffectual Sheol to the glorious Kingdom of Heaven, there to be endowed with a spiritual body capable of function; that is, of accomplishing physical feats like those of living persons and of enjoying in that exalted realm a superabundant life. Nay more, those still living on earth might by accepting Christ escape Sheol altogether, obtain the new spiritual body and go directly to that happy Kingdom where

God reigned in righteousness. They could do so because the Messiah in power and glory was surely coming soon, before the end of the generation, when all these things would be accomplished. Men could thus themselves be directly saved, and vicariously, by baptism for the dead, could win the Kingdom for their beloved gone before. Is it any wonder that such a teaching swept all before it in that unscientific and uncritical age?

Such in briefest outline was the transcendental scheme which Paul denominated salvation. We are not so much concerned with the theology itself as with the facts that lay behind it, or rather with the events which Paul believed had taken place and which were for him proofs of the reality of salvation as he conceived it. Said Paul to his hearers:

"We shall at the parousia, the second coming, be translated directly to Christ's kingdom and exchange our present bodies for spiritual bodies, while all Christians who die before the parousia, though they go for a time to that abode where all souls have hitherto dwelt, will likewise obtain new and real bodies of spiritual substance and join the saved in Heaven."

"How do you know?"

"Because Jesus has already made the journey. He died and went to Sheol, just as do all souls; but the power of God withdrew him thence, resurrected him from among the spirits of the dead and crowned him as Messiah."

"What reason have you to say so?"

"Reason enough. He has been seen since his death, clothed in his spiritual body, and he thus has demonstrated his continued life."

"Perhaps you but imagined it."

"Impossible! He appeared first to Peter, then to the Twelve, then to five hundred men most of whom are still here to bear witness. And I myself have seen him. As Jesus is now, so may we all be."

This was a lofty conception; in that day over-lofty for all save the more intelligent and educated. The early apostles pressed home their teaching with passionate fervor, but most of their hearers were not intellectually capable of understanding their abstruse metaphysics, which indeed are not always easy to ourselves. The ordinary man turned naturally from the novel to the familiar, from the idea of a spiritual body to that of an earthly body. Not all at once. When the Corinthians, believing in the resurrection of Jesus, yet questioned the universal resurrection, Paul was able successfully

to combat them and so show that he meant not a corporeal but a spiritual anastasia. But the Corinthian error persisted. And when the appearances of Jesus had definitely ceased, when time and the oppressor had removed all original witnesses and cooled the early enthusiasm, and above all when the unaccountable delay in the coming of the parousia had weakened the authority of much of Paul's doctrine, the literal idea of the common man prevailed throughout the Hellenic world over the high conception of the great Apostle. Then it became current that the earthly body of Jesus came back to life, rose and walked out of its tomb. His appearances were transferred from Galilee, whither the affrighted and despairing disciples had fled, to Jerusalem from whence the church had begun its mission. Appearance was added to appearance, speeches and incidents were fabricated, even an ascension story was developed to dispose of the revived body, and all these tales were fragmentary, incoherent, mutually contradictory, simply because there was no basis in historical fact for any of them. The Gospel writers set down some of the stories as they heard them, not venturing to attempt any reconciliation. And thus the error of a too literal interpretation of the apostolic preaching became embodied in the written tradition, perpetuating the great misconception and leading all Christians to believe in the eventual resurrection of their present earthly bodies.

It is not possible to set down in a short paper the critical reasons for the conclusion here outlined or to examine the textual evidence which supports it. But it is proper to ask what if anything the critics have gained. Beneath the popular but incredible story of a body coming to life in a tomb near Jerusalem, they have found an earlier version which knew only of apparitions in Galilee of the spirit of the Master; and these apparitions they believe to be well authenticated by an eye witness, Paul, testifying also on behalf of many others who were there to confront him if he spoke falsely.

At once it can be said, waiving for the moment other considerations, that the Resurrection under this view is fully adequate to account for historical developments. Were a great teacher to return to us in spirit, his very appearance would attest to us the truth of his message, and doubts would never trouble us any more. We can thus appreciate the certainty of conviction on the part of the apostles, the vigor and earnestness of their evangelistic campaign, their confident challenge that the facts were well known and indisputable, their cheerful submission to every fate, even death in its most

hideous form, their unshakable faith in salvation through Jesus the Christ. Further, we can understand the extraordinary success of their missionary labors. We can see why the new teaching rapidly grew beyond the narrow Judaism from which at first it so little differed, why it appealed so irresistibly to the common men of antiquity, why it became the great and conquering religion of the Hellenistic world. All this, which the story of an empty tomb or a revived corpse is totally inadequate to account for, is at once explicable on the assumption that a spirit returned to earth to supply the initial momentum.

But are we any nearer to a rational explanation of the Resurrection? Can we better perceive the historical facts which gave rise to that story? Is the apparition of a spirit to the men of that dim and ancient age any easier to believe in as an actual fact than the story of a crucified corpse reviving and walking about and eating with former friends? All the difficulties are by no means removed, yet with some confidence an affirmative answer to these questions may be given.

Let me hasten to say that there is no intention of basing the argument on any mental form of religious experience. A rationalistic interpretation of the phenomenal world demands that inner conviction be unhesitatingly set aside. Not that subjective experience, religious or otherwise, has no validity. It is perfectly valid, but only for the individual who has the experience. It can have no general validity; that is, no proposition is in the least established by the fact that any number of persons have an intuitive perception of its truth. The solemn attestation of earnest men that the truth of their religion, Buddhism, Islamism, Christianity, is assured by inner revelation can have no weight before the tribunal of reason. Likewise, though here exception may possibly be taken, any alleged experience which is not and can not be repeated is fatally defective. Quoting from Myers's *Human Personality*, "Our ever growing recognition of the continuity, the uniformity, of cosmic law has gradually made of the alleged uniqueness of any incident its almost inevitable refutation." No dead man, aside from Jesus, has ever come to life. None do so now. Can we believe on the scanty and contradictory evidence offered us that the human body of Jesus came to life? We may say we believe it, but really our minds cannot conceive it since it lacks all contact with ascertained reality. At most we can think only of a more or less prolonged syncope, not true death, on the part of the resuscitated.

Do we mean to assert, then, that the appearance of a spirit is

any less impossible? Any more frequently to be observed? Any better known as a part of objective nature? Exactly that. The folklore of all peoples is filled with just such stories. Down the ages from the dawn of civilization and before have come accounts of spirits of departed men communicating more or less clearly with the living and appearing more or less vividly to mortal eyes. While these folk tales and ghost stories bring with them no proof, they at least afford a presumption that spirits may exist and under certain conditions may make themselves manifest. Possibly there is nothing in these tales. If that be the case we shall be left without any collateral evidence whatever of a spirit world. But truly it is in this body of phenomena alone, which claims to report actual relations with a spiritual realm and which ranges from the haziest of folk tales to well authenticated apparitions, that we may hope to find any scientific basis able to render a belief in the Resurrection rational.

The field is not unpromising. Many scholars have pointed out that human testimony to the activities of spiritual beings is as strong as to any other matters whatsoever. The point is that the testimony must be much stronger. The materials for study are abundant and ubiquitous. Behind them are forces claiming to be spirits, and the claim has not been refuted. If the phenomena are not caused by spirits, then let science do its duty and tell us what does cause them. They are as much a fact in nature as any other phenomena, as respectable. Recognizing the justice of such a plea, certain eminent men and women have organized societies to study with rigorous scientific methods all phenomena alleged to be supernormal. If the conclusion of these societies, after painstaking and comprehensive investigation, should be that no such event as the appearance of a spirit to living eyes is at all substantiated and that every such alleged occurrence dissolves into fraud or error, then we shall be left without a single support in reason for the story of the Resurrection of Jesus, let it be according to Paul or according to John.

But such has not been their report. In the various publications of the English and the American Societies for Psychical Research and also in the works written by independent investigators at home and abroad are to be found incidents as marvelous as the apparition of Jesus, authenticated by testimony sufficient to bring absolute conviction on any other subject. If proof is not yet generally claimed, it is only because the events are so different from the known activities of nature that cautious inquirers await before announcing final decision still more overwhelming evidence accom-

panied by a rational theory which will reduce the occurrences to that order which all men feel sure is uniform in the cosmos.

Herein, then, rest our hope and the duty of our scientific leaders. Conservative savants yet hold aloof, but even they are beginning to take notice. The evidence of something, of something which cries out for study, is becoming too copious and challenging for science much longer to pass it by; and upon the decision of science in this field rests the possibility, as Myers long ago pointed out, of our being able to accept the Resurrection and with it a re-born Christianity. If science declares that spirits have appeared to mortals, indeed that they are appearing even now, then we can put credence in Paul's solemn asseveration that Jesus appeared "to Peter, to the Twelve, to myself also." This is our best, nay more, our only hope; and by no means is it slender. Thousands in every land in these sad times of death have found consolation and hope renewed, not in the age-old story of a corpse that revived, but in what seems to them real evidence, observed this day at their own fireside, that their beloved dead do live again. Thus may bloom once more a purified and enduring faith in the Resurrection and the Life.

THE CYCLE OF LAW.

BY HOMER HOYT.

THE quest for legal justice leads to two principles, apparently as wide as the poles asunder. One principle states that unlimited freedom to decide each case upon its merits—according to equity and conscience—is indispensable to justice, while the other principle just as positively proclaims that unlimited freedom to decide cases according to equity and conscience leads to the abuses of the Star Chamber and the Third Degree. One principle decries the rule of precedent as the source of injustice, the other principle lauds it as the very fountain of justice. Thus do the oracles of justice seem to contradict each other and cause laymen to believe that the legal system blows hot and cold at the same breath.

The paradox set forth is no figment of the imagination but a real problem in the growth of law. The opposing principles of justice according to an iron standard and justice according to conscience mark the extreme points between which the law has fluctuated in the course of its development. *The Cycle of Law* embraces the period in which the law has started from a system in which one

of these principles dominated, has gradually changed to a system in which the opposite principle held mastery, and has finally come back again to a condition similar to the starting-point. It is the purpose of this paper to describe this cycle in very briefest compass, to indicate the fundamental forces that have moved through the maze of decisions, statutes, constitutions, codes constituting the outward barometer of the law, to give a hasty glimpse at the general trend of centuries of legal history, omitting from view the vast minutiae of special rules so vital to the individual case, passing swiftly by whole subjects of substantive law, and the entire science of pleading in order that the general contour of the legal woods may stand forth in clear relief.

There is no inevitable beginning nor end to such a study, nor is there any chosen people whose laws have prior claim to such a survey. It is probable that tablets of laws that crumbled to dust before the Code of Hammurabi or the Roman Laws of the Twelve Tables have gone through a process of development similar to that about to be described, but it is needless to search in the ashes of Assyrian cities for the judgment rolls of a forgotten civilization, when evidence written in bold type in the year-books of Edward I tells us the story of the genesis of the very laws under which we are living to-day. The theory of the cycle of law will accordingly be illustrated by the development of the American common law or, rather, its English prototype.

In describing a continuous process that winds back to a place similar to a preceding phase in its course, it makes no vital difference where a start is made. It will be convenient, however, to begin at that phase of the cycle that is characterized by stability and respect for precedent, because a legal system that has crystallized into a definite form presents a tangible substance for analysis and the record of judgments or stone tablets to chronicle the finality of its achievement. A period of static equilibrium was attained by the English law by the end of the thirteenth century. By that time the reaction between the frontier justice of the Anglo-Saxons and the refined law of the Normans had produced one fairly homogeneous system of English law; the blood feud, the wager of battle, and rough-and-ready methods of self-help had been partly eliminated and partly disciplined by technical procedure; scattered local customs, opposing traditions had become merged into the King's justice administered by the King's courts; and the young legal system had grown until its height was measured by its 471 writs and it no longer possessed the power to add another writ to its stature.

At the stage of the cycle which has been arbitrarily selected as a starting-point, the English law had emerged from the unstable period of growth during which its form and content hung in a balance of principles and customs; it had reached the age of assimilation, analysis and codification. The characteristics of a legal system that had arrived at years of maturity could be read in the respect for precedent, the technical rules of pleading, the formality of writs, the dignity and solemnity of judicial procedure, the pompous Latin phrases incomprehensible to laymen, the fees and delays of court trials, the rise of a professional class of lawyers and the codification of the law by Bracton. At that time in its life history, the law delighted to wield the new-found powers that arose out of seal and parchment, writ and oath. It demanded the strict observance of form rather than an inquiry into the fundamental merits of the case; inclining its judgment scales in favor of the debtor when he could successfully pass the prescribed ritual by producing eleven neighbors to swear he did not owe the money, and inclining its scales in favor of the creditor when one false move on the part of the debtor or his aids—a mispronounced word or the lowering of an arm before the proper time—broke the charm of the elaborate symbolism. Thus the static law brought order and respect for authority out of the chaos of Anglo-Saxon law at the expense of equity and conscience.

The movement away from the static equilibrium—like all organic movements—grew out of the very conditions of stability. The crystallization of causes of action into 471 specific forms had practically closed legal machinery to new causes of action, because as these various forms became related to each other by a net-work of logical analysis so that they grew into an organic whole, it became more and more difficult to graft an alien on to the existing system. The forces of habit, tradition and inertia under the guidance of clerks and lawyers schooled in the prevailing forms also tended to keep the law within its accustomed channels. While the law was thus steeling itself against change through external pressure, the power of forces of change was rapidly increasing. Even in the customary society of the thirteenth century some new legal situations would unavoidably arise out of the permutations and combinations of social dealings, but when the Black Death and the Peasants' Revolt produced great upheavals in the quiet flow of English life, the number of adjustments not provided for by the old legal system was bound to increase at a progressive rate.

The first external evidence of a movement away from a condi-

tion of fixity was noted by the statute of Westminster II (A. D. 1285) which provided authority for new remedies to meet new causes of action. This was only a partial solution of the problem, however, for the statute was directed against well-established habits and interpreted by hostile judiciary so that its actual purpose was limited to such narrow ground that it was almost made nugatory. The increasing inflexibility of law as contrasted with the growing needs of the times forced some changes by underground channels. When a change was camouflaged in an elaborate fiction, the pride of technicality was either appeased or the blind side of the judges successfully approached, for many changes crept into the fold of the common law disguised under old forms. The requirement that no title to land could be transferred without a deed was avoided by the fiction of lost grant—allowed claimants of land by adverse possession—wherein the litigant would brazenly allege that a deed had been granted to a remote ancestor, but that it had been lost. The court would wink at these and many other subterfuges of like nature, and by refusing to allow any investigation of their truth practically inaugurate a new rule of law. Thus the common law became more artificial and technical as society receded from it.

The rigor of the common law finally forced another system to spring up side by side with it—a system which embodied the contrary principle of jurisprudence, namely the decision of each case on its merits. The pressure of suitors unsatisfied by a system of common law that had now become decadent forced the development of a court of chancery or equity which sought without reference to precedent or form to achieve substantial justice between the parties. The court of equity was established by the king under the authority of his undistributed reserve power to decide cases when the common law courts could not afford relief. The new equity courts had jurisdiction of the person, their orders were binding on the conscience and could be enforced by jail sentences. Their power was not limited to existing forms but they could devise any new remedy to meet any new situation, and their decrees were binding on even the common law courts, for they could enjoin any judgment which was against their ideas of justice. The common law courts continued in existence without interruption, and handed out decisions based on precedents the same as before, but they were now subject to the control of another court which could set them at defiance when a proper case for equity arose. The anomaly—so hard for a layman to understand—of two systems of law, common law and equity, administered in the same place over the same

subject-matter sometimes by different courts and sometimes by the same court or the same man sitting on the same bench, thus crept into our legal system because of the inevitable antagonism between the two fundamental principles mentioned in the opening paragraph.

The common law, however, could not remain shut up in an air-tight compartment when confronted by equity. The common law judges found it to their self-interest and to the self-interest of their science to moderate the fixity of the common law in order to extend their jurisdiction before equity arrived. Consequently a race began between the common law and the chancery courts to liberalize their views and to grant new remedies. The whole equitable doctrine of quasi-contracts was developed by the common law under the spur of the competition with equity. Thus the interaction between equity and the common law finally produced a situation in which far more attention was paid to deciding cases on their merits than ever before. By the time of the seventeenth century, the half of the cycle was completed and law was at its greatest period of flux.

From this high water mark of justice according to conscience, unimpeded by precedent, the law again returned to a static equilibrium. Again the retrograde movement began while the very reign of equity was at its height. Complaints began to be made that the Court of Equity enjoyed complete freedom from any salutary control, and that decisions according to conscience varied with the conscience of each Chancellor which varied, as was later said by Selden, with the length of the foot of each Chancellor. The decisions of the Chancery Courts were unwritten, and no attempt was made to consult or follow precedent, the Court of Chancery being similar in this respect to the notorious Star Chamber. While complaints against the uncertain and capricious nature of equity were thus being made, equity was more or less unconsciously imitating many common law forms and among them a leaning toward precedents. Gradually equity crystallized into a definite form just as the common law had before it, the chancery cases were printed and acquired binding authority as precedents just as the common law cases had become binding. Equity, while not so formal as the common law, finally described its metes and bounds with the same care as the common law, and the conscience of the chancellor ceased to be the varying moral ideals of individuals and became the incorporated conscience of generations of chancellors. Thus equity in turn became closed to new forces and reached maturity. In the meantime by a process of judicial legislation under Lord Mansfield,

the common law had assimilated the Law Merchant which for a long time existed as an exotic system, unrecognized by the common law. Thus renovated and enlarged, the combined system of common law and equity by the middle of the eighteenth century again reached a static equilibrium and a complete cycle had been transcribed.

The cycle which succeeded the long period which spanned the thirteenth and the eighteenth centuries has proceeded much more rapidly. After an interval of quiescence—the period of static equilibrium in which precedent and custom held the throne—lasting in England to the middle of the nineteenth century and in America to the beginning of the twentieth century, the complete swing of the pendulum from stability to equity—covering half the cycle—was made in a few decades. Discontent with the fundamental assumptions of law elaborated after five hundred years of painstaking effort was precipitated by the industrial revolution which suddenly showered titanic changes upon society so as to disrupt old relationships and to usher in new legal problems in ever increasing numbers. The common law, adjusted to pre-revolution times, could not keep pace, even by judicial legislation and the twisting of old rules, with the demands created by the presence of machinery, widening markets, the growth of cities, large-scale production, trade unions, and the woman's movement. In the nineteenth century, the return to the principles of justice according to equity and conscience began through legislation and the movement rapidly gained in volume and intensity until by the early part of the twentieth century—in the present day—the flood of statutes has probably reached its high water mark. In the course of this "rain" of statutes, even the equity courts themselves, the original fountains of justice according to merit, were thoroughly renovated and purged of the accumulations of precedent which prevented them from fulfilling their particular function, and new administrative bodies with wide discretionary powers were created to supply the needed elasticity in our legal system. At last, however, the career of statute-law which has almost become an epidemic seems to have reached its zenith, and after the wildest experiments in legislature, we seem now ready to return to more stable and scientific standards. Already some legislators are beginning to recognize that their power is not omnipotent, and that there is a limit to the good that can be accomplished by a mere fiat—and this is a sure sign that we are receding from naive confidence in our ability to fly to the social paradise by passing a law. It is probable, however, that we shall not return to another

static equilibrium without a thoroughgoing reconstruction of the fundamental premises which underlie present legal theory.

The moral told by the Cycle of Law is probably unwelcome to the reformers who hope to bring about the social millennium by a single stroke of legislation, for a common law that has withstood the shocks of equity reform and the deluge of statutes and codes undoubtedly has sufficient toughness to meet the strain of future storms. On the other hand, since the longevity of the common law has been due to the fact that its elasticity permitted it to bend under a weight that would have crushed a rigid substance, the moral can afford but little comfort to the reactionaries who expect to keep an iron lid pressed down upon forces of change. In the far-reaching panorama of legal history that has been flashed before the reader, all the apparent contradictory elements in law appear as part of one great movement. Statutes, equity, judicial legislation, are the methods by which the law grows and expands, while common law decisions, and constitutions are the ways in which the new growth is assimilated to the old system. Thus the law grows like a sturdy oak, adding successive rings of sap to the inner heart wood until it develops strength and stability without losing its capacity to add new branches and to stimulate the flow of sap that keeps the whole organism alive.

Law attains its golden mean when it supplies a remedy for every injury while adhering to stable principles, when it represses violence and unstable conditions with one hand and dispenses new theories of justice to fit new conditions with the other, in short when it coincides with the predominant aspirations of society by happily uniting the opposing principles of stability and equity. The law fluctuates above and below this golden mean, the magnitude of the oscillations being great when society is in a state of flux and small when society is bound by custom, but whether the deviations are large or small the law tends ever to seek its level despite the dams interposed by legislatures or courts.

“ARE YOU GOING BACK TO JERUSALEM?”

BY CHARLES CLEVELAND COHAN.

ON the very day that the word came flashing along of General Allenby's capture of Jerusalem I met a Christian friend of mine who greeted me with the words, “Well, the Holy City has been delivered from the Turks. Are you going back to Jerusalem?”

I merely smiled at him and remarked that considering the fact

that from at least eight hundred to a thousand years or more must have elapsed since remote members of my family had resided in that locality I perhaps would find the place too much changed to suit me.

He might have been facetious in his query. I meant to be more or less so.

Subsequently his query recurred to me, and to my mind came the thought with much engaging force, "Why—perhaps the very question which my friend asked me is the spoken or unvoiced query which Christendom is putting up to all those of Hebraic faith!"

I do not for a moment mean to imply that such a question carries with it anything of peremptory demand. Far from anything of the sort. It merely is the propounding of a natural question induced by the knowledge of Palestine's quondam rulership, of Jerusalem's place in Jewish history, and of years of analysis of Biblical prophecies. Also there has been much discussion verbally and in contemporaneous literature of the Zionist movement. Indeed even casual inquiry leads one of Jewish faith to the belief that every Christian, even without stopping to analyze the proposition, takes it for granted that every Jew in the world is looking forward with intense hope to the time when he and his could betake themselves to Palestine to assume their places in the affairs of a restored Jewish nation there.

Truly it is to be granted that there is something fascinatingly picturesque in the thought of a mighty return to the land of the Fathers. Visualized, the picture is that of great streams of a sturdy people who have won a way to high estate in the progress of the world, wending their way in stately and even awe-inspiring march to the Holy Land, the land of the Covenant and the Ark, of the prophets and the Bible, of the greatest epochs of religion known to mankind. And then that view fades to be replaced by one of a newly reestablished nation, one of peace and peaceful pursuits—abiding calmly, nobly and safely on its holy hills and in its sacred valleys, secure from inner dissensions because of a desire to realize a hope of the centuries and safe from without because of the protecting arms of the civilized powers that recognize the validity of such a holy nation.

Yet no matter how beautiful a painting may be, the artist in preparing it needs must give due heed to the colors that form it, to the technique that designs it. His imagination as he paints may be in the artistic clouds, but he must make use of brushes and of muscle and other material things.

There can be no materialization of a picture of Jewish re-

occupancy of Palestine and especially Jerusalem without taking into close consideration the materialistic things which must be employed in its delineation.

The Zionist movement abounds in noble purposes and high-sounding terms. Can it take all Jews back to Palestine?

The discussion of the Zionist movement is of itself a matter for lengthy and most serious study, and yet my Christian friend could not ask me, "Are you going back to Jerusalem?" without causing the Zionist idea to come quickly to my mind, and with it something of its purport and possibilities suggesting itself again.

The first opposing argument which the Zionist meets is that the task of bringing all Jews back to Palestine at one time would be too gigantic to permit of serious consideration. But then if the Zionist declares that Zionism is not meant to be an immediate "back to Jerusalem" movement for those of Jewish faith, but is a matter of evolution, a serious flaw presents itself in his argument. If the ages spent by Jews among the enlightened nations of the earth have caused them to become most intense integral parts of those lands, then the longer any Jewish family remains implanted in the nation of its choice and love, the farther will be the ramifications of its roots in that land. certainly the more difficult to transplant its root, trunk and branches into any other soil, even that of Palestine.

Verily, the wonderful Shylock pronouncement of Jewish sensibilities might well be paraphrased to describe the status of the Jew to-day in whatever land he is a citizen and indicate his innate feelings regarding the subject, thus:

"Hath not a Jew loyalty? Hath not a Jew patriotism, sense of duty, love of his country, pride in his citizenship, appreciation of his rights, regard for law and order? Fed with the same propaganda of national righteousness, hurt with the same national calamities, subject to the same national exigencies, healed by the same proper legislation, warmed and cooled by the same political arguments, as a Christian is? If improper governments get into control, are we not bled? If we are tickled by great national achievements, do we not laugh for joy? If you order us to the front to fight for the national cause, do we not die? And if you wrong our citizenship, shall we not resent? If we are like you in the rest, we will resemble you in that."

By the manner of his citizenship in whatever nation he resides, the Jew, these many hundreds of years, has demonstrated that his nationality is that of the nation of which he is a citizen and that in religion only he is a Jew.

Are there arguments on that point to the contrary? On what logic can they be based?

A man born in this country is a citizen of this nation whether his parents be Jewish, Catholic, Protestant or of any other religion. When a man becomes a naturalized citizen of this country he swears allegiance to it and renounces his former allegiance to the land from which he came. When a Jew is born in this nation he by constitutional decree becomes a citizen of this republic—he is American by right of birth. When a Jew becomes a naturalized citizen of this country he does not forswear allegiance to any Jewish nation existing in imagination, or, as it were, spiritually, but he renounces allegiance to that country of which he formerly was a citizen. By what right of logic, then, can the native born or naturalized Jew be informed that “by nationality you are a Jew” by either Jew or Gentile?

And if the argument is advanced, as it has been by some, that the Jews are a nation in everything but possession of and residence in the same country because they have not had an opportunity to assemble in the one nation, then by what rule of thumb can the desire to assemble in this one country be ascribed to all those of Jewish faith?

The French Jew is thoroughly French in sentiment and even in mannerisms. The English Jew is British all the way through. The American Jew is as American as any one of his native born or naturalized neighbors of other creeds.

The generality of the subject can best be illustrated by a specific instance. The writer's father was one of those western, trail-blazing pioneers who braved every hardship and danger in the prairie-crossing days of the early sixties to aid in preparing the great Northwest for settlement. His pioneer history is the epic of all sturdy, determined and purposeful pioneers. His bride joined him in pioneer days. His sons and daughters were children of the West. They have an American heritage that is sacred to them by reason of each and every trial and tribulation and disappointment and achievement of the pioneers who made the West so vital a part of this great American republic. They are American from head to foot. They know nothing but American customs, American methods, and cherish no ideals of nationalism other than those which are American.

That is the exact status of the average American of Jewish faith. He is a lover of his country, of the Stars and Stripes. Whether he is in Congress, on the farm, in the office, delving for

ore in the depths of the earth, working beside the glowing furnace—in any and every vocation he is an American. He is an American statesman, banker, farmer, miner, butcher, baker, candle-stick maker, pugilist, journalist, and so on. He is a desirable citizen.

The same is applicable to the Jewish citizen of any other civilized country, his nationality being of necessity that of his fellow-citizens.

Publicists by the score herald the taking of the Holy Land from the Turks by Great Britain as the first step in the repopulating of Palestine by the Jews. They argue that under British protection, a Jewish nation could and would flourish there. The flourishing part would be true not only because of the British protection, which of course would be a vital factor, but also for many important economic reasons. The Jew as a good citizen is essentially a home builder, a developer of natural and other resources. Palestine has a good soil. It needs irrigation projects and other advantages. Its cities need modern sanitary methods. Palestine needs the invigorating influences of a progressing, determined and efficient population. Great Britain and all other civilized nations know that the Jews would be a splendid proposition for Palestine. Jerusalem is an important strategic point for the protection of the Suez Canal and other great purposes. If the British government could convince Jews in sufficient number that the proper thing for them to do would be to inhabit Palestine and to form a government under British suzerainty, that would be a masterpiece of British statesmanship. And indeed it would be a wonderful blessing for thousands of Jews—Jews who are misjudged and mistreated and made the victims of bigotry and superstition-induced torture in certain parts of Europe. No American of Jewish faith is likely for a moment to oppose any Zionist move for populating Palestine with Jews there to establish a state of their own if they can. For, enjoying the protecting friendship of the other great nations of the world, they could make it a safe haven for thousands of Jews from Russia, Rumania and other European countries where oppression is still their lot. And it would be a magnificent plan for the Jews who are living there now in a condition which, because of many years of Turkish misrule, is all but calamitous.

But when it comes to asking all the other millions of Jews, "Are you going back to Jerusalem?" what answer can be expected if not such a one as points out concisely, and in a way that should be convincing, the facts which militate against any such general Jewish move.

There is a physical side to it involving important economics.

Palestine has about ten thousand square miles, as nearly as can be estimated. There are about thirteen million Jews in the world. They all could get into Palestine, but they could not all go in for intensive farming with such quick results as to cause them to be self-supporting. In fact many of them could not farm at all. The building up of cities, of manufacturing enterprises to make such articles as could be sold to other countries—indeed the placing of the country on a self-supporting basis would have to be a matter of progress involving years of endeavor—and with no Jews remaining in any of the other countries from whom to solicit sufficiently large funds for carrying Palestine along pending that country's success in getting on its feet. This is not to imply at all that people of other faiths would not contribute to such Jewish relief work, but they could not in fairness be expected to do so to such an extent and with such frequency as would properly be looked for from co-religionists if any of these were left in a position to contribute from abroad.

To all this the reply is bound to be made, "Why, any one can realize that. No one expects every person of Jewish faith to pack up forthwith or even in the course of the next few years and leave for Palestine."

And this certainly is the right sort of an answer.

But my Christian friend asked me, "Are you going back to Jerusalem?" and doubtless many thousands of Jews right here in the United States were asked that same question on the same occasion and for the same reason. Perhaps the same happened in Great Britain and France and Italy and elsewhere.

No—I am not going back to Jerusalem. I cannot even positively say I came from there. That I entertain the theory that some of my remote ancestors did is after all based only on hearsay evidence, though I am mighty proud to think they did.

And there are some millions of us of the Jewish faith who have a true love for this American republic of ours. Aside from our pride in our ancestral home and even if economic conditions there were such as to enable all Jews to return at once, and admitting that the scenery of the Holy Land with its sacred associations is most alluring, and agreeing that the climate is most pleasing and opportunities are great, and believing it to be a great and a glorious place where Jews oppressed and unoppressed in other nations could rest secure and demonstrate in full their ability in art and music, in literature, industrial enterprises and commerce, to say nothing

of athletics and such matters, there are certain innate characteristics born right in our souls and the flesh and bone of us that make us really Americans and not merely sojourners here. We show that to be true by our conception of citizenship. They are characteristics which naturally make us love this Land of Liberty—cherish to the utmost those principles of humanity which are the foundation and bulwark of this republic—glory in our American citizenship—feel thrilled by the history of the United States—thankful not only to be able to enjoy this republic's blessings of life, liberty and the pursuit of happiness, but deeply grateful that we are imbued with the desire to do our part in whatever way we can and whenever we can to uphold those blessings and the nation which has so wonderfully promulgated them.

We are inspired by the splendor and grandeur of this American nation. We have had too much to do with the establishment and progress of the republic to consider ourselves even for a moment only sojourning aliens here. Our lives are too much interwoven with the fabric of the nation to permit us or anybody else to think we are merely visiting here in order to take advantage of the safeguards provided by the republic.

There are thousands of us in the service of Uncle Sam. Much of our blood has been spilled in the fights of this nation from the Revolutionary war to the present day to maintain the greatness and the power of the republic and the humanitarian principles it upholds. Much of our blood will be spilled on foreign battlefields in the carrying of Old Glory to its great triumph in vitally participating in the democratization of the world. Those of us who are not on the firing line and are destined to do their share at home, are devoting sincere efforts to aiding in the success of all those endeavors which make for the sustaining of the fighting men, and we are doing it with real American unselfishness as well as devotion to duty.

The Bible student points to the prophecies in Old and New Testament and bids us prepare to return to Palestine. He says that Holy Writ so orders it for he so interprets it.

But we Jews look up and see the Red and the White and the Blue floating over us and the Flag symbolizes to us the grandeur of a land of the free and a home of the brave, and we are inspired by the thought that we are a part of such a republic. Our Jewish children learn the "Salute to the flag" in the school-room and love for the nation is inculcated in them not as transients but as conscientious Americans. In our hearts is the exulting feeling that the

Almighty, who granted the forming of such a republic as this, who has guided it safely through stress of conflict from within and attack from without, who has made it a refuge for the disheartened and the oppressed and the exile, and the land of opportunity and encouragement for them as well as for the ambitious and the able, means us to be true to our trust in American citizenship. Surely we could not but be possessed by the unshakable conviction that He means us to continue doing our part in upholding the republic and to show our appreciation of the blessings it has given us and gives us by being Americans now and for ever.

MISCELLANEOUS.

OUR FRONTISPIECE.

On the 14th of July the French celebrate the anniversary of the storming of the Bastille, which was the beginning of the French Revolution. As this date marks a new epoch in history, the whole world celebrates it now, and the tune of the Marseillaise, the battle hymn of the republic which finally emerged from the upheaval that started on that fateful day, is popular to this hour wherever free men rise against tyranny.

The Bastille was the prison which under Louis XIV began to acquire its fame as the jail to which the king as well as the noblemen of his *entourage* would send their political and personal opponents, without trial, simply by a *lettre de cachet*. It was looked upon as the bulwark of the *ancien régime*, its name as the symbol of oppression. The man who in 1789 occupied the throne of France, weighed down with all the curses heaped upon his ancestors, was of a harmless, even good-natured disposition. He might have been popular, had he not been married to that beautiful and refined, but superficial princess, Marie Antoinette, the daughter of the famous empress Maria Theresa. The people hated her, *l'Autrichienne*. Neither of the royal couple was able to cope with the great problems of the day. Louis XVI was not a tyrant and saw no need of filling the Bastille with prisoners, but he lacked insight and foresight. He did not even know that the masses were starving, he did not dream that something like a financial calamity might foreshadow a revolution.

There were no political prisoners in the Bastille when it was taken by the Parisian mob. The guards who garrisoned the stronghold capitulated and, lowering the drawbridge, gave free access to the crowds who came as liberators. The commander had been assured of his own safety and that of his men and his officers, but the mob did not keep its promise. The men in charge were massacred without mercy.

The king had been hunting on that day. When he was informed of the capture of the Bastille, he is reported to have said, "*Mais c'est une émeute,*" but the officer replied, "*Non, Sire, c'est une révolution.*"

The Bastille was practically empty when it was taken and its few inmates, common vagrants and thieves, were set at liberty with great display. It was not their persons that mattered. It was the place where they had been held captives—a monument of tyranny of whose fall and destruction they bore living witness.

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HENRY EDUARD LEGLER

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