

The Open Court

A MONTHLY MAGAZINE

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

Editor: DR. PAUL CARUS

Associates: } E. C. HEGLER.
 } MARY CARUS.

VOL. XVIII. (NO. 6)

JUNE, 1904.

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CHICAGO

The Open Court Publishing Company

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The Gods of the Egyptians

OR

Studies in Egyptian Mythology

BY

E. A. WALLIS BUDGE, M. A., Litt. D., D. Lit.

KEEPER OF THE EGYPTIAN AND ASSYRIAN ANTIQUITIES
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324 Dearborn Street, Chicago



ADOLF BASTIAN.

Frontispiece to The Open Court

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ADOLF BASTIAN.

BY W. H. CARRUTH.*

THE growth of the conception of a unitary Universe is illustrated nowhere more strikingly than in the rise and spread of the science variously called ethnography, ethnology, anthropology. Or perhaps it should be said rather that this science has strengthened and established the notion of a unitary Universe. It is unfortunate that the name anthropology should have been restricted, as it commonly is, to the study of man as an individual, for by its root meaning it represents the very broadest sense that can be attributed to this science or group of sciences, the science of mankind, of man the race. Thus it is really broader than ethnology and ethnography, both of which hint at the division of mankind into tribes and nationalities. Although the Germans favor somewhat the latter of the two terms and the English and Americans the former, ethnology seems to be gaining ground as the accepted name for the science. Among themselves the Germans have their expressive word *Völkerkunde* and the word *Mensch*, corresponding to Greek *ἄνθρωπος*, for man the species. These words make it easier to express oneself with simplicity and precision on the subject under consideration. The attempt to distinguish ethnography, as the more outward locating and delimiting and description of races, from ethnology, as the research into the nature and origin of races and race characteristics, seems more feasible to the German with his beautiful word *Völkerkunde* to include them both.

However, the really significant matter is the existence of this science, based like other sciences upon confidence in the universal

* From data furnished by Dr. Th. Achelis.

reign of law, a law not imposed from without but working in and through the forms which manifest it—a science that has felt after and found the solidarity of the human race. It is noteworthy that the new science of biology, like the science of ethnology, was fostered by an exploring expedition around the world, and that the *Origin of Species* appeared in the same year with the first fruit of Adolph Bastian's researches into the natural history of primitive races and was followed the next year by the epoch-making *Der Mensch in der Geschichte*. It may almost be said that evolution and ethnology were born in the same year.

One of the most interesting figures among German scholars of to-day is Adolf Bastian, the pioneer of the science of ethnology, who is approaching his 78th birthday. He was born in Bremen, May 26, 1826. Turning from law to medicine, he took his doctor's degree in 1851 and promptly engaged himself as a ship's surgeon for a trip to Australia. The trip was extended into an eight-years' journey of exploration including in addition to Australia, Peru, the West Indies, Mexico, California, China, East India, Babylon, Nineveh, Syria, Palestine, Egypt, the Cape Country and the Guinea Coast. Upon this, as upon his many subsequent extensive travels, Bastian was a keen observer and a diligent collector. He was from the beginning a very different being from a mere curio-gatherer; he had early learned not to despise the seemingly meaningless and unimportant, and that no product of human activity was without significance in interpreting the nature of man. In his first extended work, *Der Mensch in der Geschichte*, published at the conclusion of this great journey, Bastian tells how the project matured in his own mind:

"Far from Europe and for a long time restricted in personal communication, these views matured gradually as a result of observation on the various conditions in which mankind lives on this earthly ball. In the silence of the deserts, upon solitary mountains, on trips across wide seas, in the sublime natural beauty of the tropics, they matured in the course of years and united into a single harmonious conception." And at the same time was maturing in the soul of the explorer a firm confidence in his calling to develop a new science, which kept him true to his work through the many trials and dangers of his long life. Not only was the young explorer sailing an unknown scientific sea, but what had seemed to be fixed stars of faith and philosophy began to wander from their courses. "The spirit may long to return to the days when a fixed firmament arched above our heads, where dwelt a loving Father; it may lin-

"ger fondly over the dreaming dawn of its childhood, but would it
 "be content to become a child again? Will that man fulfill his des-
 "tiny, who, just as he is about to enter into the struggles of existence
 "which will call his capacities into action, would flee back to his
 "mother's lap to seek in her arms protection from the violence of the
 "storm? Into many a heart, indeed, there enters bitter grief, the
 "painful distress of despair, when it finds everything about it sud-
 "denly empty and desolate, when all the pleasant pictures of imagi-
 "nation, the friendly divinities upon whose lips he hung so trust-
 "ingly as a boy, the shining words which stirred his enthusiasm as
 "a youth—when all these vanish into nothing and dissolve in mist."
 But these, Bastian says, are the lamentations of the weakling. If
 our generation had been schooled in psychological principles we
 should have been spared this period of sentimental woe over things
 as they are. "True, we see about us the operations of laws which
 "in their last analysis we do not understand, but we see them work-
 "ing in harmonious accord; we have, indeed, no fixed goal toward
 "which we labor, but we have at least unmasked the lie that tried to
 "deceive us with mirages; we no longer have to bear the tyrannical
 "whims of a jealous God; if a powerful enemy expels our protector
 "from Heaven, we no longer fear to fall with him into the abyss of
 "annihilation; we no longer tremble at the dreadful spectacle of the
 "almighty creator of the world compelled to give himself as a sac-
 "rifice to ward off impending dangers. * * * The yoke is
 "broken and we are free. * * * And what is it that the human
 "heart desires? To know the whole, of which it is an integral part.
 "And can it hope to know this in any other way than by cooperating
 "in the common activity? Can it find a surer and loftier consol-
 "ation than to know itself to be an atom in eternity and infinity, in-
 "finite and eternal with these? * * *

"Our eyes look out into infinity: why deny its existence? Seek
 "to be infinite yourself, if infinity surrounds you. Soon you will feel
 "your thoughts and ideas streaming out into the eternity of the
 "Universe, you will feel them taking root everywhere in the laws
 "of the harmonious cosmos, you will grow into it, unending, eternal,
 "unceasing like it, and fulfill your law of life in conscious harmony.
 "Not only every look that connects us with the stars and every
 "breath that absorbs the ever renewed atmosphere, guarantee eter-
 "nally continued existence, but still more the divine ideas, free from
 "all planetary and cosmic limitations, whereby we reproduce within
 "ourselves the laws of the Universe."

Such were the reflections of the scholar of thirty-two arising

from the material of his first great work* and the experiences leading to it. It was evident to him already, not only that his researches would take him largely into the realm of religion historically considered, but also that they were destined to affect profoundly his own and others' views of religion in general. As religion deals with man's relations to the Unknown, it naturally occupies a larger part of the consciousness of the primitive man, since the field of the known is comparatively so much smaller as we go further back in the history of the race or of the individual. Thus it is but natural if Bastian's next great journey was prompted expressly by the desire to pursue one great religious problem—that of Buddhism—to its sources. This expedition occupied the years from 1861 to 1866, the greater part of the time being spent in Burmah and Siam, but included considerable periods in Japan, China, the Desert of Gobi, and the Ural region. The printed results of this journey were: *Der Buddhismus in seiner Psychologie* (not published until 1882), and *Die Völker des östlichen Asiens*, the latter in six large volumes.

On his return from this expedition Bastian located at the University of Berlin as *Privatdocent* and was soon appointed professor of ethnology and in 1868 Director of the Museum of Ethnology, which developed so nobly under his management that the splendid structure in the Königgrätzerstrasse was erected for its collections in 1886. But scarcely had he begun his activity as instructor when in 1873 he joined the African Congo expedition to establish a station at Chinchoxo, and in 1875 made an expedition of two years to South America. Again an interval of two years and the tireless traveler began another trip around the world, visiting Persia, India, Australasia, New Zealand, Oceanica, California, and Yucatan, reaching Germany again in 1880. The plans for the new museum and an enormous amount of publication prevented further travel for ten years. The publications of this period include fourteen titles and eighteen volumes, not reckoning serial contributions. Then again the "Wanderlust" came over the veteran and a previous expedition was traced nearly in reverse order: Caucasus, Turkestan, Armenia, Further India, Polynesia, Tasmania, and Australia, on a trip of three years' duration. Finally at the age of 70, Bastian undertook one more long journey to Indonesia, to escape, it is said, the embarrassing honors prepared for his Jubilee by his appreciative countrymen and fellow-scholars.

* The first publication, preceding this, was, *Ein Besuch in San Salvador, Hauptstadt des Königreichs Kongo; ein Beitrag zur Mythologie und Psychologie*. Bremen, 1859.

In addition to these seven great expeditions, with the making and care of the attendant collections, to a list of forty-seven volumes of independent publications, not counting contributions to journals, to his work as an instructor and director of the Museum für Völkerkunde, Bastian has assisted in founding several learned societies, as the Gesellschaft für Erdkunde, the Gesellschaft für Anthropologie, the Africanische Gesellschaft, serving for considerable periods as president of the first two, and in founding and editing the *Zeitschrift für Ethnologie*.

Like most great scholars, Bastian is modest, almost shrinking, when his personal achievements and merits are involved. He is frank and straightforward, perfectly simple in habits and manners, and absolutely self-sacrificing when his science is to be served. It might be difficult to say whether his pronounced personal charm is innate or comes from his enthusiastic devotion to his subject and the vast interests of his experiences.

Bastian began by insisting on the accumulation and interpretation of facts, in contradistinction to the prevailing speculations regarding the childhood of mankind. He saw that the races which still preserve anything like primitive conditions are rapidly passing away, or that they lose their primitive character rapidly on coming into contact with more highly developed races. Hence his appeals to scholars to gather everything accessible that might throw light on these primitive conditions, and hence his own nervous haste to reach all the primitive races and to study them in their native environment before they had been modified by contact with a foreign world, before their spiritual identity had been attacked and undermined by the resulting self-consciousness and deliberate adaptation.

In view of the recent discussions of the effect of the contact of inferior with superior races, Bastian's utterances on the subject twenty-five years ago are interesting, made as they were from the historian's point of view and not at all from the statesman's: "From the moment when primitive peoples make our acquaintance the breath of the death-angel is upon them; stricken by him they bear within themselves thenceforth the germs of dissolution." In the case of weaker peoples this is actual physical destruction, but even in the case of more vigorous races there is psychic extinction: the race may be improved, but it loses its race individuality.

Bastian early observed that it was necessary to break utterly with the psychology of his day, which was largely evolved from the inner consciousness. His travels and observations had taught him the immense import of the fact that man is a social animal. Both

history and psychology had too largely ignored this fact or failed to understand it. Man cannot be studied and understood in his isolation. "Mankind, a conception than which there is no loftier, is to be taken as the initial point, as the harmonious whole, within which the individual figures only as an integral fraction. * * * "History has given hitherto the development of individual races instead of that of mankind; the glaring light that issued from the social summits threw into the shade the broad foundations of the great masses, and yet it is in them alone that creative forces spring and the lifeblood circulates."

Thus Bastian demanded a new psychology, a social psychology, which should comprehend the fact that we do not even think "unto ourselves alone," but rather, as he put it, "that it thinks in us." And with this thought was given the watchword for a group of new sciences, or for re-construction of old sciences which made them practically new: Social science, social ethics, social psychology, social pathology, social everything pertaining to man; comparative law, comparative religion, comparative everything pertaining to the social animal man. Comparative philology had, indeed, anticipated Bastian's labors, but the impetus proceeding from him may even have broadened the spirit of philology.

Bastian originated the expression "race thought" (*Völkergedanken*). He observed that there is an extraordinary similarity and uniformity of conceptions among all the races of the earth, beneath all the seeming diversity, and that these conceptions are developed according to uniform laws. Similar conditions produce similar thoughts. And so, while within differing geographical horizons there are certain modifications in the form of these thoughts, on the whole they manifest the unity and the uniform development of mankind. "To get at these fundamental uniform conceptions, and to establish them in their elements together with the law of their development, in religion as well as in law and esthetics, in a word, the investigation of the laws of growth of the human mind as manifested in social collective thoughts—this is the function of ethnology, its contribution to the establishment of a science of mankind." And in this spirit Bastian calls his own work "Thought-statistics comprising a survey of what has been thought on this earth always and everywhere about religion and philosophy."

Applying the general principles already outlined, Bastian attempts in each field of human interest: law, religion, ethics, etc., to ascertain first the universal human elements and the laws therein

manifested, and then to ascertain the modifying power of environment in the various great "geographical provinces." Only in the second of these spheres does Bastian concede the place and function of history and chronology. History has always erred in constituting an hypothetical primitive man out of the writers' own consciousness.

"Das ist im Grund der Herren eigner Geist,
In dem die Zeiten sich bespiegeln."

There is no need of this, for primitive man is still to be found and studied on the earth. After ethnology has established his universal characteristics and the laws of his development, then chronology may assist in ascertaining the order of the development of the various geographical deviations from the type.

The matter of primary interest is the primitive man's conception of the universe, and here we find the critical fact to lie in the difference between the known and the unknown, and especially in the envisagement of the latter. The primitive man's analytical power is slight; and as soon as it relaxes and he recognizes the Unknown as an entity, gives it a place in the category of his conceptions and gives it a name, he has deliberately set up a despot whom he will have to serve humbly and slavishly until the developed intellect of a later time shall dissolve this Unknown into its elements and master them. Man lives within the horizon of his own views. He is constantly dominated by the conceptions that for the moment have the upper hand within him, whether in the higher stage of humanity's intellectual flower or in the cryptogamic stage of savagery.

With the recognition of the Unknown the savage has admitted an indefinite quantity into his scheme of thought, an x of undefined and undefinable value, which will yet be the determining factor in all his mental calculations to which it is added. Every object of nature partakes of this feature of the Unknown, so that the savage dares not even pluck the plant he needs for his food without ceremonies to appease the Unknown. Only his fellow-man seems to him a known quantity, and so long as distinctions of rank have not crept in, no ceremonies are employed in the approaches of man to man. Yet, if the man be a stranger with perhaps extraordinary powers of harming or curing, he may, until he becomes commonplace, receive some of the deference paid to the Unknown. But when Death lays his hand upon a fellow-man, the sense of identity with himself is broken for the savage, and the cold and rigid body partakes with all outward nature of the mysterious qualities of the

Unknown. So he pays his homage to the dead with trembling until a growing enlightenment changes the ghostly spooks of the departed into kindly guardian heroes.

Not understanding death as a natural process, the savage regards as equally mysterious its forerunner, disease. Each disease becomes a hostile demon. And if the savage speaks of a demon who falls upon him out of the trees of the jungle and shakes him in the grasp of a fever-chill, while the civilized man looks wise as he discourses of the effluvia arising from the decay of vegetation, the difference between them is after all not so great—a difference chiefly in point of view, for neither knows the nature of the miasma. The savage finds more meaning in the conception of a demon, for he has not as great powers of abstract thought as his civilized brother. And so he sees in every outward object some portion of the mysterious Unknown, while he represents the powers which he can recognize under the forms of beasts or of grotesque distortions of them. Mr. Ingersoll's witty perversion of Pope's aphorism: "An honest God's the noblest work of man" was but another form of the more scientific proposition, "Man is reflected in his Gods." While the nature of the personification under which the unknown powers are represented grows nobler and higher as man's intellectual horizon widens, yet the same instinct underlies all religion, and survivals of fetishism may be detected in even the loftiest religion of the world, Christianity. To the understanding eye all attempts to grasp and realize the Unknown are but reflections of the known, are based upon the earth; the supernatural and the transcendental are but the natural in another light and from a different point of view.

Comparative law, guided by the researches of ethnology, has reversed old notions of private property, of marriage and of the position of woman. We now know that there is no universal law and absolute code at the foundation of all laws. Private property is not primitive and universal, but a comparatively late development of civilization. With the early exception of tools and weapons and of the immediate results of the chase, property rights inhered in the commune or clan. So, too, the primitiveness of the authority and power of the father as head of the family was overthrown by the revelations of the conditions known as the matriarchate, showing that the woman was the natural center of those close primitive organizations known as clans. In fact, the natural history of marriage has been revolutionized.

The dispersion of the idyllic dream of primitive innocence and

purity cherished by the Eighteenth century was succeeded by a tendency to paint the savage as malicious, steeped in the most abominable vices and reveling in revolting spiritual grossness. The one conception is scarcely less one-sided than the other, though it rightly emphasizes the vast difference between our civilization and the earlier stages of life. But more important is the recognition of the law demonstrated by ethnology, that the moral sense depends immediately upon social conditions. There are no universal and absolute moral ideals save such as are based on the social structure and the common character of mankind. The sole arbiter of the permissible, the proper, and the essential is not the subjective fancy of the individual, but the entire structure of the social organism in which these terms are to be applied. In a word, the standard of ethics is not absolute, but relative.

"A striking instance of the onesidedness of our view of the world is the stubbornness with which we insist that our principles, our sacred truths must prevail among men everywhere and are in the very nature of man as such. An arrogant and egotistic pride has long misled the European into regarding himself as the ideal of humanity, and into looking down upon all other times and condemning every race that ventured to derive other views from its social experience. He does not think of the broad continents which cover the rest of the globe, where unnumbered nations have developed their independent civilizations; he does not recall the many brilliant epochs of history that rose and passed away before ever a ray of the light of civilization had pierced the barbarism of his forests. The majority of educated people do not look beyond their own horizon."

But he who respects the facts will hesitate to regard the morality which prevails among us as the only natural system and to try to force it upon other nations. Although the moral system of Europe, on account of the activity of her political life, has reached an incomparably high degree of perfection and development, we hesitate for this very reason to apply this perfection attained through exceptional circumstances to all other nations. "If we expect to find among all nations the principles which are indissolubly connected with European civilization and fail to find them there, an explanation blinded by prejudice will naturally lead to those abstruse hypotheses regarding the origin and permissibility of evil which have confused some of the greatest intellects."

Such are some of the thoughts and conclusions arrived at by Bastian or through the science which he represents to-day as veteran

and past master. The aim of all science is truth, but one-sided truth is almost as bad as absolute error. The aim of true philosophy is to get a grasp of the universe and some notion of the true proportion of things. Toward this end ethnology makes one of the most valuable contributions, and it is evident that such a study lifts and inspires by widening immensely the horizon of human thought. Bastian and those who have labored with him may regard with just satisfaction, if not with pride, the effect of their thought and their conclusions upon the collective sciences of mankind.*

* The following is a list of Bastian's published works, not including pamphlets and serial contributions: 1. *Ein Besuch in San Salvador, Hauptstadt des Königreichs Kongo*, Bremen, 1859. 2. *Der Mensch in der Geschichte*, 3 Bände, Leipzig, 1860. 3. *Die Völker des östlichen Asiens*, 6 Bände, Jena, Leipzig, 1866 ff. 4. *Beiträge zur vergleichenden Psychologie*, Berlin, 1868. 5. *Das Beständige in der Menschenrasse und die Spielweise ihrer Veränderlichkeit*, Berlin, 1868. 6. *Rechtsverhältnisse bei verschiedenen Völkern der Erde*, Berlin, 1872. 7. *Ethnologische Forschungen*, 2 Bände, Jena, 1872. 8. *Geographische und ethnologische Bilder*, Jena, 1873. 9. *Die deutsche Expedition an der Loangoküste*, 2 Bände, Jena, 1875. 10. *Schöpfung und Entstehung*, Jena, 1875. 11. *Die Kulturländer des alten Amerikas*, 3 Bände, Berlin, 1878 ff. 12. *Die heilige Sage der Polynesier*, Leipzig 1881. 13. *Der Völkergedanke im Aufbau einer Wissenschaft vom Menschen*, Berlin, 1881. 14. *Zur Vorgeschichte der Ethnologie*, Berlin, 1881. 15. *Der Buddhismus in seiner Psychologie*, Berlin, 1882. 16. *Inselgruppen in Oceanien*, Berlin, 1883. 17. *Zur Kenntniss Hawaiis*, Berlin, 1883. 18. *Völkerstämme am Bramaputra*, Berlin, 1883. 19. *Indonesien*, 4 Bände, Berlin, 1884 ff. 20. *Allgemeine Grundzüge der Ethnologie*, Berlin, 1884. 21. *Der Papua*, Berlin, 1885. 22. *Zur Lehre von den geographischen Provinzen*, B. r. in, 1886. 23. *Die Welt in ihren Spiegelungen*, Berlin, 1887. 24. *Allerlei aus Volks- und Menschenkunde*, 2 Bände, Berlin, 1888. 25. *Ueber Klima und Acclimatisation nach ethnischen Gesichtspunkten*, Berlin, 1889. 26. *Ideale Welten*, 3 Bände, Berlin, 1892. 27. *Controversien in der Ethnologie*, Berlin, 1893. 28. *Lose Blätter aus Indien*, 6 Hefte, Berlin, 1897 ff. 29. *Die mikronesischen Colonien*, Berlin, 1893. 30. *Kulturhistorische Studien*, 2 Hefte, Berlin, 1900.

MARRIAGE AND THE ROMAN CATHOLIC CHURCH.

BY J. CLARK MURRAY.

NO institution has influenced human life more widely or more deeply than the family. All the interests of man—social and political, moral and religious—gather around the family home. These interests, however, reach their highest emotional intensity in that relation of the sexes, out of which the family takes its origin; and therefore the well-being of mankind has always been intimately bound up with the moral and religious usages, the social and civic regulations by which this relation has been safeguarded. Accordingly, in all the highest civilisations the bond of man and wife has been fortified by the most solemn motives that act upon the human soul, the sanctities of a religious rite. Among Christian communities at the present day the marriage ceremony is almost always performed by a minister of religion, purely civil marriages are in general regarded as “irregular,” and they certainly form a very small proportion of the matrimonial transactions. Christian sentiment on the subject has taken its most definite form in the Roman Catholic doctrine, which makes marriage one of the “sacraments” of the Church. The technical significance of this dogmatic theory or of the controversies which it has originated does not concern us here; but even the most violent Protestant cannot shut his eyes to the fact, that it gives the Roman Catholic Church a position of peculiar advantage in enforcing the inviolable sacredness of the marriage bond. It has even been claimed at times, and by Catholics of philosophic culture like Mr. W. S. Lilly, that “the only real witness in the world for the absolute character of holy matrimony is the Catholic Church.”* This statement, though it might be qualified, is not here

* See an article by Mr. Lilly on “Marriage and Modern Civilisation” in *The Nineteenth Century* for December, 1901, p. 919.

called in question. The benign influence of the Catholic Church as a living witness for the sanctity of marriage is rather ungrudgingly recognized. It is in fact for this reason that attention is here drawn to the indications of a tendency which is calculated to mar the general influence of the Church upon the institution of marriage.

This tendency has appeared in the Canadian Province of Quebec, where the Catholic Church holds a somewhat unique position. That position has given her a peculiar power in controlling the marriage-law of the whole Dominion. For, in the Act of Confederation which forms the Constitution of Canada, her influence went with the wisest convictions of Protestant statesmen towards keeping the laws affecting marriage within the sphere of the Federal Government. The Act, indeed, provides that each of the several Provinces entering into confederation shall retain its existing laws till these are amended by subsequent legislation. But four of the Provinces, New Brunswick, Nova Scotia, Prince Edward Island, and British Columbia, had Divorce Courts at the time when they joined the Dominion; and as the Federal Parliament has in general avoided unnecessary interference with Provincial freedom, those courts have never been abolished. In the other Provinces, however, divorce is still impossible by ordinary process of law; it can be obtained only by a special Act of Parliament, and only on proof of conjugal infidelity.

But it is in the courts of the Province of Quebec rather than in the Parliament of the Dominion, that the influence of the Catholic Church on the marriage question has taken its most interesting form. To understand this it is necessary to bear in mind that the laws of France at the time of the cession of Canada remain the laws of Quebec, except in so far as they have been modified by change of sovereign or by subsequent legislation. Now, as a Catholic country at the period in question, France governed her marriage-law by the Catholic doctrine, as formulated by the Council of Trent. The provincial law in Quebec has of course been amended to secure the validity of marriage between persons who do not belong to the Catholic Church; and the whole marriage-law, as thus amended, has been embodied in the Civil Code of the Province, which was promulgated in 1867. So far as the marriage of non-Catholics is concerned, the interpretation of the Code seems to have met with no serious difficulty. But a perplexing legal problem has arisen out of the fact, that occasionally persons belonging to the Catholic Church have been married, not (as their Church requires) by one of her own priests, but by a Protestant minister. According to

many legal authorities, this fact does not invalidate the marriage of Catholics before the civic law, as the Code seems to require merely that a marriage must be celebrated before witnesses and by any officer duly qualified; but Catholic jurists in general contend that, in the case of Catholics, the marriage-ceremony must be performed in a Catholic church and by a qualified Catholic priest. This point involves merely a disputed interpretation of provincial law; but the problem is complicated by an additional contention of far more serious import. For, as marriage is for Catholics a religious sacrament, some of the provincial judges have decided that, whenever any question with regard to the validity of a marriage is brought before the civil courts, they should refer it to the bishop of the diocese and await his decision before pronouncing judgment in regard to the civil effects of the marriage. This decision has very naturally been opposed, not only by legal authorities, but by the unanimous sentiment of the community outside of the Catholic Church. Unfortunately none of the cases that have come before the Canadian courts have been appealed to the Privy Council in England, so that no approach has yet been made towards an authoritative settlement of the questions involved. The situation is therefore one that calls for earnest reflection with the view of finding whether some solution of the problem at issue may not be reached without regard to the disputed interpretation of the law.

The whole problem has found its clearest expression in one of the more recent cases, which, in virtue of its peculiar features, excited an unusual degree of interest throughout Canada. Other cases of similar purport had been the subject of legal controversy before, and at least one has been adjudicated since; but as the one specially referred to is singularly free from side-issues in which the main issue might be obscured, it may be taken as peculiarly representative of the principle involved in them all. The facts of the case are these: The petitioner was a young man named Edouard Delpit, who had been baptised and brought up as a Catholic; the defendant, a young woman named Marie Cote, likewise baptised and brought up in the Catholic Church. In 1893, when the former was twenty-three, and the latter only sixteen years of age, they were married by a Unitarian clergyman in Montreal in accordance with all the forms required by law of the officiating minister. After the two had lived together as man and wife for seven years, and three children had been born to them, Delpit applied to the Archbishop of Quebec to inquire into the validity of his marriage; and the Vicar General of the diocese, to whom the adjudication of mat-

rimonial causes was delegated, pronounced the marriage null on the ground of clandestinity. This decision was, on appeal, confirmed in Rome; and an application was then made to the civil court to confirm the judgment of the ecclesiastical court, and to annul the marriage as to its civil effects. The application was of course opposed, and the case went to trial before Mr. Justice Archibald. He had to face several decisions of the court, in which petitions similar in purport to that of Delpit had been granted, and especially one of great learning and argumentative ability, which had been rendered some years before by Mr. Justice Jette. In dismissing the petition Mr. Archibald's judgment became thus, almost of necessity, substantially if not formally, a review of the previous decisions, to which it was opposed in principle. On the other hand, a decision by Mr. Justice Lemieux in a more recent case is substantially a review of Mr. Archibald's judgment. The continuance of such a judicial debate is certainly undesirable; but it is only fair to acknowledge that the tone, in which it has been hitherto conducted, may give some legitimate satisfaction to the Canadian people. It may be questioned whether the judges of any other country could have sustained such a debate with higher dignity or more perfect courtesy. It may be added, that the learning and dialectical skill, displayed by advocates as well as judges, reflect the highest honor on the Bar and the Bench of Quebec; and if the question at issue is ever carried to the Privy Council, the judges of that court will probably find that the whole material has been thoroughly threshed, and every particle of grain carefully sifted, by their colonial confreres.

This is not the place, and it would be futile for a layman, to discuss the problem before the Canadian courts in its legal aspects. But even if it were to receive final adjudication from the Supreme Court of the Empire, that would settle merely the actual state of the law, while the moral and religious interests involved would still offer a serious problem, which might call for legislative action. It is therefore worthy of consideration whether, even in the present state of things, nothing can be done either to prevent such marriages altogether or to prevent them from becoming subjects of controversy in the civil courts or in the periodical press. Such a result may be rendered far from impossible by a fair amount of judicious action on both sides.

First of all, on the part of the Protestant people it is but an obligation of justice to accord the fullest respect to those peculiarly sacred sentiments, with which marriage as a religious sacrament

is invested in the eyes of their Catholic fellow-citizens. And it is but fair to the Protestant people to acknowledge that this obligation of justice is ungrudgingly recognized. There is therefore ground for the hope that they will readily do their part to avoid any interference with the doctrine and practice of the Catholic Church in regard to marriage. Now, it is not necessary to reflect, in the faintest manner, on the action of the Protestant clergy with regard to Catholic marriages in the past. That may in all cases admit of some reasonable explanation. But now the Protestant minister knows that, if he performs the ceremony of marriage between two Catholics, his action may be declared null by the civil courts after the injury resulting from it has become irreparable. For this injury, 'tis true, he does not appear to be legally responsible. His sufficient warrant for performing the ceremony is the license which the parties exhibit. But this is only a license; it only gives him liberty to perform the ceremony of marriage between the persons whom it names. It does not impose on him any obligation to perform the ceremony if he has any scruples. On the contrary, the Code takes care to provide that "none of the officers authorised can be compelled to solemnise a marriage, to which any impediment exists according to the doctrines and beliefs of his religion, and the discipline of the church to which he belongs." It is therefore perfectly competent for a Protestant clergyman, when persons unknown to him apply for marriage, to inquire whether they are Catholics; and if they profess to be such, he is explicitly authorised by law to refuse to perform the ceremony, for he can plead as an insuperable impediment to their marriage those universal obligations of justice, which are the common doctrines of all the churches. He may even dismiss their application as something of a personal insult to himself. For, unless they are incredibly ignorant, they must be aware that the ceremony, which they ask him to perform, cannot, in their faith, be a marriage at all: that they expect him to sanction, by a solemn farce, their entering into a relation with one another, which must, in their eyes, be profoundly immoral.*

* It is but fair to note that, that in the case of *Delpit and Cote*, the defendant in her demurrer denies that she and her husband were Catholics, and alleges "that the petitioner professed to be non-Catholic while he was courting her; that she, as well as the circle of friends with whom he associated, had always considered him as such; that at the time of the celebration of the marriage, the petitioner, professing to be non-Catholic, requested that the ceremony should be performed by a minister of the Unitarian Church, as being the church which came nearest to the beliefs of the defendant; that she, on her part, was non-Catholic, Protestant, and was recognised as such."

While such an attitude would be reasonable on the part of the Protestant clergy, it may fairly be expected that the Catholic Church will do her part in overcoming the difficulties of the situation. And what is that part? In the first place, it is important that the sentiment of Protestant society in regard to this matter should not be misunderstood. That sentiment is in no sense anti-Catholic. It is simply the sentiment of honorable men, whatever their religious faith may be,—the sentiment which forces them to act on the homely principle, that their word is as good as their bond. This sentiment expressed itself in clear and vigorous form with reference to the case of *Delpit and Cote*. And not unnaturally, in view of the facts of the case. A young man, after some months' courting, had persuaded a young girl—a very young girl, just entering on her seventeenth summer—to plight to him her troth. They seek, in a way prescribed by law, a license for their marriage. They appear before one of the officers whom the law authorises to perform the ceremony, and are united in accordance with the usual formalities. The husband enjoys the love of his wife for seven years, and receives the dearest pledge of her love in three children who call him their father. He does not complain of any failure of wifely duty on her part. He never hints at the faintest disloyalty, even in thought. He does not plead the most trivial excuse for seeking to brand his wife and children with the stain of illegitimacy. He merely contends, with a *naïveté* which is astoundingly frank, that, in spite of his monstrous disloyalty to the Catholic faith on the occasion of his marriage, he must still be regarded as having been a Catholic at the time; and, as his marriage was undoubtedly null before the law of the Catholic Church, he petitions to have it declared null before the civil law of his country.

Is it wonderful that such a petition should have stirred a painful excitement in Canadian society? All gentlemen can surely understand the indignant scorn which the conduct of the petitioner has awakened. The revulsion of feeling would not have been so deep if he had frankly gone over to one of the neighbouring States, where divorce is obtained on conveniently easy terms, and rid himself in that way of the encumbrance of his wife. True, it is difficult to conceive what plea could have been urged in his case to satisfy even the most facile of divorce courts; and a divorce, obtained in that way, would not have allowed him to marry another woman in Canada without risk of prosecution for bigamy. But a simple divorce would at least have left wife and children free from any social smirch, and would have avoided the painful shock of using

a sacred doctrine and ritual to evade the honorable obligations of a marriage-contract. For the facts cannot be ignored, that to the ordinary lay mind, untrained in legal dialectic, it is merely the effect of the ecclesiastical judgment that is understood. And that effect is seen to be practically the same as a divorce, with the aggravation that the union is dissolved for a reason which no divorce-court in the world would have entertained, that the woman, who had believed herself to be an honorable wife, is reduced to the legal status of a concubine, and that her children are subjected to the consequent degradation. To all who have the faintest sympathy with the testimony of the Catholic Church to the indissolubility of the marriage-tie, it must surely be a matter of profound regret that she should have lent her influence to assist any man in inflicting such a cruel wrong on an innocent woman and on innocent children by applying her doctrine to provide him with an easy method of escaping from his marriage-contract.

The question is thus forced upon us, whether such tragedies are really unavoidable,—whether they are really necessitated by the claims of Catholic doctrine. The action of the Church in such cases proceeds on the assumption, that, even if two Catholics defy the doctrine of their faith by contracting marriage before an heretical minister, they are still to be regarded as members of the Catholic Church. Now, such conduct may not be called an explicit renunciation of Catholic faith, if explicitness is to be interpreted only as implying expression in words. But it is a familiar commonplace, that a man may at times express what he means far more explicitly by action than by speech. "*Majus est consentire facto quam verbo,*" as St. Thomas puts it in reference to a cognate question.* This is surely the case with Catholics who elect to be married before an heretical clergyman. Even if they do not verbally renounce their faith, inasmuch as they seek to be married, and know that in this way they cannot be married as Catholics, do they not declare, in a manner more significant than any form of words, that they wish to be considered Catholics no more? As a matter of fact, they are subject to excommunication; and the Archbishop of Montreal has, in a recent pastoral, very properly reminded his people of their danger in this respect. Is it too much to ask of the ecclesiastical courts, that persons, who contract such marriages, shall be by their very act excommunicated? Their marriage would then come under

* *Summa Theologica*, Suppl., Quæstio 46, Art. 2.

the laws applicable to non-Catholic marriages, and the problem before the civil courts of Canada would be solved.*

By such an attitude the Catholic Church has nothing to lose, but rather everything to gain. It is not of course implied that persons married in this way would be permanently cut off from the communion of the Church. On the contrary, their reconciliation with the Church would be greatly facilitated by her adoption of the attitude suggested. For obviously a serious and unnecessary obstacle is placed in the way of returning penitents when it is made a condition of their return, that their marriage and its fruits shall be degraded by the social stigma of illegitimacy. Nor does this attitude involve any strained dialectic, from which an honourable mind need shrink in its interpretation of law. The dialectic is rather of a kind which an honourable interpretation of law has always enforced. For it has been recognized from of old that, owing to the imperfection of human foresight and human language, it is impossible to provide by legislative enactment for all the complications of right and wrong, that may arise out of the social relations of men. It is therefore a commonplace of general experience, as well as of scientific jurisprudence, that laws must be interpreted in the spirit rather than in the mere letter of their requirements,—interpreted in the light of the universal principles of justice which they embody rather in the light of any grammatical meaning which may be wrung out of their language, or forced into it, by an ingenious philology. The opposing pleas in any court of justice indicate the conflicting interpretations of law, to which men are led

* In this article, as already stated, the legal aspects of the question at issue are avoided. But it is not out of place to note, that, while the Catholic Church may formulate the conditions of communion with her, which carry the right to her spiritual blessings, the State has also a right to formulate the conditions under which a man may claim or forfeit the benefits of such communion in its civil effects. This point does not appear to have come up for specific discussion in any of the cases under consideration here. It is, however, incidentally referred to in the judgment of Mr. Justice Archibald. After proving by a great array of authorities, that in law the presumption in favor of the validity of a marriage is far stronger than that in favor of other facts, and can be negated only by disproving every other possibility, he goes on to observe that, "if Catholics could not be married before a Protestant minister, their seeking marriage before such minister would be presumed to be a renunciation of the Catholic faith." I venture to suggest that a celebrated case in Canadian law has already claimed for the civil courts a right to decide whether a person is or is not, for civil purposes, a member of the Catholic Church. A French-Canadian Catholic, named Guibord, a member of the *Institut Canadien*, died while that institute was under excommunication. On appeal the Privy Council decided that excommunication, directed against a corporate body, did not affect its individual members, who must be named individually in the excommunication to give it any effect upon them. Accordingly Guibord was pronounced to have been in law still a member of the Catholic Church, and entitled to the civil rights flowing from such membership. By parity of reasoning the Court might decide when a man is *not* a Catholic for civil purposes.

when they start from different points of view; and the pleadings and judgments in the causes to which this article refers form a singularly interesting illustration of legal dialectic moving within irreconcilable spheres of jural thought, and forced by logical necessity to irreconcilable conclusions.

Now, the Catholic doctrine of marriage itself furnishes the data, by which an honorable interpretation might prevent such cases—as that of *Delpit and Cote* from ever disturbing a civil court. For, as has just been pointed out, Catholics, who contract marriage in the way supposed, practically renounce their faith by perpetrating a sin which, they know, renders them liable to excommunication. Their marriage may, therefore, fairly be dealt with by the canons which relate to non-Catholic marriages. But it must be borne in mind that the requirement, which makes the presence of a Catholic priest indispensable to a valid marriage, is a qualification of Catholic doctrine, introduced by the Council of Trent. Moreover, this is a condition of valid marriage only for Catholics, and even for Catholics only in those countries where the decrees of the council have been officially promulgated. For the marriage of non-Catholics, or of Catholics not bound by Tridentine law, the old doctrine of the Catholic Church remains the norm. But in that doctrine the constituent factor of a marriage is the mutual consent of the contracting parties. Even yet the teaching of the Catholic Church continues, naturally and properly, to be dominated by this conception of the spiritual substance of the marriage-bond. Thus Mr. Lilly takes occasion twice* in the course of his article already mentioned, to observe, that the essence of marriage is the free consent of the man and woman contracting. In the admirable handbook—the *Summa Philosophica*† of Cardinal Zigliara, which is extensively used in the colleges of Quebec, the doctrine, that “*mutuus consensus conjugum est causa efficiens matrimonii.*” is expounded as if it still embodied the substance of Catholic teaching. In his preface the Cardinal professes to follow in the footsteps of St. Thomas, acknowledging himself to be “*Angelici Doctoris doctrinis addictissimus;*” and certainly in all literature it would be difficult to find a more spiritual conception of the marriage-bond than that which runs through the teaching of the great mediæval thinker. For him everything is subordinated to the spiritual fact of the mutual internal consent of the contracting persons, expressed

* *Nineteenth Century*, Dec. 1901, p. 909 and p. 912, note.

† Vol. III., pp. 196-8.

by some unmistakable external sign. Thus, on the ground of the phrase quoted above, that consent may be expressed by deed more decisively than by word, he held that a mere betrothal, that is, an expression only of future consent, if followed by cohabitation, though without any verbal expression of present consent, constitutes marriage in its spiritual essence. It is not difficult, therefore, to conceive what St. Thomas would have thought of the ecclesiastical decisions which have attracted attention in the Province of Quebec. That two persons, who have declared their consent to be man and wife, who have done so in presence of capable witnesses, whose mutual consent has been officially recorded in a public register kept for the purpose in accordance with the laws of their country, who have lived together, in good faith, as man and wife for years, and given birth to several children, should yet be pronounced to have been never married at all, and so pronounced, not by a civil court on the ground of some technical defect in external forms, but by the Church which is expected to look beyond external forms to the spiritual intent of actions,—such a decision, it is not too much to say, would have shocked the great master of Catholic thought as eliminating the spiritual kernel of the Catholic doctrine of marriage, and making the efficacy of a holy sacrament depend on a comparatively trivial detail in its ceremony.*

But even if the doctrine of the Catholic Church does not admit of an interpretation which would leave the marriages in question intact, it is still difficult to understand how her discipline could ever allow her courts to render such a verdict as that in the case of *Delpit and Cote*. For that verdict is not merely a formal judgment pronouncing the supposed marriage to be null, but it carries with it a certificate of liberty to the two parties, declaring "that they are freed from all matrimonial ties whatever, and that they may, if they think proper, marry again." This may appear at first to be simply a logical issue of the judgment annulling the marriage. But it is not. For the judgment is not that of a civil court, treating the two parties purely as citizens who had made a civil contract with one another, and not at all as members of any particular church. If the contract had been declared invalid on the ground

*It is not necessary here to dwell upon the fact, which still ought not to be overlooked in this connection, that church courts are not any more than civil courts exempt from the common frailties of humanity. But it may be observed that Mr. Lilly, in those scholarly studies which he has given us in his *Renaissance Types* has described with historical impartiality the notorious condition of the Roman Curia at the period to which he refers. See pp. 208, 283-4; and compare pp. 54 55. Similar language is used in his *The Claims of Christianity*, p. 140.

of some impediment insuperable in natural or civil law, that would have been an end of it; the contracting parties would have been freed from all the legal obligations of the contract, or rather it would have appeared that there had not been, in fact, any legal contract at all. But it is very different with the case, to which this judgment refers. The judgment is based on the assumption that the contracting parties were Catholics, and it falls to the ground whenever that assumption is invalidated. The petitioner therefore cannot pose as a Catholic in order to claim freedom from the matrimonial tie, and at the same time renounce the Catholic communion because it interferes with that freedom. But such interference is precisely what Catholic discipline enforces. Whatever judgment may be necessitated by Catholic doctrine in regard to the petitioner's marriage, the discipline of the Church is inexorable in refusing just such a freedom as is granted in his certificate of liberty. For the ceremony, in which the petitioner took part, was undoubtedly a contract at least. It is in fact spoken of as a contract of marriage; for Catholic doctrine distinguishes, in the abstract at least, between the contract of marriage and the marriage itself.* But, in whatever terms the contract be described, it *is* a contract; and no power in the universe can annul the fact, that the petitioner did make such a contract. A court may, by the logic of its laws, be forced to decide that the contract in itself was not a marriage; but it cannot make the contract to be *not* a contract. Now, the discipline of the Catholic Church, as (it may be presumed) of all churches, requires that her members shall fulfill their contracts, unless they are released from the obligation in an honourable way. But the petitioner in this case makes no pretense of having been released, it is inconceivable in fact that he could be honourably released, from the obligation of his contract. The discipline of his Church, therefore, cannot allow his liberty to marry again. It demands rather that, if he is to be considered a Catholic, and to plead before her courts as such, he must do his duty as a Catholic by fulfilling a contract which he has solemnly made, and which he cannot set aside without inflicting an appalling wrong on his innocent consort and children.

The truth is, that, in claiming to be a Catholic at the time of his marriage, the petitioner knows that he has already done such a wrong. And here again the requirements of Catholic discipline

* This distinction is referred to repeatedly in the pleadings and judgments of the Canadian courts. Its real purport is explained, with singular clearness, by Cardinal Zigliara in *Summa Philosophica*, Vol. III., p. 209.

are perfectly explicit. The sin of a clandestine marriage, as already stated, exposes the guilty parties to excommunication; and they can retain, or recover, their position in the Church only by solemn absolution from their sin. It is worth observing that, in one of his pastorals on the subject, the Archbishop of Montreal warns his people, that he reserves to himself the power of absolution in such cases. But the discipline of the Catholic Church is strangely misunderstood, if it does not require from every wrong-doer the fullest possible reparation of the wrong he has done as an indispensable preliminary to absolution. To my mind, as already explained, the only adequate reparation, which the Church can enforce in the case supposed, is to treat the marriage as that of persons who had cut themselves off from her communion, and to restore them, on proof of penitence, by the disciplinary procedure which is applicable to persons excommunicated. But if such a complete reparation cannot be enjoined by the Church, her discipline itself stands in the way of a judgment which leaves the wrong-doer free to make his wrong utterly irremediable by contracting another marriage. Instead of such a certificate of liberty her discipline demands that the wrong-doer shall repair the wrong he has done by celebrating in valid canonical form the marriage which he had contracted irregularly. By enforcing her discipline in this direction the Church would have avoided the appearance, which she has created, undoubtedly in the outside world, if not among her own people, of having for the moment forgotten her sacred mission in regard to family-life, and inadvertently lent herself as an instrument to those who are endeavoring to relax the marriage-bond.

OUR POSTAL SERVICE.

BY THE EDITOR.

HOW THE EXPRESS COMPANIES INTERFERE WITH THE DELIVERY OF
PARCELS SENT BY MAIL.

ON several occasions books have been forwarded to the Editor of THE OPEN COURT from foreign countries, and postage on the same prepaid in full to destination, and on these several occasions the American Express Company has in some manner intervened between the postal service and ourselves, obtaining possession of the goods and removing the stamps from the packages and then assessed heavy charges for import at New York in addition to storage charges and other items of expense.

Recently a Thibetan English dictionary published under the auspices of the British Government in Bengal was forwarded to the editor of our publications by mail, *postage fully prepaid*,* and the package was held up at New York by the American Express Company with a charge of \$4.10 for entry fees, etc.

We found it difficult to understand how a private corporation, or quasi-public corporation conducted for private profit, could intercept postal matter and extort fees and charges that are not assessed by the postal authorities, and we took the liberty to inquire at the Treasury Department, the highest authority of the Post Office, but the answer, briefly told, reads:

“The Department can afford you no relief.”†

We are not isolated in our experiences with the Post Office. A Postal Progress League has been founded and resolutions were passed, but the prospect of accomplishing a reform is not great. At

* The Bengal Government had paid \$2.25 in order to have the book delivered to us free of charge, and the delivery would have been accomplished in any civilised country, England, Germany, Japan, Russia, etc., except in the United States!

† Quoted from a letter of February 19, 1904, from the Treasury Department, Office of the Secretary (12224, GS.) to The Open Court Publishing Co.

one of their meetings measures were proposed to procure for the United States a parcel post, and the views uttered in the debate, as published in *The Publisher's Weekly*, throw some light upon the situation:

"Mr. John Brisben Walker, of the *Cosmopolitan*, was convinced from thirty years' experience in postal matters, that this would have about as much effect as water on a duck's back. John Wanamaker, when Postmaster-General, had told him that there were four insuperable obstacles to the obtaining of a parcels-post: 1st, the Adams Express; 2d, the American Express; 3d, the Southern Express, and 4th, Wells, Fargo & Co. Mr. Walker predicted that the express companies would always have power to defeat such a bill; that Congress in fact would pay no attention to it. 'Merchants agree,' said he, 'that the government must first buy out the express companies at any price. The Government is probably losing \$250,000,000 by not having a parcels-post.'

"Mr. Walker strongly favored circulating books as cheaply as periodicals. He said that a man like John Wanamaker or Marshall Field at the head of the Post Office Department could, if given a free hand, organize a system that could carry any kind of mail matter profitably at one cent pound. But when Mr. Wanamaker actually did attempt reorganization of the Post Office he found himself bound hand and foot by private interests.

"H. Gaylord Wiltshire, of *Wiltshire's Magazine*, described some of the petty persecutions to which he had been subjected by Third Assistant Postmaster-General Madden, with the result that his magazine is now printed and mailed in Canada to all parts of the United States and to Great Britain and her colonies at $\frac{1}{4}$ cent a pound, (the Canadian rate having been recently reduced from $\frac{1}{2}$ to $\frac{1}{4}$ cent per pound on magazines). Mr. Madden refused his magazine entry to second-class rates on the ground that it 'advertised' Mr. Wiltshire, because his portrait was frequently inserted and editorials were signed 'I'.

"Mr. Walker said there was not a single periodical safe from Mr. Madden's rulings as at present put forth."

We here reproduce an article from *The Financier*, New York, a high-class periodical which in business circles is considered as responsible and reliable in its statements. *The Financier* calls the Post Office a national disgrace," and continues:

"The United States Post Office Department is a disgrace to the nation. Eliminating the scandals which have cropped out from time to time as the result of dishonesty and lax administration, the De-

partment is a quarter of a century behind the age in every particular. We are the only large nation in the world without a parcels-post system; we are the only large nation whose postal service is conducted at a loss, despite the fact that our charges for transmitting mail matter are far above those of other countries. In brief, the system from top to bottom is in need of thorough renovation. The United States pays the railways exorbitant rates for carrying mails, and the express companies, favored by lower charges, are actually underbidding the Government and handling at a profit the cheapest forms of mail matter, on which, according to the postal authorities, the Government loses large sums annually. If the express companies can make money handling matter at one-half cent and one cent a pound, why, it may be asked, do they require rates hundreds of per cent. higher on ordinary business?

"The answer is simple.

"The United States has no parcels-post system, and the express companies are at liberty to charge what they will, competition being impossible. The result is that the merchants of the country lose millions of dollars annually in trade which otherwise they might obtain.

"The recent United States Consul in Guadeloupe, Louis H. Ayme, estimates that this country is losing \$2,000,000 a year in small mail orders from the West Indies through the refusal of our Government to enter in the International Parcels-Post Union. The West Indies is a very small portion of the globe, and the losses from other and more important centers of trade must be many millions more.

"If the situation were not so serious it might be well termed ridiculous. The humiliating spectacle of the British Government making a contract with a private United States express company to handle its parcel business in this country because the American Postal Department was too supine to undertake the work, or to urge legislation authorizing it to do so, is too recent to require more than passing attention, but the incident is characteristic of the administration of our Postal system.

"How long will this condition of affairs continue?

"Just as long as the express companies are strong enough to prevent reform, or as long as the Postal authorities continue too weak and vacillating to combat them.

"Contrasted with our advancements in other directions the Post Office Department is a travesty on American business methods.

"Post Office reform, as regards both honesty and intelligence of administration, and the adoption of a common sense system of

transmitting merchandise at reasonable rates, would, if made a party issue, win more votes from the business interests of the country than any abstract theory or political principle.

"The present intolerant conditions should not be allowed to continue much longer. We have had too much politics in the Post Office Department for many years past. What is needed now is a little practical business ability."

DISCRIMINATION AGAINST GOOD LITERATURE.

Some time ago the Religion of Science Library was excluded from the second-class mail on the ground of the "completeness in itself," as stated by the superintendent of second-class mail (W. B. Getty) in Chicago. Upon inquiry, addressed to the same superintendent, concerning other periodicals published in different cities, which were still coming through the mails at second-class rates, although in every particular of the same character as the publications of the Religion of Science Library as regards completeness, etc., and conforming in all particulars to the requirements of the postal laws, but differing from the Religion of Science Library only in that they were reprints of classical literature rather than of *scientific* and *philosophical* subjects (among which may be cited an excellent periodical, *Bibelot*, published by T. B. Mosher at Portland, Me.), the superintendent of second-class mails in Chicago replied that not all postmasters or superintendents looked at the matter in the same light, that what he might consider as matter to be prohibited another postmaster might consider permissible, and if the postmaster in Maine did not see fit to exclude *Bibelot* that did not affect his decision in excluding the Religion of Science Library.

Being asked how it was that the citizens of the same country could be subject to different interpretations of the same law, he answered that that was a matter that did not concern him. He was here to interpret the law according to his intelligence, and accordingly he excluded from the mails what he considered to be in violation of the law. In other words, the Religion of Science Library excluded here—if published at Portland, Maine, would be entitled to second-class rates, and *Bibelot* included there—if published in Chicago would not be entitled to second-class rates.

The then superintendent of second-class mails (W. B. Getty) has since been promoted to a more important post at Washington and the postal authorities at Washington, especially Mr. Madden, Third Assistant Postmaster-General, seem to take the position that it is the duty of the officials to cut down the labor of the Postal De-

partment to the utmost—a policy at variance with private business houses (who, according to the increase in business, adjust their forces to handle it) and it is no wonder that the Post Office does not pay.

The Supreme Court has decided in a number of cases that Postmaster-General was wrong in excluding those periodicals that conform to the postal laws and regulations from the mails at the second-class rates, and ordered the papers then fighting for reinstatement to be readmitted.

Among these was a quarterly periodical entitled *The Pocket List*, being a small book about pocket size containing the list of our railway officials in alphabetical order and a list of the various railroads and the prominent officials of each, the purpose of this periodical being to supply manufacturers and others who had business with railroads with a directory to enable them to locate the proper officials by name and address in order to do business with them. As this publication complied with the postal laws as regards specifications of printed sheets not bound in substantial covers and being issued at a yearly subscription price in serial numbers, etc., the United States Court ordered it reinstated. The department acknowledged its defeat in court, but refused to reinstate other periodicals unless they first go to court and get a decision—relying on the expense thus caused to keep out a large number.

THE SUPREME COURT AND THE POST OFFICE.

BY THE EDITOR.

THE decision of the Supreme Court concerning the reduced book rate of literature that appears in periodical publications is disappointing not so much in the interests of the publishing business as in the interest of the public, and still more so in consideration of the good judgment of the Supreme Court.

It is significant that the Supreme Court decision has been considerably weakened by the dissension of the Chief Justice himself who is joined by Justice Harlan. The two dissenting judges insist that the law classifying mail matter means just what the Post Office department for sixteen years held it meant and what Congress meant when it enacted it and the Chief Justice quoted from the speech of Mr. Cannon (now Speaker of the House) when the bill was passed, showing that the publications of the character referred to should be carried by the mails at a reduced rate. The intent of Congress, he said, was further shown by the fact that, although repeatedly urged to change the law, it had always refused to do so. The ruling of Postmaster-General Payne changes the sense of the law, and this amounts practically to making new laws which ought not to be encouraged or approved.

The intention of the law which allows reduced rates to newspapers, magazines, and all periodicals is obviously to facilitate instructive information. The privilege of a reduced rate is limited to periodical literature to the exclusion of books, because it is not the intention to give special advantage to the book trade or the luxury of elegant editions. The law reads as follows:

"The conditions upon which a publication shall be admitted to the second-class are as follows:

First. It must be regularly issued at stated intervals, as fre-

quently as four times a year, and bear a date of issue, and be numbered consecutively.

"*Second.* It must be issued from a known office of publication

"*Third.* It must be formed of printed paper sheets, without board, cloth, leather, or any other substantial binding, such as distinguish printed books for preservation from periodical publications

"*Fourth.* It must be originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts or some special industry, and have a legitimate list of subscribers: *Provided, however,* That nothing herein contained shall be so construed as to admit to the second-class rate regular publications, designed primarily for advertising purposes, or for free circulation, or for circulation at nominal rates. (Act of March 3, 1879, Sec. 14, 20 Stats., 359, Sec. 277, P. L. & R., 1893.)"

The statement cannot be more explicit, and many prominent publishing houses of this country have republished in periodical form works of English classical literature, thus opening a valuable source of information to the people by furnishing the best productions of the foremost authors of the world in cheap form, but our postal authorities have made a discrimination against books, and they define "a book" by any publication that is possessed of completeness, while "a periodical" contains a variety of articles and is characterised by a lack of completeness. This interpretation of the meaning of "book" has been adopted by the Supreme Court. The Supreme Court should have inquired into the meaning of the law which contains a plain definition of what is to be understood by books. The law reads that a publication to be admitted to the second-class rate of transportation "must be formed of printed sheets, *without board, cloth, leather, or other substantial binding such as distinguishes printed books for preservation from periodical publication.* The Post Office clerks have substituted their own definition for that of the law, and the Supreme Court has adopted that of the Post Office clerks.

Instead of appreciating that publications of the better and more refined literature are not only not excluded but should be made more acceptable and should enjoy at least the same right as newspaper information, the postal authorities have thrown them out for the very reason of a feature which constitutes their superiority. They claim that on account of their "completeness" they are not newspaper information but "books" and so they have deprived the public of a most valuable source of self-education, and, strangest of all, they are supported by the Supreme Court.

The decision ignores both the letter of the law and the spirit of the law. It simply falls back upon the meaning of the words "periodical" and "book" as ordinarily understood. The Supreme Court declares :

"A periodical, as ordinarily understood, is a publication appearing at stated intervals, each number of which contains a variety of original articles by different authors, devoted either to general literature or some special branch of learning, or to a special class of subjects. Ordinarily each number is incomplete in itself and indicates a relation with prior subsequent numbers of the same series."

The decision is unjust because it is against the law ; it is unwise because it discriminates against books for the very reason of their being superior to periodical literature ; and thus it frustrates the main intention of the law.

The study of books has the tendency to make readers systematic and methodical, for books, as a rule, offer a thorough treatment of the subject to which they are devoted. They are possessed of completeness. Periodicals, on the contrary, suffer from incompleteness and thus are apt to make the readers that depend mainly upon them for information incoherent in their thought and superficial in their judgment. Reading of periodical literature is wholesome only if accompanied by proper book-study. Our people are overfed by newspaper reading. Let them have also good book reading, and make good books more accessible.

We hope that the decision of the Supreme Court will lead to a revision of our postal laws, for a reform of our postal service is much needed.

We have great confidence in both the ability and courage of President Roosevelt. He has the best intentions to do what is right, and, at any rate, we trust that finally the cause of reform must win.

THE JAPANESE FLORAL CALENDAR.

BY ERNEST W. CLEMENT, M. A.

VI. THE IRIS.

OF the iris there are several Japanese varieties, known as *ayame*, *hanashobu*, *kakitsubata*, *shaga*, etc. In Tokyo the most famous show of this flower is at Horikiri, "where in ponds and



THE IRIS AT HORIKIRI, TOKIO.

trenches grow acres of such fleur-de-lis as no Bourbon ever knew." In strong contrast to the riotous carnival of the cherry-viewing, "this festival is a quiet and decorous garden-party, where summer-houses

hills, lakes, armies of royal flowers, and groups of visitors seem to be consciously arranging themselves for decorative effects."



THE IRIS AT HORIKIRI, TOKIO.

The iris is a favorite flower in art. Not only do "we find its among flowers used for ceremonies and congratulatory occasions, except that, on account of its purple color, it is prohibited from wed-

dings. In arranging *hanashobu* according to the complex theory of flower arrangement explained by Mr. Conder "the three center-most leaves should be long and a special leaf called the *Kammuri-ba* or *Cap-leaf* must be placed as a back-ground to the principal flowers."

The iris is a favorite flower in art. Not only do "we find its delicate-colored flowers on stuffs, lacquer, inlaid ivories, and in mother-of-pearl"; but "the metal-worker, too, twists its graceful leaves into delightful patterns for his pierced sword-guards."

From a pretty crepe booklet on *The Japanese Months*, we learn the following folk-lore item:

"There used to be a custom of hanging beneath the eaves, on the 5th day of the 5th month (O. S.), bunches of sweet-flag (*shobu*); and mugwort, and of putting the former into the hot water of the public baths, so that bathers carry away with them its agreeable odor. The sweet-flag is also steeped in *sake*, which, flavored in this way, is drunk on the 5th day of the 5th month,—the plant in question being commonly believed to be efficacious in the prevention of disease."

Piggott adds the following points: "Probably the same superstition led to the common custom of planting beds of iris along the ridges of the thatched cottages in the country. In days gone by, boys wore wreaths of iris leaves, and made ropes of them to dance with, and beat the ground to frighten away the demons from their festival."

A famous Japanese poetess, by the name of Kaga No Chiyo, wrote the following pretty little poem:

"Water was the painter,
Water again was the eraser,
Of the beautiful fleur-de-lis."

To illustrate the brevity of Japanese poetry, the original is added here:

*"Mizuga kaki
Mizuga keshikeri
Kakitsubata."*

We append two more poems concerning the iris, as translated by a young Japanese teacher of English:

"The iris, grown between my house and the neighbor's,
Is just burnishing in its deepest color and glory;
I wish that some one would come to see it,
Before it withers away and returns to the dust."

“On my journey far away from home
My heart flies to the beloved left at home,
Who has been as indispensable to me
As the soft cloth that I put on constantly.”

The last poem is, in the original, an acrostic which spells out *kakitsubata*. It is for that reason only that it was selected. This style of poem is quite prevalent in Japanese literature.

A NEW RELIGION.

BABISM.

BY THE EDITOR.

BABISM is the youngest faith upon earth and it promises to play a not insignificant part among the religions of the world. It originated, as all other great religions, in the Orient, and is remarkable for many reasons, and worthy of a closer study.

Babists believe in a personal god and positive revelations. They recognize the holy books and miracles of other previous religions, especially Judaism, Christianity, and Islam, and their faith may, in a certain sense, be characterized as a product of all three. It contains elements of all Semitic religions and yet it is different and possesses specific qualities of its own. It rose into existence suddenly with an outburst of unparalleled religious enthusiasm, and, like the Christian faith of the second and third century, its growth was favored by the martyrdom of its adherents.

The first Western historian of Babism was Count Gobineau,* a French traveller and historian who was attracted to it by the dramatic features of the movement and the heroism of its martyrs. His reports were completed and brought up to date by Prof. Edward G. Browne, Lecturer in Persian at the University of Cambridge, England, who studied it with great sympathy and made through English translations the main sources of these remarkable historic events accessible to Western readers.

Concerning the significance of Babism, Professor Browne says: "Here is something, whether wise or unwise, whether tending towards the amelioration of mankind or the reverse, which seems to many hundreds, if not thousands, of our fellow-creatures worth

* *Religions et Philosophies dans l'Asie Centrale.*

suffering and dying for, and which on this ground alone, must be accounted worthy of our most attentive study.”*

This Episode of the Bab, which is so extremely interesting on account of the development of a religion in the 19th century before our very eyes and under conditions which still allow a careful investigation of the historic facts, is briefly told as follows:

Mirza Ali Muhammed was born in Shiraz, Persia. In 1844, when about twenty years old, he was possessed of great religious enthusiasm and became a source of inspiration to all the people whom he met. When asked whether he was the manifestation of “the Glory of God,” he declared that they should not worship him as the one whom God shall manifest, “for,” said he, “I am only the gate through which man can come to the love of God.” His adherents spread all over the country, and he selected eighteen from his disciples who were considered the main supporters and apostles of the new faith. He called them “the Letters of the Living,” referring to the eighteen letters of the Persian alphabet, and included himself as the nineteenth of that number, calling himself the “Point”; and these nineteen persons constituted the sacred hierarchy called “the First Unity.”

Now it happened that an avowed Babist, but one of those unfortunates who should be confined in lunatic asylums, made an attack upon the Shah of Persia, and thus Babism excited the suspicions of the Persian government. Although the assailant of the Shah expressly declared that he had committed the crime not at the instigation of any other person, the Persian officials believed in the existence of a great conspiracy and proceeded with great severity against all Babists. The Bab himself and other devotees of the new faith were imprisoned and those only were set free who recanted. Seven of the leaders could not be prevailed upon to abandon their belief, and so they died gladly and joyously for the faith that was in them. Adherents of orthodox Islam, the national faith of Persia, witnessed with admiration the death of the Babists, and many among them became convinced that it was a spark of divine inspiration that gave them the power to face death so boldly and so joyfully.

The Bab himself was also condemned to die. He with one of his favorite followers was hung up on a rope at the entrance of their prison and a troop of soldiers fired a volley at the command

* *A Traveller's Narrative*, Written to Illustrate the Episode of the Báb. Edited in the original Persian and translated into English, with an introduction and explanatory notes by Edward S. Brown, M. A., M. B.

of their officer. When the smoke settled the witnessing crowds saw to their great astonishment the two men quite unharmed, for none of the balls had taken effect, but had only severed the ropes on



A GROUP OF BELIEVERS IN PORT SAID, WITH SAYID* NOR UL-DIN, A FIRST COUSIN OF THE BAB, IN THE CENTER.

which they had been suspended. The officer in charge declared that he had attended to his duty and refused to continue the execution.

* Sayid is a title meaning "lord." All members of the Koreish tribe, to which the family of Muhammed belonged, claim a right to the title.

He was supplanted by another and the prisoners were again suspended on ropes. A second volley ended the lives of these two martyrs of the new faith.

The Bab was dead, but his religion had become an established fact by his martyrdom.

During the time of his imprisonment the Bab had frequently written letters to his eighteen favorite disciples whom he called "the Letters of the Living," to strengthen them in their faith under the persecution of the powers of this world. The first and second of the "Living Letters" had died a martyr's death. They belonged to the seven great martyrs and the one who held the fourth place in the Babist hierarchy was Mirza Yahya, called by the Bab *Subh i Ezel*, that is "Morning of the Eternal;" or *Hazrat*, that is "Highness of the Eternal;" or *Ismu i Ezel*, that is "Name of the Eternal." He left Persia, disguised as a dervish, and went to Baghdad, where he joined his exiled brother Mirza Huseyan Ali. When the Turkish government sent his brother to the city of Akka he was sent to Famagusta, Cyprus, where he is still living.

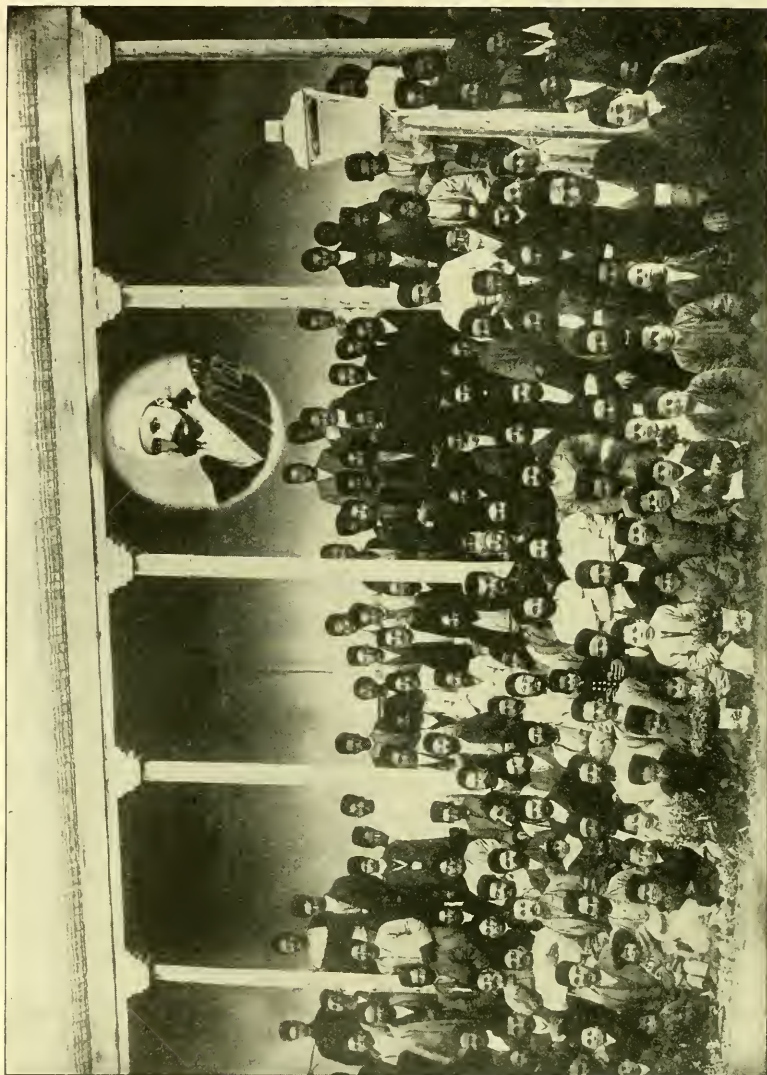
During Mirza Yahya's leadership of the Babists, Mirza Huseyan Ali, a half-brother of Yahya, rose into prominence. He had endured much persecution at the hands of the Persian government, and after imprisonment of a few months he was finally exiled into Baghdad. He stayed there for about twelve years, under the supervision of the Turkish police. Two years out of the twelve of his exile at Baghdad, he spent in the mountains near where the Kurds lived, not a far distance from the city of Souleymaniah. Then he was summoned to Constantinople, and was removed to Adrianople. The Turkish government did not deem him sufficiently dangerous to have him executed, but banished him to Acre, Syria, and he lived comparatively at peace with the government. In Acre he was restrained in all his actions and limited to a special territory, but he showed so much lovingkindness to all the people around him, especially to the poor and suffering, that even the Turkish police respected him and thought him a saint. He lived in poverty. Whatever he owned, he gave away to those whom he saw in need of assistance, and he died peacefully at an advanced age, leaving four sons and three daughters.

This Mirza Huseyn Ali suddenly came to the conclusion during his stay at Adrianople that he himself was Beha Ullah, "the Glory of God," the manifestation whose appearance the Bab had foretold. The members of his party who had followed him



A GROUP OF BELIEVERS IN EGYPT.

into exile recognized his authority and other Babists in Persia followed their example.



A MEETING OF BELIEVERS IN ASHKABAD, RUSSIA.*

Huseyn Ali is now almost universally recognised as Beha Ullah, that is the one in whom God's glory has become manifest.

* The portrait which appears above the assembly is that of Abbas Effendi, one of the sons of Beha Ullah.

In the meantime his half-brother Mirza Yahya continues to regard himself as the legitimate leader of the Babists. His adherents have dwindled down to a small minority, but their arguments as to the justice of the claims of the fourth "Living Letter" who by right of



A GROUP OF BELIEFERS AT AKKA.*

priority has ascended to the first place in the hierarchy of the Babists and was actually recognised as the legitimate successor to the leadership by the Bab himself before he suffered martyrdom, avail

* The young man in the center is the son-in-law of Abbas Effendi.

nothing. The Babists of Persia interpret the undeniable facts of their history in a different way. They declare that Mirza Huseyn Ali had been recognised by the Bab himself and that for the sake of protecting the one in whom God would manifest himself, from the persecution of the government, he misdirected the hostility of spies and persecutors, and addressed Mirza Yahya with such terms as would indicate him to be the leader of Babism, second in authority to no one but to himself, the Bab. Mirza Yahya according to the partisans of Mirza Huseyn Ali was merely "a man of straw" and the prominence given him by the Bab was a mere blind.

Whatever the truth may have been, Professor Browne believes that Mirza Yahya held the first position among the Babists next to the Bab himself. The Bab did not claim that his revelation was final and demanded of his followers that they should continually expect the advent of him whom God shall manifest. The Bab had extended to his disciples the hope that God would not delay his manifestation for more than 1511 or 2001 years (numbers calculated after a complicated fashion from some significant words), but there is no historic evidence that he had recognised the manifestation of the "Glory of God" in Mirza Huseyn Ali. "Yet," declares Professor Browne, "in spite of facts the future of Babism seems to belong to the latter and the adherents of Yahya are rather decreasing than increasing."

The adherents of Mirza Yahya are called the Ezelis and the adherents of Mirza Huseyn Ali are called the Behais, or Anglicised, Behaists, since they believe that the Glory of God, Beha Ullah, has become manifest in Mirza Huseyn Ali.

It is of great interest to study the growth of the movement and to watch the development of its historical documents. Among the older sources of information is a manuscript entitled *Tarikh i Jadid* which the history of Babism describing the conditions of Babism at the time of the Bab. Here the difference between the Ezelis and the Behais has not yet made its appearance. The two brothers are merely prominent leaders and both considered as shining lights among the disciples of their great master, the Bab. It is instructive to notice how both the Ezelis and the Behais reject the authority of the *Tarikh i Jadid*, and thus it is probable that no copies will be preserved except the three which by fortunate accidents found their way West, viz.; the one in possession of Professor Browne, one belonging to the British Museum, and the third one acquired by the Institute of Oriental Languages of St. Petersburg. It is not likely that the manuscript will be propagated in the original home

of its author, Persia. The author claims to be a foreigner, but as Professor Browne has convincingly shown, he is a Persian who for good reasons has to conceal his name, and Professor Browne seems to think that he knows the name of the author, or, as he suggests, the two authors.



IBN ABHER, A TEACHER OF BAHISM, IN CHAINS.

Among other histories of Babism, we have the reports of the Persian government, written by historians who, though recognising the courage of the Babists martyrs, misrepresent the movement almost as badly as Christian authors decry the gnostic and other sects which have now disappeared and can no longer be studied in their own original documents.

The Behaist sources, which become more and more numerous, speak of Mirza Yahya with indifference and almost slightly, while they extol from the beginning the name of Mirza Huseyn Ali whom they recognise as Beha Ullah, the manifestation of the Glory of God.

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To characterise the enthusiasm engendered by Babism, I will quote from a lecture* delivered before the International Congress of the History of Religions, held at Paris in 1900, by Monsieur H. Arakélian, who had just come back from Persia where he had devoted himself to a study of this new religion. He says:

"The Shah [intent on checking the spread of heresy] tried first peaceful methods. He sent Seid Yahya Darabi, the high priest, (Mousted) of Teheran, and head of the Shiite hierarchy, a wise and great theologian, and of repute, with a great following of eminent doctors of theology for a religious discussion with the Bab to Shiraz. Darabi was sure that even in the first meeting he would succeed in demonstrating to the people that the Bab was a false Mahdi, a charlatan and a distorter of the sacred dogmas of Islam and that he deserved to suffer the punishment of stoning; but imagine the surprise of Muhammed Shah, of his viziers and his mullahs, when after a few meetings Darabi declared that the Bab was the true Mahdi who was expected by the faithful and sent by the omnipotent Allah to preach the truth. Darabi not only gave up his sacerdotal functions, but after the manner of a true and zealous apostle began to travel over Persia and to preach the commandments of the Bab. The scandal for the Islam and Shiite clergy was immense. The clergy hurled its thunders of anathema against every Shiite who would give his adhesion to the new heresy. The government declared that all belongings of a Moslem who was suspected of favoring Babist ideas should be confiscated, and the clergy went further still. They preached that to kill a Babist was an act agreeable to Allah, and the murderer in recompense for his deed would enjoy all the happiness of true Moslems in Paradise. But the persecution, as is always the case, had quite contrary results from those expected. The number of proselytes increased from day to day."

Another incident quoted from the same source is not less characteristic:

"The greatest sensation was caused and an extraordinary im-

* "La Légende d'Alexandre-le-Grand chez les Arméniens," *Actes du premier Congrès International d'Histoire des Religions*. Paris: Ernest Leroux, Éditeur. 1902.

pulse was given to the propaganda of Babism among the Persian women by the young daughter of the famous Mousted of Kazvine, a city where are concentrated the theological schools of Shiitism, highly celebrated among the Moslems. The young heroine whose name was Kourrat-el-ayné (i. e. "light of the eyes"), was the first Persian Musselman woman who revolted against the yoke of Islam



MIRZA BADI, THE CARRIER OF THE MESSAGE TO THE SHAH OF PERSIA, IN CHAINS.

and defended the rights of women. She refused to wear the customary veil or *charshave* and appeared in public with uncovered face, a thing unheard of in Persia. She wrote verses and composed songs in glorification of the liberty and equality of men and women. Her songs and verses were of great literary finish. They are today

still read and admired. Her eloquence, her zeal, and the profound ardor with which she preached the new doctrine in the streets of Kazvine, and above all her marvelous beauty attracted multitudes of proselytes; and when her uncle, the successor of her father in rank of Mousted of Kazvine, cursed and excommunicated her, Kourrat-el-ayné was obliged to leave the city, but an overzealous Babist, and admirer of her talent and beauty took revenge by killing her uncle, who was forthwith regarded by the Shiites as a martyr. Kourrat-el-ayné was obliged to leave the city, but an overzealous Babist and persecution of Babists in 1852 on the order of Nassredin Shah and her body thrown into a pit. Her literary works, her religious hymns, her mystic philosophical verses have been published, and are admired by Babists and even by the Moslems."

Monsieur H. Arakélian, whom we quoted above, believes that Babism or rather Behaism will by and by become the religion of Persia. At the same time, he believes that Behaism is a higher development of Babism. Here are his own words, quoted from his lecture delivered in 1900 at the International Congress of the History of Religions:

"Persia, this deplorable wreck of the ancient kingdom of Iran-Turan, of yore so glorious, at present confesses the religion of Shiite Muhammedanism. Shiitism preaches that after the twelve preachers called Immas, the gate (Bab) of science and truth has been closed to man; and this doctrine engendered various sects and heresies, several of which (for instance, the Sufis, the Dawudis, the Dahris, the Ali-Allahis) continue their existence to the present day, but none of them has attained so great a development or counts so many numbers of adherents as Babism or Behaism, for the number of Babists is actually calculated to be three millions in Persia, and two millions in Caucasia, in the trans-Caspian countries, in Bukhara, Central Asia, and in Asia Minor, among the Musselman countries, which is together about five millions. Since the total population of Persia is merely seven millions we find that almost half of them confess, although in secret, Babism, and, in the opinion of those who have visited Persia and have come in contact with the people, there is no doubt that Babism is the future religion of the country.

"Babism is a reaction against the enslaving regime of Islam, a protest against the moral oppression which it has exercised and is still exercising over the poor Persian people, otherwise so intelligent, so peaceful, so capable of developing a high culture, not inferior to other races. Shiite Islam has, through its antihuman and retrogressive ideas, through its principle that the gate of science and truth is shut

forever to men since the twelve imams, by its disdain and contempt of other nations and of secular sciences, thrown Persia and the Persians into a state of economical poverty and in a deplorable moral and intellectual condition. The yoke of Islam has been so crushing that it has become insufferable, and now Babism rises with vigor against it and opposes to it its two principles *Itihade* and *Ittifak*



ONE OF THE LATER MARTYRS.

(the unity and solidarity of the human race), for these two principles constitute the essential doctrines of Babism, principles which are diametrically opposed to the principles of Islam."

Monsieur Arakélian judges of Babism more from the standpoint of the Persians themselves than of Christian outsiders. He recognises Babism as a progress from the traditional Muhammedanism

and thus the significance of Babism appears to him in a different light than it would to Christians of Western countries, who will naturally be inclined to regard it as a rival of Christianity. M. Arakélian points out that the religion of the Bab forms a transition only to the broader religion of Beha Ullah. The Bab is in all essential points still a Muhammedan, while the doctrines of Babism have broadened out into an altruistic and universal religion. Mr. Arakélian says:

"The founder of Babism has not freed himself of several traditions of Islam. The revolution which he inaugurated in the Moslem religion retains certain fundamental principles of the faith of Muhammed. (1) The Bab gives preference to the Arabian language in which the Koran is written and which is considered sacred among the Musselmans. (2.) The Bab preached that one should conquer also the kingdom of this world and that one ought to propagate the new religion by force. One should follow in this respect the example of Muhammed. (3) He recommended the custom of the hadj pilgrimage. (4) He forbade severely the study of foreign languages, above all the dead languages. He even recommended in the *Beyane* to burn secular books and requested his followers not to study the secular sciences. (5) He declared his desire not to tolerate any individual of another religion in the future kingdom of the Babists. Upon the whole he never intended to substitute a new religion for Islam but only proposed to reform the religion preached by Muhammed.

"The work of his successor Beha Ullah was a thorough revolution which upset the foundation of Islam. Beha Ullah endows Babism with a cosmopolitan, a truly liberal humanitarian, and philanthropic, spirit. He modified Babism in the line of the evolution which all universal religions have taken, and if he did not succeed in every point, (for he was not a scholar versed in the history of religions and knew only the religions of Moses, Jesus, and Muhammed,) we must grant that the doctrine preached by him, Behaism, is one of the most altruistic religions.

"Two principles constitute the basis of Behaism *Ihtihade* and *Ittifak*, unity and solidarity (viz., of mankind). Its aim is "the kingdom of hearts." Therefore, there should be no conquest, no dominion, and no adhesion to political ideas. All men are equal and brothers. There are no great ones, no small ones, no nobility, no plebs. All men are children of one great country, the earth. There is no special country,—that is to say, the idea of patriotism does not exist among the Behaists; the cosmopolitan idea dominates entirely. With this respect Beha said that it would be better if all nations, all

mankind, would use one language and one universal writing. All the nations are good before God. There are no preferred ones. There are no chosen people, no such claims are allowed as were made by the Jews and the Moslems. There is no difference between the human races, white and negro and yellow; all are equal.

"Woman is respected, and she enjoys the same rights with man. Marriage cannot be contracted without the consent of the young couple. Monogamy is recommended. There is only one exception made. If a wife be barren, a man is allowed to take a second wife without separating from the first one, but concubinage is strictly forbidden. Women can have property in their own right.

"The study of the secular sciences and of foreign languages is considered indispensable. Babists are held to be under obligations to obey and respect the laws of the country which they inhabit. Among the forms of government, republicanism is deemed the best, or, at any rate, such a form under which all citizens should have the same rights and the same duties. Even war for the sake of the faith, the sacred war, should be abolished, and Beha recommends to regulate the differences between nations by an international tribunal.

"Beha not only forbids lying of every kind, even where it would serve a good purpose, but he remonstrated also against flattery and against a habit of Moslems, that of kissing the hands of the clergy or of persons of respect. He forbade asceticism and declared that the celibate was not agreeable to God. Babists believe in three prophets, Moses, Jesus, and Muhammed, and they regard them to be of equal dignity. The believer in the Bab or Beha must first of all believe in the three prophets. Jesus is called 'the Son of God.' Pilgrimages and masses for the dead or requiems are regarded as useless. Fasts are not required.

"The Babists believe in a future life and in eternity, but they do not admit the existence of Hell, or of Paradise, or of Purgatory. Everyone will receive his rewards and punishments according to his deeds, but no man knows in what way. As a child in the womb of its mother has no idea of the outer world to which it will go, so man of the present world can not have any idea of the life after death."

Monsieur Arakélian concludes his article with the following comments:

"There are many stories invented by the malevolence and fanaticism of the Moslems concerning the Babists, the Bab and Beha, but a careful study of their sacred books puts to naught all these legends. Babism is founded upon altruistic, humanitarian, and peaceable principles. It has nothing in common with Islam and agrees according

to my opinion much better with the character and inspirations of the Aryan Persians. Babism may be regarded as the future religion of Persia and its final victory would in my opinion be a great blessing for that country."

BEHAISM IN CHICAGO.

Babism has been introduced into the United States and it may count several thousand adherents. The preacher of Babism at Chicago is Ibrahim Kheiralla, and he has published a statement of his belief under the name "Beha Ullah," which means "the Glory of God."*

Mr. Kheiralla was born in Mount Lebanon, Syria, and is now a citizen of the United States. He received his instruction from Abd-el-Karim Effendi Teharani at Cairo, Egypt, and restates the belief of the Babists in its purity, adding thereto his own private reasons such as he found necessary to convince himself of the truth of his religion. Mr. Kheiralla's teacher was a Mohammedan and so he stated the doctrine from the Mohammedan standpoint, while he himself was a Christian from Syria, and thus he deemed it necessary to restate the foundations of his faith with a view of refuting Christian errors and establishing the Babist conviction as unequivocal truth. The present book is meant to be a proof of Babism, which, at least to the author, seems irrefutable. Critical minds, however, will naturally find flaws in the few assumptions from which he starts, and so his arguments will fail to be convincing to a great number of people.

Mr. Kheiralla starts his argument with a chapter on the soul. He opposes Rev. Philip Moxom, who declares a scientific proof of immortality at present to be impossible. Mr. Kheiralla proposes to offer scientific proof. He thinks there is no need of resorting to occultism, and trusts that the solution of the difficulties is at hand. He recapitulates the evidence which Babism offers as follows: "We possess nine intellectual faculties. They cannot be the result of the combination of material elements, which compose the body. Back of them must be an intelligent essence, which possesses and exercises these nine faculties, and which they qualify. Something cannot come from nothing. This proves the existence of the soul."

The second chapter deals with the mind, the third with life, sleep, breathing and the involuntary motions, descanting also on insanity. Having established the reality of the soul and its immor-

* *Beha 'U'llah* (The Glory of God), by Ibrahim George Kheiralla, assisted by Howard MacNutt. 1900. I. G. Kheiralla, Publisher. Chicago.

tality he proceeds to speak of God in chapters 4 and 5, where he rather assumes than proves his existence and perfection. He says: "God is one. From Him proceed all things which exist, and all His laws, spiritual and material, are in perfect harmony."

Babism rejects miracles, but not from unbelief. Babists argue that it would not be impossible for God to do miracles, but God being perfect, His laws must be perfect and cannot be annulled, or changed, or temporarily laid aside. The miracles related to in the Bible are not meant to be understood in a literal sense. They are "symbolical expressions of spiritual truth."

One instance will be sufficient. Mr. Kheiralla says of the burning bush of Moses: "In order to explain to the Israelites, how God had appeared to him, Moses used the 'bush' as a figure of speech to represent his heart. The symbol is a perfect one. As many branches spring from the bush rooted in the earth, so, from the heart, spring the arteries and veins which run through the body. Therefore, God appeared to Moses in his heart, in the form of fire. 'Fire' is the symbol of the spirit of God, and of His love toward His creatures; and as every symbol has two points, positive and negative, so 'fire' means sometimes 'love' and sometimes 'hatred.'"

The stick of Moses and Aaron, Jonah and the whale, Joshua commanding the sun to stand still, the Tower of Babel, the Apostles speaking many languages, Christ changing water into wine, the loaves and fishes, the devils going into the swine, the raising of Lazarus, and the Star of Bethlehem, are explained in a similar way.

Babism is opposed to the doctrine of resurrection. Paul's explanation of the spiritual body in I Corinthians, xv.50, concerning the spiritualised resurrection bodies, is spoken of as illogical and false. Mr. Kheiralla says: "Scripture, science and philosophy clearly prove the impossibility of the resurrection of the body. That souls return to earth in new and different bodies, however, is demonstrable from the light of all inquiry. Furthermore, it can be shown that this is the true resurrection of Scripture."

The Babist view of prayer is perhaps not different from the Christian view. "Prayer is worship * * * God does not need our worship * * * We worship God and petition Him for our own interests and benefits, for powers, gifts, and higher development." God has promised to hear and answer our petitions and thus the benefit we can derive from prayer is "absolutely certain, for He never fails in the fulfillment of His promises."

The Babist views differ most essentially from the Christian

in the conception of salvation and vicarious atonement. Salvation by blood is rigorously rejected, and thus we are told that Christ's death was not a payment of our sins: "The heavy yoke imposed upon Christians of the present day, arises from their claiming Messiahship for Jesus."

Jesus is regarded not as the Saviour of the world but after all as the Christ. Mr. Kheiralla says:

"We fully believe in our great Master, Jesus the Christ, and in all His teachings. He is the highest among all the creatures in the great universe; the first begotten Son of God, and His Agent; the Creator is His God, and He is His dearest Son. But we know that our salvation is not through His death, but through the great mercy of the Father.

"Salvation is not escape or exemption from the everlasting torture of hell. True salvation is the victory of accomplishment by the soul; the attainment of a privilege afforded us by God, in allowing us to come upon the earth.

"Hell is eternal regret for the loss of that privilege; hell is the soul's failure to accomplish."

As to the Bible, we are told that "The truth is in the Bible, but all the Bible is not the truth." The great revelation of God on earth had not been manifest when Christ appeared, and Mr. Kheiralla takes great pains to show that none of the prophecies had been fulfilled on the appearance of Christ. On the other hand he endeavors to prove that the great revelation of God has become manifest in Beha Ullah. Here the typical characteristics of the Babist faith appear.

The Babists in Chicago belong to the branch of the Behaists, that is they believe that Beha Ullah was the manifestation of God, the coming of which the Bab had prophesied. Mr. Kheiralla proves by arguments which seem to be very convincing to him and to Babists that no other interpretation of the signs by which we shall know Him shall be permitted. Beha Ullah, that is "the Glory of God," was exiled from Persia and lived during the end of his life at Akka (Acre), and he must have died there. His sons and daughters have inherited spiritual dominion over the Babists. Beha Ullah left four sons, called the "Branches," and three daughters, called the "Leaves." The oldest son is called the "Greatest Branch," the second the "Mightiest Branch," the third the "Holiest Branch," and the fourth the "Most Luminous Branch." They are not like their father, a manifestation of "the Glory of God," but they are simply men to whom the Babists look up to with reverence.

Mr. Kheiralla's book embodies a number of interesting pictures, among which we will mention portraits of the four branches, a tablet with the handwriting of the Bab in the shape of a pentagonal star, the tomb of Beha Ullah.

MISCELLANEOUS.

FATHER HYACINTHE LOYSON.

Père Hyacinthe Loyson, the famous French preacher, formerly of Notre Dame, Paris, who many years ago left the Church, thereby creating a sensation, not only in the Catholic world but also among Protestants, has returned from the Orient, where he visited Jerusalem, and is now staying at Rome.

Father Hyacinthe is not only a great preacher and a conspicuous figure in the religious evolution of France, but he is also a man of deep philosophical interest and of a broad education. He married an American lady, a native of Philadelphia, and thus he has strong ties that connect him in sympathy with the United States.

The home of Father Hyacinthe and Madame Loyson at Rome is the rendezvous for all sorts of thinking people, believers and unbelievers. The Father is still Catholic enough to think that the eternal question of religion has its center and perhaps will find its solution in the "Eternal City." Only he thinks it is far off. He is surrounded by friends and has been invited to preach in the American Episcopal Church and also to the Waldenses, who are an Italian Evangelical denomination seven centuries old, the Israel of the Alps. He also spoke at the Centenary of the British and Foreign Bible Society and at the Italian Methodist Church before crowded congregations who broke out into enthusiastic applause. More significant still is the lecture which he delivered at the request of the members of the government and the ambassadors before a Roman audience on a neutral platform upon the social, moral, and religious questions which agitate the world.

Father Hyacinthe celebrated of late his seventy-seventh birthday by a fraternal feast in which different denominations participated.

A letter of his, published in *L'Italie*, a French paper published at Rome, sums up the Père's views of the present Pope, and as it is of general interest to hear the opinion of a prominent man who knows the Roman Church so thoroughly as does Father Hyacinthe, we here publish it in an English translation.

Father Hyacinthe says:

"I have come to Rome partly to understand the direction which the new papacy will follow, and I trust that it will be a happy one on account of its approachment to Italy. An official reconciliation is at present not possible. The whole papal power itself would be wrecked by it, but Pius X will very usefully prepare for it by the good precedents which he sets and which are practically a rupture with the intransigentism of Pius IX and Leo XIII.

"As to general politics, the new Pope gives himself credit to leave it alone but where by the nature of his duties he is obliged to interfere, as is the case with the French laws concerning the teaching congregations, he will make, honestly and sentimentally, grave mistakes.

"He may thereby prepare the separation of the Church and State in France, which, however, will — it is to be feared — lead to conditions that will be bad for both Church and State.

"As to the relations between religion and science, relations which according to my view take precedence even over those of the Church and the State, the intellectual horizon of Pius X will presumably be that of a good curé of the country or of a small town who reads the Bible in the Vulgate and preferably in the extracts furnished by his breviary. He has just given us a painful sample of it in his condemnation of the erudite writings of Abbé Loisy.

"Nothing more dangerous in a Pope than piety when it is not sufficiently supported by a broad and independent science; and if you wish to have my unreserved opinion, nothing more dangerous than a piety that is subjected to the influence of a state secretary, more or less Spanish and reactionary.

"You may think me pessimistic, and indeed I am such so far as men are concerned, but not as to God. A higher law governs history and finally leads the errors and mistakes of man, even those of popes, to a good end.

"Under its present form the Church stands condemned. She is not in need merely of a reform, as I thought myself some time ago. She needs a profound transformation, and I ought to add, a radical one. I seem to hear daily in my meditative walks in the midst of Rome's solemn and tragic ruins the voice which according to Plutarch in the decay of paganism cried out over the sea of the Greek archipelago: 'The great Pan is dead.'

"My heart which remains profoundly Catholic answers this voice with a sigh, but my reason and also my faith, my purified faith, show me in the future, at Rome and at Paris and elsewhere, the vision of a higher Christianity, similar to the one which Mazzini hoped for and which he summed up in the two words 'God and the people.'" * * *

The son of Father Hyacinthe, Paul Hyacinthe Loyson, is an able and well-known French author, who, after publishing several volumes of poetry, has developed of late into a dramatist with a strong conviction that theaters should be reformed and do what the churches fail in, viz., to attract those who stand most in need of reform. His *Evangile du Sang* has been enacted in different continental cities and his *Droit des Vierges* has just had a run of a month in Paris at the New Theatre Victor Hugo. The director of the *Theatre Français*, which takes the lead over all others, has asked him to write a moral drama for that stage.

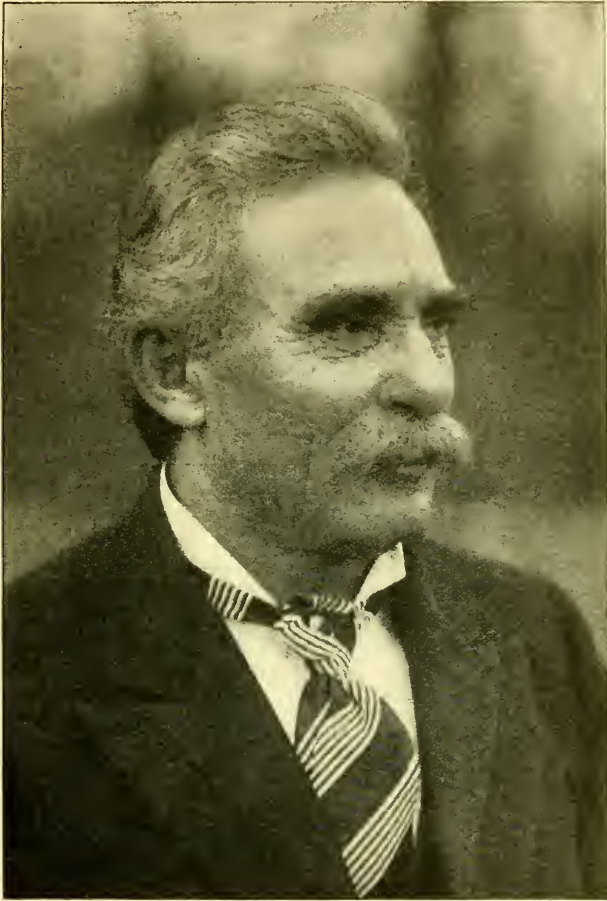
A LETTER FROM THE AMERICAN REPRESENTATIVE OF BEHAISM.

To the Editor of The Open Court:

This letter, from Mr. Ibrahim Kheiralla, the main representative of Behasim in the United States, refers to portions of our article, "A New Religion," which will appear in the next number.]

With pleasure and full satisfaction I have read the proofs of the article on Behasim. Indeed it is one of the best that I have read on this subject.

It shows your impartiality in regard to the present schism between the two Branches, Abbas Effendi and Mohammad Ali Effendi. You have stated what you believe to be facts, without passing judgment on either side.



J. G. Kheiralla

It may interest you, as well as the readers of your valuable magazine, to know that I am expecting the arrival of the grandson of Beha Ullah.

whose name is Shua Ullah Effendi, as my guest during the Exposition at St. Louis.

He is the son of the Mightiest Branch, Mohammad Ali Effendi, whom I represent in this country. The purpose of his father in sending him here is that the young man may study the civilization of the Western countries and realize, in person, the greatness of the American nation and its wonderful development; also, with the intention of organizing in the United States of America a movement, under the headship of his illustrious father and his grandmother, Her Grace the widow of Beha Ullah. The purpose of this organization is to connect the East with the West. This momentous subject and its secrets will be explained and given to you and to a few others after his arrival.



SHUA ULLAH EFFENDI.

I beg to suggest to you, if possible for The Open Court Publishing Company to handle the sale of my work *Beha Ullah* and put it before the public. I know that this is out of your line, yet I know that you are interested in all kinds of religions and philosophies. This book is not published with the intention of money-making. It cost a big sum of money to publish it. The original price of this voluminous work, consisting of 550 pages, was five dollars, but as a greater number was published than the present demand justifies, I am willing to dispose of it for two dollars a book.

Just received the enclosed photo of Shua Ullah Effendi. He is 26 years old only.

J. G. KHEIRALLA.

THE SHAKSPER CONTROVERSY.

BY JOSEPH WARREN KEIFER.

(Reply.)

In Edwin Watts Chubb's attempt to analyze my article, entitled — "Did William Shaksper write Shakespeare," his denunciation of it as "delightfully confused," is greatly relieved of any sting by his own (twice repeated) unbiased, though charmingly frank, confession that he is not only a "*simple minded*" but a "credulous believer in the old-fashioned notion that Shaksper is Shakespeare"; then declaring his belief in "Mr. Keifer's creed." What follows needs no characterization, as it is in consonance with those who are either forced to abandon the field of sound argument based on indubitable facts, or with that other class that assumes to know everything, and without deigning to give up their assumed infinite knowledge, or a part of it, dogmatically assail all who differ with them as incapable of understanding what they are trying to investigate.

My paper was written for a literary club and not for publication; nor did I then, nor do I now, pretend that it was exhaustive or conclusive. Its merit, if it has any, was in arraying some of the salient facts connected with the reputed great author's life, only one of which — and that of no importance on the question of authorship — is assailed by Mr. Chubb. He inquires where I got the information that Shaksper was born on April 23, 1564, adding that "fifty years ago school texts and primers of literature contained the statement," etc. He says "all *we* know is that he was baptized on the 26th." Mr. Chubb expresses the belief that this is an inaccuracy which throws doubts on my familiarity with the subject. I am gratified that he found something — one thing — that he could, with some plausibility, question, though I doubt his having ever even seen "*primers of literature*," fifty years old, confirming the date given by me. Were there ever such *primers*?

The date is unimportant, but Hamilton Wright Mabie in his recent (1901) life of Shakespeare undertakes to give the date of his birth as occurring on April 22d or 23d, 1564, preferring the later date. Mabie's elaborate book was written as though no person had ever questioned the authorship of the Shakespeare plays. The "Annals of the Life of Shakespeare," found in Vol. 12 of the (1901) "Larger Temple Edition of Shakespeare," give April 23d, "the day of St. George, England's patron saint," as Shakespeare's birthday.

These authorities may not, however, be modern enough for the self-styled "accurate modern scholar," Mr. Chubb. I hope I will be pardoned for a reference to only one record older than Mr. Chubb's "*primers of literature*."

In an old house in County Sussex, England, a great chair, black with age, with papers faded with age (no manuscript or writing of Shaksper accompanying), to prove the identity of the chair as the one Shaksper used, is carefully guarded as the most interesting of Shakespearian relics. It is accounted as genuine. On the top rail of this chair is an inscription in old English lettering:

“WILLIAM SHAKESPEARE,

“Born 23 April, 1564.

“Died 23 April, 1616.”

But Mr. Chubb's great error (or worse) is the assumption in his article that I tried to show a “Great Unknown” wrote the Shakespeare plays; and he then proceeds with equal unfairness to classify me as a Baconian. On such false assumptions he still makes out a bad case. My article expressly repudiates the claim that Bacon or any other known contemporary of Wm. Shaksper was alone the author.

The following paragraphs from my article are reproduced here:

“Collaboration work, common to literary productions in Shaksper's time, may furnish a fairly satisfactory answer as to the authorship.

“It may be reasonable to suppose that Shaksper, with his acumen for the business of the theaters in London and the travelling companies with which he was connected, may have employed the best educated, but impatient play-writers and poets, said to have been numerous in his day, some of whom had travelled in other countries, unsuccessfully seeking fame and fortune. Many of such are said to have been educated younger sons of wealthy gentlemen, whose fortunes went, by English law, to their eldest sons, leaving their brothers only an education which was often obtained at college or university. That Shaksper ‘kept a poet’ has long been believed by many. Perhaps, too, some of the known play-writers and poets worked in collaboration with these just referred to; and it is not impossible that even the writings of a Bacon and a Raleigh, or others of the then learned of England, may have been drawn on for parts, where special and professionally technical or scientific knowledge was required; and this may account for portions of Bacon's writings, cypher included, appearing in some of the Shakespeare plays and poems. It may be true that some of the great men were employed to revise particular parts for plays, the plans for and skeletons of which had been outlined by another or others. Some of these men were doubtless often needy, and might well have written for money.”

But Mr. Chubb has discovered, and pretends to promulgate on authority, a newly discovered principle, or law, of interpretation, in settling disputed questions.

I quote from his article:

“Gen. Keifer writes that he does not intend to give an opinion as to the authorship of the greatest of literary contributions to the world. Of course he does not. I challenge him to name any man other than William Shakespere of Stratford, England. Every repudiator of Shakespere knows that he is *under the necessity* of naming somebody as the author—a demonstration that another was.”

Here is a new canon for settling a fact in history.

To assert that a named person was the hero of a particular event, the author of a great writing, etc., is, according to this canon, absolutely conclusive that he was the real hero, or author, unless somebody came forward

and demonstrated not only that he was not, but that another named person was; and the latter demonstration must not only be conclusively satisfactory to the general reasoning public, but to those who proclaim this law, and make the unwarranted assertion. It does not suffice with them that the name brought forward was an impossible person, or a person fairly demonstrated to have been incapable of the great thing attributed to him; all this is quite immaterial and the world must still accept him; and those who refuse to do so are only "lawyers, or some one engaged in non-literary work—a troop of less than half-educated people—raw Americans and fanatical women," not entitled to consideration beside the Chubbs, at least not until the latter are satisfied by demonstration satisfactory to their "modern scholarship" and assumed super-human acumen, that some other well-known, named person was the real party.

Here we have a key to the modern wisdom that assails those who doubt that Shaksper was the great author. If Shaksper had ever claimed to have written anything, or called himself other than a playwright, which he was, an issue would be made with him, or if the publishers of the First Folio Edition (1623), including some of the great plays, only seven years after Wm. Shaksper's death (1616), had pretended to have obtained them from him when in life, or his family or legal representatives after his death, instead of from another source (theater archives), there might still be some room for a controversy on which testimony would have to be weighed.

There is so little to be overthrown in the way of evidence tending to show Shaksper was the author of anything that the burden should be on those who are contented to believe, without knowledge, or investigation for knowledge.

That some of the plays were called Shakespeare's in Wm. Shaksper's lifetime, and more when (1623) he was dead (with others shown to belong to then living writers), proved nothing then, and proves nothing now, save, possibly, that they were written and kept in theaters which Wm. Shaksper owned, or partly owned, in London. It is certain that when he retired from London in 1612, and always thereafter, he made no claim to the plays in manuscript or in other form; that his family or executor, never obtained even one manuscript or other writing from him, or left by him. He never himself claimed authorship of anything, and it is certain he, if an author, abandoned, as valueless, all his manuscripts. But what boots all this to Mr. Chubb, or what matters it to him, and others like him, whether Shaksper of Stratford could write a line or not, the world is bound to accept this Shaksper as the sole and only author of the great dramas, because some rational doubter could not clearly demonstrate that another named person, solely, and alone, wrote them.

I made no point out of the varied spelling of the name in records of Shaksper's time. I did suggest that in the five "morning glory" signatures known to be genuine, he should, if the greatest scholar of his, or any age, have been able to spell his name each time the same way, especially on the same day.

I did not, in my article, and will not here, for want of space, give lengthy quotations from Emerson, Dickens, and others, to prove they are classed by Mr. Chubb, and those who believe and reason like him, among "the troop of

half-educated people." My article does give enough, quoted from Emerson and Dickens, and from other English, and "raw Americans," to satisfy most people that "a prominent professor of literature in England or America" *can* be found in the doubter's camp.

How profound is the argument of Mr. Chubb that because Emerson *used*, or quoted, Shakespeare in his writings; that because Charles Dickens was once a member of a London Shakespeare Society and often attended its meetings, and that once he played the part of Justice Shallow in "The Merry Wives of Windsor," proves each a settled believer in the authorship of Shaksper of Stratford? (Others of the present day would excel in performing the character of Justice Shallow.)

So it might be claimed that all the writers, orators, or speakers who quote from the great Shakesperean writings, and all who have been performers of the great plays (according to Mr. Chubb's philosophy of reason), believe Wm. Shaksper was their author.

Because I am not "cocksure" in my belief is another profound reason why my critic should be free from doubt as to his views.

These free-from-doubt believers, as Mr. Chubb shows, are driven to proclaim, to maintain their positiveness, that the Shaksper who wrote the plays, sonnets, etc., was an *ignorant* man; hardly up to the commonest.

Mr. Chubb says:

"Is Shakespere a learned writer? No modern Shakesperean scholar "pretends that Shakespere was a learned man. The plays abound in evidence "to the contrary."

This sweeping statement is attempted to be proved by exceptional or apparent mistakes in allusions to history, the classics, to law forms, etc. In this Mr. Chubb is unfortunately following others whose claims have been overwhelmingly disproved by those who have been willing to take pains to examine each instance. No point is made about bad spelling. This is put forward to appear to have something easy to refute.

Poetic license, quite as great three hundred years ago as now, explains much of what those who claim to be modernly learned critics point out.

It will not be safe to rest Shaksper's authorship on his *ignorance* of the best learning and literature; of the sciences, arts, court customs and practices; of the history of the world, ancient and then modern; of the best court society, of kings and princes, courts and courtiers, of wars and their heroes, and of the habits of birds and animals, and a knowledge of plants, and of all the common and extraordinary affairs of life in the Elizabethan period, and prior thereto, etc., including all countries.

The common sense of the common people, possessed of common knowledge, as well as those highly learned in literature, history and the arts and sciences, know well that the author of the Shakespeare plays was possessed of a universal knowledge and of an erudition in technical scholarship far in advance of his time: that he wrote for all time — for eternity.

What is portrayed in the Shakesperean writings, stands yet, and will ever stand, to educate the highest races of civilized man. Who gainsays this, save those who seek by small technicalities to overthrow substantial realities?

To illustrate, Mr. Chubb says that one Judge Allen "has carefully ex-

amined every legal term used by Shakespeare, and he finds many inaccuracies. He finds that the 'Merchant of Venice' is full of bad law," etc.

How singular? Did anybody ever suppose that the author of this play was engaged in writing a treatise on law? He was writing an overdrawn tale to illustrate character, and to point out how the exacting usurer should be defeated in a remorseless attempt to enforce a hard bargain, etc. The poet-author made the rules of law to suit the purposes of his story.

In Mr. Chubb's quotation from "Julius Cæsar":

"On this side Tiber, he hath left them you,
And to your heirs forever, common pleasures,
To walk abroad and recreate yourselves."

He claims the phrase, "your heirs forever," is misplaced, and "no good lawyer would have thus phrased it." It is fortunate that no merely good lawyer wrote "Julius Cæsar." A poet wrote it, and adapted, in the best possible way, an English common law, legal formula, denoting perpetual inheritance of the great bounty of Cæsar to the Roman people, and this in a poetic funeral oration. He was writing for English readers.

The quoted passage from "Henry IV" as to the Salic (Salique) law, which prohibits a woman from inheriting a crown, is an historical description of the origin of such law, well stated in poetic language, and cannot be regarded as a disquisition on that, or any other, law. The real author, learned as the text shows in Latin and other languages, gives an accurate, though poetic, history of the Salic law, long enforced in France and other monarchical countries. This quoted passage only demonstrates the author of "Henry IV" as a man of superior learning, capable of accurately adapting the best history to a poetic use.

But what of the examination of the author's legal learning by Appleton Morgan, A. M., LL.B., one of the most learned of Shakespearean scholars and law writers (see his *Shakespearean Myth*, etc., etc.). And Mr. Grant White, of equal learning, says:

"Legal phrases flow from his pen as part of his vocabulary and parcel of his thought. . . .

" Shakespeare uses his law just as freely in his early plays, "as in those produced at a later date."

And Lord Campbell, also a great scholar and writer, a chief justice of England, writes:

"While novelists and dramatists are constantly making mistakes as to "the law of marriage, of wills, and of inheritance, to Shakespeare's law, "lavishly as he expounds it, there can neither be demurrer nor bill of exceptions, nor writ of error."

That the author was learned in medical jurisprudence conclusively appears.

Mr. Chubb adopts the expedient of setting up unwarranted and assumed claims against the authorship of Shaksper, and then seeks to overthrow them. This is the resort of those who have no faith in the justness of their cause. He says, "Perhaps if Ben Jonson and Milton, and Goethe, and Coleridge, and Carlyle, and Schlegel, and Furness, and Lowell, and John Fiske," and

others "had only investigated this matter as deeply as Mrs. Gallup and General Keifer, they too could envy those simple-minded who are so credulous and blissful in their harmless illusions." What a stately argument this is, to overthrow the facts of history, even though summarized by "raw Americans and fanatical women."

Mr. Chubb would have his readers imply that Ben Jonson and Milton, and the others, had studied, profoundly, the question of Shaksper's authorship. Ben Jonson lived contemporary to Shaksper of Stratford, and knew him as a player in theaters and, at times, on the roads, when the law was not enforced against such then interdicted people. He knew Shaksper to be, what he called himself—a player. Ben Jonson's dedication of the First Folio Edition to one Wm. Shakespeare we have in our former article, sufficiently spoken of.

Milton, too, lived contemporary to Shaksper, and for years after his death, but he knew him not as the great author. He spoke in *L'Allegro* of his Shakespeare's "native wood-notes wild." Surely he did not refer to the stately plays so full of camps and courts, tragedy and comedy, with so little of woods or forests. If, as in *The Iconoclast*, the blind poet referred to Shaksper of Stratford it was—like Ben Jonson—with contempt. Goethe, and others named, never, so far as we know, essayed to study the question of the authorship of the Shakespeare plays; but some of those named were not so "simple-minded" that they could not be doubters.

Nearly all of these great men died before 1856, when the authorship of the great plays was first seriously investigated. The over thirty learned men named in an opening paragraph of my former paper, and other whose names could be added, who were not "*so credulous*" they could not doubt, are a sufficient guarantee that earnest investigation has imbued great men, and scholars, with such reasonable and honest convictions against the right to call Shaksper of Stratford the great author, as not to be justly classed by Mr. Chubb, and his like, as "the gullible."

But Mr. Chubb, correctly, near the close of his criticism, admits Shaksper's title to authorship rests on "tradition extending in unbroken line back three hundred years." He says the people are asked "to believe that all Shaksper's contemporaries were grossly deceived." What contemporary of Shaksper of Stratford knew and recognized him as an author. Mr. Chubb should have given us a few names.

I quote once more from my former paper, and from Ralph Waldo Emerson who was strong-minded, at least enough to doubt.

"Shaksper lived in a period of eminent men. Raleigh, Sidney, Spencer, "the Bacons (Francis and Thomas), Cecil, Walsingham, Coke, Camden, Hooker, Drake, Hobbes, Herbert, Laud, Pym, Hampden, and others were "his contemporaries; their history and work are not in doubt; there is no "evidence tending to show that he was personally known to one of them, or to "any other of lesser note among statesmen, scholars, or artists. Nor did they "discover him.

"Emerson says, 'not a single fact bearing on his literary character has "come down to us,' though he had examined with care the entire correspondence covering Shaksper's time, in which almost every person of note of "his day is mentioned, and adds:

“Since the constellation of great men who appeared in Greece in the “time of Pericles, there never was any such society, yet their genius failed “them to find out the best head in the universe.”

Again, Mr. Chubb says he is asked to believe, “that the writer of the greatest literary productions . . . could live and grow in power and yet not leave the slightest evidence of his existence, not even a grave.” This begs the question. Did Shaksper of Stratford “live and write and grow in power”? He lived, and died, and then had a grave with a slab over it, on which is an inscription, chiefly relating to his bones—*nothing to authorship*; nor has the slightest proof ever come to light that he ever wrote a letter, or left to his family a line of manuscript, or that he ever claimed to have written anything.

Is it not a greater mystery to know that this Shaksper left no claim, or evidence of authorship, than that the real author (or authors who worked, perhaps, in collaboration around Shaksper’s theaters for pay) should be unknown? Mr. Chubb and his self-styled “simple-minded and credulous” kind, being satisfied that a man called Shaksper had an existence, and left a grave—whether he did, or could, write a play, or anything—are quite satisfied he was the great author. It is enough for Shaksper to have lived, and acquired a grave; all else is unimportant to the controversy.

Nobody claims Shaksper was not an author, alone because the verse on his tomb does not so testify; nor because he poached, in his young manhood, on Mr. Lucy’s deer-warren; nor because Stratford was a filthy town. These are things of straw Mr. Chubb sets up, because he thinks *he* can knock them down. He concludes with a climax of profundity, by again saying that the doubters must agree as to who the “Great Unknown” is, or it conclusively follows that Wm. Shaksper did the writing; this whether he was illiterate or not. But Mr. Chubb says it remains to “persuade us that Ben Jonson was either a ‘knave or a fool.’” Why? He was neither. There is no doubt of *his* learning or authorship. He wrote, as we have shown in our former paper, a poetic dedication, using old forms of expression, and for pay, to promote the sale of the plays published or edited by Heminge and Condell, in 1623, seven years after Shaksper of Stratford was dead, and had bequeathed to said Heminge and Condell 26 shillings, 8 pence “apiece” (no manuscript) “to buy them Ringes”; and to his faithful wife, out of his large estate, only his “*second best bed with the furniture.*”

To whom, as the Shakespearean author, Ben Jonson referred in his poetic dedication to the First Folio (1623) we do not know with absolute certainty. There are those who believe Ben Jonson, in his laudatory poetic dedication, referred to the Stratford Shaksper as the theater owner, rather than the writer, of the plays published in the First Folio Edition and, for the writing of which, he was undoubtedly employed, and paid, the principal object being to advertise the Folio.

The ownership of the manuscripts of the play seems to have attached to the theaters in which Shaksper held ownership, as there is no evidence that Heminge and Condell got them anywhere else—certainly not from Shaksper of Stratford, his family, or executor.

It is fortunate for Ben Jonson’s reputation that he is not generally credited with the “Epistle Dedicatorie,” to the same Folio, as, after three

hundred years, some investigator—not too “simple-minded and credulous”—has discovered that it is a badly botched and poorly disguised piece of plagiarism, the source of the principal parts thereof being the Preface to Pliny’s (the elder) *Natural History*, which is an extravagantly written, laudatory dedication to the great Titus. Did Heminge and Condell, or Ben Jonson scruple at this? They could borrow language eulogizing a great Roman, to characterize another without giving a summary of his life, allowing the apparent facts to take care of themselves. The Folio must sell.

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