

The Open Court

A MONTHLY MAGAZINE

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

Founded by EDWARD C. HEGELER

VOL. XXXII (No. 7)

JULY, 1918

NO. 746

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CHICAGO

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THE GOSPEL OF BUDDHA

By

DR. PAUL CARUS

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

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

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

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

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

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

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

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

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122 S. MICHIGAN AVENUE

CHICAGO

ILLINOIS





THE TAKING OF THE BASTILLE,
July 14, 1789.

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A SOUND CONSTITUTION.

BY ROLAND HUGINS.

I.

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

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

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

II.

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

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

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

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

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

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

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

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

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

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

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

III.

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

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

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

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

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

IV.

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

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

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

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

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

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

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

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

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

THE GLOOM AND GLORY OF RUSSIAN LITERATURE.¹

BY MAXIMILIAN J. RUDWIN.

Russian Literature the Lady of Sorrows of Holy Russia.

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

The Tragedy of Russian Life.

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

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