# 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

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Illustration in a German breviary, Egerton Coll., British Museum, Beginning 15th century.

Frontispiece to The Open Court.

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#### LIBERTY AND LICENSE.

#### BY M. JAY FLANNERY.

THE man of to-day congratulates himself on his freedom from restraint in the expression of opinion in comparison with his brother of former ages, who was "cabined, cribb'd, confined" by restrictions of law, civil and canon, and by a public opinion steeped in ignorance and bound with the chains of priesteraft. We glory. in our great material advance; our conquests in the sphere of nature; our lordship over land and sea and air; our development of the art of civil government. We are never tired of boasting of the equitable distribution of comforts among all men, so that the poorest and meanest man of to-day can live a better material life than could the proudest noble of former times. And when we are told that these things, while good in themselves and such as any civilization worthy of the name must guarantee, are not the whole of life and leave the best things to be desired, we point with what we regard a pardonable pride to our glorious liberty of thought and speech. What greater thing can man desire, after sustenance is assured, than to be free? And free not merely from any form of servile economic status, but free to think his own thoughts and to express those thoughts without fear of consequences? Surely, this freedom is ours, and no other age can justly claim anything approaching it.

That liberty such as we possess was unknown in every age previous to our own appears to be attested by all that we can learn of those times. The burden of much of our history is the struggle of men for the freedom to think and speak. Stories of persecution for conscience' sake: of wicked wars waged against dissenters, as that against the Albigenses; the burning of Huss and Servetus; the dreadful tale of the Holy Office—all these fill so large a place in our histories that they seem to us the every-day occupation of the people of the Middle Ages. Our own history, especially the history of the early settlement of our colonies, has made us familiar with the magnitude of persecution for opinions' sake in the life of the times. Even science has her martyrs, from Roger Bacon and Galileo down, and histories of the warfare of religion and science were the familiar literature of our childhood.

This is, indeed, a severe indictment of "the good old days," and we may congratulate ourselves on our freedom. An age which has redeemed us from the nightmare of all this bloody tyranny and given us to breathe the air of freedom, is one to challenge our deepest lovalty. But before we go too far in our denunciation of the olden times it may be well to inquire whether this gloomy picture really represents the condition of life which then prevailed. It is possible that this shows but one side of the shield, or that in perspective we simply see the ordinary misunderstandings and cruelties of the life of any age, crowded together so as to seem to be the whole life of those times. Isn't it possible that we overlook the abundant peace and freedom which then prevailed—as they prevail at all times—because this peace and freedom were the every-day aspects of life; and those who enjoyed them were less blatant than were the minority, who chafed at what seemed to the majority a safe and sane restriction on license? To-day it is the unusual man, the intellectual, moral, and spiritual rebel, that attracts attention, and the literature of revolt that makes more noise than does the conventional. It does not follow that the great mass of the people feel any lack of freedom or do not feel at liberty to express themselves as they wish. The literature of rebellion not only makes a greater noise in its own time; the reverberations of its thunders reach the ears of later times as do not the quieter murmurs of the gentle breeze which is the breath of the great masses. We are apt to misjudge other times, because of a distortion of perspective, and to feel that because these struggles fill so large a place in our histories, they must have filled a correspondingly large place in the life of the people; to feel that the common people of those times must have lived in fear and have felt stifled for want of the pure air of freedom.

But very probably we are mistaken. It may be that as large a proportion of the people then felt free to express all that they wished to as does to-day. For after all, what is freedom for each of us? In matters of opinion the recognized right to give expression to that opinion without running foul of public opinion or the law. Now, in no age has there been any restriction on the expression of opinion of the conventional kind. Within limits, men have always been free to discuss to their heart's content. And these limits were never so narrow as we are disposed to think, and were never felt as irksome by the "safe and sane" of any age. As long as a man accepted certain fundamental propositions, he might spend his days in what, to him and many of his contemporaries, were interesting and important disquisitions. The literature of those times, with its wordy and windy discussions of abstruse subjects, is an eloquent testimony to the wonderful freedom of an age, supposed to be repressive of free thought. These discussions cover a wide range, much wider than we are apt to think, and debate questions of theology, church polity, government, the divine right of kings. That they debate these subjects from a "safe" standpoint and never permit liberty to degenerate into license, does not prove their proponents to be intellectual slaves or to have felt the least restraint on their liberty. These were their real opinions, and they felt that they could express them without fear or favor. They did not feel hampered or oppressed in their intellectual lives, not prevented from proclaiming views subversive of Church, family, or State. They had no such views, and so, no wish to proclaim them.

And this was the feeling of the vast majority of the people of the so-called Dark Ages. They were, as human beings go, contented and happy: lived the lives and thought the thoughts which their fathers had lived and thought. They grew up in an atmosphere of convention, as do the ordinary men of all times, and they breathed it with the feeling of perfect freedom. Their views on important matters did not differ, except in non-essentials, from that of their fellows; and they delighted to wrangle over these non-essentialsas do their descendants to-day. They accepted of God what would seem to us the tyranny of a priesthood and of overlord and king. As is the pleasant but ineffective custom of human kind, they grumbled at each and all of these, but it never entered their heads to revolt, or even criticize in any serious fashion. They accepted them as inevitable and, while incidentally evil, necessary instruments of their salvation. Whatever might be their personal habits, and however in their coarse jests they might satirize the relation, they accepted the institution of the family as something sacred and not to be lightly criticized.

But what of the exceptional man? Did not the tyrannous attitude of public opinion and of Church and State toward opinions regarded as dangerous bear harder on him than do the same ou exceptional individuals of to-day? The whole teaching of our histories is that they did. That the exceptional individual is better off in that he may now speak his mind freely without suffering any untoward consequences, is one of the articles of our modern faith. Now, it is true that the old instruments of torture are no longer considered proper arguments to convince the recalcitrant of the error of his ways, and that the rack and the stake have fallen into disrepute. But, though methods have changed, it remains to be proved whether law and public opinion permit a larger liberty than they did in the long ago, and whether there are not more effective arguments, not wholly logical, which are still in use.

We are told that modern society, especially in western Europe and the United States, permits the largest amount of liberty, and boggles only at license. Let us examine just what this statement means. What is the difference between liberty and license? Not what difference the dictionary makes between them, but what difference public and official opinion make in their practical application? Isn't the difference just this: Liberty is the privilege of expressing opinions upon subjects not regarded as too sacred, within limits recognized as lawful—limits somewhat vague but still existent; License anything which goes beyond this and attempts to call in question any institution regarded as too sacred to be the subject of serious discussion? In what respect do these definitions, in their practical application, differ from those back in the times we have been taught to regard as the dark ages of human freedom? In no respect whatever. Those people were as ardent believers in the freedom to express such opinions as they thought proper to be expressed as we are. They were not opposed to liberty of speech, but to license of speech-just as we are. Human nature in this respect has not changed, and we are no more liberal than were our ancestors.

But they burnt men at the stake for a different opinion from themselves on such matters as the Trinity, or Transubstantiation, or the infallibility of Church Councils, and we should not think of doing such a thing; in fact, we should recoil with horror from the thought of such an act. Yes, we no longer persecute for differences on religious questions, but that is not because we have grown more liberal, but because we no longer regard religion and the Church as matters of supreme importance. We may still pay these institutions lip worship and be in doubt whether we dare wholly give them up: but we do not believe in them in our hearts, as our forebears did. If we did, woe to him who should dare to speak against them.

Nationalism and the institution of private property have taken the place in the worship of the public which the Church held in the Middle Ages. Not just private property in the old sense of that word, but that institution as affected and, indeed, made, by modern industrialism-private property in the means of production and the exploitation of the resources of the earth. Orthodoxy and heterodoxy stand as firmly and as bitterly opposed in these to-day as they did in the Church in the sixteenth century, and any discussion which would tend to question their sacredness is license and not liberty. The whole power of organized political society and of the industrial machine is ready to crush utterly the individual who dares to be a heretic on these questions. And what the State can do and is willing to do gladly, has been abundantly shown in the treatment of pacifists, non-resistents, and conscientious objectors in all the countries lately at war. Nor has the State in its organized capacity merely shown the violence which political intolerance may possess, in measure and kind no different from the religious intolerance we so glibly condemn. The insane fury of mobs all over this country, often directed against the innocent, differs in no respect from that exhibited by similar mobs at the burning of heretics in the old autos da fé. And as in the olden time not every heretic was burned at the stake or gave up his life on the rack but dragged it out, an object of scorn and social persecution, so to-day all over this country, and, doubtless, in other countries, are men and women denied the right to make a living because they simply could not bring themselves to furor politicus of their neighbors. Not all victims of modern heresy-hunting are in federal prisons.

Modern industrialism is a close second to nationalism for a place in the holy of holies where no impious hand dare touch it. Indeed, it is a question whether it does not hold the first place and is not simply using nationalism as a protective covering for itself. Many of the men and women sentenced to long terms in prison during our war are looked upon as dangerous to society, that is, to society as at present industrially organized, and one may wonder whether it is not this fact, and not merely their opposition to the war, that counted most in their prosecution.

But, it may be said, the parallel between modern politicoindustrial religion and the old theological religion is not complete. At least there are no modern crusades against politico-industrial heretics, such as were the crusades against the Albigenses and other heterodox Christians. Before we accept this let us ask ourselves in what respect our refusal to recognize as at least a *dc facto*  government the soviet régime in Russia and our encouragement and support of white guards against red guards differ from the attitude of the Church against the Albigenses. Do we practically make war against the soviet government because we desire to free the Russian people from the tyranny of a minority, or because we fear the soviet system, or lack of system, of industrial society? It seems that every thoughtful person must answer that the latter counts for most in our purpose. The Bolsheviki are industrial heretics, and as such must be put down, in the interest and for the protection, of our modern religion.

The dividing line between liberty and license is now, as it always has been, the line between those things toward which we are comparatively indifferent and those which we regard of supreme importance. We are all in favor of liberty in non-essentials. Very few of us can look upon any opinion on what is to us the really essential as anything but dannable heresy, and its advocate as anything but a monster of iniquity for whom no punishment can be too severe.

#### SCIENCE AND THE MORAL WORLD.<sup>1</sup>

#### BY JAKOB KUNZ.

#### A. THE SCIENTIFIC ASPECT OF THE WORLD.

W E shall at first consider the world as revealed by the various sciences, the oldest of which is astronomy. Astronomy has widened the horizon of man. The material heaven, in which the gods of the ancient nations lived, has disappeared. Instead of the crystalline spheres with their melodies, we find the immensity of stars, similar to the sun, which are scarcely scattered through the sky. Our earth is a small part of the solar system, the solar system like a particle of dust in the system of the Milky Way. The earth moves around the sun according to well-defined laws of mathematical precision, under the influence of gravity, a law which embraces all material bodies.

Physics and chemistry, since Galileo, Newton, and Lavoisier, teach that all material processes are governed by natural laws, which are sometimes of a simple, sometimes of a complicated mathematical form. Nature appears as a mechanism built up of small

<sup>1</sup> The following paper was first delivered as an address before the Philosophical Club of the University of Illinois in January, 1919.