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SELFISHNESS: A PSYCHOLOGICAL ARGUMENT.

BY WILLIAM M. SALTER.

A SPECIOUS plea in behalf of human selfishness is sometimes made on the ground that all human actions are necessarily selfish. Aside from those cases in which we are compelled against our will and which in the strict sense of the word are hardly *actions* at all, it is held that all voluntary actions are done with a view to our own pleasure or happiness. It is even said that we can no more help acting selfishly than we can help breathing; that when we seem to be interested in the welfare of another, it is because the other contributes to our happiness; that we deceive ourselves in thinking we can act for the happiness of anybody but ourselves; that if for example we give a quarter to a poor man on the street it is not for his benefit but for our own, since if we refused we might have disagreeable sensations afterwards.

What is the truth in this?—for I suppose it may be taken for granted that any views honestly held by intelligent persons must have some truth in them. What is indisputable seems to me to be this—that we never do anything voluntarily unless we choose or prefer or please to do it. In fact, it is so clear that I suspect it comes near being tautological. When we speak of acting voluntarily, we *mean* acting according to our will or pleasure. Now from this truth the inference is drawn that we act *for* our pleasure,—or, (since pleasure and happiness are at bottom the same thing) for our happiness. It appears thus to be a necessary law of our being that all actions are interested, their final end being in ourselves. Our own pleasure or happiness seems to be the only thing that can move the will to act; if we care for others, it is only that this is one way of getting pleasure for ourselves.

It must be admitted that there are considerable authorities for this view. Leslie Stephen, one of the first English writers on Ethics, says that "pain and pleasure are the sole determining causes of action."* A leading American sociologist, Lester F. Ward, declares that all actions "agree in having pleasure for their end," and that "benevolent and philanthropic actions are prompted like others by the motive of diminishing disagreeable feelings experienced by those

who perform them."* Bain holds that there are "only two great classes of stimulants; either a pleasure or a pain, present or remote, must lurk in every situation that drives us into action."† And Bentham asserted that "every human being is led to pursue that line of conduct which, according to his view of the case, taken by him at the moment, will be in the highest degree contributing to his own greatest happiness."‡

None the less I ask, is it true that we always act for our pleasure or happiness? To act *for* a thing is to act in view of it, is to act with it in mind, or to aim at it. Is it true that we always have pleasure or pleasures in mind when we are prompted to action? I think it more nearly accords with our ordinary consciousness and modes of speech to say that it is sometimes the case that we desire certain *things* or *objects*, and while the getting them gives us pleasure, it is not so much the pleasure as the things we want. This seems to be true sometimes even of a desire like hunger. The satisfying of hunger generally brings pleasure, but it is not the pleasure the really hungry man is thinking of, but the food—it seems a direct appetite for an object. When we do think of the *pleasures* of eating, this is not so much the primary as a secondary desire; and when a person thinks of almost nothing else (being perhaps so well-fed that he never experiences real hunger), we do not call him an exceptionally hungry man, but a gourmand.§ The same direct interest in an object sometimes shows itself in the business world. I was struck a few years ago by the language of the President of a bank that had failed. He said with a kind of mournfulness, "I was wedded to it always. To me my own pleasure was a second thought to its prosperity." Any of my readers can probably think of persons in these days of feverish competition who are so wrapped up in business pursuits that they scarcely think of themselves or their pleasure—do not, as we may well say, think enough. It is as if such persons put all that is commonly called pleasure or enjoyment to one side and set but one aim before them—that of making money. It is perfectly true to say that this is their choice, their preference,

*Dynamic Sociology.

† Emotions and Will, p. 460.

‡ Constitutional Code, Introduction, § 2.

§ This point is worked out with admirable precision and delicacy by Sidgwick, *Methods of Ethics*, pp. 44, 45 (3d ed.)

their (in this sense) pleasure or happiness. But it hardly has sense to add that they act as they do *for the sake* of this pleasure, when all that is meant is that they act as they choose and it would be as rational to say that they act for the sake of their choice. In fact, this brings home to us that there is an ambiguity in the word pleasure and it is incumbent on us to trace it out if we do not wish to be led astray by words. Pleasure seems sometimes to indicate the mere fact of preference or choice. To say "I please to do a thing," or "it is my pleasure to do it," is the same as saying "I choose to do it; pleasure here means a state of will. On the other hand, pleasure sometimes means a sensation—as when we speak of the pleasures of taste, the pleasures of exercise, the pleasures of study or the pleasures of doing good; we mean here the agreeable feelings that follow any of these things, and the idea and expectation of which may of course move us to action. The two senses of the word point to different psychological states. Yet since we have the same word for them we glide from one to the other without being clearly aware of the difference. When we act as we please, or according to our pleasure, we think it must be the same, when anyone tells us so, as acting in view of our pleasure or for the sake of it; yet in the latter statement, we use the word pleasure in one sense, (that of an agreeable feeling), and in the former, we use it in another sense (that of preference or choice). No one would say we act as we choose, for the sake of our choice, and yet we delude ourselves into thinking it is rational to say that we act as we please for the sake of our pleasure. It is only rational to make the latter statement, in case we understand by "please" one thing and by "pleasure" a quite distinct thing. But the fact seems to be that we may act *according to* our pleasure (in the sense of choice) and yet *for the sake of* a hundred other things besides pleasure (in the sense of agreeable feeling). I have spoken of money-making; but we may set before ourselves victory in some sport, or a position of power over others, or adding to the sum of knowledge in the world or the creation of objects of beauty or the advancing of social justice. For though from any of these objects once attained, there would doubtless come pleasure to us, yet we may scarcely think of the pleasure in the time, being completely absorbed in the pursuit of the objects themselves.

Let me take a very simple illustration. A boy plays a game of ball; he plays to beat—and he doubtless thinks at the outset how fine i. e. how pleasurable, it would be to beat. But he gets into the game, he warms up, he tries to make every step and movement count and to take advantage of every failure or weakness of the other side—and what is he thinking of now? Of the pleasurable emotions that will follow

victory? Perhaps not at all, but simply of winning the game. At any given moment, possibly not even of this, but rather of getting the greatest number of tallies for this inning, or even of simply reaching a certain base; and if, while he is running for the latter, he allows himself to think of the pleasures of victory or even looks ahead to the winning of the game, his attention may be so divided as to hinder him from reaching the base. The truth is that instead of the pleasure of victory being the constant spring of his action, it may be so in the first place and then not be thought of again till the game is done. Can a person be properly said to be acting *for* that which is not in his mind—to be aiming at that which he is not thinking of? This would be self contradictory.

After all, is it not so familiar a truth that it is a commonplace, that pleasures are surest to come when we do not aim at them, that if we seek them we are apt to lose them? How does this comport with the idea that we are always seeking our own happiness and always must? The fact is that it is because men do not always seek it and sometimes forget it altogether, that they get most of the happiness that they actually possess. Without doubt benevolent individuals experience agreeable feelings after doing kindly acts; but it is possible that they experience them in an inverse ratio to the extent they have distinctly expected or aimed at them. If we give a quarter to a poor man with no other motive than that of experiencing self-congratulation afterward, we run the risk of not experiencing self-congratulation at all; and our feeling may be instead, "What sophisticated fools we were to expect it!"

The facts compel us to go further. We may not only forget our pleasure and happiness, but we may voluntarily do things inconsistent with our pleasure or happiness, taken as a whole. It is not true to our experience to say as Bentham does that we always act for what at least at the moment we think will contribute to our greatest happiness. It may possibly be rational to do this, but in fact we sometimes do the contrary. We may do things (for a present enjoyment) that we know will be followed by more misery than happiness; a present craving may overrule the rational thought of our greatest happiness; we may voluntarily let the latter go for the sake of the gratification now. The appetite for drink may so rule us; we may be perfectly aware that for every moment of pleasure (in drinking) we shall have in time twenty moments of pain and none the less choose the present pleasure. John Stuart Mill admitted that men sometimes "pursue sensual indulgences to the injury of health, though perfectly aware that health is the greater good."* Moreover, there is an experience of

* Utilitarianism, c. ii.

a different character in which we may act even against present pleasure. A distinction of consciousness has passed into common speech, namely, that between choosing to do a thing from "a sense of duty" and so choosing because we anticipate pleasure in so doing. In the latter case, we may need only to think of a thing to want to do it; in the former, though reason and conscience approve, it may be hard to make up our mind. For example, one person finds pleasure in walking, or riding on a horse; the idea has only to cross his mind at certain times to make him wish to throw up his books or his business and go out *ins Freie*. Another may recognise that the exercise would be good for him, may feel that he *ought* to go, and yet from absorption in his books or work, or perhaps from physical laziness, may be averse to going. Plainly these are different moods. Both may eventually choose to take the walk; but one from anticipation of pleasure, the other from a sense of duty.

Sometimes the nobility of a thing, aside from duty, may attract us and lead us to bear pain willingly for the sake of achieving it. Mrs. Browning says, "If heads that hold a rhythmic thought must ache perforce, then I, for one, choose headaches."

This does not mean that headaches are ever agreeable sensations or that by willing we can make them so, but simply that we may choose them despite their disagreeableness for the sake of a higher good. So J. S. Mill somewhere says that the state of a discontented Socrates is better than that of a contented pig; that is, in certain circumstances it is better to be unhappy than happy. And there have been not a few who have acted on this conviction. One feels in reading some of the leaders of modern scientific thought, Tyndall for instance, that the sacrifice of all things false, however pleasant they may be, is for them a paramount and primary duty. Romance and tragedy are full of situations in which the longing for personal happiness goes down under the influence of a grander motion. Adam Bede resigns in his own mind the girl he loves because he sees his brother loves her and he will not stand in his way. Enoch Arden comes back, finds his wife married again and happy with her husband and children, and goes off without revealing himself, rather than disturb their happiness. Fedalma, in what seems to me George Eliot's masterpiece, *The Spanish Gypsy*, chooses sorrow rather than a joy that destiny had made base for her. To her lover, whom she feels she must renounce for the sake of loyalty to her father and her tribe, she says:

"O, all my bliss, was in our love: but now /
I may not take it: some deep energy
Compels me to choose hunger.

Happiness seems to her in the crisis of her life to be a smaller thing:

"I can never shrink
Back into bliss,—my heart has grown too big,
With things that might be."

Will some one say, But she could not have chosen hunger and sorrow, had she not found pleasure in doing so, had it not on the whole made her happier to do so, and hence was she not after all seeking her happiness? I simply answer, What is meant by pleasure or happiness here? If the meaning is simply that this was Fedalma's free act, that so she preferred or chose or pleased to do, then the statement is indisputable, since it is only saying that she could not have chosen unless she had chosen or wished to choose. But if "pleasure" is used in the sense of agreeable feelings, present or remote, then to say that she acted in anticipation of such feelings and for the sake of them is false. As a personality in the poem, her wishes were simply to be true, to be loyal to her tribe, and for the sake of that she consented and even welcomed the sorrow, hunger, and pain incidental to it. It is darkening counsel with words, mere sophistication, to say that she was actuated by the thought of pleasure or happiness, when these only existed to her as things to be renounced.

A man will even sacrifice his life, in those rare emergencies where some larger interest calls. When an engineer stays at his post in face of a collision, knowing that he may thereby help to save other lives though he may lose his own, has it not almost an air of burlesque to say that he acts so as to increase the number of his agreeable emotions, when he knows that all emotions may soon be forever at an end with him? The glorious story of the Birkenhead has recently been recited by Gen. M. M. Trumbull in these columns.* Certainly those men went down to their watery grave because they chose to; it was, in this sense, their pleasure, their happiness to. And yet the thought of pleasure or happiness probably never crossed their minds; it was their *duty* they chose—and duty meant almost certain death. In view of such instances it is simply paradoxical to say that men always act with a view to their pleasure or happiness. I may make some remarks on the turning of this psychological mistake into an ethical theory in a subsequent article.

MAX MÜLLER DENOUNCED FOR HERESY.

PROF. MAX MUELLER'S Gifford Lectures were the subject of acrimonious discussion in the latest monthly meeting of the established Presbytery of Glasgow, held on May 6, 1891. Rev. Dr. Watt who had been moderator up to date resigned the chair and Rev. Mr. Gillan of Carmunnock was elected in his place. After the discussion of sundry other business which has no

* *The Open Court*, Apr., p. 2759

special interest for outsiders, the following resolution was moved by Mr. Robert Thompson :

"Inasmuch as the teaching of Prof. Max Müller, the Gifford lecturer in the University of Glasgow, is subversive of the Christian faith, and fitted to spread Pantheistic and infidel views among the students and others, and inasmuch as it is questionable whether the Senate has legal power to receive a bequest such as Lord Gifford's, and to appoint a lecturer to carry out the teaching of the same, the Presbytery appoint a committee to examine the views of the Professor as set forth in his lectures, and also to ascertain the Senate's power in relation to the acceptance of the Gifford bequest and the appointment of a lecturer, and to report to a further meeting."

Schopenhauer says, it is easier to burn a heretic than to refute his view. Since the stake has gone out of fashion, so called heretics are pooh-poohed and stigmatised as adversaries of Christ. Not the slightest attempt is made to refute Prof. Max Müller yet it is boldly maintained, as will be seen from the following report, that only he is for Christ who will denounce Prof. Max Müller's views. Mr. Thompson should not be so rash in identifying his own opinion with the cause of Christ. From the Christian standpoint we maintain that a man who thinks on religious matters as does Mr. Robert Thompson is a heathen and against Christ. Only he is for Christ who fearlessly stands up for truth.

We reprint the report of the meeting without further comments from the Glasgow *Herald* :

In supporting the motion, Mr. Thompson said the university was set up to promote the liberal arts and sciences and to teach religion within the university. There were ordained ministers of the Church within the Senate, and they by their presence at these lectures had been contributors toward the seducing of the students and others who had attended to hear the most extraordinary views propounded by the lecturer. These views were simply a rehash of German mysticism, Pantheism, and the old argument of the infidel Hume, combined with the refuse of the minds of all the populations of the world who had gone into every error in regard to the conception of God and the moral government of the universe, as well as its physical development. The lecturer had, besides, outraged Christianity by denying some of its fundamental doctrines—the incarnation, the resurrection, and the ascension of Christ. Now, the Church of Scotland, he maintained, had power through its Church Courts to overhaul the Faculty of Theology in the university, and he asked the Presbytery to pass the resolution he had submitted. There was no anathema pronounced against the professor. He simply asked them to appoint a committee to inquire, and he held that if they were faithful to their ordination vows they were bound to do so. It would have been far better if this Edinburgh lawyer had at some time had his money cast into the Firth of Forth than that he should by these lectures have given an impetus to infidelity and scepticism. He had got encouragement even within the university, for some of the professors held views that were neither in harmony with the Confession of Faith nor with the position some of the ecclesiastics held. A Romish priest had taken up the subject, and had spoken well upon it. He gave him honor for what he had done. People were saying "Where are the ministers?" and the lecturer said that he knew many of the ministers held one thing and preached another. Here was one of the most universal slanders ever committed against a Christian community.

Mr. A. T. Donald seconded the motion. He believed, he said, that these lectures had done irreparable evil to the artisans of the community. He met the views enunciated every day in his congregation and parish, and he believed the sooner the Presbytery gave their voice on the subject the better. It had been left too long. He was very proud indeed that Dr. Munro, the Roman Catholic clergyman, had the boldness to deliver the sermons he did. He believed those sermons touched the very foundation on which the lecturer built up his arguments.

Dr. Watt submitted the following amendment :

"That the Presbytery express profound regret that teaching of an unsettling character should be given apparently under the sanction of the Senate of the university, but deem it inexpedient to take any action in the matter."

The reason why he proposed this motion, he said, was that he had received the following note from Professor Dickson, whose absence he regretted :

"Dear Dr. Watt,—I see that the subject of the Gifford lecture occurs in the business of the Presbytery to-morrow, I had hoped to be present for the purpose of making a short statement for the information of the Presbytery as to the facts. But as I am disabled for the moment by a slight accident, I shall be glad if you will take the opportunity of submitting the enclosed note on the terms of Lord Gifford's will, which I drew up some time ago and put into the hands of Prof. Max Müller." That Document, Dr. Watt continued, bore date January, 1891, and was as follows :

"Considerable controversy having arisen in the newspapers over certain statements in the first two Gifford lectures of this session as to 'Physical Miracles' and the belief of the clergy in regard to them, and calls having been made for a definition of what is meant by the lecturer in his use of that expression, it seems expedient to recall the express words in which Lord Gifford has embodied his wishes as to the treatment of the subject. In the deed, as prefixed to Professor Max Müller's 'Natural Religion' Lord Gifford, under what he calls leading principles, says—'I wish the lecturers to treat the subject as a strictly natural science . . . without reference to, or reliance upon, any supposed special or so-called miraculous revelation.' The latter clause, which is the only restriction suggested by the testator, is couched in a peculiar form, for which it may be presumed that there was some special reason on the part of a Scotch lawyer or judge accustomed to weigh his words. Lord Gifford was well aware that provision was already made in the universities—to which he offered his gift—for the teaching of theology as based on revelation; and, if he may be credited with judgment, good taste, and common sense, it seems hardly open to doubt that in desiring that the lecturers should avoid 'reference to' as well as 'reliance upon' any miraculous revelation, he wished to keep the handling of the subject as far as possible aloof from the risk of coming into collision with already existing provisions. But for this limitation there would have been obvious difficulties in the way of the universities accepting the trust. Whatever may have been his aim, his language as distinctly excludes reference to miracles as it includes reliance on them; and the one thing of the nature of a restraint imposed on the lecturers is this explicit intimation of the testator's wish, so far as that may under the circumstances be expected to have weight with them. If this view should be acted on there would be little risk of bringing one part of the teaching in the university into collision with another, or of having those who have been concerned in the appointment of the lecturer, and who are of very various views, subjected to the imputation of responsibility for statements of opinion which, whatever may be their value, are essentially, under the circumstances, a *hors d'œuvre*."

So far, Dr. Watt continued, he had discharged his duty to Dr. Dickson, and he should not weary the Court by anything he had to say. He believed he would follow the line of argument Dr. Dickson would have taken had he been present, though for what he said he himself was responsible. Although he felt in a somewhat curious position, he desired to offer something in the nature of an apology for the *Senatus* in the peculiarly difficult circumstances in which they were placed. He believed it would be found that there were many members of the Senate who were as deeply concerned and grieved at the turn that had been taken by Prof. Max Müller's expressions as any member of the Presbytery. But their position was such that they did not see how they could vindicate themselves in any way that would be satisfactory to themselves, and to the public generally. There were certain considerations that could be urged in the way of defence, if defence was needed, of the appointment of Prof. Max Müller as Gifford lecturer. The first thing that had to be taken into account was that whether the *Senatus* had taken the trust or not it was certain that a lectureship of the kind contemplated by Lord Gifford would have been instituted, because there was an alternative body, the Faculty of Physicians, who would have had to take charge of the trust, and he doubted whether the public would have been better served by lecturers appointed by them than they would be by the *Senatus* of the university. Then, when they considered that no conditions could be imposed upon the lecturer, they could easily see that in regard to the first appointment, at least, the most well meaning men might have been led into a position which they regretted. It was impossible that any fault could have been found with the first appointment. Prof. Max Müller was a man of very great eminence not only in philology, but also in all branches of modern human learning; and surely if fault could have been found with the appointment, voice would have been given to it long before the Professor began his lectures. He could easily see that, had Professor Dickson been present, he could have founded an argument of very considerable weight upon the paper he (Dr. Watt) had just read. He could have said that Prof. Max Müller had a sphere of his own, while the professors of theology had their sphere, and that it was not to be expected that he would have dealt with such subjects as revelation and miracle, which belonged properly to another recognised part of the university. He (Dr. Watt) had no hesitation in saying that regret must be widely felt among the members of the Senate that the lecturer in one department should have used words which seemed to cast discredit upon the teaching of the university in another department. This must be felt all the more from the consideration that these lectures were intended primarily for students, and, he believed, attended largely by students and ladies. Regret must be felt that students at an immature period of life attended these lectures, and as responsibility attached to the whole body of the Senate as the teaching power, he thought that was something they as a Presbytery might regret. The one difficulty in the matter was that Prof. Max Müller should have been appointed for a second time—(hear, hear)—but there was something to be said even for that. The main argument employed was this. It was said that this was a man of eminence who came to give a course of lectures, and that that course was not finished. It was open to them, and no doubt that they hoped, notwithstanding the somewhat dubious utterances he had made, that by-and-by in the course that was to come afterwards he would put them right. As this motion assumed, many members of the Senate, if not the Senate as a whole, felt regret at the unfortunate turn things had taken; but it was certain that if they had shut off Prof. Max Müller's words, and said, "We will not reappoint you," and if the reason for doing so had been stated, the outcry against them, on the plea that they were repressing freedom of thought, would have been quite as strong as the outcry for giving too much license.

Dr. John McLeod, in seconding the amendment, said he would have preferred if the first part had been expressed in somewhat stronger terms. He was also to some extent in sympathy with that part of Mr. Thompson's motion which would lead more clearly to the discovery of the relations between the Presbytery and the Senate, or such portions of the Senate as dealt with theological matters. Meantime, as a matter of form, he seconded the amendment.

Dr. F. L. Robertson said the position he took was that the Presbytery had no jurisdiction over the *Senatus* of the university. They had no doubt authority over certain individual members of the *Senatus*, but over the *Senatus* as a body they had no jurisdiction whatever, and they ought not to set themselves up as judges of a Court which was quite independent of them. If the members of the Senate were so anxious to apologise to the public or to any other person, it was for the *Senatus* to make these apologies or take whatever action they pleased. Had the proposals of Mr. Thompson and Dr. Watt been restricted to this, and in view of the utterances which were alleged to have been made at the university, the Presbytery should take the matter into their consideration, that would have been an appropriate motion. But to ask the Court to take action which would imply that they assumed jurisdiction over the *Senatus* of the university was what he for one was not prepared to do. The amendment he would propose was as follows:

"The Presbytery being advised that the Gifford Lectureship, at present held by Prof. Max Müller, was founded by Lord Gifford in order that the origin of religion might be discussed on a scientific basis, declare that it is out of their province to express an opinion on the wisdom of the founder in constituting the trust, on the expediency of the university in accepting the trust, and on the manner in which they have administered the trust."

Mr. Niven, in seconding, said he hoped that the expression of the opinion that had been called forth would be a sufficient indication of the desire of the Presbytery to conserve the interests of religious truth, while at the same time they refrained from intruding into affairs where they had no legitimate or legal right to appear.

Mr. Thomson having replied, it was suggested by the Clerk that the vote should be taken *per capita*.

Mr. Thompson—I move that the roll be called, that we may see who is for and who is against Christ.

Dr. F. L. Robertson—I rise to order, and ask that Mr. Thompson should withdraw that expression. (Hear, hear.)

The Moderator asked Mr. Thompson to withdraw the expression, but he declined.

Dr. Robertson—I insist on it being withdrawn. Neither Mr. Thompson nor any member of the Court has any right to affirm that any man who moves an amendment, or who is prepared to support it, denies Christ.

Mr. Thomson—I say those who prefer the motion are, in my opinion, for Christ. It is an expression of opinion.

The Moderator—Will you authorise me to ask Mr. Thompson to withdraw that expression in regard to any member of the Court?

Mr. Thomson—I say those who prefer the motion—

The Moderator—You do not gain anything by the course you are adopting.

Mr. Thomson—I say I look upon it in the light I have stated.

The Moderator—Is that a modification?

Dr. Robertson—It is not. I move that he be requested to withdraw the expression.

Mr. Thomson—In case it should influence any of your votes I withdraw. I have sharp eyes, and I can see who are for and who are against. In case somebody should tell me he changed because I held to what I said, I withdraw. I should not do it otherwise.

The Moderator—Do you withdraw ?

Mr. Thomson—Yes, of course.

The two amendments were then put to the meeting, when thirteen voted for Dr. Robertson's and seven for that of Dr. Watt. In the second vote Dr. Robertson's amendment was put against the motion, and carried by seventeen to five votes. On the result the division being announced,

Mr. Thomson exclaimed—Five for Christ !

The Moderator—I do not think that is in order. I do not think Mr. Thomson has a right to say of any member that he is not for Christ.

Mr. Thomson—I said they were for Christ. I did not say they were not for Christ.

The Moderator—The implication was rather strong.

Mr. Nivan—I am sorry that Mr. Thomson has recurred to this matter again. I feel that it is inconsistent with the character of a Church Court that observations like that should be allowed to pass unnoticed. I think that Mr. Thomson should be again called upon to withdraw the observation that he has made.

Mr. Thomson—I said five are for Christ, but I might have said more—that they are for the Church of Scotland.

The Moderator—You have heard again that you are requested to withdraw your insinuation against members of this Court.

Mr. Thomson—I do not withdraw. I made no insinuation.

The Moderator—Do you state explicitly that there is no insinuation ?

Mr. Thomson—I said decidedly that five are for Christ. You can ask me to explain.

Dr. Watt—Mr. Thomson ought clearly to understand that the Presbytery, having taken this view that he should be requested to withdraw, may adopt a certain course of conduct. If Mr. Thomson refuses we must punish him in some way.

Mr. Thomson—You will be punished for your heresies.

Dr. Watt—The forms and laws of the Church do not provide us with any method of punishment, because those who laid down the rules of procedure could never for a moment have supposed that such words and expressions, contrary to good feeling, could ever be spoken or allowed in any Church Court. I say this, because as your Moderator I felt myself in a difficulty if I should be pushed into this corner. I feel extremely for you, sir, on this the first day on which you have taken the chair, that you should be placed in this most unfortunate position. I should like Mr. Thomson to know that we can at least pass a resolution in which we express our sense of grievous displeasure and our censure. If a man does not feel that, I do not know what he can feel. That would be his punishment. I am not making a motion, but letting Mr. Thomson know that that is the only alternative before the Presbytery.

Dr. John Macleod—In the observations I made with reference to Dr. Watt's motion I was at pains to say that I sympathised to a very large extent with the motives which animated Mr. Thomson in so far as they led him to challenge the teaching which has been lately delivered in the university. I refrained from committing myself to his motion, however, because I felt it went prematurely into a matter with which it was not expedient for the Court to deal. In these circumstances I am entitled more than anyone to ask that he should withdraw the expression. Mr. Thomson must be certain that many of us who have not seen it to be our duty to support his motion are as profoundly indignant at any teaching that would tamper with the great verities of the Christian faith as he can be. If it could be supposed for a single moment that the Senate of the university or any part of it were in sympathy with such teaching, I should be the first to take action and to propose that the Church sever its connection with the university altogether, so deeply do I feel on the subject. I hope, therefore, that Mr. Thomson will see it to be his duty to withdraw the expression and

not put us in the position of being sympathisers with the teaching he has condemned.

The Moderator—I think after that appeal you should withdraw.

Mr. Thomson—That relieves me a great deal. I said that five are for Christ and the Church of Scotland. I hold that we are all that. I do not mean to particularise and say who is not for Christ.

The amendment was then adopted.

The meeting afterwards separated.

THE SUNSET CLUB ON THE JURY SYSTEM.

At the last banquet of the Sunset Club, one hundred and ninety-one members were present, and the subject for consideration was "Our jury system, can it be improved?" In addition to the two leading speakers, fifteen others took part in the debate, and they were nearly all alike in opinion that "Our Jury System" is a very bad one, and that it ought to be improved. They were not harmonious in their plans for improving it, because many of them seemed to have only a superficial knowledge of the genius and moral constitution of Trial by Jury, and its importance as a sanctuary for liberty when personal rights are assailed by the conspiracies of government. They saw Trial by Jury corrupted in the interest of wrong, and they charged upon the system itself the very adulterations which it has always resisted until defeated by force or fraud.

The banquet being ended, and the requisite aroma given to the subject by the incense of cigars, the chairman called upon Mr. Sigmund Zeisler to open the debate. He did it very well, but unfortunately, at the very beginning of his argument, he led the company astray by criticising, not the jury system, but those very sensible persons who manage to keep out of the jury box. His budget of reforms went up in smoke when he said that "no amount of legislation will radically improve our jury system so long as citizens shirk jury duty." This admission blocked the road, because it is morally certain that until the jury system as operated in Chicago is reformed, citizens whose time is worth anything will continue to "shirk" jury service. That service is no longer a public duty; it has become a persecution which it is our domestic duty to escape from if we can. Mr. Zeisler himself complained that at one trial in Chicago, seven weeks were consumed in the selection of a jury; and of course the jurors chosen early were compelled to wait week after week for the others. After that, several weeks more were consumed in the trial, which consisted of ten parts testimony and ninety parts objections to its introduction. A man's duty to his family commands him to avoid serving as a jurymen at such a trial.

Most men will agree with Mr. Zeisler that the number of "challenges for cause" ought to be reduced, and especially those founded on opinions formed or expressed. It is a dismal thing to see a lawyer of great mental incapacity fishing in the dried up river bed of a man's past lifetime, with a hook baited with frivolous questions, hoping to get a nibble to which he may call the attention of the judge as a sign which when corroborated by twenty other signs which he expects to get may justify a "challenge for cause." It is not so certain, however, that the business of examining jurymen as to their qualifications should as Mr. Zeisler claims, "be taken from counsel, and given to the presiding judge." There are grave objections to that plan.

It would be travelling backwards to deprive a prisoner or his counsel of the right to ask a witness or a jurymen any question that may be properly put. Eye to eye, and voice to ear, emphasise every question, and they help the test of cross examination. It is the right of every man to use their potent influence to aid him in revealing truth or exposing falsehood. Nor ought it to be the law that only second hand questions be put to a jurymen concerning

his qualifications, roundabout from the counsel to the judge, and then from the judge to the jurymen. This is the practice at courts martial, and it is of doubtful wisdom there. A prisoner is often at a disadvantage because he is not permitted to examine or cross-examine a witness, but must filter all his questions through the Judge Advocate. A similar practice would be a novelty in our courts, but hardly a reform.

He did not mean to do it perhaps, but Mr. Zeisler stuck some red hot pins into the consciences of his congregation when he denounced the practice of summoning talesmen by special venire as "vicious in itself and a powerful aid to those who practice the art of jury packing"; for he knew that a jury packed in that "vicious" manner by special orders, had sentenced American citizens to death with the approval of nearly all the men he was talking to. Is it according to etiquette thus to raise ghosts at a festive board?

Mr. Zeisler's chief objections were brought against that principle of trial by jury which requires that the verdict shall be unanimous; and here he made a plausible and business like argument in favor of a verdict by a majority of two thirds. He was not entirely consistent in his reasons, and the success of his pleading was largely due to the fact that he left out of it the political character of trial by jury, and treated that venerable institution as merely a practical method by which issues of fact may be decided. This indeed is the exterior form of it, but its inner spirit is now and always was that not only shall the facts be found, but also that twelve impartial men chosen from the body of the county shall approve the legal consequences which the judges aver must follow. Trial by jury has always held in reserve supreme authority over the final issue Guilty, or Not guilty, and within the heart of it as within a citadel the Anglo Saxon race for fifteen hundred years has preserved "the higher law."

Coming down to instances, Mr. Zeisler brought up the Cronin case to show how the rule of unanimity almost defeated the law of punishment. Had the one dissenting juror in that case held out for an acquittal instead of a compromise, it would have necessitated a new trial; and that, said Mr. Zeisler, "would have meant the eventual escape from all punishment of the perpetrators of a brutal murder." In this warning and complaint Mr. Zeisler was inconsistent with himself, because a little farther on he said that "in capital cases the death penalty should not be inflicted unless the jury should unanimously agree upon a verdict of guilty." Why not? If the *fact* of guilt can be legally established by two thirds of a jury why should not the vindication follow? By this concession to the principle of unanimity Mr. Zeisler weakened his case and strengthened the other side, because if a verdict by less than twelve ought not to carry with it the death penalty, it must be for the reason that the verdict itself is doubtful as a finding of the fact. And a verdict which is to doubtful to hang a man ought not to be sufficiently true to imprison him for life.

General Stiles, the appointed leader of the other side, brought his battalions on to the field in good order, but they came to reinforce the arguments of Mr. Zeisler, and gave him victory. General Stiles agreed with him throughout, and even went beyond him, for he said: "It is an important question whether at the proper time we could not afford to dispense with the jury system altogether. There are a great many objections to it." He was not prepared, however, to advocate the immediate abolition of the jury system. "We must grow up to that," he said. "Like many other things, that is a condition that must be evolved, not created." The practical objection to this argument is that it will apply to any change proposed by anybody; "at some future stage in the progress of social and political evolution," says the reformer, "the change may be safely made, but—but—but, not now."

The general discussion that followed lacked originality, and the men who took part in it seemed like a lot of stragglers in the rear of the column trying to keep up with the main body com-

manded by Mr. Zeisler and General Stiles. They kept on firing at the malingerers who hide when the detail comes for them to serve upon the jury; and one enthusiastic veteran proposed to expel from the Sunset club all shirkers of jury duty. The proposition was not entertained, because if adopted it would have been fatal to the club. That same enthusiast also conjured up the "jury briber," and proposed to "take him out and hang him." There is always among those after-dinner orators an amiable gentleman pretending to be a man of sanguinary purpose, who sentences to rhetorical death any trivial delinquent whom his imagination, acting as a moral policeman, seizes and brings before him for judgment.

The jury briber having been marched off to summary execution, the debate went on. Some of the members advocated professional jurors, elected for a term of years and paid good salaries. Others thought that a jury commission should be appointed with power to revise the jury lists, and present the names of men from whom the jury should be drawn. One member said: "The root of the evil is that litigants and their lawyers are not honest." Noticing a good many lawyers present, he thought that he ought to modify his accusation, and he did so by offering for the lawyers an excuse which rather strengthened the original charge. With amusing simplicity he said, "I am not preaching that lawyers must be honest, for if they are, *they lose their case.*"

Nearly all the proposed changes had merit in them, and perhaps any of them if adopted would be an improvement on the jury system as administered in Chicago and other cities now; but when compared with a trial by a jury of twelve good and lawful men impartial in themselves, and impartially drawn by lot from all the qualified voters of the county it is not likely that any of them would be better than the original system, except perhaps in civil causes and in criminal cases below the grade of felony; and it is not at all certain that they would be an improvement even there. What is needed is the *restoration* of trial by jury, not its mutilation, nor the substitution of some other system for it.

The moral qualities and the political importance of trial by jury were presented for consideration by two members of the club, but they came too late upon the field. It was near the end of the debate when Mr. Gregory said: "No lawyer who has studied the history of his profession can but be moved by the accounts of the great battles for freedom which have characterised its growth and development, and in which trial by jury has borne so conspicuous a part." And it was even later when Mr. Hatch condensing a very strong argument into a very few words, said: "The jury system is not merely a means for the administration of justice between parties, it is a political institution. It stands between the people and arbitrary government, whether it comes through the government itself, or by powerful lords, as in the early history of England, or as to-day in the encroachments of powerful trusts and corporations. The civil liberties of the people will be safe so long as the administration of justice is taken part in by juries selected by the county at large."

If Mr. Hatch and Mr. Gregory had spoken earlier, the debate would have been forced on to the higher plane of historical comparison, and the patriotic services of trial by jury would have been considered. Besides discussing the most expedient way of getting verdicts, this larger question must have been debated. Has individual freedom become so firmly established in this country that we do not need any longer the political protection of trial by jury? Considering the enormous wealth of the American Plutocracy, the Imperial prerogatives claimed and exercised by the Legislative and Executive powers in the American republic, and the disposition to increase them at the expense of popular liberty, it may be well for us to pause before we weaken by one-third the old safeguard which curbed the Norman barons and conquered the English kings, a jury of twelve impartial men, unanimous in their verdict.

M. M. TRUMBULL.

THE PROGRESS OF RELIGION.

The *Christian Union* of May 7th says concerning a discussion which of late took place between Professor Briggs and his antagonist, concerning the "whither" of his unorthodox theology: "There is every reason to believe that we are at the beginning of one of the most fundamental theological discussions of the century, for the question of the sources and authority of the Bible goes to the root of the Christian religion. That this discussion was certain to come has long been evident to all those who have been familiar with critical work on the Old Testament; that it ought to come has long been the conviction of those who hold that the world is entitled to every particle of light, and that to know the truth is the only security. The *Christian Union* deprecates quite as strongly as any of those who oppose opening this question the waste of time and strength in abstract theological discussion, but this discussion involves a very different question than one of forms or statements. It can no more be postponed than can the movement of the human mind searching for truth and compelled to modify its conclusions by truth. The Christian Church is bound to welcome truth from whatever quarter it comes; if it believes in the truth which it possesses, it will be absolutely fearless; instead of shunning discussion and investigation, it will court the clearest and most searching examination of all the foundations of its faith. What it holds essentially are a few great historic facts which answer to the few great human needs and which solve the few great human problems. The life of the Church is not bound up in any theology or philosophy; it is not identified with any explanation of these facts. The facts belong to the Church ecumenical and universal; the explanations belong to the Church provincial. The Church provincial has often been disturbed and compelled to modify its positions; the Church universal, holding to the essential facts of Christianity, has never been shaken and never will be. There has been no more disastrous blunder than the attempt to fight against any form of new truth on the part of religious people. The Church ought never to have been arrayed against any form of scientific investigation; and yet it has steadfastly, through the months of many of its leading teachers, fought every inch of ground over which science has passed, and been driven, step by step, backward from its positions, only to discover at length that it had been holding ground that never belonged to it and opposing that which was best for it. For it will be seen in the long run that the greatest ally of religion in this century has been science, correcting false ideas, cutting off speculative excrescences, simplifying, broadening, and making still more majestic the general conception of the universe. Since this discussion was certain to come, it ought to come inside the Church and not outside it. The researches of Biblical scholars in the last hundred years have created a new province of scholarship; they have collected a vast mass of materials bearing upon many of the books of the Old Testament and raising many questions with regard to their dates and authorship. The material is in the possession of a host of scholars. What the scholars know the world will know, sooner or later, for all the conclusions of scholarship are certain, eventually, to become common property. It is simply a question, in this case, whether these great subjects shall be discussed and these great issues settled by devout, reverential scholars inside the Church, or whether the conclusions shall be reached by men without religious feeling or interests, but in possession of the facts; it is a question whether the revision of the attitude of the Church on these matters shall be made by its friends or forced upon it by its enemies. The issue which has been precipitated by the outspoken frankness of Professor Briggs ought to have been raised years ago. The Church owes a debt of gratitude to Professor Briggs because he has had the courage to raise this question frankly and in all its fullness inside Church lines. He does not stand alone; there are many other Christian teachers and scholars

who, without agreeing with him in every respect, hold to his general view and are at one with him in believing that the time has come for discussion and action. In such a discussion as this there are manifold temptations to heat, unfairness, and precipitation. All these things are to be deprecated and avoided. Professor Briggs has already been widely misrepresented. For his sake, and for the sake of all those who are to take part in this discussion, we warn our readers in no case to make up their opinion until they know that they fully understand the position of the man they are judging."

This article is a good sign of the times. It proves that the harvest is near at hand and that a great reformation is preparing itself. Whether this reformation is to take place in the Presbyterian Church, of which Professor Briggs is a member, would however seem to be doubtful. The General Assembly at Detroit last week vetoed his appointment to the chair of Biblical Theology in Union Seminary. The grave question of heresy still remains to be decided by the New York Presbytery.

BOOK REVIEWS.

EASY LESSONS ON THE CONSTITUTION OF THE UNITED STATES.
By *Alfred Bayless*. Chicago: W. W. Knowles & Co.

This is an excellent school book, and it will be of great assistance to students of the American Constitution. Some big boys too who think themselves lawyers might study it with a good deal of profit. It is an easy explanation in detail of the several Articles and Sections of the Constitution, a subject of study generally supposed to be extremely difficult to everybody excepting persons "learned in the law."

Some of the author's comments and explanations refer to parts of our political system outside the Constitution, but the separation is not clearly made, as for instance in passages like this: "The senate committees are appointed by the senate itself, but the house committees are appointed by the speaker." This immediately follows an explanation of the Sections of the Constitution which refer to the Speaker of the House and the President of the Senate, and without some explanation might be mistaken for parts of the Constitution. So also, such a statement as this, "Every member of Congress is addressed as Honorable." This also might be supposed from the context to be a mandate of the Constitution; but these are trifles of small moment in comparison with the merits of the book.

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