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JUSTICE.

THE simplest ideas are sometimes the most difficult ones to define; and the words which are commonly and daily used as catchwords for all parties and for all opinions are, as a rule, vague and undetermined. Yet most of these words denote in their proper meaning very important ideas, which form essential parts of our souls, keeping our hearts and minds well tuned and in good harmony with the welfare of our aspiring, toiling, advancing fellow-men.

As such catchwords have been used, for instance, the words "*Liberté, égalité, fraternité!*" and they were made to mask the fiercest and cruelest terrorism of modern times. Other catchwords of a similarly delusive nature are Reform, Morality, Goodness, Truth, and Justice. Unless these words have a very clear and definite meaning they are at best mere phrases, not unlike a sounding brass or a tinkling cymbal. But, as a rule, they are worse than that: they either actually are or are very apt to become treacherous will-o'-the-wisps, destined to lead the most well-intentioned minds astray.

Let us not rest satisfied with such catchwords, however beautiful they may sound, without properly understanding their meanings; for if we understand the true meanings of these words, we shall not so easily be blinded by a wrong application of them.

* * *

Justice may briefly be defined as "giving every one his due;" but this definition does not include the measure according to which we can determine what and how much is due to the various persons to whom justice shall be done, and this very same definition may be adopted by two opposite parties, each of whom contends that they are fighting for justice.

There are two things implied in the definition of justice as "giving to every one his due," which have to be minded, and a consideration of which will help us to clear away some of our doubts:

First, that justice is a virtue which can exist only in a community of social beings having some important interests, aims, and rules of conduct in common.

And secondly, that justice means equality of rule

under unequal conditions; it means equal measures for equal dues and unequal measures for unequal dues.

Justice is a virtue of social beings. For we cannot give any one his due, unless we have dealings with him, partaking of the nature of a coöperation; unless we are somehow or other allied or engaged in pursuing a common purpose; unless we are in some social relation to each other, so that he has rendered us goods, services, or assistance of some kind. It is, therefore, a very hard thing, indeed it is impossible to establish the idea of justice purely upon the basis of an extreme individualism. He who regards society as a mere aggregate of individuals can see in justice only the right of everybody to the result of his labors. Yet "right" and "justice" are not identical.

Taking the one-sided individualistic view, Mr. Spencer, in his book "Justice," entirely neglects the fact that the very essence of justice is bound up in the social relations of man, and that without these social relations there is no sense in employing the term "justice." Thus Mr. Spencer discusses in his book various rights of living beings but not justice.

Mr. Spencer speaks of

"... The law that benefits received shall be directly proportionate to merits possessed; merits being measured by power of self-sustentation." (P. 6, chap. Animal Ethics).

"That the individual shall experience all the consequences, good and evil, of its own nature and consequent conduct, which is that primary principle of sub-human justice whence results survival of the fittest, is, in creatures that lead solitary lives, a principle complicated only by the responsibilities of parenthood." (P. 13, chap. Sub-human Justice).

"Sub-human justice becomes more decided as organisation becomes higher." (P. 10, chap. Sub-human Justice.)

"Sub-human justice is extremely imperfect in detail,"

because

"Accidents of kinds which fall indiscriminately upon inferior and superior individuals." (P. 10).

Mr. Spencer apparently regards it as an act of justice that the swallow gets the flies he catches, and the bear the honey he hunts for; while "the multitudinous deaths caused by the inclemencies of weather" are such imperfections in the system of justice as will be overcome in the further advance of evolution.

But to keep all that which one can get, is at best a "right," not "justice"; and suffering through unfavorable conditions is not "injustice," but "accident"!

The whole gist of the book is contained in the sentence:

"Every man is free to do that which he wills, provided he infringes not the equal freedom of any other man."

Of "human justice" Mr. Spencer says:

"Each individual ought to receive the benefits and the evils of his own nature and consequent conduct: neither being prevented from having whatever good his actions normally bring to him, nor allowed to shoulder off on to other persons whatever ill is brought to him by his actions." (P. 17, chap. Human Justice.)

This is explained as follows:

"When, of some one who suffers a disaster, it is said—'He has no one to blame but himself,' there is implied the belief that he has not been inequitably dealt with." (P. 18, chap. Human Justice.)

"A kindred conviction is implied when, conversely, there results good instead of evil." (P. 18, chap. Human Justice.)

"Similarly is it with the civilised varieties of mankind as compared with the savage varieties. A still further diminished rate of mortality implies that there is a still larger proportion, the members of which gain good from well-adapted acts and suffer evil from ill-adapted acts." (P. 19, chap. Human Justice.)

If that is the nature of justice, we ought to speak of injustice whenever a hard-working and virtuous man is killed in a railroad accident.

Mr. Spencer, in our conception, makes an erroneous start. He mentions things which have little or nothing to do with the subject of his title. He frequently uses the word, but he never touches the real problem of justice. Limiting his inquiry on the fundamental conception of justice to the justice of nature toward her creatures, he does not appear to be aware of the fact that this usage of the word is allowable only as a poetical license.

When claiming that the term "justice" must be restricted to individuals living in communities, we do by no means restrict it to human society. Animals that lead a social life exercise justice, according to the perfection attained in their societies, as much as man does, and often with great cruelty. When bees no longer allow drones to partake of the common stock of food, because they have ceased to be able to render useful services to the hive, they commit an act of justice; it may be severe, it may be unfair, it may even be unjust according to the standard of human justice; but it is, nevertheless, an act analogous to human justice.

Mr. Spencer confounds right (*viz.*: the right of power, the ability of holding one's own, the faculty of self sustentation) with justice.

We *may* say that every creature has a right to receive such benefits as are directly proportionate to its merits, their merits being the power to take their ben-

efits. In this sense we speak of the inalienable rights of men to life, liberty, and the pursuit of happiness, but scarcely of justice.

A tiger who hunts down a fat deer has a right to the fat deer, but we cannot call it unjust that some fellow tiger hunts down with ten times more trouble a lean deer. Granting that both have a right to whatever they get, what shall we say of the lion who, after a square and honest fight, despoils both tigers of their righteous possessions? And, granting that all men have the inalienable rights which they assert, why do not all sentient creatures (as the Buddhists actually claim) enjoy the very same rights. No doubt they may claim them, if they can, and if they can assert them, their title is as good as that of the citizens of the United States, who, rightly or wrongly, base upon it their declaration of independence.

We can speak of justice only because of the inequality in the world, in the face of which an inequality of attitude is demanded. Justice is equality of rule for an inequality of single cases.

Justice means giving to everyone his due rewards for merits, and taking away rewards or punishing for demerits. We do justice to a great man in honoring him. The employer does justice to his employee in paying him the full value of his work, and the criminal receives justice at the hands of the sheriff.

Such is justice. Yet the man who earns a thousand dollars by a lucky circumstance, say by the fluctuating prices in the market of certain commodities, or by an unforeseen rise in real estate, without any merit on his part, has a perfect and undisputed right to retain it, but his gain is not founded on justice; his gain is only in so far connected with justice as he is entitled to keep it; he would suffer injustice if he were, in a high-handed way, deprived of it.

* * *

It is peculiarly characteristic of Mr. Spencer's hedonism that he regards those rights which are not conducive to happiness as unessential and even illusory. He speaks of political rights as "rights so called." He says:

"Those shares of political power which in the more advanced nations citizens have come to possess, and which experience has shown to be good guaranties for the maintenance of life, liberty, and property, are spoken of as though the claims to them were of the same nature as the claims to life, liberty, and property themselves. Yet there is no kinship between the two. The giving of a vote, considered in itself, in no way furthers the voter's life, as does the exercise of those various liberties we properly call rights."

We citizens of a republic regard our political rights as a sacred possession. Many of us neglect them when and because their exercise becomes inconvenient. But we propose, nevertheless, to preserve them even though they should not bring us any returns in happiness and property. With all the faults that vitiate our politics,

who among us would be so base as to prefer the greater ease of being comfortably governed, to the troubles of democratic institutions? And if anyone among us were base enough to think so, he would pay the tribute to virtue which is called hypocrisy and be ashamed to openly speak his mind.

Mr. Spencer regards political rights as mere ends to secure our claims on life, liberty, and property. He says:

"Current political thought is profoundly vitiated by this mistaking of means for ends, and by this pursuit of the means to the neglect of the ends. Hence, among others, the illusions which prevail concerning 'political rights.'

"There are no further rights, truly so called, than such as have been set forth. . . . If a man's freedom is not in any way further restricted, he possesses all his rights."

Our ethical criterion is not the greatest happiness of the greatest number, but the fullest and richest and highest evolution of the human soul. The possession of our political rights are not mere means to an end in the sense that Mr. Spencer suggests. It is doubtful whether we can speak of anything as an end itself. "Life, liberty, and property" at least are not less "means to an end" than "political rights." Property, above all, is most assuredly not an end, and the political rights of any advanced nation ought to be holier even than property and life. This has been a sacred tradition in the home of Mr. Spencer and we intend to preserve it here in the new world. Our political rights are as yet imperfect, but we shall not abandon them for the sole reason that they need improvement.

* * *

Mr. Salter, in his article on "Justice," recognises equality and inequality as two ingredients of the idea of justice, but his treatment is different from ours. He expatiates on the equality of all men, "having in mind their essential humanity, those capacities that lead us to differentiate them from the rest of the world and call them men." Justice, accordingly, is to Mr. Salter "nothing but that action which is inspired by equal regard for all men." The equality of justice, in our opinion, consists in the equality of principle or law or rule of conduct; while the inequality consists in the inequality of the persons to whom justice is meted out. The equality of men, which, in so far as all men are rational beings cannot be denied, is unduly exaggerated by Mr. Salter. Admitting that inequalities exist, he says:

"But all such inequalities are, as compared with the great underlying capacities which men have in common, on the surface."

This is not so. The inequalities are not superficial, but essential, and justify, therefore, in the place of "an equal regard" an extraordinary and often a radical inequality of conduct. Without these inequalities, there would be no justice, no discrimination of conduct, but simply indiscriminate equality.

It is a very common mistake to identify justice with equality. Especially the social reformers who clamor most vehemently for justice, frequently demand nothing but equality.

Those who preach that the laborer alone produces values, and that a fortune can be amassed only by fleecing the laborer of his dues, (taking the ground that the whole profit ought to be equally divided among those who do manual work,) are blind to the value of intellectual work. And the most valuable work (most valuable to society) does not as yet consist in the lucubrations of the professor in his study, but in being the practical leader of some enterprise, the thinking head of an industrial organism, the independent captain, on whose vigilance and ability depends the undisturbed livelihood of all those who have embarked with him in the same venture.

A man who starts an enterprise risks his fortune, but when successful he creates new values which did not exist before. Mankind is that much richer through his efforts. Having an attentive eye for the rise of a want he supplies the means to satisfy the want; and in doing so he cannot but help creating new wants, which serve in turn as stimuli for further enterprises. Such a man deserves the full share of his industrious activity and ingenious attention. The capital earned in this way will be in good hands, for it is most probable that he will be the best man to take care of it: he will use it where it will bring the best returns and work most advantageously for a further production or increase of values. On the other hand, it is the duty of this man, and in the long run it is also to his own advantage, to pay the men to whom he gives employment something more than the rate of wages which they could make independently of him.

The full rate of wages which employees could make independently of their employer is their due, and, indeed, it is exactly the amount which they can and, if they look out for their own interests, which they will enforce.

Justice demands that a man who employs men to help him in his enterprise should give them their full due, and we say that the wages due to them is the price which they can enforce: this is for the average laborer that amount which he could realise either in the employ of others or by independent work; and for extraordinarily skilful workmen or artisans it is that sum which represents to the employer the value of their assistance in his enterprise. An employer, if just, will gladly pay those employees proportionately higher wages through whose assistance the returns of his capital are greater.

The statement concerning the dues of the average workman, however, needs a supplementary explanation. We do not call those wages just, which are paid

by taking advantage of temporary emergencies of the men seeking for employment. There are many industrial plants that cut down the pay of the laborer to the starvation point. They are parasitic institutions, parasitic to society at large. If all the employers acted in this way mankind would rapidly degenerate. In order to defend themselves against extortions the laborers of the United States have formed unions, which enable them to fight for their rights more effectually than they could do alone.

It is further unjust to lock out laborers when, after having adapted themselves to one special kind of work, they have become unfit to undertake any other kind (for this is creating an emergency); or when, after having settled in a community, after having founded families and acquired homes, they find it very expensive and also inconvenient, at an advanced age, to begin life over again in some other town or state, they know not where. Such lockouts are worse than taking advantage of emergencies, they are creating emergencies.

* * *

All mankind have one common aim, which is the enhancement, the enlargement, the growth, and constant reformation of the human soul. The rewards for the work done in the service of this idea are, according to the system of society which among all civilised nations of the world has been found out by experience to work best, distributed by a free competition for them. It is no exaggeration to say, that the more the system of free competition is carried out, the more progressive a nation is. We trust that the more equal the chances are for every individual to apply his energies to whatever he thinks himself fittest to do, the better work will be rendered by the community as a whole, and the better will be the returns of the work.

To stimulate the spirit of enterprise and of individual exertion, society insures to everyone and to his posterity, (as the heirs of his very existence, constituting the continuance of his self after death,) the full benefit of his work performed for the progress of the race. On the other hand, in order to give as far as possible equal chances to all in the general competition, this great republic of ours has instituted the public school system, the justice of which is based upon the idea that the education of the children is of vital interest to the community as a whole. Justice includes the performance of duties, and some of the most important duties are to the generations still unborn.

The law has decided that a certain portion of the taxes, without any further discrimination, shall be employed for the support of the public schools. And we see no injustice in the fact that the childless bachelor and also those people who see fit to send their children

to private schools, are obliged to contribute to the maintenance of an institution from which they do not directly derive any personal benefits, either for themselves or their families, but in which they ought to be interested as citizens. It is everyone's duty to help in building up the future of mankind.

It is to be hoped that in time not only the public schools, but all schools, the colleges, and universities, also, will become public institutions, affording quite equal chances of education to the rich and to the poor.

* * *

Justice cannot and should not be done arbitrarily or by guesswork. Accordingly, rules have been devised to regulate duties, and these rules are called "laws" if they are of a general nature, and applicable to the whole community; they are called "contracts," if they are made by private individuals. A society in which duties are or can be thus fixed is called a state, and a state, being the organised common will of the members of a society, has the authority as well as the power to enforce certain duties. A law that is not to be enforced, a contract which the parties are not bound to respect, and a state that has no power whatever over its members, are self-contradictory conceptions. There may be and there are unjust laws, which it is highly desirable to abolish; there may be and there are unfair contracts, in which one party deceives the other; there may be and there are states which are not the organised common will of all citizens, but only of a usurper or of a ruling class. In such cases we have to work for an improvement of the laws, of the state, and of the conditions under which contracts are made, but we should not for that reason propose (as do extreme individualists and anarchists) that laws, as such, clearly defined contracts, and states should not exist at all, for this proposition, closely considered, is tantamount not only to a denial of all duties but also to the abolition of justice itself.

The exact performance of our duties according to laws or contracts, not more and not less, is called justice. To perform duties precisely as the law or a contract prescribes, is justice according to the letter; and justice is the least that is expected of us. If we do less we are in default. Justice, in this sense, is of all virtues the lowest, for its absence denotes a positive vice. However, when justice is accomplished not only in the letter but in the spirit of the law, (always supposing in this case that the law be righteous,) justice becomes the highest virtue, (as Plato maintains,) for it comprises all other virtues. Justice is the fulfilment of the law and the moral ideal of mankind.

* * *

This consideration leads us to the problems as to the source and ultimate authority of justice.

The source of justice is morality. Justice is not

morality, but it is a special application of morality. The moral man will always be just; he has such an attitude toward others that he will, as a matter of course, be careful to fulfil all the claims they have on him. Any injustice on his part can only be caused through an oversight. The just man, however, is not necessarily a moral man, for he *may* do justice for other reasons than from pure good-will. He may, but it is little probable that a man will, practice justice throughout his life, unless his character be so attuned toward the world, that his good actions are simply the expressions of his kind heart. He will not only be just when a contract or a law enjoins a certain duty, but also when equity demands it. There cannot be laws and regulations for every trifle, but we can attend to our duties with a good will and love of duty, as if every detail had been rigorously fixed. The moral attitude of general good-will (in the language of the gospel called "love,") prompts us spontaneously and gladly to perform all justice, and to fulfil the law voluntarily.

The ultimate authority of justice is to be found in the ordinances of nature; and the ordinances of nature are exactly what the theologians call "the will of God." Justice is but another name for the conditions under which alone, according to the natural order of the universe, societies can exist. Justice makes of hordes of wild animals or savages moral communities, and every act of injustice is a breaking down of the foundations of society.

Let us be most careful in being just, and let us implant the love of justice in our hearts. Thus alone we can establish upon earth an increasingly more perfect realisation of the human in man or the kingdom of heaven (as Christ called the religion he preached). Justice is the will of God that shall be done, and the path of justice is the path of progress that leadeth unto life.

P. C.

CURRENT TOPICS.

AMERICAN humor may be recognised by its breadth, and the immense distance between the opposite points of it that emphasise a contrast. When a man complains loudly that he is being cheated and swindled, and robbed, he does not give us the smallest hint that there is any comedy in reserve, but when in the middle of his outcry he joins the robbers, and helps them to get away with the plunder stolen from himself the whole grand larceny is converted at once into American humor of superior quality. As a fair sample of the article, I present the following little story, founded on fact. Last Tuesday Mr. Edward Murphy was elected to the United States Senate by the legislature of New York, and while the voting was going on, the name of Mr. Kempner being called, that honorable member rose and said, "First, the election of Edward Murphy is dictated by himself and two or three other persons in utter defiance of public sentiment. Secondly, he is not a statesman either of high or low degree, and consequently is not fit to represent this state in the United States Senate." He had just finished "Thirdly," and was going on to "Fourthly," when he was called to order, whereupon he rolled up his indictment, and brought his charges against Mr. Murphy to a comical anti-climax by voting for that

candidate. This contrast between speech and action is by some dull, straightforward people called self-stultification, but it is really American humor laughing at serious life. Something like it may be found in English fiction; as, for instance, in the Pickwick papers, where Mr. Blotton calls Mr. Pickwick a humbug, and immediately declares that he has "the highest regard and esteem for him," but that is merely the absurd creation of a story teller; we give the contradiction life and interest by reducing it to actual practice in affairs of greatest moment, thereby throwing over them all a cloak of playful insincerity. I once knew a man who had the habit of cheating himself when playing solitaire; a stupid sort of knavery indeed, but better than none at all.

* * *

It is not easy to spiritualise larceny, and yet it can be done, Cardinal Manning put stealing among the elements of social self-defence, and Judge Springfield of Tennessee puts it on a higher plane than that. He uses it as a religious warning to wicked corporations, and he sanctions it as a justifiable attempt by the poor to recover some of the "natural opportunities" which have been stolen from them by the rich. He announces that "no person in necessitous circumstances will be punished in his court for stealing coal from the coal trust"; and he discharged several men and women who had been arrested in Chattanooga for stealing coal. If this dictum is the higher law in Tennessee where the weather is comparatively mild, it must be the very highest law in Illinois, supreme above the statutes and the decalogue, especially in Chicago, where the mercury has a habit of creeping down below the zero point, and staying there. If the code of the Tennessee judge is morally correct, stealing coal from the trust is a patriotic duty, and I already feel some twinges of a guilty conscience because I have not yet stolen any coal this winter from the coal yards. The higher law of Judge Springfield, is not only ethically bad, but also it is unsound in social economics. It makes me the judge in my own cause, deciding that the world owes me a living, and then permits me as my own sheriff to levy on anybody's property to satisfy the judgment. Of course, Judge Springfield's doctrine is intended for cold-weather only, but he will find it thriving in the summer time, although then it may apply to something else than coal; and it comes handy to this argument that an ice trust was organised yesterday. The judge is like that man in the Arabian Nights who let some imps of mischief out of a box, and then saw them grow so big in a minute that he could not put them back again. Larceny as a social reformer is not reliable, and I have no confidence in it; although I think the confederated larceny committed by the coal trust is ten thousand times more criminal than the petty counter-stealing by the poor. I have one religious comfort left; no member of the trust will ever go to heaven. "I haint got to go no furdur than my testyment for that."

* * *

In spite of all my efforts to protect the dignity of the greatest office in this republic from ungrammatical insult, the illegitimate barbarism "Chief Executive," still usurps the place and majesty of that lawful, stately, and grammatical designation "President of the United States." Little did I dream when I was fighting for my country, that I should live to see the day when the President of the United States would be supplanted by the little, wheezy, epileptic equivocation, "Chief Executive." Merely as rhetoric, the title "President of the United States" is magnificent; and I cannot understand why the American people should be afraid of it, as if it had the measles or the cholera. Before long, the Chief Justice of the United States will sink into the "Chief Judicial"; and the Speaker of the House of Representatives, will be squeezed into the cheap and tawdry abbreviation, "Chief Legislative." It's coming to that, and we may as well fortify our minds to bear the blow. There is no aggravated assault and battery upon our language that the newspapers are not ready to commit; and

even American statesmen, sworn to obey the constitution, are not to be depended on; for no longer ago than yesterday, a statesman in the Senate of Illinois offered a resolution of which the preamble was, "Whereas, we have learned of the death of Rutherford B. Hayes, who for four years filled the high office of chief executive of this nation." As there is no such office, I cannot help weeping when I read that the preamble was adopted by the senate, grammar, diction, mistake, and all. Still, what better could be expected, when a grave and reverend senator, in speaking about the World's Fair, and against opening it on Sundays, declared that no man "had went" farther than he had in support of that great enterprise. I know that as a critic of language, I stand on dangerous ground, because I never studied rhetoric, and I should not know a rule of grammar if I met it on the street. I write, as I play the fiddle, "by ear"; and judging by the ear alone, I claim that "had went" is better grammar, and better sense than "chief executive"; and I am willing to submit that claim to the judgment of any school-teacher in this town. I have said it before, and I say it again, that a man has no more right to jar the nerves of his neighbors by discords in rhetoric than by discords in music, for there are men and women whose nerves are finely strung in sympathy with all the tunes and cadences of pure and classic language. To them the limpid flow of our literature from Chaucer to Longfellow is an eloquent melody whose notes may not be rudely jarred, nor its symphonies destroyed. In justice to the feelings of refined people, I maintain that a man has no right to say "Chief Executive," when he means the "President of the United States."

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Among the superstitions common to our people is the delusion that magic lies in a "diploma," so that if a man can only obtain that, he becomes qualified for any trade, profession, or calling he may choose to put his hand to. It will soon be that a man must have a diploma before he can be permitted to earn an honest living at anything. He must pass an examination before he can be a lawyer, or a doctor or a druggist, or a dentist, or practice this, that, or the other useful trade. The excuse for all that interference with our natural rights is, that society at large is interested in skilful and competent practitioners. Thinking the matter over, I am wondering whether it would not be well to demand some sort of a diploma before allowing a man to practice as a statesman, either in the provinces, or in the National Congress. To be sure, many practicing statesmen would be found ineligible, but is not "society at large" as much interested in competent lawmakers as in competent lawyers, or plumbers, or civil engineers? For instance, would not a diploma have been found useful in the case of that eminent statesman who introduced a bill into the legislature, forbidding oysters or clams to be sold in bulk in the State of Illinois, and requiring that they be sold either in the shells or in air-tight cans? And in the case of his colleague, who proposes a law declaring all persons ineligible to matrimony who cannot show a certificate that they are able to read and write in their own language? And in the case of that congressman from somewhere, who proposes to legislate sentiment into the people by act of Congress, declaring that on and after the thirty-first day of May, 1893, the pansy shall be our national flower, and that it shall symbolise "justice, liberty, union, culture, and peace"? Certainly, the pansy is not a warlike flower, but we have many other flowers that show more "culture," and just as much "justice, liberty, and union." Let us require a diploma from all our statesmen before allowing them to practice.

M. M. TRUMBULL.

BOOK REVIEWS.

HUMAN ORIGINS. By *S. Laing*. London: Chapman & Hall, Ltd. 1892. Fifth Thousand.

Important as are the facts of physical science, as bearing on the material progress of the human race, it is none the less true,

as stated by the author of the present work, that the most interesting of the results of modern science are those which bear upon the origin and evolution of the race. It is remarkable within how short a period this branch of science, which under the title of Anthropology was not long ago regarded as unorthodox if not "infidel," has come to occupy a recognised position. This is undoubtedly due to the general reception by scientific men of the doctrine of evolution, under the influence of Darwinism; and Mr. Laing does right, therefore, in supporting his contention as to the vast antiquity of the human race by reference to the requirements of that doctrine. If it be true, for instance, that all the species of a genus of apes have sprung from a common ancestor, we must believe that all the varieties of the human species have also had a common derivation. Such a conclusion necessitates the throwing back of the origin of man to a date so distant, that the time which has since elapsed should be measured in geological periods rather than in years. Three quite distinct European types of *paleolithic* man are known to have existed, and they all appear to be different from the Negro type, which in certain particulars approaches the most nearly to that of the quadrumana. The question of human origins is complicated by the fact, that although the Cannstadt type of skull found in Western Europe may be regarded as of a somewhat simian character, yet the still earlier skull of Castledolo and Calaveras in California, which were extracted from Tertiary strata, are of a less brutal character. This would seem to require the first appearance of the really human being to have taken place during the middle Tertiary; unless we are to suppose that his structure was originally more plastic than it is at present, and therefore more subject to variation under the influences of climate and other conditions. The conclusion arrived at by the author would seem to be a proper one. It is that man has existed from the Pliocene and probably from the Miocene period, but that at the earliest date at which his remains have been found there were several sharply distinguished types.

It is not surprising, considering the small portion of the earth's surface that has been examined for human remains, that the ancestral type of man which constituted the "missing link" has not yet been discovered. There are certain facts from which we may infer that the primeval men were of small make, and traces of them may be expected to be met with, if at all, in regions now inhabited by dwarf races. Possibly, however, their original habitat may now be beneath the waters of the great ocean, to become known to science only in some future geological epoch. We have only to suppose that the continental area was formerly as extensive in the southern hemisphere as it now is in the northern hemisphere, and that mankind originated on some portion of that area which is now submerged, and a solution would be found for several interesting anthropological problems. The least developed of the existing varieties of man are all to be met with within the southern hemisphere or not far from its borders, and the time which has elapsed since the destruction of its continental system would probably be sufficient to account for the formation of the different human types after the spread of mankind from the common centre. It is indeed possible that the formation of distinct types may be the result of the long continuance of special geological conditions either within different geographical areas, or successively within the same area, the former being the most probable.

The great difficulty connected with the assignment to mankind of the last antiquity required by the theory of evolution is the extremely short time covered by the historical period. The most distant date which can be brought within this period, according to the teachings of archaeological inquiry, does not carry us further back than about 5000 B. C., the approximate date of the foundation of the Egyptian empire by Menes. The most recent discoveries in Chaldæa are thought by some authorities to point

to the existence of Accadian civilisation in that region as early as 6000 B. C., but the more recent date which carries the historical period more than two thousand years beyond the beginning of the annals of the Chinese empire, is accepted by the author. He points out, however, that in Chaldæa as in Egypt, the country was then in a settled condition, being divided into a number of small states governed by priest-kings. These were in Egypt the Horsheshu, or servants of Horns, and to them is ascribed the building of the most ancient temples, and also of the great Sphynx, which would seem to be much older than the earliest pyramid of Ghizeh, and is an image of Hormachen, the Son of the Lower World. These architectural works are evidence of the existence of a considerable degree of civilisation at the above date, 5000 B. C., although it is quite possible that they may have been due to an intrusive roll among a pastoral people, and the origin of civilisation should, therefore, be carried considerably beyond that epoch.

That at a very early date, historically considered, the Semites established themselves as a ruling class, not only in Chaldæa, but also in Egypt, is shown by the monuments, and it is very probable that the earliest Egyptian empire was founded by Semitic conquerors. As the result of recent researches, it is now known that Southern Arabia was the seat of an ancient civilisation, comparable to that of Egypt or Chaldæa, which probably originated at as early a date. Indeed, as pointed out by the author, ancient tradition refers to Southern Arabia as the source of both Chaldæan and Phœnician civilisation. Moreover, the country named Punt, which the Egyptians always spoke of with reverence, is supposed to have been Arabia Felis and the adjoining coast of North-Eastern Africa, now known as Somali-land, and "the physical type also of the chiefs of Punt, as depicted on the Egyptian monuments, is very like that of the aristocratic type of the earliest known Egyptian portraits." It is an important fact, as bearing on the question of human origins, that "in Arabia alone we find Semites and Semites only," but it ought to have been mentioned that the South Arabian Semite belongs to a somewhat different type to the Semite of the North. The former would seem to represent the pure stock, and his associations are undoubtedly with Africa rather than with Asia, or at least the central plateau from which the Turanian people of Chaldæa and Elam appear to have issued.

It should be noticed, moreover, that the traditions of the Chaldæans and Phœnicians pointed to the Bahrein Islands in the Persian Gulf, or to the Gulf itself, by which we may understand foreigners coming by sea, as the source of their civilisation. This would seem to point to India as its real place of origin, and it is a pity that the author does not say anything with reference to Hindu civilisation, or rather to the pre-Hindu civilisation which the Vedas themselves hint at as existing among the Dravidian peoples. Probably he was deterred partly by the scantiness of the materials, and partly by a wish not to intervene in the Aryan controversy. There are reasons for believing that India and Egypt were at an early date in close communication, and this is supposed in the conjecture that the tin which enters into the composition of the bronze used for the weapons and tools of ancient Egypt was brought from Malacca. But even if the origin of what we call ancient civilisation could be traced to Southern India, and if it had gradually developed there through a period of five thousand years, it would be carried back only to about 10,000 B. C., which is as nothing to the vast antecedent period in the lifetime of mankind, of which we find trace only in the few scattered relics met with in caves, and in gravel beds and other geological strata. These are, however, amply sufficient to establish the fact of man's existence on the earth for hundreds of thousands of years, and there is no reason why an antiquity of a million years should not be conceded to him, if this is required by the actual data.

That the ancients had some idea of the great antiquity of the

human race appears, however, from a fact which has not been allowed its due prominence. Mr. Laing, in referring to Egyptian chronology, remarks that "before the establishment of such historical dynasties we have nothing but legends and traditions, which are vague and mythical, the mythological element rapidly predominating, as we go backwards in time, until we soon arrive at reigns of gods, and lives of thousands of years. But as we approach the period of historical dynasties the mythological element diminishes, and we pass from gods reigning 10,000 years, and patriarchs living to 900, to later patriarchs living 150 or 200 years, and finally to mortal men, living, and kings reigning, to natural ages." In Chaldæa also we have a mythological period, extending over 432,000 years, during which gods and demi-gods reigned, and even 250,000 years are said to have elapsed between the introduction of civilisation by Oannes and the Chaldæan deluge. The chronology of the Hindus introduces similar figures, and the Buddhists of Central Asia ascribe to the earliest men lives of marvellous length, giving them in addition enormous size. Now although such statements as these are purely legendary, yet it is quite possible that they may preserve some dim memory of the fact that mankind was not a creature of yesterday, but that he had existed on the earth for a vast period, of which no record remained except in the daily life of the people, and in the vague stories of the reigns of gods and demi-gods.

Before bringing to a close this notice of Mr. Laing's excellent work, reference may be made to a few of its other more striking features. The origin of the week of seven days is clearly shown, and the austerity of the Sabbath connected with its associations as the day ruled over by "the gloomy and malignant" Saturn. The fact is mentioned that the moon supplied the standard for measuring time until it was discovered that the seasons are regulated by the sun. It might have been added that the first time measurers probably dwelt in a region where winter was unknown. The question of the historical element in the Old Testament is treated with great fairness, and the results of modern criticism clearly stated. The author does not, however, throw any new light on the subject, but his statement that the moral atmosphere of the history of the Hebrews "continues to be that of Red Indians down to the time of David" is suggestive. The bearing of Croll's theory of the action of the precession of the equinoxes, in combination with the eccentricity of the earth's orbit, in the production of the glacial period, as restated by Sir R. Ball, is well treated; and the conclusion appears to be justified, that "as man clearly existed in the pre-glacial period, and was already widely spread and in considerable numbers in the early glacial, 250,000 years may be taken as an approximation to the *minimum* duration of the existence of the human race on the earth." The final chapters, which deal with the subject of human origins from what may be regarded as its more purely anthropological standpoint, give a clear summary of the evidence in favor of the existence of Quarternary and Tertiary man. In connection with this subject we would point out that in "the earliest portrait of a man" found in the Grotto of Les Eyzies, a stroke which is usually taken for a horse's leg is very suggestive of a tail for the human being! In leaving the work we will say only, that it is excellently adapted to do what the author desires, to stimulate the minds of the young, and of the intelligent members of the working classes to study the subject which he states has been to him "the solace of a long life, the delight of many quiet days, and the soother of many troubled ones," and that it is deserving, moreover, of study by all those who are wishful to know the truth as to human origins. Ω.

PRÉCIS D'ÉCONOMIE POLITIQUE ET DE MORALE. By G. De Molinari.
Paris: Guillaumin & Co. 1893.

The present work is a neat and well-printed volume of 278 pages. The activity of its veteran author, who is a correspondent

of the Institute and Editor-in-Chief of the *Journal des Economistes*, extends as far back as the year 1846 when he published a small volume entitled *Etudes Economiques*. The publishers Guillaumin and Co. have the reputation of publishing excellent works in this department: their *Collection des principaux economistes* and their *Nouveau dictionnaire d'économie politique* being especially noteworthy. This work, therefore, needs little comment.

The purpose of the book, the author says, is to summarise and bring within the reach of the general reader the fundamental notions of political economy and the science of ethics, as he conceives these sciences to be constituted. The work is divided into three parts: (1) "The General Economy of Nature," (2) "Political Economy," (3) "Ethics." All the chapters are instructive.

The law of self-preservation, regulated by the motive force of pleasure and pain, is, says Molinari, the fundamental law of existence: it controls man and beast alike. But man has reason and foresight. The beast destroys, man produces; he accumulates, he saves; he makes the labor of one supply the wants of many and thus makes it possible for others to follow higher and different pursuits. On this simple basis the vast structure of civilisation, with its untold wealth, arises; and the domain of Political Economy is created. With economical progress comes the necessity of Positive Law, the necessity of protection, the necessity of security; and beyond positive law, comprising all, ethics, the supreme science of conduct in all human relations. Though economical in its foundation, human society is ethical in its end; its *raison d'être* is ethical. All laws, all customs, if they are just, are the expression of our ethical ideas. And our ethical ideas, if they are correct, are the reflection of the facts of human nature and the conditions of human existence. These ethical ideas must be the guide and governor of the great machine of economical civilisation. Without ethics, in the expressed form of law, no true economical progress. The divorce of the two is the cause of the great crisis which now impends like a lowering cloud over the modern world.

Such is, briefly and positively expressed, in our own words, Molinari's view. This is the fundamental fact of his book. Concerning his opinions on technical points of political economy, we present no criticism: his theories are, as he expressly states, *his own* views of the subject. His style is forcible and clear. His mode of presentation is concise, and unburdened by platitudes or redundant discussions. μκρκ.

AN INTRODUCTION TO THE STUDY OF THE CONSTITUTION. A Study Showing the Play of Physical and Social Factors in the Creation of Institutional Law. By *Morris M. Cohn*. Baltimore: The Johns Hopkins Press. 1892.

AMERICA. ITS GEOGRAPHICAL HISTORY—1492-1892. Six Lectures Delivered to Graduate Students of the Johns Hopkins University, with a supplement entitled "Was the Rio Del Espiritu Santo of the Spanish Geographers the Mississippi?" By *Dr. Walter B. Scaife*. Baltimore: The Johns Hopkins Press. 1892.

These two works are volumes XIII and XI of the "extra volume" series of the Johns Hopkins University Studies in Historical and Political Science—a series conducted under the able management of Dr. H. B. Adams. They contain respectively 235 and 176 pages.

Mr. Cohn's work was written, as the author says, "for the purpose of bringing before the student and reader of our American constitutional system a mass of information which at present lies scattered among the productions of many different writers, inquirers, and thinkers." The monograph is not intended for the special wants of legal practitioners, but is intended to supply the student with those general doctrines of political science which are absolutely necessary to the understanding of any special form of government. Mr. Cohn has made use of the very best authorities in

the production of this work: he has incorporated into his views the opinions of leading modern writers concerning the origin of "law" and "sovereignty," concerning the operation of physical and social factors in the constitution of states, with all that these subjects imply.

The philosophy of law and the science of comparative jurisprudence are studies which until very lately have been much neglected in the United States. Otherwise, one who is acquainted in the least with the history of institutions and with the idea of the evolution of things human and divine, might really wonder why Mr. Cohn should be led to make the remark that "The belief that the constitution of the United States was one out of many, and could have no existence save in connection with well settled and somewhat diversely governed communities which preceded it, early formed itself in his mind and has now grown into an unalterable conviction." He also remarks that the repeated expressions of federal tribunals bear out this conviction. The Anglo-American lawyer hesitates, without the opinion of a court, to pass judgment even on questions of philosophy.

It does not lie within our province to give a detailed critical opinion of Mr. Cohn's work but the erudition which is displayed in the citation of authorities and its appearance in the Johns Hopkins series are a sufficient guarantee of its usefulness.

The second of these books is an interesting monograph by Dr. Scaife on the development of American geography. It is divided into the following six sections: "The Development of the Atlantic Coast in the Consciousness of Europe;" "Development of Pacific Coast Geography;" "Geography of the Interior of Polar Regions;" "Historical Notes on Certain Geographical Names: America, Brazil, Canada;" "Development of American National and State Boundaries;" "Geographical Work of the National Government."

It contains a number of photographs and facsimile reproductions of ancient maps of America preserved in the libraries of Europe and of our own country, and though a treatise on a special subject will be of great interest to the general reader. μκρκ.

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