

THE OPEN COURT.

A WEEKLY JOURNAL

DEVOTED TO THE RELIGION OF SCIENCE.

No. 326. (VOL. VII.—47.) CHICAGO, NOVEMBER 23, 1893.

Two Dollars per Year.
Single Copies, 5 Cents.

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THE PARDONING POWER.

BY M. M. TRUMBULL.

ON the 26th of June, Governor Altgeld pardoned the so called anarchists, and it may be confidently said that not since the days of Abraham Lincoln has the conduct of any chief magistrate received such harsh, vituperative, and irrational condemnation. Mules kick without reasoning, but men should not; and the time is coming when it must be determined, not by denunciation but by argument whether Governor Altgeld was right or wrong.

Among the Governor's critics are hundreds of men who approved the pardon and petitioned for it. They are convicted of inconsistency but their excuse is that they censure not the pardon but the manner of it; and they pretend that while the pardon was proper enough, the Governor should not have given judicial reasons for his action. They assert that he carried the prerogative of pardon beyond its legal province when he passed upon the merits of the case, condemned the trial, reversed the judgment, and censured the courts who gave it. In a word, they say that in reviewing the judgment and reproving the judges the Governor usurped and exercised a power not conferred upon him by the Constitution of Illinois.

The recent election brought again into discussion the pretended illegality and unconstitutionality of Governor Altgeld's action, and on that subject, Judge Moran in defending Judge Gary, who was a candidate, said:

"The Constitution divides the powers of government into legislative, judicial, and executive, and declares that no person or collection of persons belonging to one department of government shall exercise power belonging to the others. This confines official review of judgments of courts to the judicial department, and any attempted review of the judgment of the Supreme Court by the executive department is an impertinent violation of the spirit as well as the letter of the law."

That was written in the excitement of an election contest, and for the benefit of Judge Gary. It was hastily written, and it is not likely that Judge Moran would now stake upon that opinion his reputation as a lawyer. Fortunately for American institutions it is not law; but it shows the wisdom of Jefferson in warning his countrymen that the judiciary aiming at un-

limited power through the sanctity of irreversible decrees was the aspiring and ambitious element in the government that menaced their liberties and their safety. The general prohibition quoted by Judge Moran is qualified by other special clauses of the Constitution; as, for instance, by the veto power, the pardoning power, the impeachment power, and some others. It is the duty of each department within its own province to review and criticise the others; because if that were not so, we should have judicial, executive, and legislative stagnation, with a pompous and irresponsible toryism in every department.

The veto power specially limits the general prohibition quoted by Judge Moran, for how can the governor veto a bill without an "official review" of the action done by the legislature? He is commanded by the Constitution to give reasons for his veto, and how is he to give reasons without having an "official review"? On the other hand, it is not uncommon for legislatures to give governors an "official review" and pass votes of censure upon them. Also, the courts, when declaring a law unconstitutional, give "official review" to the legislative and to the executive branches of the government. Judges often give sharp censure to the legislature that passed the law and the governor who signed it.

The general prohibition is qualified also by the pardoning power, which has its own particular uses and modes of action. It is the prerogative, not of mercy alone, but of justice too, and in the latter quality it is now and always has been a judicial part of the executive authority. In the United States, the pardoning power has all the attributes and privileges that it ever had at the common law, except where it has been qualified by statute as in Ohio and Pennsylvania. To a defendant in a criminal prosecution it is the court of last resort open to him for the reversal of a judgment or the mitigation of a sentence.

The judicial character of the pardoning power is clearly shown by Blackstone where he pictures the chief magistrate "*holding a court of equity in his own breast* to soften the rigor of the general law in such criminal cases as merit an exemption from punishment." He shows also that a prisoner may be entitled to a pardon not only "by favor," but also "by his innocence."

Chancellor Kent follows Blackstone in asserting the judicial quality of the pardoning power, and he shows that it has the same attributes here that it had in England. He goes farther, and blending the lawyer and the statesman together, he maintains that one beneficent quality of the pardoning power is its judicial character ; and he says :

" This power to pardon will be more essential when we consider that under the most correct administration of the law, men will sometimes fall a prey to the vindictiveness of accusers, the inaccuracy of testimony, and the fallibility of jurors."

Chancellor Kent when he wrote that, must have anticipated the anarchist case ; but leaving that for the present, I would inquire of Judge Moran how a governor is to correct a wrong done in a criminal trial by " the vindictiveness of accusers, the inaccuracy of testimony, or the fallibility of jurors " without putting the whole case under his " official review " ?

The authority of Chancellor Kent is acknowledged by Bishop in his commentaries on criminal law, where he says, " The English authorities on pardons are pertinent with us." He is jealous of the pardoning power, and thinks that a governor ought not to grant a pardon because he differs with a judge on a point of law ; but he says :

" There may be circumstances in which it is both the right and the duty of the pardoning officer to look below the verdict into what may be shown to be the real facts."

What is " looking below the verdict " but an " official review " ?

It ought to be conclusive with Judge Moran that Judge Gary himself recognised the pardoning power as a judicial prerogative when he appealed to the Governor for a mitigation of the sentence passed upon Sam Fielden. He placed his appeal on legal grounds, declaring that " there was no evidence that Fielden had any knowledge of any preparation to do the specific act of throwing the bomb that killed Degan." If the governor is not a judicial magistrate, why did Judge Gary direct his attention to the lack of evidence in Fielden's case? The Supreme Court had reviewed the evidence and declared it sufficient, but Judge Gary appealed from that ruling to the Governor, and said that the evidence of guilt was lacking, and that therefore Fielden ought to be relieved.

The authorities above quoted ought to be enough, but they can be supported by ten thousand instances in the United States alone. It is not necessary, however, to go outside the State of Illinois. If Judge Moran will examine the record of pardons in his own State, he will find that scores of them were judicial pardons, and that the governors who granted them did so on legal grounds, modifying, amending, and reversing the judgments of the courts and correcting,

as far as possible, the mischiefs done by " the vindictiveness of accusers, the inaccuracy of testimony, and the fallibility of jurors." There never was a governor of Illinois who did not recognise and exercise the pardoning power as a judicial right of " official review " in all criminal cases where sentence had been passed. It is not likely that the judicial character of the pardoning power has ever before been denied by a lawyer, although the wisdom of it has been doubted many times.

Retreating from their " legal position," the assailants of Judge Altgeld make a rally on sentimental ground, and solemnly reprove him for giving his reasons for the pardon. Their sympathies inverted, they feel for the judges, and not at all for the victims of a judgment, which Judge Moran himself confesses was bad in law. Unlike Prince Henry and his companions, who demanded " reasons " of Jack Falstaff, these friends of Judge Gary want no reasons, especially if they are true. They want governors to grant pardons and say nothing.

Much has been written by jurists and by moralists against the pardoning power, and chiefly because it is an arbitrary power, for the exercise of which no reasons need be given. A vigorous article in the *New York Nation*, showing the abuses of the pardoning power and calling for its abolition or amendment, says :

" We have transplanted this prerogative, not as a prerogative, but as a judicial power to review criminal sentences, and have nevertheless transplanted with it a notion perfectly unsuited to our system. According to the American idea of government, no act for which reasons cannot be given ought to stand."

There is a tendency among the Tories of this country to make idols of the courts, and all reflexions on them, blasphemy ; but what would the idolaters have said, if Governor Altgeld had granted the pardon as an act of arbitrary power and had refused to give any reasons for it at all? They would have denounced him as an imperialistic potentate and a " Czar." As an act of magisterial justice, he was in honor bound to give his reasons. It was the very right of the liberated men that the reasons for their pardon should be publicly proclaimed. The Governor pardoned them, because, in his opinion, they were innocent of the crime for which they were condemned, and because they had not had a fair trial. Acting on that belief, it was his duty to say so to all the world.

Judge Tuley, forgetting his history, as Judge Moran forgot his law, magniloquently says that such a criticism by an executive officer upon the judiciary is " unprecedented in the history of the United States." Happily, the occasion for such a criticism is unprecedented in the history of the United States ; but even when the reasons were not half so strong, similar criticisms have been made. Judge Tuley has forgotten

the controversy between General Jackson and the Supreme Court, concerning the legality of the United States Bank. The Court held that the Bank was constitutional, but the President, in contempt and defiance of the Court, held that it was not, and he refused to recognise the decision as binding upon him. His compliments to the Court are not necessary to be repeated here. The history of the United States is full of instances where the legislative, the judicial, and the executive branches of the Government have sharply censured one another; and it will be well for popular freedom if the practice continues forever.

The question at issue in this matter is not whether this candidate or that one shall be elected or defeated; it is not a question of grammar, taste, or etiquette; these are trivial and contemptible in the presence of a grander theme, but they serve to obscure the real issues for the time. The question is not, whether the Governor's reasons were in style classical or courteous, but whether they were true. The question is, whether free speech, free press, the right of public meeting, and trial by jury shall be abolished by the courts, and the Constitution overthrown.

In his reasons for the pardon, Governor Altgeld makes many statements of what he says are facts justifying his action. Are the statements true or false? This question must be answered, and it will be answered. The "conspiracy of silence" entered into by "the organs of public opinion," cannot last much longer. Very likely Governor Altgeld's most formidable critics, Judge Tuley and Judge Moran, believe them to be true, for while they denounce the Governor, they do not contradict him; and as to the illegality of the trial, they appear to agree with him. In the heat of the late campaign, when he was enthusiastically working for Judge Gary's election and assailing the Governor, Judge Tuley said:

"I have never hesitated to declare, that I did not agree with Judge Gary or the Supreme Court, as to the rulings in the anarchist cases."

And Judge Moran said:

"Judge Tuley's position, with reference to the anarchist case, has not been different from my own. We have frequently talked it over, and we united in sending a letter to Governor Oglesby, requesting him to commute the sentence of death upon the prisoners."

And thus it is that slowly but surely the genuine opinions of the bench and bar in reference to the rulings in the anarchist case are coming to the light; slowly and surely prejudice is giving way to reason, and in due time the consciences of men will see that in the pardon of the anarchists, and in his reasons for that pardon, the Governor was right.

THE VIEW FROM MY LEDGE.

I THE AGNOSTIC STANDPOINT.

BY ALICE BODINGTON.

A SHORT time ago I met with a paper by Mr. Robert Louis Stevenson which made a vivid impression on my imagination. He spoke of the present break-up of religious beliefs, and he said one would suppose that the thinking world would find itself at the bottom of a precipice of utter scepticism. But he hastened to add this was far from being the actual result. Instead of falling down the precipice, every one constructs for himself a ledge or platform on the side of the abyss on which he establishes his own private church, chapel, or creed. From this point of view he contemplates his neighbors on their respective ledges above and below him, with a pity not unmingled with contempt, since his own ledge is obviously the only one which satisfactorily "reconciles Science with Religion": precisely as a small village in an almost inaccessible part of Baluchistan contains the only people who clearly understand the infallible truths of Mahometanism; and as the old Scotch woman and her husband were the only people who clearly understood the infallible truths of Christianity,—though the old lady was "nae sae sure o' John." Certainly some thinkers roll quite to the bottom, and invite every one to enjoy the cheerful Elysian Fields they there discover; whence the Atheist, to the full as anxious for the good of the human race, as pure in conduct and virtuous in aim as any of his neighbors, invites us to a Millennium on earth which all can help to make a reality.

From the edge of the precipice where Mr. St. George Mivart still contrives to balance himself without falling over, comes a soothing voice to tell us that all who suffer from "invincible ignorance" and congenital incapacity to believe that two and two make five, may hope for "Happiness in Hell." A comforting view well put by a genial priest of Mr. Mivart's faith who said, though the climate of Sheol is bad, one would on the other hand meet the best of company there.

In those magazines to which one instinctively turns to see what complexion is taken by the highest thought of the day, articles abound where thinkers of eminence proclaim the views, from their various ledges, and each man's ledge is the one from which alone the truth can clearly be beheld.

It seems to me that the conclusions to be arrived at from this state of things are:

Firstly, that a Science of Religion does not exist at present.

Secondly, that the different views taken by persons highly cultivated, conscientious and with eyes wide open to the problems of the day, are largely a question of individual idiosyncrasy.

Where a branch of knowledge has become so far exact that we can give that branch the name of a science, as in the cases of Astronomy and Physics, there is comparatively little room for the development of individual idiosyncrasies, and opinion is one in all essentials. Where knowledge is only exact in certain parts, and empirical in others, as is still the case in medicine, the measure of agreement is a fair measure of the growth made by that branch of knowledge towards being a true science. But in discussions on Religion there are almost as many opinions as thinkers.

As knowledge advances with giant strides, so with many thinkers does the conviction deepen that whilst the secondary laws governing phenomena are revealing themselves with unhopd for clearness, primary causes are enshrouded in as deep a mystery as ever. To this order of thinkers the name of Agnostic has been given, and I know of no better appellation. But I protest against the application of the word "creed" to Agnosticism. An Agnostic according to the constitution of his mind, his early upbringing etc. has a tendency to certain creeds; he would be glad if certain propositions could be proved true, but he—probably after severe mental struggles and sufferings—has arrived at the conclusion that the denizens of this insignificant speck in the universe can never know what ultimate truth is, at least in this state of being.

Man has done marvellous things in the knowledge of nature he has already acquired, but he is confined within such narrow bounds that these alone must render his researches imperfect. It is possible that in some manner utterly unknown to us, we may at last be able to perceive molecules and even atoms of matter.*

But it is unnecessary to say that no optical apparatus at present at our disposal comes within measurable distance of such a result.

Every advance in the perfecting of microscopes and of skill in their use, reveal fresh marvels in the composition of protoplasm, and every fresh revelation is looked upon as the final goal of our knowledge by some too hasty biologists.

A few years ago protoplasm was a "speck of slime," so simple in structure that it really might have appeared by accident. Weismann, observing the extraordinary changes in the nuclei of conjugating cells, ascribed all changes in organisms to the influence of the nuclei of their reproductive cells, the remainder of

* It has been estimated by Helmholtz that the smallest particle of matter that could be distinctly defined is about 0.0000125 of an inch in diameter. . . . A particle of albumen of this size would contain about 125,000,000 molecules. In the case of such a simple compound as water, the number would be no less than 8,000,000,000. . . . The smallest sphere of organic matter which could be defined with our most powerful microscopes may be, in reality, very complex; may be built up of many millions of molecules; and it follows that there may be an almost infinite number of structural characters in organic tissues which we can foresee no mode of examining. *The Senses of Animals*, pp. 190-191, Sir John Lubbock.

the germinating cells being simply nutritive (somatic.) The latest discoveries show that the whole contents of germinating cells are interchangeable, and whilst the nuclei are still considered to convey hereditary qualities, the remainder of the cells are adjudged to be the organs of changes produced by the environment. This latest hypothesis has at least the advantage of being in harmony with facts; it is the goal biologists have reached for a day? for an hour? for how long?

But can we really in the least understand *how* either heredity or variability can be conveyed by these microscopic specks of matter? We may express the phenomena in words, and so too can find numbers to express the distances of the stars, but have we any real idea of either?

Our very senses by which alone we can become cognisant of anything whatever, are narrowly limited. Of the many millions of vibrations of air and ether we are conscious of but a few, and the enormous gaps in our consciousness may hide unimaginable wonders. Touch, the most universally diffused and least specialised of the senses, can only recognise 1,500 vibrations in a second.*

"Hearing can detect 40,000 vibrations in a second. When 400 millions of millions of vibrations of ether strike the retina in a second they produce the sensation of red, and as the number increases, the colour passes into orange, then yellow, green, blue, and violet. *But between 40,000 vibrations in a second and 400 millions of millions we have no organ of sense capable of receiving the impression.* Yet between these limits any number of sensations may exist. It is obvious that we cannot measure the infinite by our own narrow limitations."

Sir John Lubbock shows that an immense number of sense-organs exist in the lower animals adapted to catch vibrations of whose effect we can form no conception, "there may be fifty other senses," he says, "as different from ours as sound is from sight."

Prince Krapotkin in *The Nineteenth Century* for May, 1892, shows as the result of recent experiments that chemical energy, electricity, magnetism, light and radiant heat are the results of ether-vibrations of varying velocities and wave lengths, resulting from the action of one and the same energy. Between these various wave-lengths are enormous gaps which our senses afford us no means of discerning. Are we not trembling on the verge of the discovery of yet another series of wave-lengths which appear as vital force? Perhaps though these may be so short in length and rapid in vibration as to elude our researches forever.

That there *is* a something which resembles chemical action, but which is not chemical action is forcing itself upon physiologists as a fact. Dead tissue obeys the law of osmosis; living tissue will absorb what fluids it chooses and no others, and *no force which does not destroy the protoplasm will overcome this resistance.*

* *Text-Book of Physiology*. Michael Foster.

And yet other vibrations of the same stupendous energy may produce the result we know as consciousness.

Let us try for one moment to get some faint idea of the energy which we at least know appears as radiant heat, chemical energy, electricity and magnetism; which may through vibrations as yet unascertained be vital force and consciousness.

Electricity would travel from the earth to the moon in a fraction more than a second, and from the earth to the sun in eight minutes. But at this rate of speed electricity would take three years to reach the nearest star, and had the electric spark started on its travels when Christ still lived in Galilee it would not yet have reached the distant suns our telescopes reveal. Yet these inconceivably distant suns are bathed in the same ether whose vibrations reach us. And only last year astronomers were following the headlong course of a new star which from regions of outer space had rushed into our visible universe, and this new flaming sun was ablaze with hydrogen. Whatever the supreme energy is, at least we know it is acting beyond one visible universe.

But leaving the region of the unimaginably great, are we really better able to understand the unimaginably small equally palpitating with restless life derived from the same energy? The latest researches of Professor Dewar show*—not only as was known before—that the ultimate atoms of gases are in a condition of inconceivably rapid motion, loosened from the bonds of gravitation and keeping up a constant hail of mutual shocks,—but that it is in human power to show that the withdrawal of energy would be the death of matter.†

With the withdrawal of the supreme energy in the shape of heat, molecular motion ceases, and matter lies dead.

Let us imagine a colony of ants which have taken up their abode in a disused tool-house in a garden. These ants—being as is well known very intelligent creatures—examine the various tools lying about, broken flower-pots, heaps of earth etc.; they form hypotheses as to how these things came into their world,—the tool-house. Some adventurous ants have

* Lecture at the Royal Institution by Professor Dewar, reported in *Weekly Times* for Jan. 27th, '93.

† It was matter *in articulo mortis* which the audience were privileged to look upon. At the temperature they saw [that at which oxygen remains liquid, its boiling point being 182 degrees below zero] "chemical forces are in complete abeyance and oxygen becomes as inert as nitrogen. A few degrees lower and the last traces will disappear of molecular motion, and the mobile gas will be frozen into rigidity, and all the properties by which we recognise matter will vanish. . . . A little lower,—only a little, though that is much to achieve, and the rarest form of matter with which we have any acquaintance [hydrogen] will surrender that mysterious energy which for the present baffles our ablest experimenters. At 270 degrees, or thereabouts, below zero (centigrade) hydrogen itself will give up the ghost, and matter as we conceive it will be dead." Hydrogen *has* been solidified, but not in a form permanent enough to admit of experiment.

crawled up the window-sill and have been able to philosophise upon the vast world thus revealed. They postulate the existence of a gardener; some being, evidently more powerful, larger and wiser than an ant, made the tools and planted the flowers and shrubs outside the window. Some ants might say; we know there are tools, and flowers and shrubs showing orderly arrangement, but what kind of being had to do with these things, we do not feel qualified to judge. Other ants are quite certain they know all about this being; their ancestors were quite sure he was a "magnified and non-natural" ant like themselves, but many modern ants are certain the gardener is "a stream of tendency" and is part of the All like themselves.

I offer this poor little allegory as a small set-off to Dr. Carus's delightful satirical fables, directed against the humble agnostic, in his "Truth in Fiction"! But putting all joking apart, I seriously think the philosophic ants would be far better able to predicate all about the gardener and his qualities, than we—the denizens of this speck of planetary dust thrown off from a third-rate sun, existing for a geological moment, whilst the cooling planet permits the existence of protoplasm—can judge whether the supreme energy whose vibrations thrill through the universe is self-conscious or not! It seems to me that superior intelligences would listen to our vain discussions with grave pity for our folly and devils would laugh with scorn.

Why then should we still concern ourselves about the problems of religion; why should it fascinate the keenest minds now, as it did when Lucretius—ignorant of every physical law we are at present cognizant of—was as sure he knew the secret of the universe, as any Monist can be at present?

IS RELIGIOUS TRUTH POSSIBLE?

IN REPLY TO MRS. ALICE BODINGTON.

THERE was once a man who was so desperately sick from hallucinations and nightmares, that a physician had to be sent for. Dr. Huxley, a strong-minded man of modern training, came and prescribed a soporific drug which caused the patient to fall into a profound slumber entirely free of dreams; he slept the sleep of eternity. "I have cured the disease," said the doctor, satisfied with the efficacy of his medicine, "and it is a great pity that the patient died."

The patient is man's religious and philosophical world-view; his disease was the gnosis of church dogmatism and the medicine agnosticism. Agnosticism, it is true, wherever accepted, does away with the superstition of antiquated creeds, but it undermines also sound science and philosophy. It is a drug which effectually cures all sham-knowledge, but one of its in-

cidental effects is that it also kills true inquiry, and with it the spirit of true inquiry. If all knowledge is vain, if it is certain that we can know nothing, why do we trouble at all about searching for the truth? Thus agnosticism has actually brought about an apathy which is tired of inquiry and looks upon those who aspire after finding the truth as misguided enthusiasts who chase the mirage of a *fata morgana*.

Agnosticism is a poison; and it is time to stop its application to the patient.

Agnosticism, after all, will not free us from the gnosis of religious dogmatism. Should our religion survive its application, it will make us *blasé*, it will blight our ideals and stop the progress of mankind.

Mrs. Bodington must pardon me if she finds me loath to enter so repeatedly the lists against agnosticism. The agnosticism of modesty, by which I understand that attitude of the inquirer in which he is conscious of his lack of knowledge, is praiseworthy and commendable; but philosophical agnosticism, which claims that knowledge in itself is impossible, is a disease. It is more than an error; it is an error practically applied as a general maxim of conduct, and therefore we say that it is a disease.

The confession *ignoramus* when we face unsolved problems is the first step toward their solution; but the maxim *ignorabimus* is an injurious self-conceit, especially if it is pronounced with an arrogance which under the pretense of modesty implies that its real meaning is *ignorabitur* i. e. "you cannot know." For our *ignorabimus* rarely keep their agnosticism for home use, but are, as a rule, great wiseacres and prescribe the recipe of modesty only for others.

Mrs. Bodington is not a doctor who prescribes agnosticism to others, but a patient into whose system the drug has been injected; she suffers under its injurious effects, she writhes with pain and does not know what to make of it. We cannot read her expositions without sympathy, but there is no help so long as she closes her eyes to the light that the truth can be inquired into and stated not only in the various fields of the natural sciences but in religious fields also. The science of religion is not, as Mrs. Bodington believes, an impossibility; and the truth to be discovered by the science of religion depends as little as the correctness of mathematical theorems upon our individual idiosyncrasies.

Mrs. Bodington's fable of the ants proves nothing in favor of agnosticism. We grant that ants cannot have an adequate idea of the gardener and his tools; but if the gardener plays a rôle in the world of ant-ideas he would not be comparable to our conception of God. Suppose the ants were rational beings, it would be quite natural to them to think of God as an omniscient and omnipotent arch-ant.

On the supposition of such conditions, we grant to Mrs. Bodington the probability that there should rise among the ants agnostic philosophers who do not believe in an ant-God but declare that there is a "supreme energy" which we must revere in humbleness always conscious of our inability to understand it. The error is natural; nevertheless it is an error. Why should ants, or we, or any other beings, worship "energy" and call it "the Supreme Energy," spelling it with capitals? To speak with religious reverence of "energy" appeals to my mind about as much as the materialists' deification of matter and motion. We might as well worship the Divine Steam Power, or the Inscrutable Electricity.

Should ants acquire reason, so as to be able to count, to measure, and to argue, they would create science and finally also work out a scientific and scientifically tenable God-idea. The God-idea, as we have pointed out on other occasions, is a moral idea. God is the authority of conduct; and the authority of conduct is not a person, not an arch-man, nor an arch-ant, nor any other creature, be it ever so large, great, and powerful.

God is more than an individual being; he is neither human nor formical (i. e. antish) but of a higher nature. He moves in the life that ensouls ants and men and other beings and he is that immutability of existence to which we have to conform in whatever we undertake; in a word, he is the authority of conduct.

Ant-morality would culminate in the aspiration of preserving and developing the ant-soul. If ants were rational beings and developed a religion, their religion would in the course of evolution ultimately become exactly that which we call the religion of science.

The essential nature of science is that its formulation does not depend upon our idiosyncrasies. Science is objective, not subjective; and scientific truths are discovered, not invented. Their character is fore-determined by the nature of things.*

The same is true of religious truth. The nature of our religious ideal is fore-determined, as much as man's reason and as the multiplication-table in our arithmetical primers; for it is ultimately founded in the immutable and eternal constitution of the universe.

P. C.

CHAPTERS FROM THE NEW APOCRYPHA.

LAMOR ON MOUNT SINAI.

BY HUDOR GENONE.

NOW WHEN the children of Israel were gone forth out of the land of Egypt, and were come into the wilderness of Sinai,

Behold upon Mount Sinai the Lord descended in fire;

* Cf. the concluding paragraphs of "The Philosophy of the Tool" (*The Open Court*, p. 3741.)

And the Lord said unto Moses, Charge the people lest they break through unto the Lord to gaze, and many of them perish : set bounds about the mount and sanctify it.

For I, the Lord thy God which brought thee out of the land of Egypt, out of the house of bondage, I, even I, am a consuming fire.

And Moses did as the Lord commanded, and sanctified the mount, and set bounds about it, and charged the people that they break not through.

But Lamor came unto Moses, saying, I desire to see God's face ; suffer me, I pray thee to go forth into the wilderness, even unto the mount which thou hast sanctified, and to go past the bounds which thou hast set.

Moses answered and said unto Lamor, Heardest thou not what the Lord God hath commanded ?

And Lamor said, I heard ; but I heard also that the Lord our God hath brought us out of the house of bondage.

And Moses said again unto Lamor, Heardest thou not what God said,—I am a consuming fire ?

And Lamor said, I heard ; but yet I fear not, and I would see God face to face, suffer me to go.

And when Moses would not suffer him to go Lamor departed by night into the wilderness, even beyond the bounds towards Mount Sinai which Moses had set and sanctified unto the Lord.

And in the morning Lamor came unto the mount, and he toiled all the day upward. And on the second night it grew cold, and frost and snow and ice were round about him in the wilderness.

And Lamor looked up and beheld a cloud that covered the mount ; and out of the cloud proceeded thunder and lightning and hail and a stormy wind ; and the voice of God was heard speaking out of the cloud :

Lamor, Lamor, why seekest thou to see my face ?

And Lamor answered, I freeze because of the cold, but though I perish yet would I seek thee.

And the Lord God said unto Lamor, Because of thy faith, yea even because of thy desire, thou shalt see my face ;

Go to now and gather wood and lay it on a heap.

And Lamor did as he was commanded, and gathered wood and laid it on a heap.

And again the voice of God was heard out of the cloud saying, Take thy rod and look beside thee at thy feet.

And Lamor took his rod, and looked beside him at his feet and there was a little pool filled with yellow slime.

And God said, Dip now thy rod in the pool of slime.

And Lamor dipped his rod in the yellow slime, and God said unto him again, Take the rod, and even as

Moses smote the rock in Horeb, smite thou the rock which is at thy right hand,

That thou mayest know that I am the Lord thy God which brought thee out of the land of Egypt, out of the house of bondage, and that I, the Lord thy God am a consuming fire.

And Lamor did as God commanded, and smote the rock and the fire gushed out.

And God said unto Lamor, Put the fire unto the wood which thou hast laid on a heap ; and the fire took hold upon the wood and burned exceeding fierce, insomuch that Lamor went back for the heat thereof.

And God said unto Lamor, why goest thou back ?

And Lamor answered and said, I go back lest I burn, for the fire burneth exceeding fierce.

And God said again unto Lamor, Why goest thou not farther back ?

And Lamor answered and said, I go not farther back lest I freeze again.

Then God said unto Lamor, Behold thou hast seen my face. Return back down the mount whence thou camest, and see thou tell no man what thou hast seen and heard,

Lest seeing they should see and should not perceive, and hearing they should hear and not understand.

FOR JESUS' SAKE.

JESUS entered into a certain village of the Samaritans ;

And there were with him Philip and Bartholomew and James, the Lord's brother.

Now while they stood in the market-place they were an hungered, and did eat of the fruits of them that sold :

Pomegranates and figs and grapes and other fruits and spices also.

And while they ate he that kept the tables talked with Jesus and the other disciples.

And as the merchant was turned away a lad drew near and stole a fig and a pomegranate from the table.

Now the merchant saw him not, nor any other ;

But Bartholomew saw him, and ran and caught him.

And when he would have haled him to the judge that he be cast into prison,

Philip saith unto him, Nay, let the Lord rebuke him and let him go.

Now Jesus, having heard what was said by his disciples, was exceeding sorry ;

And he saith unto them, I charge thee, Bartholomew, that thou shouldst not condemn this lad thyself, nor hale him to the judge.

For it is not thou but this merchant whose goods he hath stolen whose right it is.

And to Philip he saith, Why should I rebuke the lad? Doth not his own heart reprove him more than my words?

Then James, the Lord's brother, seeing that Jesus was very sorrowful, spoke saying, Wist ye not what the Lord said on the mount?

If any man take thy coat let him have thy cloak also. Let the lad take whatever he will.

And Jesus grieved yet the more, and he saith unto them, Have I been so long a time with you, and hast thou not known me?

Then saith he unto the lad, Wast thou an hungered that thou hast stolen the fig and the pomegranate?

And the lad wept and answered him, Nay, but I would make merry with my friends. Yet did I never transgress before.

Then Jesus gave the lad a penny, and saith unto him, Go and buy the fruits that thou didst steal.

And steal no more; and as I have paid the price for thee, remember henceforth to keep the law for my sake.

And when the lad had gone away free, Jesus saith unto his disciples, and unto the merchant, and unto all them who were gathered about:

What ye have this day seen done by me in a little thing,

That also must I do in a greater thing.

For what I have done for the lad this hour that must I do for the world, that for my sake the world may be free.

THE ETHICS OF EVOLUTIONISM.

MR. M. M. MANGASARIAN discussed in his last Sunday lecture the nature of conscience, and incidentally criticised Darwinism and the theory of evolution. He finds much that is grand and true in evolution; he says:

"Descent from a 'degenerated' Adam cannot be more ennobling than ascent from an humble animal which had through ages of progressive movements reached a higher plane of life and become the parent of man. To have come from a risen animal is more prophetic of our future than to have come from a fallen man."

But he complains that:

"Evolution does not recognise moral responsibility. There is no room for the 'ought' in Darwin. You must choose this pleasure instead of that, but if you don't you would be foolish; that is all."

Discountenancing the ethics of Darwinism, Mr. Mangasarian asks:

"What is the source of moral accountability? I answer, the ideal. . . Darwinism insists that conscience is an echo of the past. No! Conscience is the voice of nature speaking to us, not of what men were or are, but of what men will be and ought to be. Instead of being a link between the present and the past it stands with its face toward the future and is the promise of the better tomorrow. It is the voice which says, 'to thine own self be true.'"

Conscience in order to be a link between the present and the future has to be "an echo of the past." If the ought were not derived from our experiences it would hover in the air and be of a mysterious origin. The ideal is not born of fairy-land but rises out of our knowledge of the real, and the real is after all the ultimate test of the ideal, and in this sense can conscience truly be called "the voice of nature."

In saying that "evolution does not recognise moral responsibility," that it leaves "no room for the ought," that, according to evolution, we only "choose this pleasure instead of that," Mr. Mangasarian follows the general misconception which imputes to evolutionism the hedonistic principles, that that is moral which yields the greatest amount of happiness. This, indeed, is the proposition of Mr. Spencer. It is true also that almost all anti-religious ethicists believe in evolution and teach the ethics of hedonism at the same time. Nevertheless, the theory of evolution is not compatible with hedonism, for the ethics of evolutionism have to be based upon the fact that the fittest will survive in the struggle for existence, and the fittest in the long run are always the most moral. The fittest to survive are, most certainly, not those who hunt for the greatest amount of pleasures, for they are doomed to perdition. The ethics of evolutionism can only be the ideal of a constant progress which, on the basis of our experiences in the past, will develop a higher, more powerful, and nobler mankind. P. C.

THE OPEN COURT.

"THE MONON," 324 DEARBORN STREET.

CHICAGO, ILLINOIS, Post Office Drawer F.

E. C. HEGELER, PUBLISHER.

DR. PAUL CARUS, EDITOR.

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THE ETHICS OF EVOLUTIONISM. EDITOR. 3886