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By Whom, all things; for Whom, all things.

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THE STATE IN RELATION TO MORALITY, RELIGION, AND EDUCATION.

I. INTRODUCTION.—II. VIEW OF THE NORMAL RELATION OF THE STATE TO MORALITY AND RELIGION.—III. APPLICATION TO MONEY STANDARDS AND THE PUBLIC FAITH.—IV. APPLICATION TO RELIGION IN THE PUBLIC SCHOOLS.

I. INTRODUCTION.

THE venerable author of the treatise on political science indicated below¹ has devoted the leisure afforded by his retirement from the labors of high public office to its preparation. The subject treated is one on which a thorough systematic treatise was much needed. Smaller manuals, like those of Alden and Andrews, fitted for schools and colleges, and relating chiefly to our own government, are not wanting. Treatises on special modes of government, or governmental functions, and in a limited sense on the science of government, have appeared in forms more or less fragmentary and incomplete. Brougham's Political Philosophy is excellent in its way. The massive volumes of Lieber on Civil Liberty and Political Ethics are a monument of his sagacity, diligence, and learning. Still they are greatly lacking in system and logical completeness. Pomeroy's volumes on Constitutional and Municipal Law are valuable contributions to the philosophic study of our own methods of general and local government. But neither these nor the large

¹ "Political Science, or The State Theoretically and Practically Considered." By Theodore D. Woolsey, lately President of Yale College.

catalogue of treatises, ancient and modern, on various branches of the subject do the work accomplished by the venerable author in these volumes, which contain the ripe results digested from long study and teaching into a system of political science. The work is almost prodigious for its learning and mastery of the ancient and modern literature of the subject, and for the exhaustive view which it takes of the science of the state, both pure and applied. Without dwelling further on its general character, as the author's greatest literary monument, and as a thesaurus for scholars, thinkers, and statesmen, we call attention to one feature of it, which will furnish the key-note to the thoughts which follow. We refer to the ethical element in politics, which he exalts as scarcely any other great writer on the subject has done. Underlying and permeating all, from the very roots of the pure science to the remotest branches of its application, from the very foundation and origin of government to its minutest laws, the moral element is made paramount. In no right system can it be otherwise; for the state grows out of, develops, protects, and affords scope for the moral and social nature of man, and his activities as a free agent in reference to himself, his fellow-men, and his God. Now as man is bound by the moral law in all his free activities, whether they terminate on himself or other beings, it must needs be that in all his actions with reference to the state, whether in originating, sustaining, ruling, or obeying it, he must be under the dominion of conscience, the faculty that is evermore supreme in the human soul, *de jure*, if not *de facto*. Nor can he in his free activities, whether acting in the state or elsewhere, ever escape the authority of its "categorical imperative."

II. VIEW OF THE NORMAL RELATION OF THE STATE TO MORALITY AND RELIGION.

At the very outset, Dr. Woolsey signalizes this as lying at the basis of the state, which comes into being in order to insure to man his rights, *i.e.*, the unrestricted opportunity to exercise, without impediment from others, his free activity in a right manner—the manner prescribed at once by his conscience and his God. For all but atheists recognize the unperverted con-

science as the vicegerent of God in the soul. The right to obey it and fulfil its behests is requisite to our proper manhood. Hence the state is a necessity of man's moral nature.

Dr. Woolsey, therefore, at the start strikes into moral science and its definitions; he emphatically discards utilitarianism as groundless in itself, and inconsistent with every true view of the origin, end, prerogatives, and claims of government. This spurious theory of ethics is at the root of some most pernicious theories as to the origin of government and its rightful authority in some social contract or consent of the persons governed. It founds punishment on mere reasons of expediency rather than justice, and deduces all obligations of and to the state from considerations of expediency or interest alone, rather than of right. No high-toned system of political science or duty can be built on or consist with such an ethical scheme. Suppose it to be clearly for the public welfare that certain parties should be imprisoned or scourged, is this any justification for thus punishing them, unless they are guilty of crimes which deserve it? Suppose that the state would be relieved of heavy burdens by repudiating its debts in whole or in part; can it do this at the behest of a utilitarian policy, without violation of that faith, honor, uprightness, which are supreme in every nation whose morality is untainted and whose manhood is undecayed?

But morality enters into the very being of the state, as the impelling and the final cause of its formation. Its very end is to "promote the prevalence of justice by self-imposed laws"—laws imposed in the exercise of its own free activity by its own constituted authorities, and not by any alien power. An organization of men, whether on a given territory as a state, or vagrant like nomadic tribes, that does not profess to aim at justice, is thereby an outcast from the community of states, and classes only with herds of robbers and bands of pirates—hardly among these, for there is, in its way, "honor among thieves." Even those barbaric kings and unprincipled rulers that shrink from no injustice or iniquity act under the pretext at least of maintaining justice.

Although the sphere of the state is the temporal relations and interests of man, as that of the church is his divine and eternal relations, while that of the family, as the original spring-

head and nursery of both church and state, includes both the temporal and eternal, yet this is not so in such a sense that the state can properly exclude or ignore all relations or abjure all obligations to the divine and eternal. For, in the region of moral duties and relations, the earthly and heavenly come into constant contact. Morality and religion overlap and interpenetrate. That which is due to man much more is due to God for he requires whatever we owe to man as due to himself. To blaspheme is punishable by human laws as an immorality, all the more monstrous because it is a flagrant insult to God. Yet while all morality roots itself in religion, and all religion is of supreme moral obligation, still it is not the end of the state, as such, directly to cultivate religion. It is rather, so to maintain the conditions of our earthly social existence as to accomplish its normal development for the life that now is, in order that this in turn may become the most perfect framework or scaffolding on which to build up the life to come. So rulers are an "ordinance of God," nay "ministers of God,"¹ who, rightly fulfilling their function, "bear not the sword in vain," but are "for the punishment of evil-doers," and the "praise of them that do well;"² who, thus repressing outward violence, lawlessness, and crime, and securing to each his own in every department of life, constrain all "to render unto all their dues," and so enable them "to lead quiet and peaceable lives in all godliness and honesty."³ Still the state is not primarily a religious organization, nor is the church a secular one. Although at points innumerable they interlock with each other and the family, yet each has its own exclusive sphere; each aids the other in lifting man to the perfection of his being. The state in perfecting the earthly life does thereby promote the heavenly. The church in perfecting the immortal does thereby ennoble the mortal life. "Godliness is profitable unto all things, having promise of the life that now is, and of that which is to come."⁴

If morality, then, lies at the very foundation of the state, the questions arise, 1. How far should the moral law be the rule

¹ Rom. 13 : 1-6.

² 1 Peter 2 : 14.

³ 1 Tim. 2 : 2.

⁴ 1 Tim. 4 : 8.

or controlling element of its legislation? and, 2. How far is the moral elevation of the people the proper end of the same?

In regard to the first, the moral law must dominate *negatively*; *i.e.*, no government should pass laws contrary to the moral law—laws which require men to violate it in any of its principles, or which are themselves in violation of it, or aim to protect men in violating it. These propositions are self-evident. Legislation requiring or protecting lying, fraud, theft, disobedience to parents, is simply rebellion against God. The obligation of government not to protect violations of the moral law is, however, qualified in respect to religion by the paramount duty of guaranteeing liberty of conscience up to the point where such liberty of conscience is made a pretext for licentiousness, and its protection by law.

Next, the state must, in all its legislation, aim at the enforcement of truth and justice, in all relations and transactions between its members, and between them and itself, as well as between itself and all other nations with which it has to do. This only pertains to the sphere of outward and perfect—*i.e.*, humanly enforceable—obligations. The state cannot extend its jurisdiction to the intentions or dispositions, which are knowable only by the subject and by Omniscience. It, however, recognizes malice aforethought as of the essence of murder, and presumes it in all cases of killing unless rebutted. Such rebuttal makes the homicide less than murder. It cannot enforce indeterminate duties of any sort which are incapable of specific determination and proof, such as kindness, charity, and courtesy.

Next, within a wide range, it is the province of the state to prohibit immoralities which are capable of detection and proof, and which militate against public safety and private welfare. Drunkenness, prostitution, gambling-houses, theft, robbery, the whole catalogue of crimes alike against morality, the state, and its members, which are capable of judicial ascertainment, come under this category. Besides moral, there are positive laws requiring or forbidding, upon certain pains and penalties, what would be morally indifferent except for the law commanding or forbidding them. Such are innumerable tax, police, and other municipal laws, binding us to do or not to do what otherwise would be left to our free choice absolutely, but when once duly

enacted by authority of the state, impose the same obligation upon the conscience as moral laws, which are binding *per se*.

How far should the state in its legislation aim at the moral elevation of the people? Just in so far as it should aim to sustain truth and justice as against falsehood, fraud, and injustice, it should aim to promote the moral elevation of the people. So in the penalties it visits on crime it manifests the sense of its ill-desert, which it would infuse into the minds of the people. If light punishments be meted out to murder, rape, and arson, it tends to soften the abhorrence of these crimes in the popular estimation. On the other hand, the infliction of barbarous cruelties as punishments, especially for light offences, educates a people to barbarism, and tends to turn a country into habitations of cruelty. Every nation, too, in proportion as it rewards grand and heroic actions, emblazons true nobility of character, and brings to places of power and trust its ablest and purest men, not only serves itself best, but most effectually promotes the moral elevation of the people. This end should be aimed at to the utmost extent compatible with the temporal sphere of the state's activity, concurrently with other ends which devolve on it alone, exclusively of the church. And it is past all question that, whether in its legislation it do or do not aim at the moral elevation of the people, it never can do the reverse, or aim at their moral debasement or corruption, without being recreant to its nature, and sinking with a suicidal leap from a proper human organization to a conspiracy of fiends.

It must be observed, however, that for the state itself to conform to the moral law is one thing. So far as its own acts touch the moral law at all, these acts must be in conformity to that law, certainly not in violation of it. But in regard to the measure and completeness of even outward conformity to it, which it can or should exact of its citizens, this will vary with circumstances, and the ideal must often surpass the real, or the utmost that can be realized in the existing concrete social condition of fallen humanity. In a democratic or even less popular government, legislation, whether of a moral kind or not, is impotent if contrary to the decided opinions or preference of a considerable majority of voters; and none the less so, although many or most of these voters be of that debased class who most

need to be restrained by restrictive or reformatory laws. Thus legislation to prevent drunkenness, by removing facilities and opportunities to indulge in it, is unavailing if a decisive majority of voters are against it. It will either be evaded, frustrated, or repealed. The same is true of Sunday laws. And here lies the secret of the failure of all measures to promote civil-service reform. Those men who can influence most votes in favor of any party or individual politician have claims upon them which it is not deemed safe to resist. But it is notorious that unprincipled manipulators can most easily manage the vote of the most depraved and ignorant, which counts as much as the vote of the intelligent and virtuous. So long as universal suffrage prevails, giving the immense masses of ignorant and debased people, native and imported, black and white, a voice no less than that of an equal number of those who represent the intelligence, virtue, and property of the country, the attempt to prevent those who do not shrink from using the means most sure to capture the vote of the vile, from grasping public office, will be vain. They who bring parties and men into power will not be unheard when they demand in return places of emolument in the gift of those thus indebted to and dependent upon them.

The predominance of the moral element in the state appears not only in reference to its general end in the promotion of justice, but particularly as it exists and operates for the protection of rights. The very word right, used as a privilege or endowment of a man, implies reference to a moral standard, and means something which it is morally right should be conceded and secured to its possessor by others. The state is organized in order thus to secure to men privileges which are rightfully theirs unless forfeited by crime. These rights, so far as they are definable and defensible by the state, are requisites to the due exercise and development of their manhood, as being not mere animals, having a temporary abode on earth, but as rational, immortal, and accountable beings.

Among these, foremost and indispensable, according to the specifications in the volumes before us, is the right to life, including that of self-defence and self-support; whence results the right of property, or the appropriation of one's own labor and its fruits in the utilities he has impressed by his own exer-

tions on natural objects—these, too, whether created by his own immediate agency or that of others who have preceded him and transmitted them by inheritance. There is the right of free locomotion, up to the point of interference with similar rights in others; the right of contract—of limiting our own freedom, and of having others limit their freedom in return in reciprocal engagements for reciprocal benefit in future—a right unavailing to a large extent without a government to enforce such contracts when made. On the validity of such contracts, the liberty to make them, and the security for their enforcement by competent authority, depend all marriage ties, all relations of employer and employé, all commerce, all domestic, social, and industrial progress. This right is limited, so that no contract to commit immoralities is binding, and the law requires adequate proof of the reality and intent of all lawful promises which it undertakes to enforce.

The right of association for lawful purposes is fundamental. Tyrants dread and strive to thwart it. It is capable of great abuse, as in some guilds, close monopolies, many trades-unions and communistic organizations. It can be perverted to purposes of groundless rebellion and anarchical revolution. Still it is indispensable to the progress of society, and has been promotive of those healthful revolutions without which the world had been held fast in stagnation or grinding despotism.

Most fundamental of all are the rights of worship and religious service. The right to be protected in serving God conscientiously, up to the point where perverted conceptions of religious liberty or obligation make it a cover for immoralities, a pretext for a licentiousness which invades the rights of others or the peace and purity of society, is absolute.

The state in its legislative, executive, judicial capacity, and through the agency of appropriate officers, is indispensable to the proper defining and maintenance of these and other rights, which underlie the moral order and the highest welfare of mankind. As such it is normal to man, as man, while in society on earth. It is no mere abnormality, no accidental necessity, arising solely from his fallen condition. This condition indeed enhances its necessity, while it gives rise to the imperfections in its actual structure and administration.

Its police functions and other provisions for the repression of evil-doers are so indispensable, that, in their absence, human society would be scarcely better than a pandemonium. Still, had man remained unfallen, in Paradisaic innocence, the state and its government would have been a necessity. Not otherwise can society put forth its collective energy for the common weal, as is necessary for a thousand purposes besides the restraint of the lawless and the punishment of criminals. Roadways and thoroughfares, the titles and boundaries of property, due provisions whereby all can harmoniously live together, each in the enjoyment of his own, without molestation, even undesigned, of or from others—these are needful in the purest communities, and require the legislative, executive, and judicial functions of government. Even the City of God is organized under the King of kings and Lord of lords.

Passing now from this very brief notice of the purely scientific side of political ethics, we can barely touch upon the fewest of its applications to some of the more urgent questions now agitating the public mind.

III. TAMPERING WITH THE MEASURE AND STANDARD OF VALUE—THE OBLIGATION OF CONTRACTS AND THE PUBLIC FAITH.

Thoughtful men see much cause of alarm in the apparent prevalence of the doctrine, not so much that the sovereignty of the state is the outgrowth of the sovereignty of the people, as that this popular sovereignty has for its province not only to establish and defend what is right by might, but to make that, which is in itself wrong, right by its might. This has been conspicuous in much of our dealings with the Indian tribes, and is apt to pervert much of the policy of stronger towards weaker nations, as well as individuals, in all ages and countries. Such injustice is nevertheless rarely perpetrated, except under some guise or pretext of justice, which technical and special pleading is always able to furnish.

Just at this time, however, the obvious tendency in this country is to cancel more or less of the obligations of the state to its creditors, and of all debtors to creditors, by tampering

with the very measure of value in which the meaning of all the money contracts of itself and its citizens is expressed. So far as this is done, the national faith is violated on no better ground than that might makes right. It does not differ from fulfilling a contract to pay for a thousand cords of wood at five dollars a cord, and then ordaining that a cord shall measure 148 instead of 128 feet, and that the contractor shall not be paid at the rate of five dollars the cord unless he makes that cord 148 feet. How does this differ in principle from so changing the value of the dollar meanwhile by the arbitrary fiat of the government that the five dollars which, according to the meaning and understanding of the parties at the time of making the contract, meant five gold dollars, or their equivalent, shall be paid in some baser metal or currency worth only four dollars and a half of the coin intended by the parties? Does it matter whether the measure thus stretched or clipped by sovereign might be the yard-stick or the dollar? And can any great nation stoop to such evasions of its own obligations or annulment of those between its people, or between themselves or foreign nations, without sinking that faith, honor, manhood, in which all true national strength and greatness have their being, and taking a long leap downward towards the rank of barbaric sovereignties?

The sacredness of contracts and the supreme duty of the government to see them executed, whether made by itself or its citizens, is recognized by that clause in our National Constitution which forbids any State to pass laws "impairing the obligation of contracts." Surely the nation ought to have no lower standard of morality for itself than it imposes upon the States. Nor do any pretend that it should. Morally, if the weaker is bound to fulfil its contracts, *à fortiori* is the stronger; and the great, if not only, reason why this restriction is not expressed in our National Constitution with reference to the General as well as the State governments is, that it is presupposed as paramount to and underlying the prohibition upon the latter. Possibly reference also may have been had to the fact that in the exigencies of war ordinary obligations yield for the time to that necessity which oversteps all ordinary laws. *Inter arma, leges silent.* This was the excuse for the Legal-tender Act passed during the war, compelling public and private creditors to

accept irredeemable promises to pay, for actual payment—a measure surely impairing the obligation of all contracts expressed in terms of money. It, however, seemed at the time a dire necessity. Yet we believe that in view of the immense financial and industrial derangement to which it has given rise; the glittering bubbles of speculative fortunes stimulating extravagant living; the fevered prosperity begetting subsequent unparalleled prostration; the pestilent brood of heresies in reference to money, finance, and fiscal legislation which it has begotten, and hoodwinked the nation with—it had been far better to have struggled through the war without it. It was deemed at the time a war measure, entirely abnormal and temporary, justified, like conscription into the army, only by the overbearing exigencies of the hour, and designed to terminate as soon as possible after the war, by the redemption of these notes, according to their terms, in coin, understood on all hands to be gold.

Now we propose to look at the monetary legislation which the majority of the people as represented in Congress has of late seemed to demand, with a passionate zeal, solely with reference to its ethical bearings. And these may very briefly be made to appear, not as novelties here first brought to light, but as truths which, up to our present financial epidemic, few in high places were ever found to ignore or dispute.

The great controlling principle on this subject is that, morally, contracts or promises are binding upon the promiser in the sense in which he believed that the promisee understood them, and meant that he should understand them, at the time of making them; unless through the promiser's fault, in the language or other signs of thought employed by him, the promisee might reasonably have understood them otherwise.

Now, can it be fairly questioned that the government and its agents meant and believed, and designed the purchasers of all its coin bonds to understand it to mean, bonds payable in gold, principal and interest? This was of necessity the case: (a) From the fact that silver had long been obsolete as money, except for small change, and that government had so long ceased to coin silver dollars, and from the first had coined so few, that no sufficient supply of them was in existence to

render it possible to pay interest or principal of the national debt with them. (b) From the fact that whenever in the language of the government or its officials, from the President of the United States, through all its fiscal agents, to the bankers employed to negotiate its loans, an equivalent word was used by them for coin, that equivalent word was always gold, so that they were never known, thought or spoken of otherwise than as gold-bearing bonds, and this without a breath of any hint of a contrary possibility from any officer or agent of the government. (c) From the further fact, also, that government has refused in its funding operations to accept from purchasers of new bonds any thing but gold, or to pay interest or principal of its matured bonds in any thing but gold coin. (d) Again, it has actually demonetized silver since 1873, while it has promised the resumption of coin payments of its hitherto irredeemable legal-tenders on January 1st, 1879. Payments in what coin? None but gold has been possible, or could be thought of, until the recent silver agitation. The only coin, therefore, in which bonds or other obligations, whether of government or individuals, could be conceived to be payable, after this act matures, must have been gold. Whatever, then, may be said about the circumstances of the sale of these bonds originally, such as that some of the first issues were bought at par in depreciated greenbacks, it cannot be denied that they have been bought and sold far and wide, and in vast quantities, on the faith of the government's twofold declaration embodied in its law, viz.: 1. That all money should be coin or its equivalent after the close of the present year. 2. That the only coin should be gold coin. Can the government annul these promises on which not only its own creditors, but all other creditors as well as debtors, have relied, by making, not a silver dollar of equal value with gold, but one worth nine tenths of a gold dollar, legal-tender for national and private obligations payable in gold, according to existing laws of the land? The question seems self-answering.

It is clear from Congressional votes, however, and other indications, that the restoration of depreciated silver coin is not the consummation which the great body of the so-called silver men aspire to. It is not the goal towards which they are mov-

ing, but rather a stage of progress and an accumulation of momentum in that direction. The great body of them strongly favor the repeal of the Specie Resumption Act, which means not a silver legal-tender dollar worth nine tenths of a gold dollar, but a greenback currency not redeemable even in this, depreciated, too, no one knows how much below it, but to an extent limited only by the will of a Congress having innumerable convenient projects for drafts on the public treasury, and representing a constituency fully imbued with a belief that it is the prerogative of Congress to make money plenty by keeping its engraving presses at work. Whither another career of such speculative inflation, paper fortunes, and revelry in the intoxication followed by the utter exhaustion proceeding from such a factitious stimulus, may go, can hardly be doubted. When it will end is less evident—probably not short of spreading its desolations beyond the present century.

Already the movements initiated for begetting doubt as to the purpose of the government to fulfil its promises, according to their true intent, as it believed and intended its creditors should understand them, has had the effect to impair its credit, to depreciate its bonds in the markets of the world, to send back scores of millions of them from the old countries, in exchange for the gold which the course of trade had been accumulating here for specie payments, while yet they will command this gold. This will probably be followed, if this policy continues and is carried out, by a still larger return of all kinds of American securities held abroad, to realize what they may in this country before a still more ruinous decline follows fast upon the decline of public credit, in the decay of which all private credit also dies out. This will abstract from this country the capital so greatly needed for the sustentation of labor, the revival of prostrate industries, and the restoration of business activity. These movements for unsettling the money standards are upsetting all financial and business standards, begetting distrust, and, so far from stimulating new enterprises, are casting uncertainty and depression over existing enterprises. They weaken that confidence in the government, in the future, between man and man, which is the very atmosphere in which all enterprise and business live and move

and have their being. Thus the little saved to the nation by even the proposed indirect scaling of its debts is a thousand times overbalanced in the weakening of its credit, the increased cost of all its loans, and the loss of power to make them in those great struggles when unshaken credit and power to borrow are essential to its strength, life, and glory.

The disastrous effects of such proceedings upon the private business of the country are sufficiently apparent, and will rapidly become more so. This is only an application to states and communities of the maxim that "the way of transgressors is hard." The ethical ground of the obligation to rectitude on the part of states and communities, as well as individuals, is itself sufficient and conclusive. But it is none the less so, in view of the terrible enforcement it receives from its disastrous consequences, justly visited upon evil-doers. The spirit of repudiation, so rife, like a leprosy in our land, is among the portents of the times.

All this, too, has a closer kinship with that Communism which, partly imported from Europe, and partly fostered here, showed its fangs and its venom in the riots of the railroad strike last summer, in a form and degree alike unexpected and appalling. The profound impression then made upon thoughtful minds, of the gripe which this monster may at any time put upon the veins and arteries, the very throat of the body-politic, and of the likelihood of more destructive outbreaks in future, is in danger of passing away quite too soon. The disposal of debts, public and private, by a total or partial repudiation of them on slender pretexts, is a part of the process of distributing among the masses the property due from States and municipal corporations to the creditors from whom they have borrowed.¹ The immense debts which are now crushing counties, towns, and especially cities, have been incurred by the votes of those

¹ The project, which bids fair to succeed, of reducing or removing the tax from whiskey and tobacco, and making up the loss by a tax on the incomes of those who have paid all other taxes, while many of them have been crushed by their excessive weight, looks in the same direction. It is stripping the thrifty and provident of a considerable part of the residue of their savings left after other oppressive taxation, to foster those worse than useless indulgences which have done more than all else to cause the present widespread impoverishment and destitution.

without property, who do not pay taxes, and who in this way seize, or enable the demagogues who lead them to seize, by taxation, the property of those who do. This has gone on until the rate of taxation necessary in many cities to meet current expenses, and pay interest on their debts, eats up a large share of the income of productive property, and amounts almost to the confiscation of that which is unproductive. Thus in New York City a tax of nearly three per cent on the hundred dollars leaves but about two per cent income on a five per cent investment. And first-class State stocks, taxable too, are easily placed at five per cent. Now, these enormous city debts have been accumulating even in the most wealthy and conservative sections of the country, and have arisen in extravagant and wasteful expenditures, sometimes for necessary improvements, sometimes for unnecessary jobs, but always at needless cost. Sometimes they have been taken in direct and systematic plunder. In almost all cases the funds of such cities have been consumed, not only upon necessary outlays, but in extravagant wages to voters "of the baser sort," paid at the instance of the demagogues, who thus secure their votes and make them their tools, while they themselves swell their gains by the rich contracts or large percentages which they can covertly procure. The more thoroughly this matter has been studied by competent men, the more certainly they have come to the conclusion that the evil admits of no remedy but that of giving, in some way, at least a veto power over expenditure and taxation in cities to the taxpayers. To this extent universal suffrage must be abridged in cities to save them from the peril of being swamped by the enormity of taxation in the mire of repudiation. That select commission of the choicest men of both political parties, appointed by Governor Tilden to devise a proper municipal government for New York City, came to the conclusion that no remedy for wasteful and ruinous public expenditure could be found but in municipal legislative organization, one branch of which is elected exclusively by taxpayers, and has a veto on all measures of expenditure and taxation. A constitutional amendment to secure this change is now in process of submission to the people. Dr. Woolsey repeatedly and emphatically insists on the necessity of some provision of this sort, to prevent the commu-

nistic spirit of the ignorant and vicious stratum of our cities from sooner or later bringing them to ruin by a communistic extravagance of taxation, which either destroys property or renders it valueless, as well as the business which underlies it, and which itself gives birth and being to cities. But he is evidently more impressed with the necessity of this remedy, than sanguine as to the prospect of gaining it; yet he shows very conclusively that there is no inherent right in any of exercising suffrage more than of holding office, and that the proper criterion for investiture with either is fitness for it; that there is no reason why minors and women should be excluded from voting, which does not apply much more to the dregs of our city populations, whether foreign or home born. What evil could arise from making ability to read and write, along with freedom at least from drunkenness, a requisite for the franchise? How would even this go far to reform civil service, and purify the stagnant pool of political corruption?

Very much of the evil referred to is accomplished through party organization, by which indeed most of the good as well as evil under our form of government is effected. Dr. Woolsey makes some sagacious observations as to the duties of the good citizen with reference to adhering to one or the other of two political parties. He does not believe much in third parties, unless in occasional and exceptional emergencies. In this we agree with him. He does not believe that the best men, however much exhorted to do so, are likely to attend caucuses very much, or that, if they do, they know how to handle them successfully. He thinks their influence more potent if, belonging to one of the two great parties, and ordinarily voting with it, they make it appear that they will refuse to vote for unworthy men or bad measures, by whomsoever commended. A few hundred, and especially a few thousand, men attached to both political parties, but movable from each in favor of good candidates and against bad ones, can unquestionably work wonders in purifying politics.

IV. STATE SCHOOLS AND RELIGION.

The morality of the state is closely implicated with its duties in respect to the education of its youth. How far

should the state be an educator? How far should it impart a moral and religious education? Should it require or permit the use of the Bible, or any kind of worship, or the inculcation of any moral or religious tenets, in its public schools? These are among the vexed questions of our day, both in this country and England. They did not become serious here till a large infusion of Roman Catholic people, coming among us, became restive under the simplest non-sectarian religious exercises in the public schools—while they refuse to be comforted if the schools are completely secularized, and cleared of every thing religious. They claim, by no means to their discredit, that such schools, being Godless and Christless, do not adequately educate their children.

Various modes of solving this problem have been proposed, some of which are in their nature impracticable. One of these, if correct, is a short cut towards a conclusion of the whole matter. It is, that the reading of the Bible, and any form of prayer or singing of hymns, in the schools organized and supported by the state, makes the state a teacher of this particular sort of religion, in derogation of any different sort. This is claimed to be in violation of those provisions of our National and State constitutions which forbid the passing of any "law respecting an establishment of religion, or prohibiting the free exercise thereof," or favoring any sect or sects beyond others. Now it is beyond question that it is contrary to the letter and spirit of our National and nearly all State constitutions, the genius of our institutions, and the spirit of our people, that any favor should be shown by the state to any religious denomination, beyond affording it the legal protection given to all.

But this was not construed to mean, before the vast Catholic immigration hither, that the Bible, which is the foundation of all Christian sects, could not be read in public schools, or that they might not be opened with prayer, or that the children might not be taught the moral or even simple Christian virtues. Nor has it ever been construed to mean that Congress, the army and navy, the military and naval schools of the nation, or the prisons, reformatories, insane asylums, of the States, should not have chaplains, and these accredited ministers of some Christian denomination; or that their legislatures and

courts might not be opened with prayer. But this has not been understood to import any union of church and state, or espousal or support of any religious denomination by the state. It is simply saying that those who enter the service or become wards of the state, have, like other men, immortal natures, and that they shall not, because under the control of the state, be robbed of the proper aliment of immortal beings.

We do not see that the constitutions, State and National, which forbid church and state, and religious establishments in every form, have thereby forbidden any such recognition of God and his holy Word by the nation or States as is the very basis of all forms of Christianity, and disowned only by atheists and infidels. We are not now saying, nor do we here contend, that our political system, as embodied in written or unwritten constitutions, does in any of our States expressly require such religious exercises in the educational, civil, military, or naval departments of the State. But we maintain that it does not exclude or prohibit them.

And this seems to us indisputable, because they have been construed not to be prohibitory of religious and Christian exercises, to this extent, in these educational and other spheres exclusively instituted, sustained, and controlled by the state. They were not at first so understood and applied judicially or otherwise, nor have they been since so understood and applied in the ongongings of the national life. The non-sectarian and anti-church-and-state articles of our political constitutions found these moral, religious, and Christian observances in being in institutions exclusively created and controlled by the state. They were not understood on any side to disturb or interfere with or render improper these exercises, or furnish a ground for their exclusion. This was especially true of simple religious exercises in public schools supported and controlled by the state. Wherever the decided majority of the people has desired or consented to these exercises in the public schools, there has been scarcely a thought or suggestion, prior to some recent controversies, of its being expressly or impliedly forbidden by the anti-church-and-state and non-sectarian principles of our political system. But the continuous judicial and prevalent historical interpretation of any constitutional provision is its

true meaning, as adopted by the nation. The conclusion, therefore, is, that in districts where the decided majority of the people desire the opening of the public schools with prayer and the reading of the Scriptures, no principle of our Constitution or political system, rightly understood, forbids it. Any other ground, consistently followed out, would consign our army, navy, with their training-schools, also our prisons, reformatories, and asylums, to an atheistic régime, "without God in the world."

And if there be no serious trouble, as there rarely has been, or will be, where there are no, or but comparatively few, Romanists, there is every advantage, with reference to the very ends which the state aims at in the maintenance of public schools, in keeping before the children the sense of God and their obligations to him, as set forth in his own Word. The end of the school as a state institution is to prepare its growing youths to be good citizens. It is what none presume to question, that virtue and morality, beyond all mere rudiments of knowledge, which any common-school can give without them, make men good citizens and safe voters. Nor can it be questioned that the sense of God and accountability to him, impressed in worship even the simplest, and the reading of his Word, if it be only the Decalogue, or the Sermon on the Mount, is of inestimable value in deepening all moral convictions and impressions, and invigorating the conscience, the great witness for God, truth, and righteousness in the soul. Nor is it enough to say that all such impressions and convictions are more effectually wrought elsewhere, at the home, the church, and Sunday-school. In these things men, and especially children, need constant iteration, line upon line, precept upon precept, here a little and there a little.

Not only so; but large numbers of children receive no proper moral or religious instruction elsewhere. Even the very rudiments of religion are of moment here. It has been well said that he who knows the first verse of Scripture, "In the beginning God created the heavens and the earth," knows more than Plato or Aristotle. The Constitution of Massachusetts pronounces it the duty of teachers of schools to impress on the minds of youth "the principles of piety and justice, and a

sacred regard for truth; love of their country, humanity, and universal benevolence; chastity, moderation, and temperance; and those other virtues which are the ornament of human society and the basis upon which a republican constitution is founded; and it shall be the duty of such instructors to endeavor to lead their pupils, as their ages and capacities shall admit, into a clear understanding of the above-mentioned virtues; to preserve and secure the blessings of liberty, as well as to promote their future happiness; and also to point out to them the evil tendency of the opposite vices.”¹ So the Bill of Rights of the State of Ohio declares: “Religion, morality, and knowledge, however, being essential to good government, it shall be the duty of the General Assembly to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools and the means of instruction.”² Indeed, what in comparison with this is all mere rudimentary education if isolated from it? Is not the argument against any recognition of the Bible and the God of the Bible, equally good against any recognition, if not of nature, certainly of the God of nature, or that

“The spangled heavens, a shining frame,
Their Great Original proclaim”?

And has it come to this, that our public schools are to disown the very name of God, and sink into the mire of atheism, because otherwise the believers in Christianity or deism will have some advantage over the atheist, whose convictions against religion are equally to be respected with those of religionists? But we must stop somewhere. We must take something as so evident and ultimate that it is presupposed as the condition of all union of men for social and educational purposes. And if there be any thing of this sort, is it not the being of God? Says Dr. Woolsey (vol. i., p. 230), “Is not the atheist wronged by a system of morals resting on the doctrine of a holy and merciful God? But there must be some ultimate truth admitted, and *de minimis non curat lex*.”

¹ “The Bible in Public Schools,” p. 325.

² *Id.*, p. 358.

But if we come to ignore God in our public schools, we can scarcely, in logical consistency, end there. Are there not those who disbelieve in any proper moral obligation, or that there is any such thing as virtue beyond devotion to mere self-interest, pleasure, and avoidance of pain? whose creed is that of mere Epicurean materialism, "Let us eat and drink, for to-morrow we die"? whose convictions are therefore violated by any inculcation of morality, or any appeal to the moral natures of their children? But how shall any school be conducted and properly governed in which there can be no appeal to the conscience, or standards of right and wrong; and no insisting on veracity, fidelity, honesty, purity, kindness, or avoidance of the contrary sins? And what is a school in which there can be no recognition and inculcation of the moral virtues, or enforcement of them by reference to an all-seeing and righteous God, but a seminary of—shall we say what?

Yet it seems to us that, if inexorable logic compels us to expel the Bible and non-sectarian exercises of religion and worship from public schools, in order to avoid taking any advantage over those whose beliefs are anti-Christian or anti-religious, they constrain us to go this length.¹ But when our logical deductions

¹ A highly respectable criticism of Dr. Woolsey's work, in the *N. Y. Evening Post* of February 14th, objects to his founding the state's right to punish crime upon its ill-desert, that this is a theological tenet, and is taking the state beyond its sphere to adjudicate theological questions for its people—precisely the argument of those who would banish the Bible from public schools because the state thus takes sides between opposing religionists. Unless accompanied by the doctrine that "this is not a world of retribution," the critic claims that we "cannot keep the theory [that the proper ground of punishment by the state is the ill-desert of crime] from leading directly to the doctrine that the state is all that any church ever pretended to be; that it is empowered to prescribe by positive enactment religious and moral conduct—to decide, that is to say, what is and what is not morally wrong in conduct." . . . Strictly, political science would say that if the state has a right to exist as a state and for state purposes, it has a right to protect itself and to fulfil its functions; because the right to exist, as against all other existences, is simply the right to preserve itself from destruction by the use of necessary means of self-defence. If the right to establish a state is granted to men, if states have a right to be states, it may be safely asserted, and that without resorting to the Machiavellian theory that all means to an end are justifiable, that they have a right to do all acts which are necessary to their preservation, and more especially when the only possible adverse right invaded in doing those acts is that of a person whose conduct is inimical to the

from some single principle push us to such extremes as to minimize the moral element in education or something worse, is it not time to inquire if there be not some flaw in the chain of deduction, or some oversight of accompanying or qualifying truths, which must be allowed weight? Some say, follow your logic remorselessly, if it hurls you "down Niagara." But is it not wiser to pause and consider whether there may not have been some misapplication or perversion of your logic, that it should keep you to that single current that will carry you down hopelessly into the "hell of waters"? Better than keep to this single current, find the place where "two seas meet," and bring us to a safe shore, even if it be on the broken planks and timbers of our stranded ship. The one drift is that of non-sectarianism in state education; the other is that of our proper humanity, whereby, besides being animals, we have a rational, moral, and accountable nature. This cannot be overlooked or ignored in any mode of education, public or private, fitted for human beings. Some men may dehumanize themselves; the fool may say in his heart there is no God; but is that a reason for the state's adopting a method of education for its children which discards or ignores the crown of their humanity? For so is man made in the image of, even in bonds to his Maker, that it has been most aptly said, that "as a dog is in a state of unrest

well-being of a state from which he has received protection. Dr. Woolsey's difficulty in accepting this as a sufficient foundation for the punitive power of the state grows directly out of his theological conception of the state's origin, function, and authority. He constantly treats the state as in some sense a divine institution, set up by men in obedience to a divine prompting, and for the execution of certain divine purposes; he nowhere says precisely this, but this is manifestly his point of view."

According to this, any moral judgment with corresponding action on the part of the state, or in its educational institutions, is a usurpation of theological and church functions, and trenches upon the equality of all religions and moral systems before the law. Such are the consequences, it seems to us, to which the complete secularization of schools, in order to keep them non-sectarian, runs—not very far from running into the ground. The fallacy of some arguments is best shown by the *reductio ad absurdum*. The only justification left, on this view, for punishment is expediency, whether it be just or not. This is the alternative to the infliction of punishment on the ground of ill-desert, which is rejected as *theological*! And is this the grand reformation in teaching and administration, coveted for our public schools?

without his master, so is man in a state of unrest without his God."

It is noteworthy, too, that the state does not hesitate to punish certain offences against God and religion. Blasphemy, perjury, violation of burial-places, sacrilege, sorcery, witchcraft, religious imposture, Sabbath-breaking, are noted by Dr. Woolsey as in this category. However we may adroitly reason that this is done because they are offences against social order rather than religion, it is impossible to question his concluding comment: "On the whole, while laws against irreligious acts notice them in part on account of their human evils, I cannot help finding in them another element, proceeding from religious feelings themselves, from reverence for the Divine Being irrespective of their injury to human society. Man, in his legislation, cannot get rid of his sentiments; even in the later attempts at legislation, when the limits are more exactly drawn between that which is injurious to society in some specific way, and that which is sinful, the sentiment will assert its right in defining crime [or enhancing punishment." (Vol. ii., p. 513.) And if the state cannot avoid some proper regard to the religious sentiment, in its legislation which defines and punishes crimes against God and religion, can it avoid recognition of these things when such crimes come into view in the school?

Thus we have considered the subject so far as to find that the non-sectarian and non-religious establishment part of our political system does not exclude the Bible and worship, in the non-sectarian use of them, from our public schools; and that when the decided majority of the people favor the introduction of the simplest elements of religion as before mentioned, there is every advantage in doing it, and great evil in not doing it. Meanwhile we must not omit to say, first, last, and always, that all religious exercises should be so timed in the school as to give the fullest opportunity for those children whose parents desire it, to be absent from the religious and present at other exercises of the school.

The gravamen of the question, however, not as to principles, but the application of principles, yet remains to be considered. It is admitted that our political constitution, while it does not forbid, does not require the use of the Bible in the

public schools, although the history and genius of our institutions are more in harmony with such use than otherwise. This has been the prevailing usage in our country, except so far as it has recently yielded to the demand of the Roman Catholics, Jews, and infidels, where they are sufficiently numerous to make themselves felt with power. Here great difficulties and serious conflicts have arisen, often with the result of thrusting out from our public schools the Word and worship of God, which had the prescriptive right of possession and established usage. It is to be said withal—and this satisfies many minds—that, by coming among us who are historically a Christian and Protestant nation, Jews, Romanists, and infidels consent to take us and our institutions as they find us. If not content with this, they could have gone elsewhere. The Irish Catholic could have gone to Rome and found what could have been done for him there. All this is doubtless in a sense true. But inasmuch as we have encouraged this immense immigration of foreign Catholics and others, and have been in haste to confer the rights of citizenship and suffrage upon them, and so to make them a tremendous power in the politics and government of country, national, State, municipal, and, above all, in the school district or society; and inasmuch as we support these schools by taxation of all the property-holders, Catholics included, it is idle to say that they have not become a power that can neither be ignored nor disregarded. If we conceive the relative positions of the parties to be reversed—that the Catholics had been historically before us, and had conducted the public schools after their own religious system—we should probably feel that we ought to have some voice, if we were taxed to support them, as to whether they should be continued on a basis so obnoxious to us. In towns and cities in which they are in a majority or large minority at the polls, they cannot be ignored, and will make themselves felt. They are opposed to the public schools, because they object that without any religious exercises they are godless, and unfit for the proper teaching and training of children, which ought to be not merely secular, but religious also. And they consider the mere reading of the Protestant Bible, which they regard as incorrect in its translation, or of any Bible without exposition by com-

petent religious teachers of their own church, as wholly misleading, and injurious to the religious welfare of their children. They, of course, demand the exclusion of Protestant religious worship and Bible-reading, even though it be only the Ten Commandments, the Sermon on the Mount, the Lord's Prayer, and this in Douay as well as Protestant version. In short, the one thing that they want, and insist will alone satisfy them, is, that they be permitted to receive their portion of the public-school moneys, and apply it to their own denominational schools. Besides fear of improper religious teaching, they profess to fear the free association of their own with Protestant children. As their children are proportionally much more numerous, and their property less than those of Protestants, the result of this would be the taxation of Protestants on a large scale to teach children Romanism—not merely what principles are common to Christian bodies, but full-fledged, distinctive Romanism. Of two things, however, we may be certain: first, that the state will never support denominational schools by taxation; next, it will maintain its common-schools on a footing which makes them fairly available to all who do not exclude themselves by insisting on unreasonable conditions of accepting their privileges. To sustain denominational schools with state funds collected by taxation of all, is undoubtedly to trench upon the non-sectarian principles of our political system. It tends to the permanent social and political division and isolation of our people from each other in mutual distrust, by lines of sectarian demarcation. It would sustain by state support multitudes of schools too small to command competent teachers. Every way, if this system were to be adopted, the public-school system were as well abolished, and the education of the people remanded wholly to themselves and their respective religious organizations.

The true solution of the problem presented by this antagonism of large numbers of Catholics, not exactly to any prayer or Scripture-reading in the schools, but to any except in their own peculiar way, is not, in our opinion, unless in very exceptional cases, to banish the Bible from these schools; but to fix a brief time before the commencement of regular school work, for these simple exercises, which none are required to attend whose

parents do not desire it. This, too, not only because of the direct profit of such exercises, but because the banishment of the Protestant Bible from its historic place of honor in education is, in appearance at least, symbolical of its declining hold of the people. But we would also arrange school hours and recesses during the week so as to afford opportunity to all religious denominations to give such instruction in religion to their children as they may desire. Who then could complain?

There is force, if not absolute conclusiveness, in the argument that we are historically a Christian and Protestant people, with a correspondent Christian but unsectarian civilization, and with institutions, manners, and usages which are its normal outgrowth. These have been found in established possession here by those of other faiths or no faith who have since cast their lot among us, and by doing so have taken us as they find us. We do not say that this establishes them irrevocably against all change of circumstances, and of the elements of our population. But we do say that it establishes a strong presumptive and prescriptive right, which holds its own till decisive reasons appear for dislodging it. There is a sense in which we are historically a Christian, and in a less degree Protestant, nation; not, indeed, by any declaration of our organic constitutions, but by the actual belief and adoption of the rites of Christianity on the part of the great mass of the people, as seen on the solemn occasions of life and of death. The Christian rites at nearly all weddings and burials, the public fasts and thanksgivings proclaimed by our chief magistrates and observed by the people, the Bibles, sanctuaries, and Sabbaths cherished by them, proclaim that in substance, life, faith, manners, not without great drawbacks indeed, but still, as compared with being an atheistic, infidel, heathen, we are a Christian, and both predominantly and historically, a Protestant nation; but a nation that gives equal rights and privileges to every religion that does not, under that holy name, invade the peace, purity, and order of society by its crimes or orgies.

We must notice, in conclusion, the fact that an increasing number of Christian people, including some of the most eminent laymen and ministers of our church, are beginning to avow the opinion that the co-education in the same schools of all the

children of Protestants, Catholics, Jews, and infidels is so important in order to the social and political unity of the people hereafter, and to prevent the formation of permanent separate clans, divided by enduring religious antipathies, that they are ready to surrender the use of the Bible in the public schools when necessary in the interest of this co-education. Whether such a sacrifice would secure the attendance of Catholic children at our public schools, and away from their own church schools, is not evident. It is supposed, however, that it might remove one plausible pretext for non-attendance.¹

It is quite evident that such colorless non-religious education can only be the most rudimental; that which gives the forms and instruments for acquiring knowledge, more than any content of knowledge of actual being, under these forms—spelling, reading, writing, arithmetic. These give the means of acquiring knowledge, but not *per se* any facts, doctrines, or principles. Yet, how is it possible to learn the history of Christendom, or any part of it, especially our own country, and ignore the religious forces and forms of Christianity that have been so potent in shaping this history? The secularizing of the public schools must confine them, as they should be confined on other grounds, to the most elementary instruction. Hence a proper state university for advanced education becomes an impossibility, not only as being unable on religious grounds to teach history, but

¹ Dr. Woolsey sums up, as we suppose, the views of the class just referred to, in the following language :

“If . . . the number of complainers is great, I would without hesitation advise the giving up of the Scriptures as a reading book for the sake of peace, and the more readily because it will always be read in a perfunctory, unintelligent way. But further than this we ought not to go. The state ought to do nothing to break up the communities into factions with different educations; its object is to produce unity and common feeling everywhere. If separate schools were allowed for the Catholics, Protestant sects would follow, and we should have strictly sectarian education, the evils of which would spread far and wide over society. If, again, the Catholics would be content with having their children allowed to be absent from reading of the Bible, or from school prayers, or if their priests should wish to have a time given during the week, at the school, for religious instruction, I do not see how any serious objection could be offered. In regard to the main question, it seems certain that neither sectarian schools will be paid for by the money of the state, nor that the system of common-schools will be given up.” (Vol. ii., p. 412.)

also from a like logic of sects almost as stringently debarred from teaching science. Says Dr. Woolsey (vol. ii., p. 408), "What right has the state to permit a man to teach a doctrine of the solar system which rests on atheism, if theism and revelation must be banished from the scholastic halls. Why permit evolution to be publicly professed more than predestination?"

LYMAN H. ATWATER.