



THE SUNSET CLUB

1893-94

SIXTY-THIRD MEETING.

NOVEMBER 23, 1893.

TWO HUNDRED AND EIGHT PRESENT.

SUBJECT:

THE TYRANNY OF PUBLIC OPINION.

Chairman: MR. EDWARD O. BROWN.

ADDRESS BY :

REV. DR. H. W. THOMAS.

GENERAL DISCUSSION BY:

Mr. David J. Wile,
Mr. George Braham,
Mr. Joseph R. Mann,
Mr. Z. S. Holbrook,
Mr. Julius Stern,
Mr. Edgar A. Bancroft,
Mr. John Z. White,

Col. A. M. Woolfolk,
Dr. Joseph Zeisler,
Mr. Azel F. Hatch,
Mr. C. S. Darrow,
Mr. S. S. Gregory,
Prof. Edward W. Bemis,
Mr. Leon Hornstein.

The Sunset Club

Sixty-third Meeting, held at the Grand Pacific, Thursday, November 23, 1893.
Two Hundred and Eight present.

The secretary introduced as the chairman of the evening MR. EDWARD O. BROWN, who said:

Fellow Members of the Sunset Club:

Although this is the first time that I have ever been called upon to preside at one of our meetings, I have so often watched the chairman from the floor that I feel perfectly familiar with his duties. These consist, as I understand it, of a very short speech at the beginning of the exercises, in which he is rigorously to guard himself against expressing any opinion, or taking either side of the question under discussion; the presentation to the club of the two speakers appointed for the evening; the recognition thereafter of such fortunate members of the club as happen to catch his eye, and with whose names he is acquainted; the summary squelching of such members if they transcend the time allotted to them by the rules; and then the announcement of an adjournment; and I shall cling very closely to this program.



My duty in abstaining from taking either side of the question under discussion is rendered easy to me, notwithstanding my usually somewhat controversial tendency, by the fact that despite the notice which, like every other member of the club, I received, I am ignorant at this moment of what the subject under discussion is.

The notice informed me that the subject to be considered this evening is:

“THE TYRANNY OF PUBLIC OPINION.”

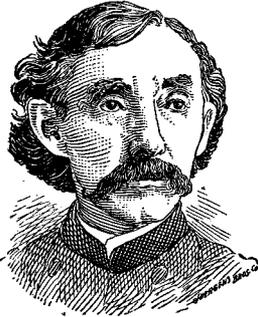
But how you gentlemen are going to divide yourselves into two opposing camps, as is the immemorial custom of this club; whether some of you are going to argue that public opinion is tyrannous, and some of you that it is not; some of you that it is a beneficent guide, and some of you that it is a malevolent force, I do not know. Coleridge, I think, says somewhere that the old proverb, “*Vox populi vox dei*,” should be changed in its last word sometimes, and that it should read “*vox populi vox diaboli*.” It may be that some of you are of that opinion; or it may be that some of you are going to urge strenuously that we ought to be willing and obedient subjects of this ruler, that the very statement of the theme assumes to be tyrannous; and others that we always ought to be in a state of chronic revolt against it. It must be fate and not myself that decides the course of discussion on these points.

But there is a phase of the matter back of all this that I hope will be elucidated. What is public opinion, anyhow? Who forms it? Who can truly interpret the scattered forms of prejudice and sentiment and indefinite aspirations among millions of people and have the right to say that this or that is public

opinion? Is there any such thing that really exists; or is it the figment of the editors of newspapers—a mere phantom like one of the genii of the eastern fairy tales, to be loosed by him who knows the spell and then returned to close imprisonment until it is needed again; or it is an irresistible force, in opposition to which no attempt to change or reform can succeed, and in union with which no experiment however hazardous can fail? And if it be this true and righteous force, is it expressed through those who most loudly proclaim that they are its exponents, or are they frequently self-constituted and unauthorized heralds?

Roscoe Conkling said once that "a dozen grasshoppers under a tree often made more noise than the cattle grazing on a thousand hills." I do not know but that the use of that quotation comes perilously near expressing an opinion, and I think I shall bring these introductory remarks to an abrupt close, and present to you the first speaker of the evening, the REV. DR. H. W. THOMAS, of Chicago.

REV. DR. THOMAS: I, too, am ignorant of the general direction that this discussion, if such it is to be called, is to take, and had expected not to make the opening remarks, but to follow one whose words would probably outline the general thoughts that were to be considered. That speaker has not yet arrived, and hence I will fill in part of the time, at least, until he comes; and in trying to do this it seems wisest to open in some preparatory way, as best I can, here upon my feet—for I have no prepared words—for a fair consideration of the whole question, and it certainly is a very important question—that of public opinion.



What is an opinion? In law we may say it has the weight of a legal decision; but as we understand it, in its popular sense, public opinion is something more than a mere impression, and it is something less than positive knowledge. And hence, it has all this range between the more-than-a-mere-impression, and the less-than-positive-knowledge. It may be lo-

cated along the line by degrees of evidence, and all along the way it is marked with more or less sentiment. Hence, public opinion, and public sentiment as a result of opinion, travel along side by side.

Now, what is tyranny? What is a tyrant? One who rules arbitrarily; who is expected to give no reason for what he does, and has no definite principle, perhaps, by which he acts. He is responsible only to himself and does not hold himself to responsibility. He is arbitrarily willful. That is a tyrant. And this tyrannical disposition may go to excess even in cases that are right, as well as where there is no right.

How are we to so apply this idea of tyranny to public opinion—for public opinion is only the result of a number of individuals having the same, or generally the same, opinion, that makes it public, gives it the weight, we will say, of public thinking—how are we, I say, to apply this idea of arbitrary willfulness to public opinion so as to say that it is a tyranny?

And it may not be the easiest question to answer, as I am turning it over in my own thoughts, and the answer probably would be determined somewhat by individual standpoints, and by individual impressions; or the opinion of the individual would come into this question whether public opinion is or is not tyrannical. Where shall we find rules for determining whether it is or is not tyrannical? For we have to take it up out of individual applications. It seems to me that one such criterion might be something like this—it is difficult to formulate a rule without some time to meditate upon it—but if we can know what is right, what ought to be, ought to be because it is right, and right because it ought to be, and in the constitution of things can be only in that way, as an essential principle, then we ought at once to be free to say that no public opinion can be called tyrannical, if that public opinion be the expression of the necessary, the eternal right. You must weigh that over and see if it hangs together rightly; but I see it myself, whether I have made you see it or not.

Now, it is all very well, after supper, or before supper, in a good humor, or

in a bad humor, to talk about this much boasted something of human freedom, of human liberty, and there is a wonderful latitude for this if you make freedom to consist in the right to try to do what you want to do. We all have a chance to try to do that, but when you come to ask the deeper question, what are we free to do, you will find it is possible to succeed in any high sense only in one way; and that is only another form of saying that there is only one right way, and that is to say again that this universe is not a chance; it is not an accident; it is not fortuitous; it is the expression of eternal and hence necessary principles. These come out in the laws of nature. We may say that they are thinkable as being some other way, but we find that they are necessary in this, that they are always one way, and not another, and we go into the realm of the axiomatic, into the realm of pure reason, of mathematics, of logic, there the necessary is, and there the necessary God is, and is one way because He cannot be another.

And the same is true in the realm of right. Certain things are right; they are not right because God says they are right; He says they are right because they are right, and He cannot say anything else.

Now, is it a tyranny over matter when matter is imbued with certain laws; when planets are confined to orbits, and crystals to certain forms, upon whose accuracy you would hang a man, as lawyers, upon their evidence in court? Is it a tyranny? I suppose the staves of a barrel might complain of the tyranny of the hoops because they won't let them out. And then the head might complain of the tyranny of the staves because they won't let the head get out. But how are you going to have a barrel unless you have this tyranny—if you call it thus. You have got to have the hoops to hold the staves, or you have no barrel.

How are you going to have a solar system, and beyond this system other systems, and systems of systems, the Pleiades and Sirius shining now in our southeastern sky, without order? We know that our earth will complete its orbit round the sun by the first of January, and that we shall stand just where we stood three hundred and sixty-five days before. But the earth is not going where it pleases. Or if it did please, or had that liberty, it would go precisely in the same orbit, for that is the order of the material universe.

Now have you got at what I am trying to get at—and I beg pardon for this wandering way of talking—you can always find something to say when the other man has said something—I say that it ought not to be accounted a tyranny that any man is required by the constitution of his being or of the universe to be right, and to do right. And it ought not to be accounted a tyranny if he is kept from hurting other people or interfering with their rights. For there is a moral order just as certainly as there is a material order. And any public opinion and all public opinion that expresses the right—I don't mean conventional morals—that takes a position expressing the right from other than the standpoint of the essential morals—the eternal right—that public opinion is not a tyranny upon any one that wants to do right. Do you see that?

Now where is the tyranny of public opinion? Do any of us feel it? Does any man feel that the fifth commandment is a tyranny: "Honor thy father and thy mother?" Does any man feel that the sixth commandment is a tyranny: "Thou shalt not kill?" I won't say anything about the seventh here. Is it a tyranny when it is said: "Thou shalt not steal?" Is it a tyranny when it is said: "Thou shalt not bear false witness?" If it is, it is in the attitude of the mind toward the commandment.

Now, public opinion always says one thing. You cannot conceive in the nature of things that there could be a Bible that would reverse the Decalogue. You might just as well conceive of reversing the order of the universe; of the reversal of the necessary laws of mathematics, or of art, or of beauty. It is tyranny only if one wants to set himself up against the eternal order. He can have his own existence only because of that order.

When a thing is created it becomes one thing and cannot be another; and it has to take its place in relation to all others, and it cannot be out of relation. Hence the moral order is tyrannous if you will; it is necessary, it is eternal; I care not how you phrase it. It is that which is and cannot but be, and it ought not to be a tyranny if that is imposed upon us; and it is not a tyranny to any mind to

be true and right, to love good and order, when that mind is in harmony with the infinite.

Now, of course I can see where public opinion may tyrannize in instances, where it is local or sectional, where it is carried to an extreme in religion or in other things. The point I make is that just in so far as public opinion expresses the public right, the public consciousness of right, just in so far it is not a tyranny on those who want to be and do right. I would like if there were another word here instead of tyranny. The imperativeness of public opinion—not the imperiousness, for that might seem like exultation in it—the imperativeness of public opinion that compels it to be on the side of right.

I want to say before sitting down that public opinion is the most searching, penetrating thing there is, and all our public laws, our courts, everything, get their support and strength from public opinion, and we want to purify and strengthen public opinion on all the great moral and social questions, the question of temperance, the question of social purity, the questions of law and order, the questions of liberty, the question of the rights of the people; for when public opinion is healthy the community in which the public opinion lives is strong and growing.

GENERAL DISCUSSION.

MR. DAVID J. WILE: In the question of right or wrong it can be of little importance that a few men, or a multitude constituting a majority, are of one mind. In every age and in every country supple or insane majorities have been found to sanction injustice. Even unanimity itself is commanding only when it is the result of digested and organic public opinion, and even then we know perfectly well that it may be erroneous, and nothing more than the best opinion at which erring men at the time are able to arrive. In all cases in which vast or important action takes place by masses impelled by so-called public opinion, error is as frequently the basis as truth. Panic, fanaticism, lust of gain, and hatred of races, have been some of its distinguishing characteristics. Great truths always dwell a long time with small minorities. They often rise above the masses and do not follow them. "*Vox populi vox dei*," with its poetic boldness and epigrammatic finish, its apparent connection of a patriotic love of the people with religious fervor, seems to have an almost sacred authority. Yet there are unquestionably thousands among us who would find their religious convictions much bewildered were they compelled to believe that it was the voice of God that spoke through the ballot boxes manipulated by our political bosses, and that the voice of the Deity required a thousand disreputable intrigues among men to give it utterance. Public clamor is one thing; public opinion is another. Public opinion is a power, not a force. Public opinion is the gunpowder, not the projectile. The populace, under the forms of law, smiled upon the persecution of Galileo; it stood at the stake of Servetus and Latimer; it administered the hemlock to Socrates; "And the chief priests and the rulers and all the people cried all at once: 'Crucify him! crucify him!'" If it was public opinion that demanded the sway of the guillotine during the first French revolution, what was it in the same country in 1848 that demanded the abolition of all punishment of death for political offences? Which was right? False public opinion has believed in slavery, in a multitude of gods, in ghosts, and in oracles; it has believed that the earth was flat, and that the sun moved; that the stars influenced the characters of individuals, and that the security of the state required that the masses should be ground down; that indicted persons should be tortured if they would not otherwise confess; that persons accused of witchcraft ought not, "on account of the heinousness of their crimes," to have that protection accorded to other indicted persons. These errors, causing commotion and bloodshed, have emphasized the tyranny of public opinion.

Above, and not below in the footprints of a tramping multitude of men, are to be found the sacred rules of right which no mere majority, nor so called public opinion, can displace or overturn.

I think it was Pope who said:

"Find if you can in what you cannot change
Manners with fortunes, humors turn with climes;
Tenets with books and principles with times."

COL. A. M. WOOLFOLK: As there seems to be a lull, I will just make a suggestion.

Public opinion, as I understand it, is simply the matured opinion of one man multiplied by millions. That gives us public opinion. I think, sir, as a rule the opinion of the people is more apt to be correct than the opinion of any one individual. But this discussion may take a practical turn by applying to public opinion in our own country, especially with reference to politics. Now, my opinion, sir, is that public opinion is about right. I think that the changes which occur in public opinion, while sometimes they appear capricious, are really, as a rule, changes resulting from changed conditions. For instance, three years ago we saw the McKinley bill overwhelmed by public opinion; we saw the exponents of McKinleyism from one end of this country to the other virtually banished from public position; we saw McKinley himself defeated for congress; we looked about and we said: "The McKinley bill is dead." And yet they tell me we have had another election recently—some of you gentlemen may happen to know that—

THE CHAIRMAN: The chair is fully aware of it.

COL. WOOLFOLK: As I was going to remark, sir, we had an election at the beginning of the month in Ohio, and we found that same McKinley who had been defeated for congress three years ago elected to the office of the chief executive of Ohio by a majority almost unprecedented, certainly unequaled in the past thirty years. Now he is the hero of the hour, and he is pointed to as the king that is to come hereafter.

Now, sir, what is the matter with this public opinion? Does this election in Ohio mean that the people of the United States have a different opinion upon the tariff question from that which they expressed at the polls three years ago; does it mean that they believe a protective tariff is less objectionable than it was three years ago; does it mean that they think Mr. McKinley himself a better man than they did three years ago? I do not think so. I think that the defeat of McKinley three years ago has not been reversed by the election of one month ago. It simply means that a different question has been presented. That is what this change from the martyr's crown of three years ago to the crown of laurels to-day means. That election simply meant that the people were protesting, not against any change in the McKinley bill, but against the existing uncertainty in reference to tariff legislation. It meant that the people preferred the McKinley bill to the existing uncertainty, which paralyzes the industries of the country, which silences the looms, which shuts up factories, which stops labor, which causes a complete prostration until the womb of the future shall give us another tariff measure to take the place of the McKinley bill. I think that that is what this election means; and I do not know but that we may truthfully say that the public is right. That it is better to have the certainty of the McKinley bill than the uncertainty which prevails. In other words, give us free trade if you will, but let it be definite, certain, so that the industries of the country can accommodate themselves to it. But whatever we do, let us, in the name of all that is practical and sensible, do away with the existing uncertainty.

MR. GEORGE BRAHAM: I find to-night that public opinion has a dual capacity; it may be right from a Republican standpoint, and it may be right from a Democratic standpoint. Now, I fail to see how either party forms any part of public opinion. If they did there would be two parties always right, and the result might be that we would have democratic rule only. Now, I do not think that public opinion is a tyrant; I will not confess it—I might if I was a Catholic, but by accident I happen to be born otherwise—because I do not believe that public opinion could move me an inch.

Sometimes people say that the press molds public opinion. Now, let us see; there is a gentleman who sits in a room two by four, with a cob pipe in his mouth, and he forms public opinion. If he is public opinion, again I say he does not move me. If a newspaper says what the public likes it gets patronage, and if it does not it fails; that is all there is of it.

Who is afraid of public opinion? Not the honest man nor the man who does not want an office, but the politicians and the thieves; they do not like public opin-

ion because it often deprives them of the necessary votes on election day; the chairman knew there was an election lately.

Now, the doctor referred to the Decalogue and the commandment: "Honor thy father and thy mother." Now, I will tell you why public opinion is with that commandment. Because it is the only commandment that holds out a promise, "that thy days may be long in the land," and nobody wants to die, and therefore they honor their parents.

DR. JOSEPH ZEISLER: I had no idea of standing here to-night and saying one word upon a question in regard to which I felt that men deeply interested in public affairs were to speak. It seems, however, that our usually eloquent speakers are silent. They are probably waiting for some one to speak in order that they may have an opportunity to spring on them afterwards and rend them to pieces. Now, I am very willing to be a victim. It seems to me, gentlemen, that the discussion thus far is crawling around our subject like a cat around a hot pot. No one seems to dare approach that phase of the subject which is uppermost in the minds of many here this evening. One reason, I suppose, is that we were all expecting to-night to listen to a gentleman by the name of Samuel Fielden. The newspapers had it, so I suppose it is a public secret. Public opinion was, you see, that Samuel Fielden would speak here to-night, and nobody seems willing to take up the subject which the mention of his name suggests.

Now, it seems to me, gentlemen, that public opinion at large usually strives to attain the right thing. I have sufficient belief in humanity to think that public opinion usually means the right thing; but how is public opinion usually formed or molded? What usually is accepted as public opinion is not the carefully thought out opinion of a large majority of the people; it is usually an opinion pressed upon the people by the newspapers. In other words, under present conditions, public opinion is largely the opinion promulgated by newspapers, and surely we must admit in this respect that public opinion is very tyrannical. Newspapers sometimes jump at conclusions. They frequently make statements which are entirely incorrect, which are not based upon a full and fair examination of the facts, and the opinion in this way formulated is accepted by many as public opinion.

I suppose the reason that Mr. Fielden was expected to speak here to-night was that from his standpoint public opinion had a great deal to do with the trial in which he was convicted. Now, if you look back to that time, gentlemen, you cannot but admit that public opinion, as formulated through the newspapers, was exceedingly tyrannical. The newspapers, from the very outset, condemned everybody who had anything whatever to do with that affair. In the same manner you know that public opinion, in other words the newspapers, assailed our governor when he chose to set free these men. There, again, you saw the tyranny of public opinion. I do not know how many of you have studied the arguments in that case, nor how many of you have studied carefully the letter of the governor which accompanied his pardon; I do not say what my own opinion is in regard to this matter, but I simply ask if those who condemn Governor Altgeld have taken the trouble to weigh carefully what he has said.

With these few remarks I hope I have opened the way for some of our more eloquent members to continue the discussion.

MR. JOSEPH R. MANN: A good many years ago, in Philadelphia, a sailor who had partaken of more ardent spirits than any sailor, or anybody else, ought to partake of, wandered into church. The clergyman was expatiating upon the proposition that in the last great day some would be the sheep and some would be the goats; and he asked: "In that last great day, who will be the goat?" About that time our drunken friend was wandering in, and he says, "Sooner than have the show stop, I'll be the goat."

Now, that is the way I feel. It is too early to adjourn, and so somebody has to kick up a fuss. I didn't intend to say a word when I came here to-night—that may surprise you, but it is the truth, nevertheless, like many other startling things.

Now, I regard public opinion in this way. Public opinion is sound always—when it is well informed. It is like common sense. Everybody believes in com-

mon sense—if it is not too common. The great difficulty with public opinion, as I understand it, is that conclusions are formed by the average man upon insufficient information. We get our information in various ways. We get it from contact with our fellow men. We get it, too, largely through the public press.

Now, the public press is just as well informed as the men who produce the public press. Just as well informed—no better. It is a peculiar circumstance that the opinions of a man, whose judgment you would not take of the value of a yellow dog, when they get in print become very forcible. You don't know why; nor I either. Now, I have known a great many men connected with the public press, and I have never had any cause to complain of them. They have treated me a great deal better than I deserved, because they are good fellows and so am I. But I have known in my experience—because you know I have been a statesman in a small way—I have known men during my legislative career, which I am thankful to say was very brief, and shall not be repeated with my consent—I have known these men to come to me and inquire what the effect of a certain bill pending before the legislature would be upon the general welfare of the state, and as briefly as possible I would tell them what I thought; and the next morning I would be surprised to find three columns of very learned disquisition upon the effect of that law. There is something in type which has a sort of magical influence upon the mind of the average man—because he doesn't know who is responsible for the type.

Now, if public opinion was always well informed then it would be all right. As my friend well suggested, "*Vox populi vox dei*"—everybody likes to drop into Latin when they can—it is a good deal like "E pluribus unum" and "Erin go bragh." The average man does not know what either of them means, but it sounds well.

Now, I undertake to say that in the majority of cases public opinion is absolutely wrong—absolutely wrong. It has been so from the time our Savior was crucified, down to the time when these unfortunate men that my friend Dr. Zeisler speaks of were convicted. These men—I am not going to defend them—nor am I going to defend Governor Altgeld, either; if it ever becomes necessary to do that I am in the field; everybody who knows me knows that. I am retained on that side. But when these men were convicted—I do not say that the men were wrongly executed, but they were wrongly convicted. I believe in hanging once in a while. I know of a lot of men I would like to select now, if you will let me do the hanging—for if some other man did the hanging it might be a pretty close shave for me. I have no objection to the hanging. I do object to the manner in which it was done. If the people had risen in their might and majesty and hanged these men—they may not have been guilty of any crime, but just about that time a hanging was necessary—that's all. We have the right to do a great many things for self preservation that perhaps the strict rules of legal procedure would not justify. But we ought not to do it under the guise of law. Let us be honest about it. What I object to is that under the guise of law, under the forms of law, certain men were hanged who, according to that very law, ought not to have been hanged. I do not say that they did not deserve hanging, but they were hanged in the wrong way.

Now, public opinion ordinarily is not right, because we are creatures of impulse. I have heard a great deal said about the first thought being the best thought, but I do not believe it. It may be the case with women; it is not the case with men. I think a woman's intuitions are generally right, but a man's intuitions are, I think, generally wrong.

Public opinion, as we regard it, is the first impulse. We are gregarious creatures; we are like a flock of sheep, and if we have the right kind of a bell wether we follow wherever he leads, and jump through the fence after him, regardless of whether there is a ditch the other side or not. There is no more unsafe tribunal, in my opinion, to which to appeal than this so called tribunal of public opinion. Public opinion, as has been suggested here, justified slavery; public opinion in Utah justified polygamy; public opinion crucified the Savior; public opinion burned the witches in New England; public opinion has been the fruitful source of all the crimes that have stained the pages of history from the beginning of reported time down to the present day, in my opinion.

THE CHAIRMAN: The chair never loses an opportunity to correct the statement that we burned witches in Salem; we hanged them under the forms of law.

MR. AZEL F. HATCH: I think the discussion thus far has demonstrated the fact that this is an entirely extemporaneous discussion, with the exception perhaps of the very able paper presented by Mr. Wile. There have been views advanced here which are to me somewhat startling. The view advanced by the last speaker, for instance, that public opinion is generally wrong. That to my mind is utterly subversive of the essential principle of popular government. If public opinion cannot be relied upon, on what does the right of the majority really rest? If public opinion is not on the whole our safest guide, what justification can be found for our system of popular government? While it cannot be contended that public opinion is always right—still, as has been suggested by my friend on my left, it is the safest rule. The consensus of opinion of a majority is more likely to be right than the consensus of any smaller number, however selected. That is the foundation of popular government.

I cannot agree either with the expression that has been frequently made that newspaper opinion is public opinion. In the first place there is no such thing as universal agreement among newspapers. There is quite as great diversity of expression among newspapers as there is among individuals. We have newspapers upon both sides of every great question, and the idea that seems to be tacitly admitted as true here, that newspapers are a unit in any expression of opinion, seems to me entirely unfounded.

I think there is also such a thing as the tyranny of public opinion. Within certain limits the expression of public opinion ought to be conclusive in all matters relating to public right, all matters relating to public government, all matters in which the public, as such, is interested. In such matters public opinion is the only guide which we can safely follow. But it seems to me that minorities have rights also and that public opinion has no right to trespass upon those rights. Notwithstanding majorities rule, minorities have rights. If the majority tramples upon those rights and refuses to listen to the voice of the minority, and seeks to govern in such matters by the arbitrary will of the majority, then it becomes a tyranny.

The statement that public opinion is often in error cannot be denied, the public opinion of to-day is not the public opinion of yesterday. Yet it does not follow that the public opinion of last year or of the last century was not at that time the best guide then to be found. We have simply advanced. We look through different glasses, and to-day may decide something to be wrong which a few years since we declared to be right. If we had lived in the times of supposed witchcraft or of the inquisition our ideas might have been very different. We must take the world as it is and decide if there is any better general rule of government than by the rule of public opinion.

MR. Z. S. HOLBROOK: I am reminded of the politician who met a gentleman with whom he was slightly acquainted, and said, "How do you do?" "I am very well." "How is your wife?" "Oh, she is very well." "And how are your children?" "Oh, they are well too." "And how is your father?" "He is dead." "I am very sorry; when did he die?" "He has been dead three or four months." The next week he met the same gentleman and forgetting his previous conversation he said, "How is your wife?" "She is very well." "And how are your children?" "They are well too." "And how is your father?" he continued. "Well," he said, "he is still dead."

Now, that occurred to me as we were pursuing this theme. We have come here to-night to hear a gentleman who can speak inductively upon the question of public opinion. He knows the difference between the toadstool and the mushroom, because he ate of it and it took a doctor in the form of a governor to relieve him of it. We know very well what is the opinion of the American people as to the difference between liberty and license; there is no doubt about it. That public opinion came to this country in the Mayflower, it announced itself through Governor Winthrop of Massachusetts, and it has run down through two hundred years in this country, until it is the unwritten law of this American people, that there is a difference between liberty and license.

There is just as much difference between liberty and license as there is between rationalism and reason; as there is between faith and credulity; as there is between lust and love; as there is between any noble trait of human nature and its perverted quality; and it is true that in human nature Satan has come clothed as an angel of light, and we are always indicting a man and bringing him into court and finding out that instead of the man that we intended to convict we have got his twin brother.

Now, liberty, as Governor Winthrop of Massachusetts well said, is not the right to do as we please; it is the right to act in accordance with law. And anything else, as Governor Winthrop said, is not liberty, but a perversion thereof. That was the compact in the cabin of the Mayflower, and every American citizen, whether he be native born or not, whether we are Sons of the Revolution, or whether we are good citizens who have come here within the last ten years and have been naturalized, every good citizen knows what public opinion is upon this great subject that was decided here at the time of the anarchists' trial; and if the question ever comes to the front and anarchism or socialism in its baldest forms touches the downright true American spirit of the Sons of the Revolution, they will find out what public opinion is.

That is the unwritten law of the American people. That is public opinion on what liberty is. And, as Dr. Thomas has well said, it is as truly a law of the universe as the courses of the stars or the attraction of gravitation.

My friend, Van Ornum, who calls himself a philosophical anarchist, says he does not believe in any law at all. Now, we cannot exist without laws. There is no freedom possible unless there be laws. For centuries men went on these unwritten laws. Now, we are talking to-night about what Abraham Lincoln spoke of when he said: "You may fool all the people some of the time, or some of the people all the time, but you can't fool all the people all the time." That is public opinion. It is the public opinion in the United States to-day, that our friends who come across the water will run against if they attempt to fool with it. You can live in this country and be a citizen, and amass all the money you want to, be respected, self-respecting, self-reliant, victorious but if you interfere with the rights of your neighbor and use force in the form of revolution the American people will rise up and give you a dose of hemp. That is the unwritten public opinion of the American people, and we must not fool with it.

MR. C. S. DARROW: After the violent revolutionary speech of my esteemed capitalistic friend I doubt whether it is safe for me to say anything to-night, for I am considerable of a socialist myself, and I had supposed that the people of this country had not yet declared that it was a felony to be a socialist, or even an anarchist, if a man happened to believe in those particular political theories. I once thought that this country had guaranteed considerable individual freedom, freedom at least to think, some freedom to speak, and a limited amount of freedom to act, to every person who was fortunate enough or unfortunate enough to be a citizen of this country. But I find out to-night from the gentleman what a great many of his class have often said before, that if you use that freedom to teach anybody that something I have been taken where it ought not to have been taken, or under a form which is wrong in itself, we will rise up and give you a dose of hemp. And that is what he calls liberty.

We have departed a long way from the doctrines of our fathers, and under the leadership of men who think and speak and act like this, we are liable to see our government degenerate from what it was supposed to be—a free government—into an absolute tyranny.

What is meant by freedom? When some man says he wants something that he has got or that he hopes to get by hook or crook—by crook, if he cannot get it by hook—he says, "liberty is one thing; license is another thing." Neither the constitution nor the law says that. I have spent some little time in investigating to determine what is the difference between liberty and license. The gentleman says that everybody knows, but he failed to tell us although he knows. I have found, by watching the public and private utterances of these gentlemen who would convict a man for his honest opinions, as men have been convicted and executed all over the world, and as they would have it here and have had it here,

that liberty is the right that I claim to do what I wish and license is the right which you claim to do what I don't wish you to do. That is the difference between liberty and license.

When you gentlemen want something it is liberty; and when some man tells you you are wrong, that some other way is better, that is license; and you immediately apply a dose of hemp—in your own language—and appeal to that last resort of a coward, patriotism, which has been made to cover a multitude of sins, both here and elsewhere. What is the gentleman's definition of liberty? It is the right to act according to the law. That we must obey. Is there a man here who does not know, whatever he may say, that the greatest tyrannies of the world have been created under the sanction of the law? Do you not know it? If liberty means simply the right to obey the law, and if the law always protects liberty, then true liberty may be found in despotic Russia and in every other nation on the face of this earth. The tyrant uses his power in any way that he can; in the early ages of the world he used his teeth and claws, and in that way sought to enforce his mandates on his fellow man. Later he adopted a gun and a club and a sword; and later still the tyrant all over the world adopted the law and uses it to protect him and to throttle the man who thinks differently from him. Is there any man in this country who has so far failed to grasp the spirit of liberty; who has so far missed the teachings of all history; that he is willing to say that liberty has always been maintained by the law?

There has never been a country or an age but what tyranny has flourished by the law and through its sanction and its aid. And the greatest men, all the men of the world who have conferred a blessing on their fellow men have been the men who have given their lives and their energies toward condemning unjust and tyrannical laws that have enslaved the world. Do you mean to tell me that liberty and law have ever been synonymous? There was a time when in America the Sons of the Revolution that he boasts of bought and sold human beings into everlasting bondage, under the law, and yet he would say that that is liberty, and the black man who would dare to raise his voice against the enforcement of that law should be met with a dose of hemp by the fanatical "Sons of the Revolution."

Gentlemen, when these men have been forgotten, when the best that the world can say of them is that they are dead, the name of John Brown will be a synonym of liberty all over the world. When the men who seek to fasten tyranny upon a nation which inherently was free, which would be free except for the spirit of tyranny—which is not a spirit that belongs to any one nation, but which belongs to individuals and which will be found in every nation, wherever man seeks to encroach upon the rights of his fellow man—when this spirit is dead, and when those men are dead, the names of William Lloyd Garrison and Wendell Phillips, who arraigned the laws of the United States and who pronounced our constitution a "covenant with hell," "a league with the devil"—these names will shine bright and illustrious as the names of the great defenders and promoters of liberty amongst men.

MR. JULIUS STERN: I simply wish to remark that the very eloquent manner and beautiful style of my friend who preceded me should not blind us to the fact that he begged the question throughout; that he did not once speak of the tyranny or want of tyranny of public opinion. He arraigned the law. But that is not what we are here to discuss. It is public opinion. And the public opinion of the people of the United States, I beg to say, was different from the legal enactments as to the subject which he mentioned. And I would remark that in public opinion, as in other matters, there is not one single rule; that there is a public opinion and a public opinion. That the public opinion which the first speaker of the evening alluded to is an enlightened public opinion and that public opinion should be righteous; we should aim to see that it is an enlightened public opinion pervaded by a moral idea. And here I think is where the benefit of such a discussion becomes apparent. That we should devote our efforts to seeing that the public opinion that grows up around us is not one that is based upon first impressions, but one that is based upon convictions; and if public opinion is based on careful and deep thought on moral lines, not on lines of naked legality, it is not tyrannous, because, as the first speaker said,

it is right—right not because it forms the statutes, but right because it is morally correct, and creates statutes which conform with the moral idea.

Such public opinion it is the duty of bodies of men like that here assembled to foster, to create, to propagate, and then the object of such meetings is accomplished; the fruition of our work is at hand.

The public opinion of past ages has been arraigned because in the light of our present knowledge we find that it was faulty. How has our knowledge been improved? How have our ideas upon moral questions been purified? Simply by the study and discussion of them by minds fitted to do so. The majority is not instinctively right; the right comes from those who are capable and fitted to appreciate the right, and to separate it from the wrong. Such men may become the teachers of the right. Such men and such only become molders of public opinion. Phillips Garrison, John Brown even, were not men who lay idly down; they were men who molded public opinion, but they did it by reason, by argument, by an exposition of the wrongs, the last named more by his acts than by his words, but he followed upon the lines laid down by the other two, and their *confreeres*, and that is what we should do.

We should not beg the question. We should stick to our text, and in that I think there is subject matter enough to show that there may be a tyrannous public opinion when it is an unreasoning, an unthinking public opinion. But that when public opinion is properly formed, is properly educated, not in the classics but in the school of purity and justice, in the school of that liberty which allows us to do that which is for our own weal so long as it does not trespass upon the rights of others, then public opinion may become an educating and an ennobling force, and its mandates then will not be tyrannous.

MR. S. S. GREGORY: There seems to be something in the great historic event which is in the minds of all of us this evening calculated to appeal strongly to the feelings of men, because it suggests a discussion which is not to be met by the answer that the question has already been decided, that the courts have rendered their final decree, and the people have registered their approval at the polls, and the record is made up. The subject proposed for discussion is suggestive. The tyranny of public opinion—if we understand the phrase as I understand it—means simply the rule of public opinion. The question that we are here to discuss is not, as I understand it, whether public opinion is an indispensable agency in our civilization. It is not whether it is a force for good or for evil, which we could not avoid if we would, or perhaps would not if we could. The question is whether we would substitute the rule of public opinion for the rule, if you will, of law, by which the rights of individuals and of minorities are secured. That public opinion is often a beneficent agency in our civilization can not be doubted; that it is the voice which speaks loudest and is perhaps longest heard cannot be doubted; but the question for us to decide is whether we propose to order our lives, to order our government, to secure our rights through the agency of public opinion, as it is expressed by the ordinary organs of that sentiment, or whether we propose to abide by those essential and fundamental rules of civil conduct embodied in our institutions and expressed in our organic laws. And it seems to me that it cannot be successfully denied that in so far as public opinion has been permitted to operate upon the administration of the law, that it has operated rather as a perverting and blighting influence than as a beneficent aid.

There is something inexpressibly sad when we look back over the history of mankind, in the various ages of the world and in the most enlightened countries, and see what has been done, not merely under the forms of law, but under the sanction of an approving public opinion. As has well been said, it pressed to the lips of Socrates, the godlike man, the fatal hemlock; it lighted the fagots around John Huss, as he turned his pale face towards the heavens, the victim of his devotion to conscience and to duty; it walked to Tyburn with the poor girl, as she mounted the steps of the scaffold, and, having stolen a little piece of calico, paid the penalty, under the laws of the most enlightened nation of the earth, with her life.

And the laws, in so far as they are the expression of this public opinion, are not entitled to absolute sanctity. But happily those days have passed away. In

these enlightened times, under the ameliorating influences of general knowledge, of religion if you will, and of the refining and humane influences of modern civilization, no longer is public opinion expressed in such inhuman and cruel laws. And now where is the tyranny of public opinion in the administration of public affairs? Why, gentlemen, it is here. My learned and thoughtful friend, Mr. Hatch, says that if we take the press, the great organs of public opinion, we will find that they are discordant; that they emit various notes; that they are not in harmony. I would ask my friend if, upon the occasion of this memorable trial, already become historical and one of the great events of the generation in which we live, there was a single paper in the United States that came under his observation that did not demand the blood of these men who stood indicted on the North Side? Not one. Now, if you propose to commit the administration of the law to your appointed agents, to act under the authority of constitutions, and positive institutions, the moment that public opinion walks upon the judgment seat and attempts to influence or coerce your ministers of justice it becomes a most threatening menace, a most positive danger to free institutions.

Right here, if time permitted, we might multiply illustrations of that. It has been within my knowledge during another memorable case tried here recently that one of the greatest daily papers had its representative in court watching the judge daily, and lecturing him the next morning in the paper, and even following him into his private chambers to influence his decision and coerce his judgment; things that would not be permitted in an older civilization.

When public opinion is so strong, is so urgently expressed—and you must remember that the public have no responsibility; if you place a man in power and make him responsible for his official action you have somebody whom you can call upon to answer for any dereliction of public duty, but there is no responsibility attaching to public opinion—when public opinion seeks to swerve an upright and honest and faithful magistrate or judge or a governor from his duty, then it becomes an element that is calculated to defeat the will of the people, as expressed in our organic law. It becomes an instrument of evil and a danger and a menace to free institutions.

Chief Justice Marshall in a very memorable case, upon the trial of Aaron Burr for high treason, used weighty language. He said that no man desired to become the peculiar subject of calumny; no man but, if he could, would willingly pass by the bitter cup, but when a man was called upon to decide between dereliction in public duty and pleasing what was commonly called the world, he deserved nothing but the contempt of mankind if he could hesitate for a moment. And so I say to you here to-night that those of you who may be disposed to criticise the recent executive action of the governor of this state would do well to pause and closely question whether it would not be better to regard that independence, that high sense of duty, that courage which enabled him, when placed in a position where he knew that the sentiment of the civilized world was directly against him, to discharge his duty without fear, and without hope of commendation, in fact, call out the condemnation of the public opinion of the world.

Such men are few. It is easy to go with public opinion; it is easy to follow with the crowd, but it requires somewhat of greatness, somewhat of true heroism, for a man to stand for his convictions if he knows that not merely his foes but those with whom he has associated as friends and companions turn from him and pass by on the other side.

I would not question, I would not eliminate the effect of public opinion. There is something salutary and healthful in the idea that all the acts of our public servants are laid before us for our commendation when we deem that they merit it, and for condemnation when our judgment is against their acts.

But I suggest that it has not always been the courts to whom the friends of human liberty have looked. We are told by a very eminent English historian, May, that Mansfield, that Buller, that Ellenborough, that all the great names, with the exception of Lord Camden, who adorned the English bench at that time, were the foes and not the friends of liberty; and I would suggest to you the name of Roger Brooke Taney as one of the most illustrious that adorn the history of American jurisprudence; but it was not the Dred Scott decision but rather the executive act of Abraham Lincoln that struck the shackles from the slaves and delivered this country from the blight of human slavery.

MR. EDGAR A. BANCROFT: As I have listened to this indictment of public opinion and the law, it has come to my mind that about half a century ago an English scholar wrote an essay on liberty, in which he predicted that the rule of popular government in America would result in a tyranny which he was pleased to style the tyranny of a majority, more galling and unreasonable than any that monarchical governments have known. The indictment has first been turned on public opinion, and then interchangeably against the public press, and then by my friend on the left again interchangeably with the law of the land.

What is the history of the growth of liberty? To what have these men, Huss, Hampden, Phillips, Garrison, appealed; what agency has worked the great reforms, overturned tyranny, established human rights, and when established maintained them? I remember that Wendell Phillips in one of the most superb speeches he ever delivered stated that he made his appeal to public opinion, and if you will turn to the first volume of his speeches you will find among the very foremost of the fine arguments of that finest of American orators the oration on public opinion. It was to it he made his appeal; it was to it that Garrison appealed; and it was by virtue of the success of that appeal that the tyranny to which they objected was overthrown. What has overthrown them if public opinion has not? Public opinion has been moved to act; these men went ahead but they never for one moment forgot that it must be this following of the people that must accomplish the purpose which they, seers, prophets, agitators saw before the followers could see.

Has the appeal to public opinion in behalf of human rights ever for any considerable period of time been made in vain? The public press is not the same thing as public opinion. It is sometimes its expression; it is sometimes its perversion; it is sometimes the exact opposite of it. When the public press is venal, when it seeks personal interests, do you think it represents the opinion of the great mass of the people? When the law is controlled by particular interests does it represent the opinion of the great mass of the people? If the appeal cannot safely be made to popular opinion, to what shall we appeal? There is only one other appeal, and that is anarchy. And what is anarchy? It is the individual judgment. And when the appeal is made to individual judgment, then it seems to me, my friend's definition of liberty and his definition of license become synonymous, because the definition of liberty, upon which I act, is the definition which fits my case and my opinion and my wish, and that of no one else.

Upon what was this government, which he said "was once a free government," upon what was it founded? Was it founded upon the shifting foundation of the individual persons who constituted the particular body, legislative or social? Was it founded upon the whims or sentiments of any community or any leaders? No. It was founded upon the sober solid sense of men met together to protect the general rights, not the personal. And liberty, which my friend failed to define, although he criticised the preceding speaker for likewise failing to define it, liberty is not the right to do as you please, but it is the opportunity to be pleased to do what is right. And we adopt laws, and public sentiment adopts laws. Why? Because these individual rights cannot be left to whims. I cannot be the judge of my rights. You cannot be the judge of your rights or mine. We must agree upon our rights, and when gentlemen talk about the right of individual opinion, and the freedom of speech, it seems to me that the right of free thought and of free speech does not differ in its character from the other forms of liberty. The right to control my person, the right of freedom of action, is no more sacred than the right to speak. The right to speak is no more sacred than the right to act, morally. They are identical in their character, and if I undertake to do some act which it seems to me is entirely right, must not its rightness depend upon its effect upon your rights, and your rights are to be protected from my speaking and thinking as from my acting.

I would just as lief an assault be made upon my person as upon my reputation. Both are protected by the law, and should be protected by the law, and we all agree with it. And when an assault is made upon law, first, because it condemns or does not condemn a certain act or a certain person, and then we turn about and make an assault upon public opinion for carrying men beyond the law, I wonder where we will stop. If the law is wrong and is to be violated upon my

whim and my wish, or my sense of my right, then it seems to me it is little matter whether public opinion does carry me beyond the law. What is liberty under the law? It is my right and your right to have the widest extent of freedom of thinking, of speaking, of acting, and of pursuing happiness, in the acquisition of property and so forth, that will not infringe the similar and equal rights of others around us. And with the exercise of the right of speech, exactly as with the exercise of the right of action, comes the obligation and duty to be responsible for the result of the speech as for the result of the action. No man may say that he can make a speech or express an opinion that treads upon my rights and the rights which he claims for himself, when he could not openly do an act which would have the same effect. Public opinion is safe, and has done all that it has done because the majority of men in this country seek only what is right.

PROFESSOR EDWARD W. BEMIS: It seems to me that while there is some tyranny of public opinion, yet the supineness of public opinion and the want of public opinion lead to more tyranny than the strong exercise of public opinion. For example, in the early part of this century, certain English philanthropists tried to pass laws restricting child labor, but the courts and the opinion of the ruling class declared that it was an interference with liberty and was tyrannical. But as time went on and public opinion upon the matter went deeper among the masses it was felt that it was tyrannical not to have such protection, and now they have gone so far from that position that the English courts to-day decide that a man cannot sign away his privileges under the Employer's Liability Act, for to give him such apparent freedom would take away his freedom. He would be obliged to sign away his privileges in order to get work. A Massachusetts court has in the same way decided that a man cannot sign away his privileges under an employer's liability act, and I give these illustrations as tending to show that when we complain of public opinion it is really because that public opinion is not well considered, has not extended down deep enough among the people. It is merely the opinion of a class and not the opinion of the whole people, and you know how Gladstone has put it, that it has generally been found that the classes were wrong and the masses were right in questions of social legislation in England in the last fifty years, and I think we are beginning to find it so in this country. We are certainly coming to a time when public opinion is taking hold of the masses, and why should we be afraid of it? For what is this freedom that we are talking about to-night? I think it has been well interpreted as the power to do right. It is not that liberty which was referred to by a certain gentleman not long ago in Ohio of whom I heard, who said it was the right to do "as I damn please." That is not what we want in this country. What does liberty mean? It means that power to everyone to develop his own manhood. Now, how can we suppose that a public opinion which will embrace all classes will ever desire anything but that each should develop his own manhood to its fullest extent?

But how slowly that information which would enlighten public opinion seems to spread. I pick up my morning paper and read of some new issue of stock to the stockholders at par in quasi-public corporations, like street railways and gas works, and do not find a single paper mentioning the fact that one of the great issues to-day in Massachusetts is that very thing. And they have gone so far as regards gas and electric light that they have absolutely stopped all issue of stock or bonds that is not sold on the market and does not entirely go to the improvement of the plant itself. Now, when such a fact is not even mentioned I do not wonder that public opinion is hard to grow and crystallize. An editor of one of the Philadelphia papers said to me not long ago that he did not believe a single paper there would dare to advocate an income tax. I said, "Why? Because you don't believe in it?" He said, "No; we do believe in it, but our proprietors do not." And it is a good deal in this way in all the various lines in which we may endeavor to crystallize public opinion, and it is this that makes it so hard; and the reason we complain of the tyranny of public opinion is because it is the public opinion of only a few, and they are likely to be an interested few. Now, I say that is not really public opinion that is thus expressed. Now, what is to be done to create and foster a healthy public opinion that shall go deeper than this? One thing will be done in time, and that is the moral and physical training to a greater extent than now of our children

in our public schools; and we shall keep them in the school long enough to thoroughly acquire this necessary training, and if they are too poor to stay unaided the state will in some way aid them to stay, and we shall also have the "initiative" and the "referendum." Now, in Massachusetts both political parties, in their latest political platforms, unqualifiedly endorsed that plank. And thus the work will go on until the time will come when our public opinion will be something more than the opinion of our city council or our legislature, a public opinion that will mean something.

But there is danger that public opinion, when once fully aroused, will proceed too far in taking vengeance, and I would say to many who shrink from state socialism, that nothing is doing more to bring about state socialism, and nothing will do more to bring it about, than the refusal to allow publicity of accounts, the refusal to reform our methods of taxation, methods which are so terribly rotten, our local taxation I refer to specially. A calm, sober, thoughtful public opinion is necessary to the solution of these problems.

I admit there is some tyranny in public opinion, but I repeat there is more tyranny from the lack of public opinion; more tyranny over the people; more usurping of the functions of the government without compensation to the people and without responsibility to the people. When millionaires state in their parlors that of course they paid their attorneys to see the assessor, there is grave danger, and it is not public opinion but the destruction of public opinion that we should fear.

MR. Z. S. HOLBROOK: I wish to rise to a matter of personal explanation. I wish to be clear on my definition of law. I did not say the statute. The laws are those things which pertain to the being, whether of chemistry or music or liberty or anything else, and liberty is freedom to act in accordance with that law and not the statute. Phillips appealed from the statute to the law, the law of man's nature; so did Lincoln. I wish to be clear with my friend Mr. Darrow on this point, for fear, being a business man, he will consider me a very poor lawyer; and I wish this distinction between statute and the law made clear.

MR. JOHN Z. WHITE: You will of course now understand from the remarks of the last speaker that in case a man violates only the statutes, he shall not be treated to a dose of hemp. I understand that the statute in Michigan against capital punishment has been repealed, but if the gentleman and those who think as he does are called upon to administer the laws and you should violate any statute they would not treat you to a dose of hemp, because, you see, you are not breaking the law, you are only violating a statute.

I wish to speak specially with reference to remarks which have been made in answer to Mr. Darrow.

One gentleman accuses Mr. Darrow of begging the question in that he does not condemn public opinion but arraigns the law. And then the same gentleman goes on and urges this club to endeavor to propagate a public opinion which may result in the enactment of better laws. What is law? One gentleman has told us earlier in the evening that our laws are the result of public opinion. It is to public opinion that we must appeal. It was to public opinion that Garrison and Phillips appealed in order that better laws might be made, in order that laws might be made which would conform more nearly to what we call the moral law.

Another gentleman says that Mr. Darrow condemned public opinion throughout; Mr. Darrow condemned that in public opinion which is tyrannical, and nothing else. We may condemn any kind of a law—and I don't refer to those laws that Dr. Thomas referred to. He referred to the material laws of the universe. When we talk of public opinion and of laws in connection with public opinion, we talk of the laws which rule this country by virtue of the people who are in this country, not by virtue of the force of gravitation. There is no use mixing up material quantities with those things which emanate from the forces of men. When we are talking about law in this connection we don't mean the laws of chemistry nor the laws of botany. Those are natural laws and there may be natural laws which control society, but what we are speaking of are laws, whether statute or common law, which are enforced by policemen, by the militia, by physical force exerted by man.

Don't let us mix up terms in this way; don't let us "talk through our hats." Let us say what we mean. Let us be honest. Let us talk about what we are talking about and not something else.

What is the tyranny of public opinion? Why, it is that influence which enforces license; it is that which denies liberty. What is liberty? It is the right of man to do that which he wills, so long as he trespasses not upon the equal right of every other man. Now, what is license? It is the exercise of power, either in the individual or by virtue of the statute or the common law, which gives some men the right to trespass on the rights of other men.

We have this in law; one gentleman has referred to it in the case of street car and gas companies. These rights or privileges which these men exercise do not grow out of any law of the universe; they do not grow out of chemistry or botany; they grow out of bad regulations by congresses, by parliaments, by common councils, by other legal bodies. And when I say legal bodies I want to include courts. The courts have a great body of law grown out of custom which is just as binding as the statute law; they are just as sure to be enforced by the policemen, by the militia, as is the statute. We all know that. And we must not try to mix up those two quantities, the material laws of the universe and the laws created by man.

Now, Mr. Darrow did not condemn public opinion. He did not beg the question when he arraigned the laws; he arraigned that public opinion which is realized in and is the most essential, the major part of the laws.

It has been stated by nearly every speaker upon this floor that a man has liberty to do right; but what is right? This is the question we must ask ourselves. One man says a protective tariff is right; and I say that it is downright public robbery, and entrenched license. That is a difference of opinion. What is the public opinion on the question? That is determined by the votes which pass a statute, and that statute is public opinion, and to criticise a man for the reason that he has arraigned the law, which is not a condemnation of public opinion, is rank absurdity.

Now what right has a man naturally? It has been our boast on every Fourth of July and other festal day that it is the right in this country of every man to do just as he will, so long as he do not trespass on the equal rights of any other; and that no law shall be enacted which infringes this principle. Now, I wish to trade with an Englishman; I say that I will drink a glass of beer; I say that I will, with the consent of one of the opposite sex, get married. The law, supported by public opinion, enforced by police and militia, enforced by guns and bayonets, the law says I shall do none of these things unless I pay tribute. Now, I say that is license. I say that the people of this country have injected license into their law; and so far as they have injected license they have denied liberty to me. If I want to get married that is certainly my right. But I must pay a fee, so you tell me. If I want to take a glass of beer I must help pay a big license to relieve the monopolists of this city from their just share of taxation. If I want to trade with an Englishman I must pay a tax for the benefit of certain individuals here, and that is a denial of liberty; and to say that the man who arraigns these laws is not attacking public opinion is "talking through your hat."

MR. LEON HORNSTEIN: From all that has been said, it appears that public opinion is one day a slave struggling for freedom and a tyrant the next.

The first speaker has correctly said that the universe is governed by laws, and man in some of his relations with his fellow man is governed by natural laws. But does he for a moment maintain that public opinion is natural law? Now, I agree that our government rests upon public opinion, and I believe further that the tendency of public opinion is always toward the right. When you violate the natural law the punishment is meted out in every instance; and if society violates the natural law at any time it is punished for it. Consequently the society of one age is undoing the acts of a preceding age. Public opinion of the former age, crystallized in law, has become so tyrannical that the public opinion of the next age must undo what the former age has done. That is going on all the time. Just as soon as public opinion has crystallized into law, there is a tendency to suppress any encroachment upon that law. The great majority of our people are conserv-

ative; they dislike change, and they will not try experiments; but there are a few men in every age who labor with this public opinion; they work up public sentiment, and they finally secure that public opinion they desire and it overthrows the tyranny of the former age. That, it seems to me, is the lesson that we should get from the 'discussion to-night. Public opinion is tyrannical in the extreme, when anything new is proposed, but just as soon as it begins to feel that that new thing is right it makes it the law, and therefore, in my opinion, public opinion always tends towards the right.

REV. DR. THOMAS: No one enjoys, and no one can profit more from public discussion than a clergyman, for it is his misfortune always to hear himself and never to hear any one speak back. And I think great good comes to all from these interchanges of opinion.

I will only reply to what has been said in the most general way and in few words.

I did not mean to say that public opinion could never be wrong. I did mean to say that public opinion could never be tyrannical, could never be wrong when it was at one with the eternal right. And back of all and beneath all of these discussions is the eternal right; not in the books, but beyond the books; that world beyond the books out of which the books are made.

And I meant to say that public opinion could never be tyrannical when it was in favor of the eternal right, when it understood the eternal right, but there is where this whole question gets its significance. The eternal right has been trying to say or to get said a great many things during the ages that the people could not understand, and the people could but take their own interpretation of the right, and that was the expression for the time; and then the conservatism of society would try, possibly, to bind that upon the future.

Now, this is to be said of public opinion, and this is to be said of conscience: Conscience is always the voice in man to do that which he thinks is right; that is its only word. It has nothing to do with what is right. Public opinion is the expression of the world as to what it thinks is right, and I am glad to say for our humanity that public opinion has always been on the side of what it believed to be right, and it has always been right in being on that side.

Now let us look at the world a moment; it may take me one or two minutes longer than I thought—I am not going to talk theology, although I could talk it all night, for that is the one thing I am too full of—but this world is a worshipping world; that has been the attitude of its spirit toward the infinite; but when they began to attempt to define the infinite, then came the difference; and it has come down through all the great historic religions. But each of these religions has formed substantially the same rules in reference to human conduct, and that, as Matthew Arnold says, is "seven-eighths of religion." They all stood by the human side, at least, of the moral law, the last six commandments; and they stood there because they could not stand anywhere else. They said that because they could not say anything else. And so in questions of civil law what is the radical, the generic thought of law? Human law is the voicing of the infinite law, both natural and moral.

I want to say to my friend over there that natural law is just the other side of the moral law. You may call it the upper or the under side, but there is only one law, and there is no unnatural law. The supernatural is not unnatural. The moral law is just as natural as the physical laws. They are the same thing in essence. One may deal with chemistry, the other with conduct; but they are all a part of the infinite law, and the one is as natural as the other.

In society we must have government or anarchy. Away back in the beginning they said one man must have authority; then it came down until a few generals or senators were the rulers of the people, still the generic idea was authority; and again it was widened. But what have we done? We have held on to the generic idea of authority, a rule, something that can be effective in society. We have said the people shall be free; they shall make the law through their representatives. That is the growth of public opinion. Public opinion has all the time been moving that way. What have they done in religion? In the early days one nation said this shall represent God; and another nation said this shall repre-

sent God; and they would have very different ideas; but now public opinion has changed and the people are beginning to see that beneath all these varying religions, there is *a religion*; that there is an eternal right; coming to see that that right is the same in all the world; coming to see that the people must be responsible to their conscience and to their maker. Public opinion moves that way.

Now, in this public opinion we hear the voice of the infinite expressing itself, and it is profoundly impressive to see public opinion seeking expression not only in the newspapers and in books, but in companies of such able, thoughtful, earnest, hard-working and hard-thinking men as are here and all over this country; and what does it say? It says there must be justice to the poorest laboring man; he is not our grocer, our butcher; he is our brother, he is a man. That is public opinion. Public opinion is saying that the child has rights; not only the man and the woman, but the little child has rights; the right to live before it has breathed the air of the world; and the law seeks to protect it; it has the right to time to grow, and a right to education. It is saying the insane have rights, the feeble and the old.

God in the conscience of men is bringing all great questions of this world to the tribunal of right, and I tell you my friends we will never know the power of public opinion until all the nations of this world shall agree in a few things, and on all questions of debate and dispute we shall agree in this, that we will have truth for authority and not authority for truth. Then bring on your facts and let truth prevail. Let public opinion say: "We want the truth," and let it be known throughout the world that we are going to crown truth now.

And then just one step more; when public opinion says: "We will have the right, and the right for the sake of right," then shall we know what it is when the millions of the earth will the will of God; then shall we know what the prayer means when we say: "Thy will be done;" then we are at one with all the powers of the universe, moral, rational, spiritual, just as when we will the natural law by harnessing our machinery to it.

Adjourned.

ARTHUR W. UNDERWOOD,

Secretary.