ADAMS BROOKS

THE EMANCIPATION OF MASSACHUSETTS

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PREFACE TO NEW EDITION

CHAPTER I

I wrote this little volume more than thirty years ago, since when I have hardly opened it. Therefore I now read it almost as if it were written by another man, and I find to my relief that, on the whole, I think rather better of it than I did when I published it. Indeed, as a criticism of what were then the accepted views of Massachusetts history, as expounded by her most authoritative historians, I see nothing in it to retract or even to modify. I do, however, somewhat regret the rather acrimonious tone which I occasionally adopted when speaking of the more conservative section of the clergy. Not that I think that the Mathers, for example, and their like, did not deserve all, or, indeed, more than all I ever said or thought of them, but because I conceive that equally effective strictures might have been conveyed in urbaner language; and, as I age, I shrink from anything akin to invective,

even in what amounts to controversy.

Therefore I have now nothing to alter in the *Emancipation of Massachusetts*, viewed as history, though I might soften its asperities somewhat, here and there; but when I come to consider it as philosophy, I am startled to observe the gap which separates the present epoch from my early middle life.

The last generation was strongly Darwinian in the sense that it accepted, almost as a tenet of religious faith, the theory that human civilization is a progressive evolution, moving on the whole steadily toward perfection, from a lower to a higher intellectual plane, and, as a necessary part of its progress, developing a higher degree of mental vigor. I need hardly observe that all belief in democracy as a final solution of social ills, all confidence in education as a means to attaining to universal justice, and all hope of approximating to the rule of moral right in the administration of law, was held to hinge on this great fundamental dogma, which, it followed, it was almost impious to deny, or even to doubt. Thus, on the first page of my book, I observe, as if it were axiomatic, that, at a given moment, toward the opening of the sixteenth century, "Europe burst from her mediæval torpor into the splendor of the Renaissance," and further on I assume, as an equally self-evident axiom, that freedom of thought was the one great permanent advance which western civilization made by all the agony and bloodshed of the Reformation. Apart altogether from the fact that I should doubt whether, in the year 1919, any intelligent

and educated man would be inclined to maintain that the twelfth and thirteenth centuries were, as contrasted with the nineteenth, ages of intellectual torpor, what startles me in these paragraphs is the self-satisfied assumption of the finality of my conclusions. I posit, as a fact not to be controverted, that our universe is an expression of an universal law, which the nineteenth century had discovered and could formulate.

During the past thirty years I have given this subject my best attention, and now I am so far from assenting to this proposition that my mind tends in the opposite direction. Each day I live I am less able to withstand the suspicion that the universe, far from being an expression of law originating in a single primary cause, is a chaos which admits of reaching no equilibrium, and with which man is doomed eternally and hopelessly to contend. For human society, to deserve the name of civilization, must be an embodiment of order, or must at least tend toward a social equilibrium. I take, as an illustration of my meaning, the development of the domestic relations of our race.

I assume it to be generally admitted, that possibly man's first and probably his greatest advance toward order—and, therefore, toward civilization—was the creation of the family as the social nucleus. As Napoleon said, when the lawyers were drafting his Civil Code, "Make the family responsible to its head, and the head to me, and I will keep order in France." And yet although our dependence on the family system has been recognized in every age and in every land, there has been no restraint on

personal liberty which has been more resented, by both men and women alike, than has been this bond which, when perfect, constrains one man and one woman to live a joint life until death shall them part, for the propagation, care, and defence of their children.

The result is that no civilization has, as yet, ever succeeded, and none promises in the immediate future to succeed, in enforcing this primary obligation, and we are thus led to consider the cause, inherent in our complex nature, which makes it impossible for us to establish an equilibrium between mind and matter. A difficulty which never has been even partially overcome, which wrecked the Roman Empire and the Christian Church, which has wrecked all systems of law, and which has never been more lucidly defined than by Saint Paul, in the Epistle to the Romans, "For we know that the law is spiritual: but I am carnal, sold under sin. For that which I do, I allow not: for what I would, that do I not; but what I hate, that do I.... Now then it is no more I that do it, but sin that dwelleth in me.... For the good that I would, I do not: but the evil which I would not, that I do.... For I delight in the law of God after the inward man: … But I see another law in my members, warring against the law of my mind, and bringing me into captivity to the law of sin which is in my members. O wretched man that I am! who shall deliver me from the body of this death?" [Footnote: Romans vii, 14-24.]

And so it has been since a time transcending the limits of imagination. Here in a half-a-dozen sentences Saint Paul

exposes the ceaseless conflict between mind and matter, whose union, though seemingly the essence of life, creates a condition which we cannot comprehend and to which we could not hope to conform, even if we could comprehend it. In short, which indicates chaos as being the probable core of an universe from which we must evolve order, if ever we are to cope with violence, fraud, crime, war, and general brutality. Wheresoever we turn the prospect is the same. If we gaze upon the heavens we discern immeasurable spaces sprinkled with globules of matter, to which our earth seems to be more or less akin, but all plunging, apparently, both furiously and aimlessly, from out of an infinite past to an equally immeasurable future.

Whence this material mass comes, or what its wild flight portends, we neither know nor could we, probably, comprehend even were its secret divulged to us by a superior intelligence, always conceding that there be such an intelligence, or any secret to disclose. These latter speculations lie, however, beyond the scope of my present purpose. It suffices if science permits me to postulate (a concession by science which I much doubt if it could make) that matter, as we know it, has the semblance of being what we call a substance, charged with a something which we define as energy, but which at all events simulates a vital principle resembling heat, seeking to escape into space, where it cools. Thus the stars, having blazed until their vital principle is absorbed in space, sink into relative torpor, or, as the astronomers say, die. The trees and plants diffuse their energy

in the infinite, and, at length, when nothing but a shell remains, rot. Lastly, our fleshly bodies, when the union between mind and matter is dissolved, crumble into dust. When the involuntary partnership between mind and matter ceases through death, it is possible, or at least conceivable, that the impalpable soul, admitting that such a thing exists, may survive in some medium where it may be free from material shackles, but, while life endures, the flesh has wants which must be gratified, and which, therefore, take precedence of the yearnings of the soul, just as Saint Paul points out was the case with himself; and herein lies the inexorable conflict between the moral law and the law of competition which favors the strong, and from whence comes all the abominations of selfishness, of violence, of cruelty and crime.

Approached thus, perhaps no historical fragment is more suggestive than the exodus of the Jews from Egypt under Moses, who was the first great optimist, nor one which is seldomer read with an eye to the contrast which it discloses between Moses the law-giver, the idealist, the religious prophet, and the visionary; and Moses the political adventurer and the keen and unscrupulous man of the world. And yet it is here at the point at which mind and matter clashed, that Moses merits most attention. For Moses and the Mosaic civilization broke down at this point, which is, indeed, the chasm which has engulfed every progressive civilization since the dawn of time. And the value of the story as an illustration of scientific history is its familiarity,

for no Christian child lives who has not been brought up on it.

We have all forgotten when we first learned how the Jews came to migrate to Egypt during the years of the famine, when Joseph had become the minister of Pharaoh through his acuteness in reading dreams. Also how, after their settlement in the land of Goshen,—which is the Egyptian province lying at the end of the ancient caravan road, which Abraham travelled, leading from Palestine to the banks of the Nile, and which had been the trade route, or path of least resistance, between Asia and Africa, probably for ages before the earliest of human traditions,—they prospered exceedingly. But at length they fell into a species of bondage which lasted several centuries, during which they multiplied so rapidly that they finally raised in the Egyptian government a fear of their domination. Nor, considering subsequent events, was this apprehension unreasonable. At all events the Egyptian government is represented, as a measure of self-protection, as proposing to kill male Jewish babies in order to reduce the Jewish military strength; and it was precisely at this juncture that Moses was born, Moses, indeed, escaped the fate which menaced him, but only by a narrow chance, and he was nourished by his mother in an atmosphere of hate which tinged his whole life, causing him always to feel to the Egyptians as the slave feels to his master. After birth the mother hid the child as long as possible, but when she could conceal the infant no longer she platted a basket of reeds, smeared it with pitch, and set it adrift in the Nile, where it was likely to be found, leaving

her eldest daughter, named Miriam, to watch over it. Presently Pharaoh's daughter came, as was her habit, to the river to bathe, as Moses's mother expected that she would, and there she noticed the "ark" floating among the bulrushes. She had it brought her, and, noticing Miriam, she caused the girl to engage her mother, whom Miriam pointed out to her, as a nurse. Taking pity on the baby the kind-hearted princess adopted it and brought it up as she would had it been her own, and, as the child grew, she came to love the boy, and had him educated with care, and this education must be kept in mind since the future of Moses as a man turned upon it. For Moses was most peculiarly a creation of his age and of his environment; if, indeed, he may not be considered as an incarnation of Jewish thought gradually shaped during many centuries of priestly development.

According to tradition, Moses from childhood was of great personal beauty, so much so that passers by would turn to look at him, and this early promise was fulfilled as he grew to be a man. Tall and dignified, with long, shaggy hair and beard, of a reddish hue tinged with gray, he is described as "wise as beautiful." Educated by his foster-mother as a priest at Heliopolis, he was taught the whole range of Chaldean and Assyrian literature, as well as the Egyptian, and thus became acquainted with all the traditions of oriental magic: which, just at that period, was in its fullest development. Consequently, Moses must have been familiar with the ancient doctrines of Zoroaster.

Men who stood thus, and had such an education, were

called Wise Men, Magi, or Magicians, and had great influence, not so much as priests of a God, as enchanters who dealt with the supernatural as a profession. Daniel, for example, belonged to this class. He was one of three captive Jews whom Nebuchadnezzar, King of Babylon, gave in charge to the master of his eunuchs, to whom he should teach the learning and the tongue of the Chaldeans. Daniel, very shortly, by his natural ability, brought himself and his comrades into favor with the chief eunuch, who finally presented them to Nebuchadnezzar, who conversed with them and found them "ten times better than all the magicians and astrologers that were in all his realm."

The end of it was, of course, that Nebuchadnezzar dreamed a dream which he forgot when he awoke and he summoned "the magicians, and the astrologers, and the sorcerers, and the Chaldeans, for to shew the king his dreams," but they could not unless he told it them. This vexed the king, who declared that unless they should tell him his dream with the interpretation thereof, they should be cut in pieces. So the decree went forth that all "the wise men" of Babylon should be slain, and they sought Daniel and his fellows to slay them. Therefore, it appears that together with its privileges and advantages the profession of magic was dangerous in those ages. Daniel, on this occasion, according to the tradition, succeeded in revealing and interpreting the dream; and, in return, Nebuchadnezzar made Daniel a great man, chief governor of the province of Babylon.

Precisely a similar tale is told of Joseph, who, having been

sold by his brethren to Midianitish merchantmen with camels, bearing spices and balm, journeying along the ancient caravan road toward Egypt, was in turn sold by them to Potiphar, the captain of Pharaoh's guard.

And Joseph rose in Potiphar's service, and after many alternations of fortune was brought before Pharaoh, as Daniel had been before Nebuchadnezzar, and because he interpreted Pharaoh's dream acceptably, he was made "ruler over all the land of Egypt" and so ultimately became the ancestor whom Moses most venerated and whose bones he took with him when he set out upon the exodus.

It is true also that Josephus has preserved an idle tale that Moses was given command of an Egyptian army with which he made a successful campaign against the Ethiopians, but it is unworthy of credit and may be neglected. His bringing up was indeed the reverse of military. So much so that probably far the most important part of his education lay in acquiring those arts which conduce to the deception of others, such deceptions as jugglers have always practised in snake-charming and the like, or in gaining control of another's senses by processes akin to hypnotism;—processes which have been used by the priestly class and their familiars from the dawn of time. In especial there was one miracle performed by the Magi, on which not only they, but Moses himself, appear to have set great store, and on which Moses seemed always inclined to fall back, when hard pressed to assert his authority. They pretended to make fire descend

onto their altars by means of magical ceremonies. [Footnote: Lenormant, *Chaldean Magic*, 226.] Nevertheless, amidst all these ancient eastern civilizations, the strongest hold which the priests or sorcerers held over, and the greatest influence which they exercised upon, others, lay in their relations to disease, for there they were supposed to be potent. For example, in Chaldea, diseases were held to be the work of demons, to be feared in proportion as they were powerful and malignant, and to be restrained by incantations and exorcisms. Among these demons the one, perhaps most dreaded, was called Namtar, the genius of the plague. Moses was, of course, thoroughly familiar with all these branches of learning, for the relations of Egypt were then and for many centuries had been, intimate with Mesopotamia. Whatever aspect the philosophy may have, which Moses taught after middle life touching the theory of the religion in which he believed, Moses had from early childhood been nurtured in these Mesopotamian beliefs and traditions, and to them—or, at least, toward them—he always tended to revert in moments of stress. Without bearing this fundamental premise in mind, Moses in active life can hardly be understood, for it was on this foundation that his theories of cause and effect were based.

As M. Lenormant has justly and truly observed, go back as far as we will in Egyptian religion, we find there, as a foundation, or first cause, the idea of a divine unity,—a single God, who had no beginning and was to have no end of days,—the primary cause of all. [Footnote: *Chaldean Magic*, 79.] It is

true that this idea of unity was early obscured by confounding the energy with its manifestations. Consequently a polytheism was engendered which embraced all nature. Gods and demons struggled for control and in turn were struggled with. In Egypt, in Media, in Chaldea, in Persia, there were wise men, sorcerers, and magicians who sought to put this science into practice, and among this fellowship Moses must always rank foremost. Before, however, entering upon the consideration of Moses, as a necromancer, as a scientist, as a statesman, as a priest, or as a commander, we should first glance at the authorities which tell his history.

Scholars are now pretty well agreed that Moses and Aaron were men who actually lived and worked probably about the time attributed to them by tradition. That is to say, under the reign of Ramses II, of the Nineteenth Egyptian dynasty who reigned, as it is computed, from 1348 to 1281 B.C., and under whom the exodus occurred. Nevertheless, no very direct or conclusive evidence having as yet been discovered touching these events among Egyptian documents, we are obliged, in the main, to draw our information from the Hebrew record, which, for the most part, is contained in the Pentateuch, or the first five books of the Bible.

Possibly no historical documents have ever been subjected to a severer or more minute criticism than have these books during the last two centuries. It is safe to say that no important passage and perhaps no paragraph has escaped the most searching and

patient analysis by the acutest and most highly trained of minds; but as yet, so far as the science of history is concerned, the results have been disappointing. The order in which events occurred may have been successfully questioned and the sequence of the story rearranged hypothetically; but, in general, it has to be admitted that the weight of all the evidence obtained from the monuments of contemporary peoples has been to confirm the reliability of the Biblical narrative. For example, no one longer doubts that Joseph was actually a Hebrew, who rose, through merit, to the highest offices of state under an Egyptian monarch, and who conceived and successfully carried into execution a comprehensive agrarian policy which had the effect of transferring the landed estates of the great feudal aristocracy to the crown, and of completely changing Egyptian tenures. Nor does any one question, at this day, the reality of the power which the Biblical writers ascribed to the Empire of the Hittites. Under such conditions the course of the commentator is clear. He should treat the Jewish record as reliable, except where it frankly accepts the miracle as a demonstrated fact, and even then regard the miracle as an important and most suggestive part of the great Jewish epic, which always has had, and always must have, a capital influence on human thought.

The Pentateuch has, indeed, been demonstrated to be a compilation of several chronicles arranged by different writers at different times, and blended into a unity under different degrees of pressure, but now, as the book stands, it is as authentic a record

as could be wished of the workings of the Mosaic mind and of the minds of those of his followers who supported him in his pilgrimage, and who made so much of his task possible, as he in fact accomplished.

Moses, himself, but for the irascibility of his temper, might have lived and died, contented and unknown, within the shadow of the Egyptian court. The princess who befriended him as a baby would probably have been true to him to the end, in which case he would have lived wealthy, contented, and happy and would have died overfed and unknown. Destiny, however, had planned it otherwise.

The Hebrews were harshly treated after the death of Joseph, and fell into a quasi-bondage in which they were forced to labor, and this species of tyranny irritated Moses, who seems to have been brought up under his mother's influence. At all events, one day Moses chanced to see an Egyptian beating a Jew, which must have been a common enough sight, but a sight which revolted him. Whereupon Moses, thinking himself alone, slew the Egyptian and hid his body in the sand. Moses, however, was not alone. A day or so later he again happened to see two men fighting, whereupon he again interfered, enjoining the one who was in the wrong to desist. Whereupon the man whom he checked turned fiercely on him and said, "Who made thee a prince and a judge over us? Intendest thou to kill me, as thou killedst the Egyptian?"

When Moses perceived by this act of treachery on the part of

a countryman, whom he had befriended, that nothing remained to him but flight, he started in the direction of southern Arabia, toward what was called the Land of Midian, and which, at the moment, seems to have lain beyond the limits of the Egyptian administrative system, although it had once been one of its most prized metallurgical regions. Just at that time it was occupied by a race called the Kenites, who were more or less closely related to the Amalekites, who were Bedouins and who relied for their living upon their flocks, as the Israelites had done in the time of Abraham. Although Arabia Patrea was then, in the main, a stony waste, as it is now, it was not quite a desert. It was crossed by trade routes in many directions along which merchants travelled to Egypt, as is described in the story of Joseph, whose brethren seized him in Dothan, and as they sat by the side of the pit in which they had thrown him, they saw a company of Ishmaelites who came from Gilead and who journeyed straight down from Damascus to Gilead and from thence to Hebron, along the old caravan road, toward Egypt, with camels bearing spices and myrrh, as had been their custom since long beyond human tradition, and which had been the road along which Abraham had travelled before them, and which was still watered by his wells. This was the famous track from Beersheba to Hebron, where Hagar was abandoned with her baby Ishmael, and if the experiences of Hagar do not prove that the wilderness of Shur was altogether impracticable for women and children it does at least show that for a mixed multitude without trustworthy guides

or reliable sources of supply, the country was not one to be lightly attempted.

It was into a region similar to this, only somewhat further to the south, that Moses penetrated after his homicide, travelling alone and as an unknown adventurer, dressed like an Egyptian, and having nothing of the nomad about him in his looks. As Moses approached Sinai, the country grew wilder and more lonely, and Moses one day sat himself down, by the side of a well whither shepherds were wont to drive their flocks to water. For shepherds came there, and also shepherdesses; among others were the seven daughters of Jethro, the priest of Midian, who came to water their father's flocks. But the shepherds drove them away and took the water for themselves. Whereupon Moses defended the girls and drew water for them and watered their flocks. This naturally pleased the young women, and they took Moses home with them to their father's tent, as Bedouins still would do. And when they came to their father, he asked how it chanced that they came home so early that day. "And they said, an Egyptian delivered us out of the hand of the shepherds, and also drew water enough for us, and watered the flock." And Jethro said, "Where is he? Why is it that ye have left the man? Call him that he may eat bread."

"And Moses was content to dwell with" Jethro, who made him his chief shepherd and gave him Zipporah, his daughter. And she bore him a son. Seemingly, time passed rapidly and happily in this peaceful, pastoral life, which, according to the tradition

preserved by Saint Stephen, lasted forty years, but be the time long or short, it is clear that Moses loved and respected Jethro and was in return valued by him. Nor could anything have been more natural, for Moses was a man who made a deep impression at first sight—an impression which time strengthened. Intellectually he must have been at least as notable as in personal appearance, for his education at Heliopolis set him apart from men whom Jethro would have been apt to meet in his nomad life. But if Moses had strong attractions for Jethro, Jethro drew Moses toward himself at least as strongly in the position in which Moses then stood. Jethro, though a child of the desert, was the chief of a tribe or at least of a family, a man used to command, and to administer the nomad law; for Jethro was the head of the Kenites, who were akin to the Amalekites, with whom the Israelites were destined to wage mortal war. And for Moses this was a most important connection, for Moses after his exile never permitted his relations with his own people in Egypt to lapse. The possibility of a Jewish revolt, of which his own banishment was a precursor, was constantly in his mind. To Moses a Jewish exodus from Egypt was always imminent. For centuries it had been a dream of the Jews. Indeed it was an article of faith with them. Joseph, as he sank in death, had called his descendants about him and made them solemnly swear to "carry his bones hence." And to that end Joseph had caused his body to be embalmed and put in a coffin that all might be ready when the day came. Moses knew the tradition and felt himself bound by the oath and waited in

Midian with confidence until the moment of performance should come. Presently it did come. Very probably before he either expected or could have wished it, and actually, as almost his first act of leadership, Moses did carry the bones of Joseph with him when he crossed the Red Sea. Moses held the tradition to be a certainty. He never conceived it to be a matter of possible doubt, nor probably was it so. There was in no one's mind a question touching Joseph's promise nor about his expectation of its fulfilment. What Moses did is related in Exodus XIII, 19: "And Moses took the bones of Joseph with him; for he had straitly sworn the children of Israel, saying, God will surely visit you; and ye shall carry up my bones away hence with you."

In fine, Moses, in the solitude of the Arabian wilderness, in his wanderings as the shepherd of Jethro, came to believe that his destiny was linked with that of his countrymen in a revolution which was certain to occur before they could accomplish the promise of Joseph and escape from Egypt under the guidance of the god who had befriended and protected him. Moreover, Moses was by no means exclusively a religious enthusiast. He was also a scientific man, after the ideas of that age. Moses had a high degree of education and he was familiar with the Egyptian and Chaldean theory of a great and omnipotent prime motor, who had had no beginning and should have no end. He was also aware that this theory was obscured by the intrusion into men's minds of a multitude of lesser causes, in the shape of gods and demons, who mixed themselves in earthly affairs and

on whose sympathy or malevolence the weal or woe of human life hinged. Pondering deeply on these things as he roamed, he persuaded himself that he had solved the riddle of the universe, by identifying the great first cause of all with the deity who had been known to his ancestors, whose normal home was in the promised land of Canaan, and who, beside being all-powerful, was also a moral being whose service must tend toward the welfare of mankind. For Moses was by temperament a moralist in whom such abominations as those practised in the worship of Moloch created horror. He knew that the god of Abraham would tolerate no such wickedness as this, because of the fate of Sodom on much less provocation, and he believed that were he to lead the Israelites, as he might lead them, he could propitiate such a deity, could he but by an initial success induce his congregation to obey the commands of a god strong enough to reward them for leading a life which should be acceptable to him. All depended, therefore, should the opportunity of leadership come to him, on his being able, in the first place, to satisfy himself that the god who presented himself to him was verily the god of Abraham, who burned Sodom, and not some demon, whose object was to vex mankind: and, in the second place, assuming that he himself were convinced of the identity of the god, that he could convince his countrymen of the fact, and also of the absolute necessity of obedience to the moral law which he should declare, since without absolute obedience, they would certainly merit, and probably suffer, such a fate as befell the inhabitants of Sodom,

under the very eyes of Abraham, and in spite of his prayers for mercy.

There was one other apprehension which may have troubled, and probably did trouble, Moses. The god of the primitive man, and certainly of the Bedouin, is usually a local deity whose power and whose activity is limited to some particular region, as, for instance, a mountain or a plain. Thus the god of Abraham might have inhabited and absolutely ruled the plain of Mamre and been impotent elsewhere. But this, had Moses for a moment harbored such a notion, would have been dispelled when he thought of Joseph. Joseph, when his brethren threw him into the pit, must have been under the guardianship of the god of his fathers, and when he was drawn out, and sold in the ordinary course of the slave-trade, he was bought by Potiphar, the captain of the guard. "And the Lord was with Joseph and he was a prosperous man." Thenceforward, Joseph had a wonderful career. He received in a dream a revelation of what the weather was to be for seven years to come. And by this dream he was able to formulate a policy for establishing public graineries like those which were maintained in Babylon, and by means of these graineries, ably administered, the crown was enabled to acquire the estates of the great feudatories, and thus the whole social system of Egypt was changed. And Joseph, from being a poor waif, cast away by his brethren in the wilderness, became the foremost man in Egypt and the means of settling his compatriots in the province of Gotham, where they still lived when Moses fled from Egypt.

Such facts had made a profound impression upon the mind of Moses, who very reasonably looked upon Joseph as one of the most wonderful men who had ever lived, and one who could not have succeeded as he succeeded, without the divine interposition. But if the god who did these things could work such miracles in Egypt, his power was not confined by local boundaries, and his power could be trusted in the desert as safely as it could be on the plain of Mamre or elsewhere. The burning of Sodom was a miracle equally in point to prove the stern morality of the god. And that also, was a fact, as incontestable, to the mind of Moses, as was the rising of the sun upon the morning of each day. He knew, as we know of the battle of Great Meadows, that one day his ancestor Abraham, when sitting in the door of his tent toward noon, "in the plain of Mamre," at a spot not far from Hebron and perfectly familiar to every traveller along the old caravan road hither, on looking up observed three men standing before him, one of whom he recognized as the "Lord." Then it dawned on Abraham that the "Lord" had not come without a purpose, but had dropped in for dinner, and Abraham ran to meet them, "and bowed himself toward the ground." And he said, "Let a little water be fetched, and wash your feet, and rest yourselves under the tree: And I will fetch a morsel of bread, and comfort ye your hearts; after that you shall pass on." "And Abraham ran unto the herd, and fetcht a calf tender and good, and gave it unto a young man; and he hasted to dress it. And he took butter, and milk, and the calf which he had dressed, and set it before

them; and he stood by them under the tree, and they did eat." Meanwhile, Abraham asked no questions, but waited until the object of the visit should be disclosed. In due time he succeeded in his purpose. "And they said unto him, Where is Sarah thy wife? And he said, Behold, in the tent. And he [the Lord] said, … Sarah thy wife shall have a son.... Now Abraham and Sarah were old, and well stricken in age." At this time Abraham was about one hundred years old, according to the tradition, and Sarah was proportionately amused, and "laughed within herself." This mirth vexed "the Lord," who did not treat his words as a joke, but asked, "Is anything too hard for the Lord?" Then Sarah took refuge in a lie, and denied that she had laughed. But the lie helped her not at all, for the Lord insisted, "Nay, but thou didst laugh." And this incident broke up the party. The men rose and "looked toward Sodom": and Abraham strolled with them, to show them the way. And then the "Lord" debated with himself whether to make a confidant of Abraham touching his resolution to destroy Sodom utterly. And finally he decided that he would, "because the cry of Sodom and Gomorrah is great and because their sin is very grievous." Whereupon Abraham intervened, and an argument ensued, and at length God admitted that he had been too hasty and promised to think the matter over. And finally, when "the Lord" had reduced the number of righteous for whom the city should be saved to ten, Abraham allowed him to go "his way … and Abraham returned to his place."

In the evening of the same day two angels came to Sodom,

who met Lot at the gate, and Lot took them to his house and made them a feast and they did eat. Then it happened that the mob surrounded Lot's house and demanded that the strangers should be delivered up to them. But Lot successfully defended them. And in the morning the angels warned Lot to escape, but Lot hesitated, though finally he did escape to Zoar.

"Then the Lord rained upon Sodom and upon Gomorrah brimstone and fire from the Lord out of heaven."

"And Abraham gat up early in the morning to the place where he stood before the Lord:

"And he looked toward Sodom and Gomorrah, and toward all the land of the plain, and beheld, and, lo, the smoke of the country went up as the smoke of a furnace."

We must always remember, in trying to reconstruct the past, that these traditions were not matters of possible doubt to Moses, or indeed to any Israelite. They were as well established facts to them as would be the record of volcanic eruptions now. Therefore it would not have astonished Moses more that the Lord should meet him on the slope of Horeb, than that the Lord should have met his ancestor Abraham on the plain of Mamre. Moses' doubts and perplexities lay in another direction. Moses did not question, as did his great ancestress, that his god could do all he promised, if he had the will. His anxiety lay in his doubt as to God's steadiness of purpose supposing he promised; and this doubt was increased by his lack of confidence in his own countrymen. The god of Abraham was a requiring deity

with a high moral standard, and the Hebrews were at least in part somewhat akin to a horde of semi-barbarous nomads, much more likely to fall into offences resembling those of Sodom than to render obedience to a code which would strictly conform to the requirements which alone would ensure Moses support, supposing he accepted a task which, after all, without divine aid, might prove to be impossible to perform.

When the proposition which Moses seems, more or less confidently, to have expected to be made to him by the Lord, came, it came very suddenly and very emphatically. "Now Moses kept the flock of Jethro his father-in-law, the priest of Midian: and he led the flock to the backside of the desert, and came to the mountain of God, even to Horeb.

"And the angel of the Lord appeared unto him in a flame of fire out of the midst of a bush: and he looked, and, behold, the bush burned with fire, and the bush was not consumed."

And Moses, not, apparently, very much excited, said, "I will now turn aside, and see this great sight." But God called unto him out of the midst of the bush, and said, "Moses, Moses." And he said, "Here am I." Then the voice commanded him to put off his shoes from off his feet, for the place he stood on was holy ground.

"Moreover," said the voice, "I am the God of thy father, the God of Abraham, the God of Isaac, and the God of Jacob." And Moses hid his face; for he was afraid to look upon God.

And the Lord said, "I have surely seen the affliction of my people … and have heard their cry by reason of their taskmasters;

for I know their sorrows.

"And I am come down to deliver them out of the hand of the Egyptians, and to bring them up out of that land unto a good land and a large, unto a land flowing with milk and honey; unto the place of the Canaanites, and the Hittites, and the Amorites, and the Perizzites....

"Come now, therefore, and I will send thee unto Pharaoh, that thou mayest bring forth my people, the children of Israel, out of Egypt."

And Moses said unto God, "Who am I, that I should go unto Pharaoh, and that I should bring forth the children of Israel out of Egypt?…" And Moses said unto God, "Behold, when I am come unto the children of Israel, and shall say unto them, The God of your fathers hath sent me unto you; and they shall say to me, What is his name? what shall I say unto them?"

And God said unto Moses, "*I am That I Am*;" and he said, "Thus shalt thou say unto the children of Israel, *I Am* hath sent me unto you."

"And God said, moreover, unto Moses, Thus shalt thou say unto the children of Israel, The Lord God of your fathers, the God of Abraham, the God of Isaac, and the God of Jacob, hath sent me unto you: this is my name forever, and this is my memorial unto all generations."

Then the denizen of the bush renewed his instructions and his promises, assuring Moses that he would bring him and his following out of the land of affliction of Egypt and into the land

of the Canaanites, and the Hittites, and the Amorites, and others, unto a land flowing with milk and honey. In a word to Palestine. And he insisted to Moses that he should gain an entrance to Pharaoh, and that he should tell him that "the Lord God of the Hebrews hath met with us: and now let us go, we beseech thee, three days' journey into the wilderness, that we may sacrifice to the Lord our God."

Also God did not pretend to Moses that the King of Egypt would forthwith let them go; whereupon he would work his wonders in Egypt and after that Pharaoh would let them go.

Moreover, he promised, as an inducement to their avarice, that they should not go empty away, for that the Lord God would give the Hebrews favor in the sight of the Egyptians, "so that every woman should borrow of her neighbor, and of her that sojourneth in her house, jewels of silver, jewels of gold, and raiment," and that they should spoil the Egyptians. But all this time God did not disclose his name; so Moses tried another way about. If he would not tell his name he might at least enable Moses to work some wonder which should bring conviction to those who saw it, even if the god remained nameless. For Moses appreciated the difficulty of the mission suggested to him. How was he, a stranger in Egypt, to gain the confidence of that mixed and helpless multitude, whom he was trying to persuade to trust to his guidance in so apparently desperate an enterprise as crossing a broad and waterless waste, in the face of a well-armed and vigorous foe. Moses apprehended that there was but one way in which he

could by possibility succeed. He might prevail by convincing the Israelites that he was commissioned by the one deity whom they knew, who was likely to have both the will and the power to aid them, and that was the god who had visited Abraham on the plain of Mamre, who had destroyed Sodom for its iniquity, and who had helped Joseph to become the ruler of Egypt. Joseph above all was the man who had made to his descendants that solemn promise on whose faith Moses was, at that very moment, basing his hopes of deliverance; for Joseph had assured the Israelites in the most solemn manner that the god who had aided him would surely visit them, and that they should carry his bones away with them to the land he promised. That land was the land to which Moses wished to guide them. Now Moses was fully determined to attempt no such project as this unless the being who spoke from the bush would first prove to him, Moses, that he was the god he purported to be, and should beside give Moses credentials which should be convincing, by which Moses could prove to the Jews in Egypt that he was no impostor himself, nor had he been deceived by a demon. Therefore Moses went on objecting as strongly as at first:

"And Moses answered and said, But behold they will not believe me, nor hearken to my voice; for they will say, the Lord hath not appeared unto thee."

Then the being in the bush proceeded to submit his method of proof, which was of a truth feeble, and which Moses rejected as feeble. A form of proof which never fully convinced him, and

which, in his judgment could not be expected to convince others, especially men so educated and intelligent as the Egyptians. For the Lord had nothing better to suggest than the ancient trick of the snake-charmer, and even the possessor of the voice seems implicitly to have admitted that this could hardly be advanced as a convincing miracle. So the Lord proposed two other tests: the first was that Moses should have his hand smitten with leprous sores and restored immediately by hiding it from sight in "his bosom." And in the event that this test left his audience still sceptical, he was to dip Nile water out of the river, and turn it into blood on land.

Moses at all these three proposals remained cold as before. And with good reason, for Moses had been educated as a priest in Egypt, and he knew that Egyptian "wise men" could do as well, and even better, if it came to a magical competition before Pharaoh. And Moses had evidently no relish for a contest in the presence of his countrymen as to the relative quality of his magic. Therefore, he objected once more on another ground: "I am not eloquent, neither heretofore nor since thou hast spoken unto thy servant: but I am slow of speech, and of a slow tongue." This continued hesitancy put the Lord out of patience; who retorted sharply, "Who hath made man's mouth? or who maketh the dumb, or deaf, or the seeing, or the blind? Have not I the Lord?

"Now therefore go, and I will be with thy mouth, and teach thee what thou shalt say."

Then Moses made his last effort. "0 my Lord, send, I pray

thee, by the hand of him whom thou wilt send." Which was another way of saying, Send whom you please, but leave me to tend Jethro's flock in Midian.

"And the anger of the Lord was kindled against Moses; and he said, Is not Aaron the Levite thy brother? I know that he can speak well. And also, behold, he cometh forth to meet thee; and when he seeth thee, he will be glad in his heart.

"And he shall be, … to thee instead of a mouth, and thou shalt be to him instead of God."

Then Moses, not seeming to care very much what Aaron might think about the matter, went to Jethro, and related what had happened to him on the mountain, and asked for leave to go home to Egypt, and see how matters stood there. And Jethro listened, and seems to have thought the experiment worth trying, for he answered, "Go in peace."

"And the Lord said unto Moses,"—but where is not stated, probably in Midian,—"Go, return into Egypt," which you may do safely, for all the men are dead which sought thy life.

"And Moses took his wife and his sons, and set them upon an ass, and he returned to the land of Egypt. And Moses took the rod of God in his hand."

It was after this, apparently, that Aaron travelled to meet Moses in Midian, and Moses told Aaron what had occurred, and performed his tests, and, seemingly, convinced him; for then Moses and Aaron went together into Egypt and called the elders of the children of Israel together, "and did the signs in the sight of

the people. And the people believed: and … bowed their heads and worshipped." Meanwhile God had not, as yet, revealed his name. But as presently matters came to a crisis between Moses and Pharaoh, he did so. He said to Moses, "I am the Lord:

"I appeared unto Abraham, unto Isaac, and unto Jacob, by the name of God Almighty; but by my name Jehovah was I not known to them....

"Wherefore say unto the children of Israel, I am the Lord.... And I will bring you in unto the land, concerning the which I did swear to give it to Abraham, to Isaac, and to Jacob; and I will give it you for an heritage: I am the Lord.

"And Moses spake so unto the children of Israel: but they hearkened not unto Moses, for anguish of spirit, and for cruel bondage....

"And Moses spake before the Lord, saying, Behold the children of Israel have not hearkened unto me; how then shall Pharaoh hear me?" And from this form of complaint against his countrymen until his death Moses never ceased.

Certain modern critics have persuaded themselves to reject this whole Biblical narrative as the product of a later age and of a maturer civilization, contending that it would be childish to attribute the reasoning of the Pentateuch to primitive Bedouins like the patriarchs or like the Jews who followed Moses into the desert. Setting aside at once the philological discussion as to whether the language of the Pentateuch could have been used by Moses, and admitting for the sake of argument that Moses

did not either himself write, or dictate to another, any part of the documents in question, it would seem that the application of a little common sense would show pretty conclusively that Moses throughout his whole administrative life acted upon a single scientific theory of the application of a supreme energy to the affairs of life, and upon the belief that he had discovered what that energy was and understood how to control it.

His syllogism amounted to this:

Facts, which are admitted by all Hebrews, prove that the single dominant power in the world is the being who revealed himself to our ancestors, and who, in particular, guided Joseph into Egypt, protected him there, and raised him to an eminence never before or since reached by a Jew. It can also be proved, by incontrovertible facts, that this being is a moral being, who can be placated by obedience and by attaining to a certain moral standard in life, and by no other means. That this standard has been disclosed to me, I can prove to you by sundry miraculous signs. Therefore, be obedient and obey the law which I shall promulgate "that ye may prosper in all that ye do."

Indeed, the philosophy of Moses was of the sternly practical kind, resembling that of Benjamin Franklin. He did not promise his people, as did the Egyptians, felicity in a future life. He confined himself to prosperity in this world. And to succeed in his end he set an attainable standard. A standard no higher, certainly than that accepted by the Egyptians, as it is set forth in the 125th chapter of the Book of the Dead, a standard to

which the soul of any dead man had to attain before he could be admitted into Paradise. Nor did Moses, as Dr. Budde among others assumes, have to deal with a tribe of fierce and barbarous Bedouins, like the Amalekites, to whom indeed the Hebrews were antagonistic and with whom they waged incessant war.

The Jews, for the most part, differed widely from such barbarians. They had become sedentary at the time of the exodus, whatever they may have been when Abraham migrated from Babylon. They were accustomed in Egypt to living in houses, they cultivated and cooked the cereals, and they fed on vegetables and bread. They did not live on flesh and milk as do the Bedouins; and, indeed, the chief difficulty Moses encountered in the exodus was the ignorance of his followers of the habits of desert life, and their dislike of desert fare. They were forever pining for the delights of civilization. "Would to God we had died by the hand of the Lord in the land of Egypt, when we eat by the flesh-pots, and when we did eat bread to the full! for ye have brought us forth into this wilderness, to kill this whole assembly with hunger." [Footnote: Ex. XVI, 3.]

"We remember the fish, which we did eat in Egypt freely; the cucumbers, and the melons, and the leeks, and the onions, and the garlick." These were the wants of sedentary and of civilized folk, not of barbarous nomads who are content with goat's flesh and milk. And so it was with their morality and their conceptions of law. Moses was, indeed, a highly civilized and highly educated man. No one would probably pretend that Moses represented the

average Jew of the exodus, but Moses understood his audience reasonably well, and would not have risked the success of his whole experiment by preaching to them a doctrine which was altogether beyond their understanding. If he told them that the favor of God could only be gained by obeying the laws he taught, it was because he thought such an appeal would be effective with a majority of them.

Dr. Budde, who is a good example of the modern hypercritical school, takes very nearly the opposite ground. His theory is that Moses was in search of a war god, and that he discovered such a god, in the god of the Bedouin tribe of the Kenites whose acquaintance he first made when dwelling with his father-in-law Jethro at Sinai. The morality of such a god he insists coincided with the morality which Moses may have at times countenanced, but which was quite foreign to the spirit of the decalogue.

Doubtless this is, in a degree, true. The religion of the pure Bedouin was very often crude and shocking, not to say disgusting. But to argue thus is to ignore the fact that all Bedouins did not, in the age of Moses, stand on the same intellectual or moral level, and it is also to ignore the gap that separated Moses and his congregation intellectually and morally from such Bedouins as the Amalekites.

Dr. Budde, in his *Religion of Israel to the Exile*, insists that the Kenite god, Jehovah, demanded "The sacred ban by which conquered cities with all their living beings were devoted to destruction, the slaughter of human beings at sacred spots,

animal sacrifices at which the entire animal, wholly or half raw, was devoured, without leaving a remnant, between sunset and sunrise,—these phenomena and many others of the same kind harmonise but ill with an aspiring ethical religion."

He also goes on to say: "We are further referred to the legislation of Moses, … comprising civil and criminal, ceremonial and ecclesiastical, moral and social law in varying compass. This legislation, however, cannot have come from Moses.... Such legislation can only have arisen after Israel had lived a long time in the new home."

To take these arguments in order,—for they must be so dealt with to develop any reasonable theory of the Mosaic philosophy,—Moses, doubtless, was a ruthless conqueror, as his dealings with Sihon and Og sufficiently prove. "So the Lord our God delivered into our hands Og also, the king of Bashan, and all his people: and we smote him until none was left to him remaining....

"And we utterly destroyed them, as we did unto Sihon, king of Heshbon, utterly destroying the men, women, and children of every city." [Footnote: Deut. III, 3-6.]

There is nothing extraordinary, or essentially barbarous, in this attitude of Moses. The same theory of duty or convenience has been held in every age and in every land, by men of the ecclesiastical temperament, at the very moment at which the extremest doctrines of charity, mercy, and love were practised by their contemporaries, or even preached by themselves. For example:

At the beginning of the thirteenth century the two great convents of Cluny and Citeau, together, formed the heart of monasticism, and Cluny and Citeau were two of the richest and most powerful corporations in the world, while the south of France had become, by reason of the eastern trade, the wealthiest and most intelligent district in Europe. It suffices to say here that, just about this time, the people of Languedoc had made up their minds, because of the failure of the Crusades, the cost of such magnificent establishments was not justified by their results, and accordingly Count Raymond of Toulouse, in sympathy with his subjects, did seriously contemplate secularization. To the abbots of these great convents, it was clear that if this movement spread across the Rhone into Burgundy, the Church would face losses which they could not contemplate with equanimity. At this period one Arnold was Abbot of Citeau, universally recognized as perhaps the ablest and certainly one of the most unscrupulous men in Europe. Hence the crusade against the Albigenses which Simon de Montfort commanded and Arnold conducted. Arnold's first exploit was the sack of the undefended town of Béziers, where he slaughtered twenty thousand men, women, and children, without distinction of religious belief. When asked whether the orthodox might not at least be spared, he replied, "Kill them all; God knows his own."

This sack of Béziers occurred in 1209. Exactly contemporaneously Saint Francis of Assisi was organizing his order whose purpose was to realize Christ's kingdom upon earth,

by the renunciation of worldly wealth and by the practice of poverty, humility, and obedience. Soon after, Arnold was created Archbishop of Narbonne and became probably the greatest and richest prelate in France, or in the world. This was in 1225. In 1226 the first friars settled in England. They multiplied rapidly because of their rigorous discipline. Soon there were to be found among them some of the most eminent men in England. Their chief house stood in London in a spot called Stinking Lane, near the Shambles in Newgate, and there, amidst poverty, hunger, cold, and filth, these men passed their lives in nursing horrible lepers, so loathsome that they were rejected by all but themselves, while Arnold lived in magnificence in his palace, upon the spoil of those whom he had immolated to his greed.

In the case of Moses the contrast between precept and practice in the race for wealth and fortune was not nearly so violent. Moses, it is true, according to Leviticus, declared it to be the will of the Lord that the Israelites should love their neighbors as themselves, [Footnote: Lev. XIX, 18.] while on the other hand in Deuteronomy he insisted that obedience was the chief end of life, and that if the Israelites were to thoroughly obey the Lord's behests, they were to "consume all the people which the Lord thy God shall deliver thee; thine eye shall have no pity upon them: neither" should thou serve their gods, "for the Lord thy God is a jealous God." [Footnote: Deut. VII, 16.] And the penalty for slackness was "lest the anger of the Lord thy God be kindled against thee, and destroy thee from off the face of

the earth." [Footnote: Deut. VI, 15.] There is, nevertheless, this much to be said in favor of the morality of Moses as contrasted with that of thirteenth-century orthodox Christians like Arnold; Moses led a crusade against a foreign and hostile people, while Arnold slaughtered the Albigenses, who were his own flock, sheep to whom he was the shepherd, communicants in his own church, and worshippers of the God whom he served. What concerns us, however, is that the same stimulant animated Moses and Arnold alike. The stimulant, pure and simple, of greed. On these points Moses was as outspokenly, one may say as brutally, frank as was Arnold. In the desert Moses commanded his followers to exterminate the inhabitants of the kingdom of Bashan in order that they might appropriate their possessions, which he enumerated, and Moses had no other argument to urge but the profitableness of it by which to secure obedience to his moral law.

Arnold stood on precisely the same platform. He did not accuse Count Raymond of heresy or any other crime, nor did Pope Innocent III consider Raymond as morally guilty of a criminal offence, or worthy of punishment. Indeed, the pope would have protected the Count had it been possible, and summoned him before the Fourth Lateran Council for that purpose. But Arnold told his audience that were Raymond allowed to escape there would be an end of the Catholic faith in France. Or, in other words, monastic property would be secularized. Perhaps he was right. At all events, this argument

prevailed, and Raymond and his family and people were sacrificed.

Moses promised his congregation that, if they would spare nothing they should enjoy abundance of good things, without working for them. He was much more pitiless than such a man as King David thought it necessary to be, but Moses was not a soldier like David. He could not promise to win victories himself, he could but promise what he had in hand, and that was the spoil of those they massacred. Moses never had but one appeal to make for obedience, one incentive to offer to obey. In this he was perfectly honest and perfectly logical. His congregation and he, finding Egypt untenable, were engaged in a common land speculation to improve their condition; a speculation in which Moses believed, but which could only be brought to a successful end by obtaining control of the dominant energy of the world. This energy, he held, could be handled by no one but himself, and then only in case those who acted with him were absolutely obedient to his commands, which, taken together, were equivalent to a magical exorcism or spell. Then only could they hope that the Lord of Abraham and Isaac would give them "great and goodly cities, which thou buildedst not, And houses full of all good things, which thou filledst not, and wells digged, which thou diggedst not, vineyards and olive trees, which thou plantedst not." [Footnote: Deut. VI, 10, 11.]

Very obviously, if the theory which Moses propounded were sound the assets which he offered as an inducement for docility

could be obtained, at so cheap a rate, in no other way. All Moses' moral teaching amounted, therefore, to this—"It pays to be obedient and good." No argument could have been better adapted to Babylonish society, and it seems to have answered nearly as well with the Israelites, which proves that they stood on nearly the same intellectual plane. The chief difficulty with which Moses had to contend was that his countrymen did not thoroughly believe in him, nor in the efficacy of his motor. They always were tempted to try experiments with other motors which were operated by other prophets and by other peoples who were, apparently, as prosperous as they, or even more so. His trouble was not that his followers were nomads unprepared for a sedentary life or a moral law like his, or unable to appreciate the value of the property of a people further advanced in civilization than they were. The Amalekites would have responded to no such system of bribery as Moses offered the Israelites, who did respond with intelligence, if not always with enthusiasm.

The same is true of the Mosaic legislation which Dr. Budde curtly dismisses as impossible to have come from Moses, [Footnote: *Religion of Israel to the Exile*, 31.] as presupposing a knowledge of a settled agricultural life, which "Israel did not reach until after Moses' death."

All this is an assumption of fact unsupported by evidence; but quite the contrary, as we can see by an examination of the law in question. Whatever may have been the date of the establishment of the cities of refuge, I suppose that it will not be seriously

denied that the law of the covenant as laid down in Exodus XX, 1, Numbers XXXV, 6, is at least as old as the age of Moses, in principle, if not in words; and this legal principle is quite inconsistent with, if not directly antagonistic to, all the prejudices and regulations, moral, religious, or civil, of a pure nomadic society, since it presupposes a social condition which, if adopted, would be fatal to a nomad society.

The true nomad knows no criminal law save the law of the blood feud, which is the law of revenge, and which prevailed among the Hebrews much earlier. In the early Saxon law it was expressed by the apothegm "*Factum reputabitur pro volunte*." The act implies the intent. That is to say, the tribe is an enlarged family who, since they have no collective system of sovereignty which gives them common protection by an organized police, and courts with power to enforce process, have no option but to protect each other. Therefore, it is incumbent on each member of the tribe or family to avenge an injury to any other member, whether the injury be accidental or otherwise; and to be himself the judge of what amounts to an injury. Such a condition prevailed among the Hebrews at a very early period; "And God blessed Noah and his sons, and said unto them: … at the hand of every man's brother will I require the life of man. Whoso sheddeth man's blood, by man shall his blood be shed." [Footnote: Gen. IX, 1, 5, 6.] These customs and the type of thought which sustain them are very tenacious and change slowly. Moses could not have altered the nomadic customs of

thought and of blood revenge, had he tried, more than could Canute. It would have been impossible. The advent of a civilized conception of the law is the work of centuries as the history of England proves.

We know not how long ago it was that the law of the blood feud was fully recognized in England, but it had already been shaken at the conquest, and its death-blow was given it by the Church, which had begun to tire of the responsibility entailed by the trial by ordeal or miracle, and the obloquy which it involved, at a relatively early date. For the purposes of the Church and the uses of confession it was more convenient to regard crime or tort, as did the Romans; as a mental condition, dependent altogether upon the state of the mind or "animus." Malice in the eye of the Church was the virus which poisoned the otherwise innocent act, and made the thought alone punishable. Indeed, this conception is one which has not yet been completely established even in the modern law. The first signs of such a revolution in jurisprudence only began to appear in England some seven centuries ago. As Mr. Maitland has observed in his *History of English Law*, [Footnote: Vol. II, 476.] "We receive a shock of surprise when we meet with a maxim which has troubled our modern lawyers, namely, *Reum nonfacit nisi mens rea*, in the middle of the *Leges Henrici*." That is to say somewhere about the year 1118 A.D. This maxim was taken bodily out of a sermon of Saint Augustine, which accounts for it, but at that time the Church had another process to suggest by which she asserted her authority. She threw

the responsibility for detecting guilt, in cases of doubt, upon God. By the ordeal, if a homicide, for example, were committed, and the accused denied his guilt, he was summoned to appear, and then, after a solemn reference to God by the ecclesiastics in charge, he was caused either to carry a red-hot iron bar a certain distance or to plunge his arms in boiling water. If he were found, after a certain length of time, during which his arms were bandaged, to have been injured, he was held to have been guilty. If he had escaped unhurt he was innocent. Gradually, however, the ordeal began to fall into ridicule. William Rufus gibed at it, for of fifty men sent to the ordeal of iron, under the sacred charge of the clerks, all escaped, which certainly, as Mr. Maitland intimates, looks as if the officiating ecclesiastics had an interest in the result. [Footnote: *History of English Law*, II, 599, note 2.] At length, by the Lateran Council of 1215, the Church put an end to the institution, but long afterward it found its upholders. For example, the *Mirror*, written in the reign of Edward I (circa 1285) complained, "It is an abuse that proofs and compurgations be not by the miracle of God where other proof faileth." Nor was the principle that "attempts" to commit indictable offences are crimes, established as law, until at least the time of the Star Chamber, before its abolition in the seventeenth century. Though doubtless it is the law to-day. [Footnote: Stephen, *Digest of the Criminal Law*, 192.] And this, although the means used may have been impossible. Moreover, the doctrine is still in process of enlargement.

Very convincing conclusions may be drawn from these facts. The subject is obscure and difficult, but if the inception of the process of breaking down the right of enforcing the blood feud be fixed provisionally toward the middle of the tenth century,—and this date is early enough,—the movement of thought cannot be said to have attained anything like ultimate results before at least the year 1321 when a case is cited wherein a man was held guilty because he had attempted to kill his master, and the "*volunias in isto casu reputabitur pro facto*."

Measuring by this standard five hundred years is a short enough period to estimate the time necessary for a community to pass from the stage when the blood feud is recognized as unquestioned law, to the status involved in the administration of the cities of refuge, for in these cities not only the mental condition is provided for as a legitimate defence, but the defence of negligence is made admissible in a secular court.

"These six cities shall be a refuge, both for the children of Israel, and for the stranger, and for the sojourner among them; that every one that killeth any person unawares may flee thither....

"If he thrust him of hatred, or hurl at him by laying of wait that he die;

"Or in enmity smite him with his hand, that he die: he that smote him shall surely be put to death; for he is a murderer: the revenger of blood shall slay the murderer, when he meeteth him.

"But if he thrust him suddenly without enmity, or have cast

upon him anything without laying of wait,—

"Or with any stone, wherewith a man may die, seeing him not, and cast it upon him, that he die, and was not his enemy, neither sought his harm:

"Then the congregation shall judge between the slayer and the revenger of blood according to these judgments:

"And the congregation shall deliver the slayer out of the hand of the revenger of blood, and the congregation shall restore him to the city of his refuge, whither he was fled."… [Footnote: Numbers XXXV, 15, 20-25.]

Here we have a defendant in a case of homicide setting up the defence that the killing happened through an accident, but an accident not caused by criminal negligence, and this defence is to be tried by the congregation, which is tantamount to trial by jury. It is not left to God, under the oversight of the Church; and this is precisely our own system at the present day. We now come to the inferences to be drawn from these facts. Supposing that the Israelites when they migrated to Egypt, in the time of Joseph, were in the condition of pure nomads among whom the blood feud was fully recognized as law, an interval of four or five hundred years, such as they are supposed to have passed in Goshen would bring them to the exodus. Now, assuming that the Israelites during those four centuries, when they lived among civilized neighbors and under civilized law, made an intellectual movement corresponding in velocity to the movement the English made after the conquest, they would have

been, about the time when the cities of refuge were created, in the position described in Numbers, which is what we should expect assuming the Biblical tradition to be true.

To us the important question is not whether a certain piece of the supposed Mosaic legislation actually went into effect during the life of Moses, for that is relatively immaterial, but whether the Biblical narrative is, on the whole, worthy of credence, and this correlation of dates gives the strongest possible evidence in its favor. Very possibly, perhaps it may even be said certainly, the order in which events occurred may have been transposed, but, taken as a whole, it is impossible to resist the inference that the Bible story is excellent history and that, due allowance being made for the prejudice of the various scribes who wrote the Pentateuch in favor of the miraculous, where Moses was concerned, the Biblical record is good and trustworthy history, and frank at that;—much superior to quantities of modern documents which we accept without question.

Of all the achievements of Moses' life none equals the exodus itself, either in brilliancy or success. How it was possible for Moses, with the assistance he had at command, to marshal and move a column of a million or a million and a half of men, women, and children, without discipline or cohesion, and encumbered with their baggage, beside their cattle, is an insoluble mystery. "And the children of Israel did according to the word of Moses; and they borrowed of the Egyptians jewels of silver, and jewels of gold, and raiment: … And they spoiled

the Egyptians. And the children of Israel journeyed from Ramses to Succoth, about six hundred thousand on foot that were men, beside children. And a mixed multitude went up also with them; and flocks and herds, even very much cattle." They started from Ramses and Succoth.

The position of Ramses has been identified; that of Succoth is more questionable. Ramses and Pithom were fortified places, built by the Israelites for Ramses II, of the Nineteenth Dynasty, but apparently Succoth was the last halting-place before coming to the difficult ground which was overflowed by the sea.

The crossing was made at night, but it is hard to understand how, even under the most favorable conditions of weather, such a vast and confused multitude of women and children could have made the march in darkness with an active enemy pursuing, without loss of life or material. Indeed, even at that day the movement seemed to the actors so unparalleled that it always passed for a miracle, and its perfect success gave Moses more reputation with the Israelites and more practical influence over them than anything else he ever did, or indeed than all his other works together. "And Israel saw that great work which the Lord did upon the Egyptians: and the people feared the Lord and believed the Lord and his servant Moses."

"And Miriam, the prophetess, the sister of Aaron; and all the women went after her with timbrels and with dances." Now Miriam was in general none too loyal a follower of her younger brother, but that day, or rather night, she did proclaim Moses as

a conqueror; which was a great concession from her, and meant much. And Moses exulted openly, as he had good cause to do, and gave vent to his exultation in a song which tradition has ever since attributed to him, and has asserted to have been sung by him and his congregation as they stood by the shore of the sea and watched the corpses of the Egyptians lying in the sand. And, if ever man had, Moses then had, cause for exultation, for he had seemingly proved by the test of war, which is the ultimate test to which a man can subject such a theory as his, that he had indeed discovered the motor which he sought, and, more important still, that he knew how to handle it. Therefore, he was master of supreme energy and held his right to command by the title of conquest. This was the culminating moment of his life; he never again reached such exaltation. From this moment his slow and gradual decline began.

And, indeed, great as had been the momentary success of Moses, his position was one of extreme difficulty, and probably he so understood it, otherwise there would be no way to account for his choosing the long, difficult, and perilous journey by Sinai, instead of approaching the "Promised Land" directly by way of Kadesh-Barnea, which was, in any event, to be his ultimate objective. It may well have been because Moses felt himself unable alone to cope with the difficulties confronting him that he decided at any cost to seek Jethro in Midian, who seems to have been the only able, honest, and experienced man within reach. Joshua, indeed, might be held to be an exception to this

generalization, but Joshua, though a good soldier, was a man of somewhat narrow understanding, and quite unfit to grapple with questions involving jurisprudence and financial topography.

And at this juncture Moses must have felt his own deficiencies keenly. As a captain he made no pretence to efficiency. The Amalekites were, as he well knew, at this moment lying in wait for him, and forthwith he recognized that he had no alternative but to retire into the background himself and surrender the active command of the army to Joshua, a fatal concession had Joshua been ambitious or unscrupulous. And this was but the beginning. Before he could occupy Palestine he had to encounter and overcome numbers of equally formidable foes, a defeat by any one of whom might well be fatal. A man like Jethro, therefore, would be invaluable in guiding the caravan to spots favorable for action, from whence retreat to a place of safety would be open in case of a check. A reverse which happened on a later occasion gave Moses a shock he never forgot.

Furthermore, though Moses lived many years with Jethro, as his chief servant, he never seems to have travelled extensively in Arabia, and to have been ignorant of the chief trade routes along which wells were dug, and of the oases where pasture was to be found; so that Moses was nearly worthless as a guide, and this was a species of knowledge in which Jethro, according to Moses' own statement, excelled. Meanwhile, the lives of all his followers depended on such knowledge. And Moses, when he reached Sinai, left no stone unturned to overcome Jethro's

reluctance to join him and to instruct him on the march north.

More important and pressing than all, Moses was ignorant of how, practically, to administer the law which he taught. His only idea was to do all in person, but this, with so large a following, was impossible. And here also his hope lay in Jethro. For when he got to Sinai, and Jethro remonstrated with him upon his methods, pointing out that they were impracticable, all Moses had to say in reply was that he sat all day to hear disputes and "I judge between one and another; and I do make them know the statutes of God, and his laws." Further than this he had nothing to propose. It was Jethro who explained to him a constructive policy.

On the whole, upon this analysis, it appears that in all those executive departments in which Moses, by stress of the responsibilities which he had assumed, was called upon, imperatively, to act, there was but one, that of the magician or wise man, in which, by temperament and training, he was fitted to excel, and the functions of this profession drove him into to intolerably irksome and distressing position, yet a position from which throughout his life he found it impossible to escape. No one who attentively weighs the evidence can, I apprehend, escape the conviction that Moses was at bottom an honest man who would have conformed to the moral law he laid down in the name of the Lord had it been possible for him to do so. Among these precepts none ranked higher than a regard for truth and honesty. "Ye shall not steal, neither deal falsely, neither lie one to another." [Footnote: Leviticus XIX, 11.] And this text is but

one example of a general drift of thought.

Whether these particular words of Leviticus, or any similar phrases, were ever used by Moses is immaterial. No one can doubt that, in substance, they contained the gist of his moral doctrine and that he enforced the moral duty which they convey to the best of his power. And here the burden lay, which crushed this man, from which he never thenceforward could, even for an instant, free himself, and which Saint Paul avers to be the heaviest burden man can bear. Moses, to fulfil what he conceived to be his destiny and which at least certainly was his ambition, was condemned to lead a life of deceit and to utter no word during his long subsequent march which was not positively or inferentially a lie. And the bitterest of his trials must have been the agony of anxiety in which he must have lived lest some error in judgment on his part, some slackness in measuring the exact credulity of his audience, should cause his exposure and lead to his being cast out of the camp as an impostor and hunted to death as a false prophet: a fate which more than once nearly overtook him. Indeed, as he aged and his nerves lost their elasticity under the tension, he became obsessed with the fixed idea that God had renounced him and that some horror would overtake him should he attempt to cross the Jordan and enter the "Promised Land." Defeated at Hormah, he dared not face another such check and, therefore, dawdled away his time in the wilderness until further dawdling became impossible. Then followed his mental collapse which is told in Deuteronomy, together with his suicide on Mount

Nebo. And thus he died because he could not gratify at once his lust for power and his instinct to live an honest man.

CHAPTER II

The interval during which Moses led the exodus falls, naturally, into three parts of unequal length. The first consists of the months which elapsed between the departure from Ramses and the arrival at Sinai. The second comprises the halt at Sinai, while the third contains the story of the rest of his life, ending with Mount Nebo.

His trials began forthwith. The march was hardly a week old before the column was in quasi-revolt because he had known so little of the country, that he had led the caravan three days through a waterless wilderness where they feared to perish from thirst. And matters grew steadily worse. At Rephidim, "And the people murmured against Moses, and said, Wherefore is this that thou hast brought us up out of Egypt, to kill us and our children and our cattle with thirst?" Not impossibly Moses may still, at this stage of his experiences, have believed in himself, in the God he pretended to serve, and in his mission. At least he made a feint of so doing. Indeed, he had to. Not to have done so would have caused his instant downfall. He always had to do so, in every emergency of his life. A few days later he was at his wits' end. He cried unto the Lord, "What shall I do unto this people? They be almost ready to stone me." In short, long before the congregation reached Sinai, and indeed before Moses had fought his first battle with Amalek, the people had come to disbelieve in Moses and

also to question whether there was such a god as he pretended.

"And he called the name of the place Massah, and Meribah, because of the chiding of the children of Israel, and because they tempted the Lord, saying, Is the Lord among us, or not?"

"Then came Amalek, and fought with Israel in Rephidim." [Footnote: Exodus xvii, 7, 8.]

Under such conditions it was vital to Moses to show resolution and courage; but it was here that Moses, on the contrary, flinched; as he usually did flinch when it came to war, for Moses was no soldier.

"And Moses said unto Joshua, Choose us out men and go out, fight with Amalek: to-morrow I will stand on the top of the hill with the rod of God in mine hand."

And Moses actually had the assurance to do as he proposed, nor did he even have the endurance to stand. He made Aaron and Hur fetch a stone on which he should sit and then hold up his hands for him, pretending the while that when Moses held up his hands the Hebrews prevailed and when he lowered them Amalek prevailed. Notwithstanding, Joshua won a victory. But it may readily be believed that this performance of his functions as a captain, did little to strengthen the credit of Moses among the fighting men. Nor evidently was Moses satisfied with the figure that he cut, nor was he confident that Joshua approved of him, for the Lord directed Moses to make excuses, promising to do better the next time, by assuring Joshua that "I will utterly put out the remembrance of Amalek from under heaven." This was

the best apology Moses could make for his weakness. However, the time had now come when Moses was to realize his plan of meeting Jethro.

"And Jethro … came with his sons and his wife unto Moses into the wilderness, where he encamped at the mount of God: … And Moses went out to meet his father-in-law, and did obeisance, and kissed him; and they asked each other of their welfare; and they came into the tent.

"And Moses told his father-in-law all that the Lord had done unto Pharaoh and to the Egyptians for Israel's sake, and all the travail that had come upon them by the way, and how the Lord had delivered them....

"And Jethro said, Blessed be the Lord, who hath delivered you out of the hand of the Egyptians.... Now I know that the Lord is greater than all gods.... And Aaron came, and all the elders of Israel, to eat bread with Moses' father-in-law before God."

It is from all this very plain that Jethro had a controlling influence over Moses, and was the proximate cause of much that followed. For the next morning Moses, as was his custom, "sat to judge the people: and the people stood by Moses from the morning unto the evening." And when Jethro saw how Moses proceeded he remonstrated, "Why sittest thou thyself alone, and all the people stand by thee from morning unto even?"

And Moses replied: "Because the people come unto me to enquire of God."

And Jethro protested, saying "The thing thou doest is not

good. Thou wilt surely wear away, both thou and this people that is with thee: for this thing is too heavy for thee; thou art not able to perform it thyself alone.

"Hearken, … I will give thee counsel, and God shall be with thee; Be thou for the people to God-ward, that thou mayest bring the causes unto God."

Then it was that Moses perceived that he must have a divinely promulgated code. Accordingly, Moses made his preparations for a great dramatic effect, and it is hard to see how he could have made them better. For, whatever failings he may have had in his other capacities as a leader, he understood his part as a magician.

He told the people to be ready on the third day, for on the third day the Lord would come down in the sight of all upon Mount Sinai. But, "Take heed to yourselves that ye go not up into the mount, or touch the border of it: whosoever toucheth the mount shall be surely put to death:

"There shall not an hand touch it, but he shall surely be stoned or shot through; whether it be beast or man, it shall not live: when the trumpet soundeth long, they shall come up to the mount."

It must be admitted that Moses either had wonderful luck, or that he had wonderful judgment in weather, for, as it happened in the passage of the Red Sea, so it happened here. At the Red Sea he was aided by a gale of wind which coincided with a low tide and made the passage practicable, and at Sinai he had a thunder-storm.

"And it came to pass on the third day, in the morning, that

there were thunders and lightnings, and a thick cloud upon the mount, and the voice of the trumpet exceeding loud; so that all the people that was in the camp trembled." Moses had undoubtedly sent some thoroughly trustworthy person, probably Joshua, up the mountain to blow a ram's horn and to light a bonfire, and the effect seems to have been excellent.

"And Mount Sinai was altogether on a smoke, because the Lord descended upon it in fire: and the smoke thereof ascended as the smoke of a furnace, and the whole mount quaked greatly.

"And when the voice of the trumpet sounded long, and waxed louder and louder, Moses spake, and God answered him by a voice.

"And the Lord came down upon Mount Sinai, on the top of the mount; and the Lord called Moses up to the top of the mount; and Moses went up." And the first thing that Moses did on behalf of the Lord was to "charge the people, lest they break through unto the Lord to gaze, and many of them perish."

And Moses replied to God's enquiry, "The people cannot come up to Mount Sinai: for thou chargedst us, saying, Set bounds about the mount.

"And the Lord said unto him, Away, get thee down, and thou shalt come up, thou, and Aaron with thee: but let not the priests and the people break through to come up unto the Lord, lest he break forth upon them.

"So Moses went down unto the people, and spake unto them."

Whether the decalogue, as we know it, was a code of

law actually delivered upon Sinai, which German critics very much dispute as being inconsistent with the stage of civilization at which the Israelites had arrived, but which is altogether kindred to the Babylonish law with which Moses was familiar, is immaterial for the present purpose. What is essential is that beside the decalogue itself there is a considerable body of law chiefly concerned with the position of servants or slaves, the difference between assaults or torts committed with or without malice, theft, trespass, and the regulation of the *lex talionis*. There are beside a variety of other matters touched upon all of which may be found in the 21st, 22d, and 23d chapters of Exodus.

Up to this point in his show Moses had behaved with discretion and had obtained a complete success. The next day he went on to demand an acceptance of his code, which he prepared to submit in form. But as a preliminary he made ready to take Aaron and his two sons, together with seventy elders of the congregation up the mountain, to be especially impressed with a sacrifice and a feast which he had it in his mind to organize. In the first place, "Moses … rose up early in the morning, and builded an altar, … and sacrificed peace offerings of oxen unto the Lord....

"And he took the book of the covenant, and read in the audience of the people: and they said, All that the Lord hath said will we do, and be obedient."

Had Moses been content to end his ceremony here and to

return to the camp with his book of the covenant duly accepted as law, all might have been well. But success seems to have intoxicated him, and he conceived an undue contempt for the intelligence of his audience, being, apparently, convinced that there were no limits to their credulity, and that he could do with them as he pleased.

It was not enough for him that he should have them accept an ordinary book admittedly written by himself. There was nothing overpoweringly impressive in that. What he wanted was a stone tablet on which his code should be engraved, as was the famous code of Hammurabi, which he probably knew well, and this engraving must putatively be done by God himself, to give it the proper solemnity.

To have such a code as this engraved either by himself or by any workman he could take into the mountain with him, would be a work of time and would entail his absence from the camp, and this was a very serious risk. But he was over-confident and determined to run it, rather than be baulked of his purpose,

"And Moses rose up, and his minister Joshua; and Moses went up into the mount of God.

"And he said unto the elders, Tarry you here for us, until we come again unto you: and, behold, Aaron and Hur are with you: and if any man have matters to do, let him come unto them. And Moses went into the midst of the cloud, and gat him up into the mount: and Moses was in the mount forty days and forty nights."

But Moses had made the capital mistake of undervaluing the

intelligence of his audience. They had, doubtless, been impressed when Moses, as a showman, had presented his spectacle, for Moses had a commanding presence and he had chosen a wonderful locality for his performance. But once he was gone the effect of what he had done evaporated and they began to value the exhibition for what it really was. As men of common sense, said they to one another, why should we linger here, if Moses has played this trick upon us? Why not go back to Egypt, where at least we can get something to eat? So they decided to bribe Aaron, who was venal and would do anything for money.

"And when the people saw that Moses delayed to come down out of the mount, the people gathered themselves together unto Aaron, and said unto him, Up, make us gods, which shall go before us; for as for this Moses, the man that brought us up out of the land of Egypt, we wot not what is become of him."

When Aaron heard this proposition he showed no objection to accept, provided the people made it worth his while to risk the wrath of Moses; so he answered forthwith, "Break off the golden earrings, which are in the ears of your wives, of your sons, and of your daughters, and bring them unto me."

These were the ornaments of which the departing Israelites had spoiled the Egyptians and they must have been of very considerable value. At all events, Aaron took them and melted them and made them into the image of a calf, such as he had been used to see in Egypt. The calf was probably made of wood and laminated with gold. Sir G. Wilkinson thinks that the calf

was made to represent Mnevis, with whose worship the Israelites had been familiar in Egypt. Then Aaron proclaimed a feast for the next day in honor of this calf and said, "To-morrow is a feast to the Lord," and they said, "These be thy gods, O Israel, which brought thee up out of the land of Egypt."

"And they rose up early on the morrow, and offered burnt offerings, and brought peace offerings: and the people sat down to eat and to drink, and rose up to play."

It was not very long before Moses became suspicious that all was not right in the camp, and he prepared to go down, taking the two tables of testimony in his hands. These stone tablets were covered with writing on both sides, which must have taken a long time to engrave considering that Moses was on a bare mountainside with probably nobody to help but Joshua. Of course all that made this weary expedition worth the doing was that, as the Bible says, "the tables were" to pass for "the work of God, and the writing was the writing of God." Accordingly, it is not surprising that as Moses "came nigh unto the camp," and he "saw the calf, and the dancing": that his "anger waxed hot, and he cast the tables out of his hands, and brake them beneath the mount.

"And he took the calf which they had made, and burnt it in the fire, and ground it to powder, and strewed it upon the water, and made the children of Israel drink of it.

"And Moses said unto Aaron, What did this people unto thee, that thou hast brought so great a sin upon them?

"And Aaron said, Let not the anger of my lord wax hot: thou knowest the people, that they are set on mischief.

"For they said unto me, Make us gods, which shall go before us: for as for this Moses, the man that brought us up out of the land of Egypt, we wot not what is become of him.

"And I said unto them, Whosoever hath any gold, let them break it off. So they gave it me: then I cast it into the fire, and there came out this calf.

"And when Moses saw that the people were naked; (for Aaron had made them naked unto their shame among their enemies:)" that is to say, the people had come to the feast unarmed, and without the slightest fear or suspicion of a possible attack; then Moses saw his opportunity and placed himself in a gate of the camp, and said: "Who is on the Lord's side? Let him come unto me. And all the sons of Levi gathered themselves together unto him.

"And he said unto them, Thus saith the Lord God of Israel, Put every man his sword by his side, and go in and out from gate to gate throughout the camp, and slay every man his brother, and every man his companion, and every man his neighbour.

"And the children of Levi did according to the word of Moses: and there fell of the people that day about three thousand men."

There are few acts in all recorded history, including the awful massacres of the Albigenses by Simon de Montfort and the Abbot Arnold, more indefensible than this wholesale murder by Moses of several thousand people who had trusted him, and

whom he had entrusted to the care of his own brother, who participated in their crime, supposing that they had committed any crime saving the crime of tiring of his dictatorship.

The effect of this massacre was to put Moses, for the rest of his life, in the hands of the Levites with Aaron at their head, for only by having a body of men stained with his own crimes and devoted to his fortunes could Moses thenceforward hope to carry his adventure to a good end. Otherwise he faced certain and ignominious failure. His preliminary task, therefore, was to devise for the Levites a reward which would content them. His first step in this direction was to go back to the mountain and seek a new inspiration and a revelation more suited to the existing conditions than the revelation conveyed before the golden calf incident.

Up to this time there is nothing in Jewish history to show that the priesthood was developing into a privileged and hereditary caste. With the consecration of Aaron as high priest the process began. Moses spent another six weeks in seclusion on the mount. And as soon as he returned to the camp he proclaimed how the people should build and furnish a sanctuary in which the priesthood should perform its functions. These directions were very elaborate and detailed, and part of the furnishings of the sanctuary consisted in the splendid and costly garments for Aaron and his sons "for glory and for beauty."

"And thou shalt put upon Aaron the holy garments, and anoint him, and sanctify him; that he may minister unto me in the

priest's office. And thou shalt bring his sons, and clothe them with coats: And thou shalt anoint them, as thou didst anoint their father, that they may minister unto me in the priest's office: for their anointing shall surely be an everlasting priesthood, throughout their generations.

"Thus did Moses: according to all that the Lord commanded him, so did he."

It followed automatically that, with the creation of a great vested interest centred in an hereditary caste of priests, the pecuniary burden on the people was correspondingly increased and that thenceforward Moses became nothing but the representative of that vested interest: as reactionary and selfish as all such representatives must be. How selfish and how reactionary may readily be estimated by glancing at Numbers XVIII, where God's directions are given to Aaron touching what he was to claim for himself, and what the Levites were to take as their wages for service. It was indeed liberal compensation. A good deal more than much of the congregation thought such services worth.

In the first place, Aaron and the Levites with him for their service "of the tabernacle" were to have "all the tenth in Israel for an inheritance." But this was a small part of their compensation. There were beside perquisites, especially those connected with the sacrifices which the people were constrained to make on the most trifling occasions; as, for example, whenever they became *unclean*, through some accident, as by touching a dead body:

"This shall be thine of the most holy things, reserved from the fire: every oblation of their's, every meat offering of their's, and every sin offering of their's, and every trespass offering of their's, which they shall render unto me, shall be most holy for thee and thy sons.

"In the most holy place shalt thou eat it; every male shall eat it; it shall be holy unto thee.

"And this is thine.... All the best of the oil, and all the best of the wine, and of the wheat, the first fruits of them which they shall offer unto the Lord, them have I given thee; … every one that is clean in thine house shall eat of it.

"Everything devoted in Israel shall be thine....

"All the heave offerings of the holy things, which the children of Israel offer unto the Lord, have I given thee, and thy sons and thy daughters with thee, by a statute forever: it is a covenant of salt forever before the Lord unto thee and to thy seed with thee."

Also, on the taking of a census, such as occurred at Sinai, Aaron received a most formidable perquisite.

The Levites were not to be numbered; but there was to be a complicated system of redemption at the rate of "five shekels by the poll, after the shekel of the sanctuary."

"And Moses took the redemption money of them that were over and above them that were redeemed by the Levites: Of the first-born of the children of Israel took he the money; a thousand three hundred and three score and five shekels, after the shekel of the sanctuary; And Moses gave the money of them that were

redeemed unto Aaron and to his sons."

Assuming the shekel of those days to have weighed two hundred and twenty-four grains of silver, its value in our currency would have been about fifty-five cents, but its purchasing power, twelve hundred years before Christ, would have been, at the very most moderate estimate, at least ten for one, which would have amounted to between six and seven thousand dollars in hard cash for no service whatever, which, considering that the Israelites were a wandering nomadic horde in the wilderness, was, it must be admitted, a pretty heavy charge for the pleasure of observing the performances of Aaron and his sons, in their gorgeous garments.

Also, under any sedentary administration it followed that the high priest must become the most considerable personage in the community, as well as one of the richest. And thus as payment for the loyalty to himself of the Levites during the massacre of the golden calf, Moses created a theocratic aristocracy headed by Aaron and his sons, and comprising the whole tribe of Levi, whose advancement in fortune could not fail to create discontent. It did so: a discontent which culminated very shortly after in the rebellion of Korah, which brought on a condition of things at Kadesh which contributed to make the position of Moses intolerable.

Moses was one of those administrators who were particularly reprobated by Saint Paul; Men who "do evil," as in the slaughter of the feasters who set up the golden calf, "that good may come,"

and "whose damnation," therefore, "is just." [Footnote: Romans III, 8.]

And Moses wrought thus through ambition, because, though personally disinterested, he could not endure having his will thwarted. Aaron had nearly the converse of such a temperament. Aaron appears to have had few or no convictions; it mattered little to him whether he worshipped Jehovah on Sinai or the golden calf at the foot of Sinai, provided he were paid at his own price. And he took care to exact a liberal price. Also the inference to be drawn from the way in which Moses behaved to him is that Moses understood what manner of man he was.

Jethro stood higher in the estimation of Moses, and Moses did his best to keep Jethro with him, but, apparently, Jethro had watched Moses closely and was not satisfied with his conduct of the exodus. On the eve of departure from Sinai, just as the Israelites were breaking camp, Moses sought out Jethro and said to him; "We are journeying unto the place of which the Lord said, I will give it you; come thou with us, and we will do thee good; for the Lord has spoken good concerning Israel.

"And he said unto him, I will not go; but I will depart to mine own land, and to my kindred."

Not discouraged, Moses kept on urging: "Leave us not, I pray thee; forasmuch as thou knowest how we are to encamp in the wilderness, and thou mayest be to us instead of eyes.

"And it shall be, if thou go with us, yea, it shall be, that what goodness the Lord shall do unto us, the same will we do unto

thee." It has been inferred from a passage in Judges, [Footnote: Judges I, 16.] that Moses induced Jethro to reconsider his refusal and that he did accompany the congregation in its march to Kadesh, but, on the whole, the text of the Bible fails to bear out such inference, for there is no subsequent mention of Jethro in the books which treat directly of the trials of the journey, although there would seem to have been abundant occasion for Moses to have called upon Jethro for aid had Jethro been present. In his apparent absence the march began, under the leadership of the Lord and Moses, very much missing Jethro.

They departed from the mount: "And the cloud of the Lord was upon them by day," when they left the camp "to search out a resting-place." Certainly, on this occasion, the Lord selected a poor spot for the purpose, quite different from such an one as Jethro would have been expected to have pointed out; for the children of Israel began complaining mightily, so much so that it displeased the Lord who sent fire into the uttermost parts of the camp, where it consumed them.

"And the people cried unto Moses, and when Moses prayed unto the Lord, the fire was quenched."

This suggestion of a divine fire under the control of Moses opens an interesting speculation.

The Magi, who were the priests of the Median religion, greatly developed the practices of incantation and sorcery. Among these rites they "pretended to have the power of making fire descend on to their altars by means of magical ceremonies." [Footnote:

Lenormant, *Chaldean Magic*, 226, 238.] Moses appears to have been very fond of this particular miracle. It is mentioned as having been effective here at Taberah, and it was the supposed weapon employed to suppress Korah's rebellion. Moses was indeed a powerful enchanter. His relations with all the priestcraft of central Asia were intimate, and if the Magi had secrets which were likely to be of use to him in maintaining his position among the Jews, the inference is that he would certainly have used them to the utmost; as he did the brazen serpent, the ram's horns at Sinai, and the like. But in spite of all his miracles Moses found his task too heavy, and he frankly confessed that he wished himself dead.

"Then Moses heard the people weep throughout their families… and the anger of the Lord was kindled greatly; Moses also was displeased.

"And Moses said unto the Lord, Wherefore hast thou afflicted thy servant? … that thou layest the burden of all this people upon me?

"Have I conceived all this people? have I begotten them, that thou shouldest say unto me, Carry them in thy bosom, as a nursing father beareth the sucking child, unto the land which thou swarest unto their fathers?

"Whence should I have flesh to give unto all this people? for they weep unto me saying, Give us flesh that we may eat.

"I am not able to bear all this people alone, because it is too heavy for me.

"And if thou deal thus with me, kill me, I pray thee, out of hand, if I have found favour in thy sight; and let me not see my wretchedness."

Leaving aside for the moment all our childish preventions, and considering this evidence in the cold light of history, it becomes tolerably evident that Moses had now reached the turning-point in his career, the point whither he had inexorably tended since the day on which he bid good-bye to Jethro to visit Egypt and attempt to gain control of the exodus, and the point to which all optimists must come who resolve to base a religious or a political movement on the manipulation of the supernatural. However pure and disinterested the motives of such persons may be at the outset, and however thoroughly they may believe in themselves and in their mission, sooner or later, to compass their purpose, they must resort to deception and thus become impostors who flourish on the credulity of their dupes.

Moses, from the nature of the case, had to make such demands on the credulity of his followers that even those who were bound to him by the strongest ties of affection and self-interest were alienated, and those without such commanding motives to submit to his claim to exact from them absolute obedience, revolted, and demanded that he should be deposed. The first serious trouble with which Moses had to contend came to a head at Hazeroth, the second station after leaving Sinai. The supposed spot is still used as a watering-place. There Miriam and Aaron attacked Moses because they were jealous of his wife, whom they decried as an

"Ethiopian." And they said, "Hath the Lord indeed spoken only by Moses? hath he not spoken also by us?" Instantly, it became evident to Moses that if this denial of his superior intimacy with God were to be permitted, his supremacy must end. Accordingly the Lord came down "in the pillar of the cloud, and stood in the door of the tabernacle, and called Aaron and Miriam: and they both came forth." And the Lord explained that he had no objection to a prophet; if any one among the congregation had an ambition to be a prophet he would communicate with him in a dream; but there must always be a wide difference between such a man or woman and Moses with whom he would "speak mouth to mouth, even apparently, and not in dark speeches." And then God demanded irritably, "Wherefore, then, were ye not afraid to speak against my servant Moses?" "Afterward the cloud," according to the Bible, departed and God with it.

Ever since the dawn of time the infliction of or the cure of disease has been the stronghold of the necromancer, the wise man, the magician, the saint, the prophet and the priest, and Moses was no exception to the rule, only hitherto he had had no occasion to display his powers of this kind. Nevertheless, among the Hebrews of the exodus, the field for this form of miracle was large. Leprosy was very prevalent, so much so that in Egypt the Jews were called a nation of lepers. And in the camp the regulations touching them were strict and numerous. But the Jews were always a dirty race.

In chapter XIII of Leviticus, elaborate directions are given as

to how the patient shall be brought before Aaron himself, or at least some other of the priests, who was to examine the sore and, if it proved to be a probable case of leprosy, the patient was to be excluded from the camp for a week. At the end of that time the disease, if malignant, was supposed to show signs of spreading, in which case there was no cure and the patient was condemned to civil death. On the contrary, if no virulent symptoms developed during the week, the patient was pronounced clean and returned to ordinary life.

The miracle in the case of Miriam was this: When the cloud departed from off the tabernacle, Miriam was found to be "leprous, white as snow," just as Moses' hand was found to be white with leprosy after his conversation with the Lord at the burning bush. Upon this Aaron, who had been as guilty as Miriam, and was proportionately nervous, made a prayer to Moses: "Alas, my lord, I beseech thee, lay not the sin upon us, wherein we have done foolishly.... Let her not be as one dead.

"And Moses cried unto the Lord, saying, Heal her now, O God, I beseech thee."

But the Lord replied: "If her father had but spit in her face, should she not be ashamed seven days? Let her be shut out from the camp seven days, and after that let her be received in again."

This was the Mosaic system of discipline. And it was serious for all parties concerned. Evidently it was very serious for Miriam, who had to leave her tent and be exiled to some spot in the desert, where she had to shift for herself. We all know

the almost intolerable situation of those unfortunates who, in the East, are excluded from social intercourse, and sit without the gate, and are permitted to approach no one. But it was also a serious infliction for the congregation, since Miriam was a personage of consequence, and had to be waited for. That is to say, a million or two of people had to delay their pilgrimage until Moses had determined how much punishment Miriam deserved for her insubordination, and this was a question which lay altogether within the discretion of Moses. In that age there were at least seven varieties of eruptions which could hardly, if at all, be distinguished, in their early stages, from leprosy, and it was left to Moses to say whether or not Miriam had been attacked by true leprosy or not. There was no one, apparently, to question his judgment, for, since Jethro had left the camp, there was no one to controvert the Mosaic opinion on matters such as these. Doubtless Moses was content to give Aaron and Miriam a fright; but also Moses intended to make them understand that they lay absolutely at his mercy.

After this outbreak of discontent had been thus summarily suppressed and Miriam had been again received as "clean," the caravan resumed its march and entered into the wilderness of Paran, which adjoined Palestine, and from whence an invasion of Canaan, if one were to be attempted, would be organized. Accordingly Moses appointed a reconnaissance, who in the language of the Bible are called "spies," to examine the country, report its condition, and decide whether an attack were feasible.

On this occasion Moses seems to have remembered the lesson he learned at Sinai. He did not undertake to leave the camp himself for a long interval. He sent the men whom he supposed he could best trust, among whom were Joshua and Caleb. These men, who corresponded to what, in a modern army, would be called the general-staff, were not sent to manufacture a report which they might have reason to suppose would be pleasing to Moses, but to state precisely what they saw and heard together with their conclusions thereon, that they might aid their commander in an arduous campaign; and this duty they seem, honestly enough, to have performed. But this was very far from satisfying Moses, who wanted to make a strenuous offensive, and yet sought some one else to take the responsibility therefor.

The spies were absent six weeks and when they returned were divided in opinion. They all agreed that Canaan was a good land, and, in verity, flowing with milk and honey. But the people, most of them thought, were too strong to be successfully attacked. "The cities were walled and very great," and moreover "we saw the children of Anak there."

"The Amalekites dwell in the land of the south; and the Hittites, and the Jebusites, and the Amorites, dwell in the mountains; and the Canaanites dwell by the sea, and by the coast of Jordan.

"And Caleb stilled the people before Moses, and said, Let us go up at once, … for we are well able to overcome it.

"But the men that went up with him said, We be not able to

go up against the people; for they are stronger than we.

"And they brought up an evil report of the land which they had searched, … saying, … all the people that we saw in it are men of great stature.

"And there we saw the giants, the sons of Anak, … and we were in our own sight as grasshoppers, and so were we in their sight."

Had Moses been gifted with military talent, or with any of the higher instincts of the soldier, he would have arranged to have received this report in private and would then have acted as he thought best. Above all he would have avoided anything like a council of war by the whole congregation, for a vast popular meeting of that kind was certain to become unmanageable the moment a division appeared in their command, upon a difficult question of policy.

Moses did just the opposite. He convened the people to hear the report of the "spies." And immediately the majority became dangerously depressed, not to say mutinous.

"And all the congregation lifted up their voice, and cried; and the people wept that night.

"And all the children of Israel murmured against Moses and against Aaron: and the whole congregation said unto them, Would God that we had died in the land of Egypt! Or would God we had died in this wilderness!…

"And they said one to another, Let us make a captain, and let us return into Egypt.

"Then Moses and Aaron fell on their faces before all the assembly of the congregation of the children of Israel."

But Joshua, who was a soldier, when Moses thus somewhat ignominiously collapsed, retained his presence of mind and his energy. He and Caleb "rent their clothes," and reiterated their advice.

"And they spake unto all the company of the children of Israel, saying, The land which we passed through to search it, is an exceeding good land.

"If the Lord delight in us, then he will bring us into this land, and give it us; a land which floweth with milk and honey.

"Only rebel not ye against the Lord, neither fear ye the people of the land; for they are bread for us: their defence is departed from them… fear them not.

"But all the congregation bade stone them with stones."

By this time Moses seems to have recovered some composure. Enough, at least, to repeat certain violent threats of the "Lord."

Nothing is so impressive in all this history as the difference between Moses when called upon to take responsibility as a military commander, and Moses when, not to mince matters, he acted as a quack. On the one hand, he was all vacillation, timidity, and irritability. On the other, all temerity and effrontery.

In this particular emergency, which touched his very life, Moses vented his disappointment and vexation in a number of interviews which he pretended to have had with the "Lord," and which he retailed to the congregation, just at the moment when

they needed, as Joshua perceived, to be steadied and encouraged.

"How long," vociferated the Lord, when Moses had got back his power of speech, "will this people provoke me? and how long will it be ere they believe me, for all the signs which I have shewed among them?

"I will smite them with the pestilence, and disinherit them, and will make of thee a greater nation and mightier than they."

But when Moses had cooled a little and came to reflect upon what he had made the "Lord" say, he fell into his ordinary condition of hesitancy. Supposing some great disaster should happen to the Jews at Kadesh, which lay not so very far from the Egyptian border, the Egyptians would certainly hear of it, and in that case the Egyptian army might pursue and capture Moses. Such a contingency was not to be contemplated, and accordingly Moses began to make reservations. It must be remembered that all these ostensible conversations with the "Lord" went on in public; that is to say, Moses proffered his advice to the Lord aloud, and then retailed his version of the answer he received.

"Now if thou shalt kill all this people as one man, then the nations which have heard the fame of thee will speak, saying,–

"Because the Lord was not able to bring this people into the land which he sware unto them, therefore he hath slain them in the wilderness....

"Pardon, I beseech thee, the iniquity of this people according unto the greatness of thy mercy, and as thou hast forgiven this people from Egypt even until now.

"And the Lord said, I have pardoned according to thy word."

Had Moses left the matter there it would not have been so bad, but he could not contain his vexation, because his staff had not divined his wishes. Those men, though they had done their strict duty only, must be punished, so he thought, to maintain his ascendancy.

Of the twelve "spies" whom Moses had sent into Canaan to report to him, ten had incurred his bitter animosity because they failed to render him such a report as would sustain him before the people in making the campaign of invasion to which he felt himself pledged, and on the success of which his reputation depended. Of these ten men, Moses, to judge by the character of his demands upon the Lord, thought it incumbent on him to make an example, in order to sustain his own credit.

To simply exclude these ten spies from Palestine, as he proposed to do with the rest of the congregation, would hardly be enough, for the rest of the Hebrews were, at most, passive, but these ten had wilfully ignored the will of Moses, or, as he expressed it, of the Lord. Therefore it was the Lord's duty, as Moses saw it, to punish them. And this Moses proposed that the Lord should do in a prompt and awful manner: the lesson being pointed by the immunity of Joshua and Caleb, the two spies who had had the wit to divine the will of Moses. Therefore, all ten of these men died of the plague while the congregation lay encamped at Kadesh, though Joshua and Caleb remained immune.

Moses, as the commanding general of an attacking army, took a course diametrically opposed to that of Joshua, and calculated to be fatal to victory. He vented his irritation in a series of diatribes which he attributed to the "Lord," and which discouraged and confused his men at the moment when their morale was essential to success.

Therefore, the Lord, according to Moses, went on:

"But as truly as I live, all the earth shall be filled with the glory of the Lord.

"Because all those men which have seen my glory, and my miracles, which I did in Egypt and in the wilderness, have tempted me now these ten times, and have not hearkened to my voice;

"Surely they shall not see the land which I swear unto their fathers, neither shall any of them that provoked me see it:

"But my servant Caleb, because he had another spirit with him, and hath followed me fully, him will I bring into the land whereinto he went;…"

Having said all this, and, as far as might be, disorganized the army, Moses surrendered suddenly his point. He made the "Lord" go on to command: "Tomorrow turn you, and get you into the wilderness by the way of the Red Sea." But, not even yet content, Moses assured them that this retreat should profit them nothing.

"And the Lord spake unto Moses and unto Aaron, saying, How long shall I bear with this evil congregation, which murmur

against me? I have heard the murmurings of the children of Israel, which they murmur against me." And the Lord continued:

"Say unto them, As truly as I live, … as ye have spoken in mine ears, so will I do to you.

"Your carcases shall fall in this wilderness; and all that were numbered of you, … from twenty years old and upward, which have murmured against me.

"Doubtless ye shall not come into the land....

"But as for you, your carcases, they shall fall in this wilderness....

"And the men which Moses sent to search the land, who returned, and made all the congregation to murmur against him, by bringing up a slander upon the land,—

"Even those men that did bring up the evil report upon the land, died by the plague before the Lord.

"But Joshua … and Caleb, … which were of the men that went to search the land, lived still.

"And Moses told these sayings unto all the children of Israel and the people mourned greatly."

The congregation were now completely out of hand. They knew not what Moses wanted to do, nor did they comprehend what Moses was attempting to make the Lord threaten: except that he had in mind some dire mischief. Accordingly, the people decided that the best thing for them was to go forward as Joshua and Caleb proposed. So, early in the morning, they went up into the top of the mountain, saying, "We be here, and will go up unto

the place which the Lord hath promised: for we have sinned."

But Moses was more dissatisfied than ever. "Wherefore now do you transgress the commandment of the Lord? But it shall not prosper." Notwithstanding, "they presumed to go up unto the hilltop: nevertheless the ark of the covenant of the Lord, and Moses, departed not out of the camp.

"Then the Amalekites came down, and the Canaanites, which dwelt in that hill, and smote them, and discomfited them, even unto Hormah"; which was at a very considerable distance,—perhaps not less than thirty miles, though the positions are not very well established.

This is the story as told by the priestly chronicler, who, of course, said the best that could be said for Moses. But he makes a sorry tale of it. According to him, Moses, having been disappointed with the report made by his officers on the advisability of an immediate offensive, committed the blunder of summoning the whole assembly of the people to listen to it, and then, in the midst of the panic he had created, he lost his self-possession and finally his temper. Whereupon his soldiers, not knowing what to do or what he wanted, resolved to follow the advice of Joshua and advance.

But this angered Moses more than ever, who committed the unpardonable crime in the eyes of the soldier; he abandoned his men in the presence of the enemy and by this desertion so weakened them that they sustained the worst defeat the Israelites suffered during the whole of their wanderings in the wilderness.

Such a disaster brought on a crisis. The only wonder is that it had been so long delayed. Moses had had since the exodus a wonderful opportunity to test the truth of his theories. He had asserted that the universe was the expression of a single and supreme mind, which operated according to a fixed moral law. That he alone, of all men, understood this mind, and could explain and administer its law, and that this he could and would do were he to obtain absolute obedience to the commands which he uttered. Were he only obeyed, he would win for his followers victory in battle, and a wonderful land to which they should march under his guidance, which was the Promised Land, and thereafter all was to be well with them.

The disaster at Hormah had demonstrated that he was no general, and even on that very day the people had proof before their eyes that he knew nothing of the desert, and that the Lord knew no more than he, since there was no water at Kadesh, and to ask the congregation to encamp in such a spot was preposterous. Meanwhile Moses absorbed all the offices of honor and profit for his family. Aaron and his descendants monopolized the priesthood, and this was a bitter grievance to other equally ambitious Levites. In short, the Mosaic leadership was vulnerable on every hand. Attack on Moses was, therefore, inevitable, and it came from Korah, who was leader of the opposition.

Korah was a cousin of Moses, and one of the ablest and most influential men in the camp, to whom Dathan and Abiram and "two hundred and fifty" princes of the assembly, famous in

the congregation, men of renown, joined themselves. "And they gathered themselves together against Moses and against Aaron, and said unto them, Ye take too much upon you, seeing all the congregation are holy, every one of them, and the Lord is among them: wherefore then lift you up yourselves above the congregation of the Lord?"

Koran's grievance was that he had been, although a Levite, excluded from the priesthood in favor of the demands of Aaron and his sons.

"And when Moses heard it, he fell upon his face."

And yet something had to be done. Moses faced an extreme danger. His life hung upon the issue. As between him and Korah he had to demonstrate which was the better sorcerer or magician, and he could only do this by challenging Korah to the test of the ordeal: the familiar test of the second clause of the code of Hammurabi; "If the holy river makes that man to be innocent, and has saved him, he who laid the spell upon him shall be put to death. He who plunged into the holy river shall take to himself the house of him who wove the spell upon him." [Footnote: Code of Laws promulgated by Hammurabi, King of Babylon. Translated by C. H. W. Johns, M.A., Section 2.] And so with Elijah, to whom Ahaziah sent a captain of fifty to arrest him. And Elijah said to the captain of fifty, "If I be a man of God, then let fire come down from heaven, and consume thee and thy fifty. And there came down fire from heaven, and consumed him and his fifty." [Footnote: 2 Kings I, 10.]

In a word, the ordeal was the common form of test by which the enchanter, the sorcerer, or the magician always was expected to prove himself. Moses already had tried the test by fire at least once, and probably oftener. So now Moses reproached Korah because he was jealous of Aaron; "and what is Aaron, that ye murmur against him?… This do; Take you censers, Korah, and all his company; and put fire therein, and put incense in them before the Lord to-morrow; and … whom the Lord doth choose, he shall be holy: ye take too much upon you, ye sons of Levi."

But it was not only about the priesthood that Moses had trouble on his hands. He had undertaken, with the help of the Lord, to lead the Israelites through the wilderness. But at every step of the way his incompetence became more manifest. Even there, at that very camp of Kadesh, there was no water, and all the people clamored. And, therefore, Dathan and Abiram taunted him with failure, and with his injustice to those who served him. And Moses had no reply, except that he denied having abused his power.

"And Moses sent to call Dathan and Abiram, the sons of Eliab: which said, We will not come up:

"Is it a small thing that thou hast brought us up out of a land that floweth with milk and honey, to kill us in the wilderness, except thou make thyself altogether a prince over us?

"Moreover, thou hast not brought us into a land that floweth with milk and honey, or given us inheritance of fields and vineyards: wilt thou put out the eyes of these men [probably

alluding to the "spies"]? We will not come up."

This was evidently an exceedingly sore spot. Moses had boasted that, because the "spies" had rendered to the congregation what they believed to be a true report instead of such a report as he had expected, the "Lord" had destroyed them by the plague. And it is pretty evident that the congregation believed him. It could hardly have been by pure accident that out of twelve men, the ten who had offended Moses should have died by the plague, and the other two alone should have escaped. Moses assumed to have the power of destroying whom he pleased by the pestilence through prayer to the "Lord," and he, indeed, probably had the power, in such a spot as an ancient Jewish Nomad camp, not indeed by prayer, but by the very human means of communicating so virulent a poison as the plague: means which he very well understood.

Therefore it is not astonishing that this insinuation should have stung Moses to the quick.

"And Moses was very wroth, and said unto the Lord, Respect not thou their offering: I have not taken one ass from them, neither have I hurt one of them."

Then Moses turned to Korah, "Be thou and all thy company before the Lord, thou, and they, and Aaron, to-morrow:

"And take every man his censer, and put incense in them, and bring ye before the Lord every man his censer, two hundred and fifty censers."

And Korah, on the morrow, gathered all the congregation

against them unto the door of the tabernacle. And the "Lord" then as usual intervened and advised Moses to "separate yourselves from among this congregation, that I may consume them in a moment." And Moses did so. That is to say, he made an effort to divide the opposition, who, when united, he seems to have appreciated, were too strong for him.

What happened next is not known. That Moses partially succeeded in his attempt at division is admitted, for he persuaded Dathan and Abiram and their following to "depart … from the tents of these wicked men, and touch nothing of theirs, lest ye be consumed in all their sins."

Exactly what occurred after this is unknown. The chronicle, of course, avers that "the earth opened her mouth, and swallowed them up, and their houses, and all the men that appertained unto Korah, and all their goods." But it could not have been this or anything like it, for the descendants of Korah, many generations after, were still doing service in the Temple, and at the time of the miracle the spectators were not intimidated by the sight, although all "Israel that were round about them fled at the cry of them: for they said, Lest the earth swallow us up also.

"And there came out a fire from the Lord, and consumed the two hundred and fifty men that offered incense."

Notwithstanding all which, the congregation next day were as hostile and as threatening as ever.

"On the morrow all the congregation of the children of Israel murmured against Moses and against Aaron, saying, Ye have

killed the people of the Lord....

"And they fell upon their faces."

In this crisis of his fate, when it seemed that nothing could save Moses from a conflict with the mass of his followers, who had renounced him, Moses showed that audacity and fertility of resource, which had hitherto enabled him, and was destined until his death to enable him, to maintain his position, at least as a prophet, among the Jewish people.

The plague was always the most dreaded of visitations among the ancient Jews: far more terrible than war. It was already working havoc in the camp, as the death of the "spies" shows us. Moses always asserted his ability to control it, and at this instant, when, apparently, he and Aaron were lying on their faces before the angry people, he conceived the idea that he would put his theurgetic powers to the proof. Suddenly he called to Aaron to "take a censer and put fire therein from off the altar, and put on incense, and go quickly unto the congregation, and make an atonement for them: for there is wrath gone out from the Lord; the plague is begun."

"And Aaron took as Moses commanded, and ran into the midst of the congregation; and, behold, the plague was begun among the people: … and made an atonement for the people.

"And he stood between the dead and the living; and the plague was stayed.

"Now they that died in the plague were fourteen thousand and seven hundred, beside them that died about the matter of Korah."

Even this was not enough. The discontent continued, and Moses went on to meet it by the miracle of Aaron's rod.

Moses took a rod from each tribe, twelve rods in all and on Aaron's rod he wrote the name of Levi, and Moses laid them out in the tabernacle. And the next day Moses examined the rods and showed the congregation how Aaron's rod had budded. And Moses declared that Aaron's rod should be kept for a token against the rebels: and that they must stop their murmurings "that they die not."

This manipulation of the plague by Moses, upon what seems to have been a sudden inspiration, was a stroke of genius in the way of quackery. He was, indeed, in this way almost portentous. It had a great and terrifying effect upon the people, who were completely subdued by it. Against corporeal enemies they might hope to prevail, but they were helpless against the plague. And they all cried out with one accord, "Behold we die, we perish, we all perish. Whosoever cometh anything near unto the tabernacle of the Lord shall die: shall we be consumed with dying?"

As I have already pointed out, Moses was a very great theurgist, as many saints and prophets have been. When in the actual presence of others he evidently had the power of creating a belief in himself which approached the miraculous, so far as disease was concerned. And he presumed on this power and took correspondingly great risks. The case of the brazen serpent is an example. The story is—and there is no reason to doubt its substantial truth—that the Hebrews were attacked by venomous

serpents probably in the neighborhood of Mount Hor, where Aaron died, and thereupon Moses set up a large brazen serpent on a pole, and declared that whoever would look upon the serpent should live. Also, apparently, it did produce an effect upon those who believed: which, of course, is not an unprecedented phenomenon among faith healers. But what is interesting in this historical anecdote is not that Moses performed certain faith cures by the suggestion of a serpent, but that the Israelites themselves, when out of the presence of Moses, recognized that he had perpetrated on them a vulgar fraud. For example, King Hezekiah destroyed this relic, which had been preserved in the Temple, calling it "Nehushtan," "a brazen thing," as an expression of his contempt. And what is more remarkable still is that although Hezekiah reigned four or five centuries after the exodus, yet science had made no such advance in the interval as to justify this contempt. Hezekiah seems to have been every whit as credulous as were the pilgrims who looked on the brazen serpent and were healed. Hezekiah "was sick unto death, and Isaiah came to see him, and told him to set his house in order; for thou shalt die, and not live.... And Hezekiah wept sore."

Then, like Moses, Isaiah had another revelation in which he was directed to return to Hezekiah, and tell him that he was to live fifteen years longer. And Isaiah told the attendants to take "a lump of figs." "And they took it and laid it on the boil, and he recovered."

Afterward Hezekiah asked of Isaiah how he was to know that

the Lord would keep his word and give him fifteen additional years of life. Isaiah told him that the shadow should go back ten degrees on the dial. And Isaiah "cried unto the Lord," and he brought the shadow ten degrees backward "by which it had gone down in the dial of Ahaz." [Footnote: 2 Kings xx, 11.] And yet this man Hezekiah, who could believe in this marvellous cure of Isaiah, repudiated with scorn the brazen serpent as an insult to credulity. The contrast between Moses, who hesitated not to take all risks in matters of disease with which he felt himself competent to cope, and his timidity and hesitation in matters of war, is astounding. But it is a common phenomenon with the worker of miracles and indicates the limit of faith at which the saint or prophet has always betrayed the impostor. For example: Saint Bernard, when he preached in 1146 the Second Crusade, made miraculous cures by the thousand, so much so that there was danger of being killed in the crowds which pressed upon him. And yet this same saint, when chosen by the crusaders four years later, in 1150, to lead them because of his power to constrain victory by the intervention of God, wrote, after the crusaders' defeat, in terror to the pope to protect him, because he was unfit to take such responsibility.

But even with this reservation Moses could not gain the complete confidence of the congregation and the insecurity of his position finally broke him down.

At this same place of Kadesh, Miriam died, "and the people chode with Moses because there was no water for the

congregation." [Footnote: Numbers xx, 8.] Moses thereupon withdrew and, as usual, received a revelation. And the Lord directed him to take his rod, "and speak ye unto the rock before their eyes; and it shall give forth his water."

And Moses gathered the congregation and said unto them, "Hear now, ye rebels; must we fetch you water out of this rock?"

"And he smote the rock twice: and the water came out abundantly."

But Moses felt that he had offended God, "Because ye believed me not, to sanctify me in the eyes of the children of Israel, therefore ye shall not bring this congregation into the land which I have given them."

Moses had become an old man, and he felt himself unequal to the burden he had assumed. He recognized that his theory of cause and effect had broken down, and that the "Lord" whom at the outset he had firmly believed to be an actual and efficient power to be dominated by him, either could not or would not support him in emergency. In short, he had learned that he was an adventurer who must trust to himself. Hence, after Hormah he was a changed man. Nothing could induce him to lead the Jews across the Jordan to attack the peoples on the west bank, and though the congregation made a couple of campaigns against Sihon and Og, whose ruthlessness has always been a stain on Moses, the probability is that Moses did not meddle much with the active command. Had he done so, the author of Deuteronomy would have given the story in more detail and Moses more credit.

All that is attributed to Moses is a division of the conquests made together with Joshua, and a fruitless prayer to the Lord that he might be permitted to cross the Jordan.

Meanwhile life was ending for him. His elder sister Miriam died at Kadesh, and Aaron died somewhat later at Mount Hor, which is supposed to lie about as far to the east of Kadesh as Hormah is to the west, but there are circumstances about the death of Aaron which point to Moses as having had more to do with it than of having been a mere passive spectator thereof.

The whole congregation is represented as having "journeyed from Kadesh and come unto Mount Hor … by the coast of the land of Edom," and there the "Lord" spoke unto Moses and Aaron, and explained that Aaron was to be "gathered unto his people, … because ye rebelled … at the water of Meribah." Therefore Moses was to "take Aaron and Eleazar his son, and bring them up unto Mount Hor: and strip Aaron of his garments, and put them upon Eleazar," … and that Aaron … shall die there.

"And they went up into Mount Hor in the sight of all the congregation. And Moses stripped Aaron of his garments, and put them upon Eleazar his son; and Aaron died there in the top of the mount: and Moses and Eleazar came down from the mount." [Footnote: Numbers xx, 22-28.]

Now it is incredible that all this happened as straightforwardly as the chronicle would have us believe. Aaron was an old man and probably failing, but his death was not imminent. On the contrary, he had strength to climb Mount Hor with Moses,

without aid, and there is no hint that he suffered from any ailment likely to end his life suddenly. Moses took care that he and Eleazar should be alone with Aaron so that there should be no witness as to what occurred, and Moses alone knew what was expected.

Moses had time to take off the priestly garments, which were the insignia of office and to put them on Eleazar, and then, when all was ready, Aaron simply ceased to breathe at the precise moment when it was convenient for Moses to have him die, for the policy of Moses evidently demanded that Aaron should live no longer. Under the conditions of the march Moses was evidently preparing for his own death, and for a complete change in the administration of affairs. Appreciating that his leadership had broken down and that the system he had created was collapsing, he had dawdled as long on the east side of the Jordan as the patience of the congregation would permit. An advance had become inevitable, but Moses recognized his own inability to lead it. The command had to be delegated to a younger man and that man was Joshua. Eleazar, on the other hand, was the only available candidate for the high priesthood, and Moses took the opportunity of making the investiture on Mount Hor. So Aaron passed away, a sacrifice to the optimism of Moses. Next came the turn of Moses himself. The whole story is told in Deuteronomy. Within, probably, something less than a year after Aaron's death the "Lord" made a like communication to Moses.

"Get thee up … unto Mount Nebo, which is in the land of Moab, that is over against Jericho;

"And die in the Mount whither thou goest up, and be gathered unto thy people; as Aaron, thy brother died in Mount Hor;

"Because ye trespassed against me among the children of Israel at the waters of Meribah-Kadesh, in the wilderness of Zin, because ye sanctified me not in the midst of the children of Israel.

"And Moses went up from the plains of Moab unto the mountain of Nebo, … And the Lord showed him all the land of Gilead, unto Dan.

"And Moses the servant of the Lord died there in the land of Moab, according to the word of the Lord.... But no man knoweth of his sepulchre unto this day.

"And Moses was an hundred and twenty years old when he died: his eye was not dim, nor his natural force abated."

The facts, as preserved by Josephus, appear to have been these: Moses ascended the mountain with only the elders, the high priest Eleazar, and Joshua. At the top of the mountain he dismissed the elders, and then, as he was embracing Joshua and Eleazar and still speaking, a cloud covered him, and he disappeared in a ravine. In other words, he killed himself.

Such is the story of Moses, a fragment of history interesting enough in itself, but especially material to us not only because of the development of the thought dealt with in the following volumes, but of the inferences which, at the present time, it permits us to draw touching our own immediate future.

Moses was the first great optimist of whom any record remains, and one of the greatest. He was the prototype of all those who have followed. He was a visionary. All optimists must be visionaries. Moses based the social system which he tried to organize, not on observed facts, but on *a priori* theories evolved out of his own mind, and he met with the failure that all men of that cast of mind must meet with when he sought to realize his visions. His theory was that the universe about him was the expression of an infinite mind which operated according to law. That this mind, or consciousness, was intelligent and capable of communicating with man. That it did, in fact, so communicate through him, as a medium, and that other men had only to receive humbly and obey implicitly his revelations to arrive at a condition nearly approaching, if not absolutely reaching, perfection, while they should enjoy happiness and prosperity in the land in which they should be permitted, by an infinite and supernatural power and wisdom, to dwell. All this is not alien to the attitude of scientific optimists at the present day, who anticipate progressive perfection.

Let us consider, for a moment, whither these *a priori* theories led, when put in practice upon human beings, including himself. And, in the first place, it will probably be conceded that no optimist could have, or ever hope to have, a fairer opportunity to try his experiment than had Moses on that plastic Hebrew community which he undertook to lead through Arabia. Also it must be admitted that Moses, as an expounder of a moral

code, achieved success. The moral principles which he laid down have been accepted as sound from that day to this, and are still written up in our churches, as a standard for men and women, however slackly they may be observed. But when we come to mark the methods by which Moses obtained acceptance of his code by his contemporaries, and, above all, sought to constrain obedience to himself and to it, we find the prospect unalluring. To begin with, Moses had only begun the exodus when he learned from his practical father-in-law that the system he employed was fantastic and certain to fail: his notion being that he should sit and judge causes himself, as the mouthpiece of the infinite, and that therefore each judgment he gave would demand a separate miracle or imposture. This could not be contemplated. Therefore Moses was constrained to impose his code in writing, once for all, by one gigantic fraud which he must perpetrate himself. This he tried at Sinai, unblushingly declaring that the stone tablets which he produced were "written with the finger of God"; wherefore, as they must have been written by himself, or under his personal supervision, he brazenly and deliberately lied. His good faith was obviously suspected, and this suspicion caused disastrous results. To support his lie Moses caused three thousand unsuspecting and trusting men to be murdered in cold blood, whose only crime was that they would have preferred another leadership to his, and because, had they been able to effect their purpose, they would have disappointed his ambition.

To follow Moses further in the course which optimism

enforced upon him would be tedious, as it would be to recapitulate the story which has already been told. It suffices to say shortly that, at every camp, he had to sink to deeper depths of fraud, deception, lying, and crime in order to maintain his credit. It might be that, as at Meribah, it was only claiming for himself a miracle which he knew he could not work, and for claiming which, instead of giving the credit to God, he openly declared he deserved and must receive punishment; or it might be some impudent quackery, like the brazen serpent, which at least was harmless; or it might have been complicated combinations which suggest a deeper shade; as, for example, the outbreak of the plague, after Korah's rebellion, which bears the aspect of a successful effort at intimidation to support his own wavering credit. But the result was always the same. Moses had promised that the supernatural power he pretended to control should sustain him and give victory. Possibly, when he started on the exodus he verily believed that such a power existed, was amenable and could be constrained to intervene. He found that he had been mistaken on all these heads, and when he accepted these facts as final, nothing remained for him but suicide, as has been related. It only remains to glance, for a single moment, at what befell, when he had gone, the society he had organized on the optimistic principle of the approach of human beings toward perfection. During the period of the Judges, when "there was no king in Israel, but every man did that which was right in his own eyes," [Footnote: Judges xvii, 6.] anarchy supervened, indeed,

but also the whole Mosaic system broke down because of the imbecility of the men on whom Moses relied to lift the people toward perfection.

Eli, a descendant of Aaron, was high priest, and a judge, being the predecessor of Samuel, the last of the judges. Now Eli had two sons who "were sons of Belial; they knew not the Lord."

Eli, being very old, "heard all that his sons did unto all Israel; and how they lay with the women that assembled at the door of the tabernacle...." And Eli argued with them; "notwithstanding they harkened not unto the voice of their father."

Samuel succeeded Eli. He was not a descendant of Aaron, but became a judge, apparently, upon his own merits. But as a judge he did not constrain his sons any better than Eli had his, for "they took bribes, and perverted judgment." So the elders of Israel came to Samuel and said, "Give us a king to judge us." "And Samuel prayed unto the Lord," though he disliked the idea. Yet the result was inevitable. The kingdom was set up, and the Mosaic society perished. Nothing was left of Mosaic optimism but the tradition. Also there was the Mosaic morality, and what that amounted to may best, perhaps, be judged by David, who was the most perfect flower of the perfection to which humanity was to attain under the Mosaic law, and has always stood for what was best in Mosaic optimism. David's morality is perhaps best illustrated by the story of Uriah the Hittite.

One day David saw Uriah's wife taking a bath on her housetop and took a fancy to her. The story is all told in the Second of

Samuel. How David sent for her, took her into the palace, and murdered Uriah by sending him to Joab who commanded the army, and instructing Joab to set Uriah in the forefront of the hottest battle, and "retire ye from him that he may be smitten and die." And Uriah was killed.

Then came the famous parable by Nathan of the ewe lamb. "And David's anger was greatly kindled against the man; and he said to Nathan, As the Lord liveth, the man who hath done this thing shall surely die.

"And Nathan said to David, Thou art the man."

And Nathan threatened David with all kinds of disaster and even with death, and David was very repentant and "he fasted and lay all night upon the earth." But for all that, when assured that nothing worse was to happen to him than the loss of the son Bathsheba had borne him, David comforted Bathsheba. He by no means gave her up. On the contrary, "he went in unto her … and she bare him a son, and he called his name Solomon: and the Lord loved him."

Again the flesh had prevailed. And so it has always been with each new movement which has been stimulated by an idealism inspired by a belief that the spirit was capable of generating an impulse which would overcome the flesh and which could cause men to move toward perfection along any other path than the least resistant. And this because man is an automaton, and can move no otherwise. In this point of view nothing can be more instructive than to compare the Roman with the Mosaic

civilization, for the Romans were a sternly practical people and worshipped force as Moses worshipped an ideal.

As Moses dreamed of realizing the divine consciousness on earth by introspection and by prayer, so the Romans supposed that they could attain to prosperity and happiness on earth by the development of superior physical force and the destruction of all rivals. Cato the Censor was the typical Roman landowner, the type of the class which built up the great vested interest in land which always moved and dominated Rome. He expressed the Roman ideal in his famous declaration in the Senate, when he gave his vote for the Third Punic War; "*Delenda est Carthago*," Carthage must be destroyed. And Carthage was destroyed because to a Roman to destroy Carthage was a logical competitive necessity. Subsequently, the Romans took the next step in their social adjustment at home. They deified the energy which had destroyed Carthage. The incarnation of physical force became the head of the State;—the Emperor when living, the Divus, when dead. And this conception gained expression in the law. This godlike energy found vent in the Imperial will; "*Quod principi placuit, legis habet vigorem*." [Footnote: Inst. 1, 2, 6.]

Nothing could be more antagonistic to the Mosaic philosophy, which invoked the supernatural unity as authority for every police regulation. Moreover, the Romans carried out their principle relentlessly, to their own destruction. That great vested interest which had absorbed the land of Italy, and had erected the administrative entity which policed it, could not hold and

cultivate its land profitably, in competition with other lands such as Egypt, North Africa, or Assyria, which were worked by a cheaper and more resistant people. Therefore the Roman landowners imported this competitive population from their homes, having first seized them as slaves, and cultivated their own Italian fields with them after the eviction of the original native peasants, who could not survive on the scanty nutriment on which the eastern races throve. [Footnote: I have dealt with this subject at length in my *Law of Civilization and Decay*, chapter II, to which I must refer the reader. More fully still in the French translation. "This unceasing emigration gradually changed the character of the rural population, and a similar alteration took place in the army. As early as the time of Cæsar, Italy was exhausted; his legions were mainly raised in Gaul, and as the native farmers sank into serfdom or slavery, and then at last vanished, recruits were drawn more and more from beyond the limits of the empire." I cannot repeat my arguments here, but I am not aware that they have been seriously controverted.]

The Roman law, the *Romana lex*, was as gigantic, as original, and as comprehensive a structure as was the empire which gave to it expression. Modern European law is but a dilution thereof. The Roman law attained perfection, as I conceive, about the time of the Antonines, through the great jurists who then flourished. If one might name a particular moment at which so vast and complex a movement culminated, one would be tempted to suggest the reign of Hadrian, who appointed Salvius Julianus to

draw up the *edictum perpetuum*, or permanent edict, in the year 132 A.D. Thenceforward the magistrate had to use his discretion only when the edict of Julianus did not apply.

I am not aware that any capital principle of municipal law has been evolved since that time, and the astonishing power of the Roman mind can only be appreciated when it is remembered that the whole of this colossal fabric was original. Modern European law has been only a servile copy. But, regard being had to the position of the emperor in relation to the people, and more especially in relation to the vast bureaucracy of Rome, which was the embodiment of the vested interest which was Rome itself, the adherence of Roman thought to the path of least resistance was absolute. "So far as the cravings of Stoicism found historical and political fulfilment, they did so in the sixty years of Hadrian and the Antonines, and so far again as an individual can embody the spirit of an age, its highest and most representative impersonation is unquestionably to be found in the person of Marcus Antoninus.... Stoicism faced the whole problem of existence, and devoted as searching an investigation to processes of being and of thought, to physics and to dialectic, as to the moral problems presented by the emotions and the will." [Footnote: *Marcus Aurelius Antoninus*, in English, by Gerald H. Rendall, Introduction, xxvii.]

Such was stoicism, of which Marcus Aurelius was and still remains the foremost expression. He admitted that as emperor his first duty was to sacrifice himself for the public and he

did his duty with a constancy which ultimately cost him his life. Among these duties was the great duty of naming his successor. The Roman Empire never became strictly hereditary. It hinged, as perhaps no other equally developed system ever hinged, upon the personality of the emperor, who incarnated the administrative bureaucracy which gave effect to the *Pax Romana* and the *Romana lex* from the Euphrates to the Atlantic and from Scotland to the Tropic of Cancer. Of all men Marcus Aurelius was the most conscientious and the most sincere, and he understood, as perhaps no other man in like position ever understood, the responsibility which impinged on him, to allow no private prevention to impose an unfit emperor upon the empire But Marcus had a son Commodus, who was nineteen when his father died, and who had already developed traits which caused foreboding. Nevertheless, Marcus associated Commodus with himself in the empire when Commodus was fourteen and Commodus attained to absolute power when Marcus died. Subsequently, Commodus became the epitome of all that was basest and worst in a ruler. He was murdered by the treachery of Marcia, his favorite concubine, and the Senate decreed that "his body should be dragged with a hook into the stripping room of the gladiators, to satiate the public fury." [Footnote: *Decline and Fall*, chap. iv.]

From that day Rome entered upon the acute stage of her decline, and she did so very largely because Marcus Aurelius, the ideal stoic, was incapable of violating the great law of nature

which impelled him to follow not reason, but the path of least resistance in choosing a successor; or, in other words, the instinct of heredity. Moreover, this instinct and not reason is or has been, among the strongest which operate upon men, and makes them automata. It is the basis upon which the family rests, and the family is the essence of social cohesion. Also the hereditary instinct has been the prime motor which has created constructive municipal jurisprudence and which has evolved religion.

With the death of Marcus Aurelius individual competition may be judged to have done its work, and presently, as the population changed its character under the stress thereof, a new phase opened: a phase which is marked, as such phases usually are, by victory in war. Marcus Aurelius died in 180 A.D. Substantially a century later, in 312, Constantine won the battle of the Milvian Bridge with his troops fighting under the Labarum, a standard bearing a cross with the device "*In hoc signo vinces*"; By this sign conquer. Probably Constantine had himself scanty faith in the Labarum, but he speculated upon it as a means to arouse enthusiasm in his men. It served his purpose, and finding the step he had taken on the whole satisfactory, he followed it up by accepting baptism in 337 A.D.

From this time forward the theory of the possibility of securing divine or supernatural aid by various forms of incantation or prayer gained steadily in power for about eight centuries, until at length it became a passion and gave birth to a school of optimism, the most overwhelming and the most

brilliant which the world has ever known and which evolved an age whose end we still await.

The Germans of the fourth century were a very simple race, who comprehended little of natural laws, and who therefore referred phenomena they did not understand to supernatural intervention. This intervention could only be controlled by priests, and thus the invasions caused a rapid rise in the influence of the sacred class. The power of every ecclesiastical organization has always rested on the miracle, and the clergy have always proved their divine commission as did Moses. This was eminently the case with the mediæval Church. At the outset Christianity was socialistic, and its spread among the poor was apparently caused by the pressure of servile competition; for the sect only became of enough importance to be persecuted under Nero, contemporaneously with the first signs of distress which appeared through the debasement of the denarius. But socialism was only a passing phase, and disappeared as the money value of the miracle rose, and brought wealth to the Church. Under the Emperor Decius, about 250, the magistrates thought the Christians opulent enough to use gold and silver vessels in their service, and by the fourth century the supernatural so possessed the popular mind that Constantine, as we have seen, not only allowed himself to be converted by a miracle, but used enchantment as an engine of war.

The action of the Milvian Bridge, fought in 312, by which Constantine established himself at Rome, was probably the point

whence nature began to discriminate decisively against the vested interest of Western Europe. Capital had already abandoned Italy; Christianity was soon after officially recognized, and during the next century the priest began to rank with the soldier as a force in war.

Meanwhile, as the population sank into exhaustion, it yielded less and less revenue, the police deteriorated, and the guards became unable to protect the frontier. In 376, the Goths, hard pressed by the Huns, came to the Danube and implored to be taken as subjects by the emperor. After mature deliberation the Council of Valens granted the prayer, and some five hundred thousand Germans were cantoned in Moesia. The intention of the government was to scatter this multitude through the provinces as *coloni,* or to draft them into the legions; but the detachment detailed to handle them was too feeble, the Goths mutinied, cut the guard to pieces, and having ravaged Thrace for two years, defeated and killed Valens at Hadrianople. In another generation the disorganization of the Roman army had become complete, and Alaric gave it its death-blow in his campaign of 410.

Alaric was not a Gothic king, but a barbarian deserter, who, in 392, was in the service of Theodosius. Subsequently he sometimes held imperial commands, and sometimes led bands of marauders on his own account, but was always in difficulty about his pay. Finally, in the revolution in which Stilicho was murdered, a corps of auxiliaries mutinied and chose him their general. Alleging that his arrears were unpaid, Alaric accepted

the command, and with this army sacked Rome.

During the campaign the attitude of the Christians was more interesting than the strategy of the soldiers. Alaric was a robber, leading mutineers, and yet the orthodox historians did not condemn him. They did not condemn him because the sacred class instinctively loved the barbarians whom they could overawe, whereas they could make little impression on the materialistic intellect of the old centralized society. Under the empire the priests, like all other individuals, had to obey the power which paid the police; and as long as a revenue could be drawn from the provinces, the Christian hierarchy were subordinate to the monied bureaucracy who had the means to coerce them.

Yet only very slowly, as the empire disintegrated, did the theocratic idea take shape. As late as the ninth century the pope prostrated himself before Charlemagne, and did homage as to a Roman emperor. [Footnote: Perz, *Annales Lauressenses*, I, 188.]

Saint Benedict founded Monte Cassino in 529, but centuries elapsed before the Benedictine order rose to power. The early convents were isolated and feeble, and much at the mercy of the laity, who invaded and debauched them. Abbots, like bishops, were often soldiers, who lived within the walls with their wives and children, their hawks, their hounds, and their men-at-arms; and it has been said that, in all France, Corbie and Fleury alone kept always something of their early discipline.

Only in the early years of the most lurid century of the Middle

Ages, when decentralization culminated, and the imagination began to gain its fullest intensity, did the period of monastic consolidation open with the foundation of Cluny. In 910 William of Aquitaine draw a charter [Footnote: Bruel, *Recueil des Chartes de l'Abbaye de Cluny*, I, 124.] which, so far as possible, provided for the complete independence of his new corporation. There was no episcopal visitation, and no interference with the election of the abbot. The monks were put directly under the protection of the pope, who was made their sole superior. John XI confirmed this charter by his bull of 932, and authorized the affiliation of all converts who wished to share in the reform. [Footnote: *Bull. Clun.* p. 2, col. 1. Also Luchaire, *Manuel des Institutions Françaises*, 93, 95, where the authorities are collected.]

The growth of Cluny was marvellous; by the twelfth century two thousand houses obeyed its rule, and its wealth was so great, and its buildings so vast, that in 1245 Innocent IV, the Emperor Baldwin, and Saint Louis were all lodged together within its walls, and with them all the attendant trains of prelates and nobles with their servants.

In the eleventh century no other force of equal energy existed. The monks were the most opulent, the ablest, and the best organized society in Europe, and their effect upon mankind was proportioned to their strength. They intuitively sought autocratic power, and during the centuries when nature favored them, they passed from triumph to triumph. They first seized upon the papacy and made it self-perpetuating; they then gave battle to the

laity for the possession of the secular hierarchy, which had been under temporal control since the very foundation of the Church.

According to the picturesque legend, Bruno, Bishop of Toul, seduced by the flattery of courtiers and the allurements of ambition, accepted the tiara from the emperor, and set out upon his journey to Italy with a splendid retinue, and with his robe and crown. On his way he turned aside at Cluny, where Hildebrand was prior. Hildebrand, filled with the spirit of God, reproached him with having seized upon the seat of the vicar of Christ by force, and accepted the holy office from the sacrilegious hand of a layman. He exhorted Bruno to cast away his pomp, and to cross the Alps humbly as a pilgrim, assuring him that the priests and people of Rome would recognize him as their bishop, and elect him according to canonical forms. Then he would taste the joys of a pure conscience, having entered the fold of Christ as a shepherd and not as a robber. Inspired by these words, Bruno dismissed his train, and left the convent gate as a pilgrim. He walked barefoot, and when after two months of pious meditations he stood before Saint Peter's, he spoke to the people and told them it was their privilege to elect the pope, and since he had come unwillingly he would return again, were he not their choice.

He was answered with acclamations, and on February 2, 1049, he was enthroned as Leo IX. His first act was to make Hildebrand his minister.

The legend tells of the triumph of Cluny as no historical facts could do. Ten years later, in the reign of Nicholas II, the

theocracy made itself self-perpetuating through the assumption of the election of the pope by the college of cardinals, and in 1073 Hildebrand, the incarnation of monasticism, was crowned under the name of Gregory VII.

With Hildebrand's election, war began. The Council of Rome, held in 1075, decreed that holy orders should not be recognized where investiture had been granted by a layman, and that princes guilty of conferring investiture should be excommunicated. The Council of the next year, which excommunicated the emperor, also enunciated the famous propositions of Baronius—the full expression of the theocratic idea. The priest had grown to be a god on earth.

"So strong in this confidence, for the honour and defence of your Church, on behalf of the omnipotent God, the Father, the Son, and the Holy Ghost, by your power and authority, I forbid the government of the German and Italian kingdoms, to King Henry, the son of the Emperor Henry, who, with unheard-of arrogance, has rebelled against your Church. I absolve all Christians from the oaths they have made or may make to him, and I forbid that any one should obey him as king." [Footnote: Migne, CXLVIII, 790.]

Henry marched on Italy, but in all European history there has been no drama more tremendous than the expiation of his sacrilege. To his soldiers the world was a vast space, peopled by those fantastic beings which are still seen on Gothic towers. These demons obeyed the monk of Rome, and his army, melting

from about the emperor under a nameless horror, left him helpless.

Gregory lay like a magician in the fortress of Canossa: but he had no need of carnal weapons, for when the emperor reached the Alps he was almost alone. Then his imagination also took fire, the panic seized him, and he sued for mercy.

On August 7, 1106, Henry died at Liège, an outcast and a mendicant, and for five long years his body lay at the church door, an accursed thing which no man dared to bury.

Gregory prevailed because, to the understanding of the eleventh century, the evidence at hand indicated that he embodied in a high degree the infinite energy. The eleventh century was intensely imaginative and the evidence which appealed to it was those phenomena of trance, hypnotism, and catalepsy which are as mysterious now as they were then, but whose effect was then to create an overpowering demand for miracle-working substances. The sale of these substances gradually drew the larger portion of the wealth of the community into the hands of the clergy, and with wealth went temporal power. No vested interest in any progressive community has probably ever been relatively stronger, for the Church found no difficulty, when embarrassed, in establishing and operating a thorough system for exterminating her critics.

Under such a pressure modern civilization must have sunk into some form of caste had the mediæval mind resembled any antecedent mind, but the middle age, though superficially

imaginative, was fundamentally materialistic, as the history of the crusades showed.

At Canossa the laity conceded as a probable hypothesis that the Church could miraculously control nature; but they insisted that if the Church possessed such power, she must use that power for the common good. Upon this point they would not compromise, nor would they permit delay. During the chaos of the ninth century turmoil and violence reached a stage at which the aspirations of most Christians ended with self-preservation; but when the discovery and working of the Harz silver had brought with it some semblance of order, an intense yearning possessed both men and women to ameliorate their lot. If relics could give protection against oppression, disease, famine, and death, then relics must be obtained, and, if the cross and the tomb were the most effective relics, then the cross and the tomb must be conquered at any cost. In the north of Europe especially, misery was so acute that the people gladly left their homes upon the slenderest promise of betterment, even following a vagrant like Peter the Hermit, who was neither soldier nor priest. There is a passage in William of Tyre which has been often quoted to explain a frenzy which is otherwise inexplicable, and in the old English of Caxton the words still glow with the same agony which makes lurid the supplication of the litany,—"From battle and murder, and from sudden death, Good Lord deliver us":

"Of charyte men spack not, debates, discordes, and warres were nyhe oueral, in suche wyse, that it seemed, that thende

of the world was nyghe, by the signes that our lord sayth in the gospell, ffor pestylences and famynes were grete on therthe, ferdfulness of heuen, tremblyng of therthe in many places, and many other thinges there were that ought to fere the hertes of men....

"The prynces and the barons brente and destroyed the contrees of theyr neyghbours, yf ony man had saved ony thynge in theyr kepyng, theyr owne lordes toke them and put them in prison and in greuous tormentis, for to take fro them suche as they had, in suche qyse that the chyldren of them that had ben riche men, men myght see them goo fro dore to dore, for to begge and gete theyr brede, and some deye for hungre and mesease." [Footnote: Godeffroy of Bologne, by William, Archbishop of Tyre, translated from the French by William Caxton, London, 1893, 21, 22.]

Throughout the eleventh century the excitement touching the virtues of the holy places in Judea grew, until Gregory VII, about the time of Canossa, perceived that a paroxysm was at hand, and considered leading it, but on the whole nothing is so suggestive of the latent scepticism of the age as the irresolution of the popes at this supreme moment. The laity were the pilgrims and the agitators. The kings sought the relics and took the cross; the clergy hung back. Robert, Duke of Normandy, for example, the father of William the Conqueror, died in 1035 from hardship at Nicæa when returning from Palestine, absorbed to the last in the relics which he had collected, but the popes stayed at home.

Whatever they may have said in private, neither Hildebrand nor Victor nor Urban moved officially until they were swept forward by the torrent. They shunned responsibility for a war which they would have passionately promoted had they been sure of victory. The man who finally kindled the conflagration was a half-mad fanatic, a stranger to the hierarchy. No one knew the family of Peter the Hermit, or whence he came, but he certainly was not an ecclesiastic in good standing. Inflamed by fasting and penance, Peter followed the throng of pilgrims to Jerusalem, and there, wrought upon by what he saw, he sought the patriarch. Peter asked the patriarch if nothing could be done to protect the pilgrims, and to retrieve the Holy Places. The patriarch replied, "Nothing, unless God will touch the heart of the western princes, and will send them to succor the Holy City." The patriarch did not propose meddling himself, nor did it occur to him that the pope should intervene. He took a rationalistic view of the Moslem military power. Peter, on the contrary, was logical, arguing from eleventh-century premises. If he could but receive a divine mandate, he would raise an invincible army. He prayed. His prayer was answered. One day while prostrated before the sepulchre he heard Christ charge him to announce in Europe that the appointed hour had come. Furnished with letters from the patriarch, Peter straightway embarked for Rome to obtain Urban's sanction for his design. Urban listened and gave a consent which he could not prudently have withheld, but he abstained from participating in the propaganda. In March, 1095,

Urban called a Council at Piacenza, nominally to consider the deliverance of Jerusalem, and this Council was attended by thirty thousand impatient laymen, only waiting for the word to take the vow, but the pope did nothing. Even at Clermont eight months later, he showed a disposition to deal with private war, or church discipline, or with anything in fact rather than with the one engrossing question of the day, but this time there was no escape. A vast multitude of determined men filled not only Clermont but the adjacent towns and villages, even sleeping in the fields, although the weather was bitterly cold, who demanded to know the policy of the Church. Urban seems to have procrastinated as long as he safely could, but, at length, at the tenth session, he produced Peter on the platform, clad as a pilgrim, and, after Peter had spoken, he proclaimed the war. Urban declined, however, to command the army. The only effective force which marched was a body of laymen, organized and led by laymen, who in 1099 carried Jerusalem by an ordinary assault. In Jerusalem they found the cross and the sepulchre, and with these relics as the foundation of their power, the laity began an experiment which lasted eighty-eight years, ending in 1187 with the battle of Tiberias. At Tiberias the infidels defeated the Christians, captured their king and their cross, and shortly afterward seized the tomb.

If the eleventh-century mind had been as rigid as the Roman mind of the first century, mediæval civilization could hardly, after the collapse of the crusades, have failed to degenerate as

Roman civilization degenerated after the defeat of Varus. Being more elastic, it began, under an increased tension, to develop new phases of thought. The effort was indeed prodigious and the absolute movement possibly slow, but a change of intellectual attitude may be detected almost contemporaneously with the fall of the Latin kingdom in Palestine. It is doubtless true that the thirteenth century was the century in which imaginative thought reached its highest brilliancy, when Albertus Magnus and Saint Thomas Aquinas taught, when Saint Francis and Saint Clara lived, and when Thomas of Celano wrote the *Dies Iræ*. It was then that Gothic architecture touched its climax in the cathedrals of Chartres and Amiens, of Bourges and of Paris; it was then also that Blanche of Castile ruled in France and that Saint Louis bought the crown of thorns, but it is equally true that the death of Saint Louis occurred in 1270, shortly after the thorough organization of the Inquisition by Innocent IV in 1252, and within two years or so of the production by Roger Bacon of his *Opus Majus*.

The establishment of the Inquisition is decisive, because it proves that sceptical thought had been spread far enough to goad the Church to general and systematic repression, while the *Opus Majus* is a scientific exposition of the method by which the sceptical mind is trained.

Roger Bacon was born about 1214, and going early to Oxford fell under the influence of the most liberal teachers in Europe, at whose head stood Robert Grosseteste, afterward Bishop of

Lincoln. Bacon conceived a veneration for Grosseteste, and even for Adam de Marisco his disciple, and turning toward mathematics rather than toward metaphysics he eagerly applied himself, when he went to Paris, to astrology and alchemy, which were the progenitors of the modern exact sciences. In the thirteenth century a young man like Bacon could hardly stand alone, and Bacon joined the Franciscans, but before many years elapsed he embroiled himself with his superiors. His friend, Grosseteste, died in 1253, the year after Innocent IV issued the bull *Ad extirpanda* establishing the Inquisition, and Bacon felt the consequences. The general of his order, Saint Bonaventura, withdrew him from Oxford where he was prominent, and immured him in a Parisian convent, treating him rigorously, as Bacon intimated to Pope Clement IV. There he remained, silenced, for some ten years, until the election of Clement IV, in 1265. Bacon at once wrote to Clement complaining of his imprisonment, and deploring to the pope the plight into which scientific education had fallen. The pope replied directing Bacon to explain his views in a treatise, but did not order his release. In response Bacon composed the *Opus Majus*.

The *Opus Majus* deals among other things with experimental science, and in the introductory chapter to the sixth part Bacon stated the theory of inductive thought quite as lucidly as did Francis Bacon three and a half centuries later in the *Novum Organum*. [Footnote: Positis radicibus sapientiae Latinorum penes Linguas et Mathematicam et Perspectivam, nunc volo

revolvere radices a parte Scientiae Experimentalis, quia sine experientia nihil sufficienter scire protest. Duo enim simt modi cognoscendi, scilicet per argumentum et experimentum. Argumentum concludit et facit nos concedere conclusionem, sed non certificat neque removet dubitationem ut quiescat animus in intuitu veritatis, nisi eam inveniat via experientiae; quia multi habent argumenta ad scibilia, sed quia non habent experientiam, negligunt ea, nee vitant nociva nex persequuntue bona. J. H. Bridges, *The Opus Majus of Roger Bacon* (Oxford, 1897), II, 167.]

Clement died in 1268. The papacy remained vacant for a couple of years, but in 1271 Gregory X came in on a conservative reaction. Bacon passed most of the rest of his life in prison, perhaps through his own ungovernable temper, and ostensibly his writings seem to have had little or no effect on his contemporaries, yet it is certain that he was not an isolated specimen of a type of intelligence which suddenly bloomed during the Reformation. Bacon constantly spoke of his friends, but his friends evidently did not share his temperament. The scientific man has seldom relished martyrdom, and Galileo's experience as late as 1633 shows what risks men of science ran who even indirectly attacked the vested interests of the Church. After the middle of the thirteenth century the danger was real enough to account for any degree of secretiveness, and a striking case of this timidity is related by Bacon himself. No one knows even the name of the man to whom Bacon referred as "Master

Peter," but according to Bacon, "Master Peter" was the greatest and most original genius of the age, only he shunned publicity. The "Dominus experimentorum," as Bacon called him, lived in a safe retreat and devoted himself to mathematics, chemistry, and the mechanical arts with such success that, Bacon insisted, he could by his inventions have aided Saint Louis in his crusade more than his whole army. [Footnote: Émile Charles, *Roger Bacon. Sa vie et ses ouvrages*, 17.] Nor is this assertion altogether fantastic. Bacon understood the formula for gunpowder, and if Saint Louis had been provided with even a poor explosive he might have taken Cairo; not to speak of the terror which Greek fire always inspired. Saint Louis met his decisive defeat in a naval battle fought in 1250, for the command of the Nile, by which he drew supplies from Damietta, and he met it, according to Matthew Paris, because his ships could not withstand Greek fire. Gunpowder, even in a very simple form, might have changed the fate of the war.

Scepticism touching the value of relics as a means for controlling nature was an effect of experiment, and, logically enough, scepticism advanced fastest among certain ecclesiastics who dealt in relics. For example, in 1248 Saint Louis undertook to invade Egypt in defence of the cross. Possibly Saint Louis may have been affected by economic considerations also touching the eastern trade, but his ostensible object was a crusade. The risk was very great, the cost enormous, and the responsibility the king assumed of the most serious kind. Nothing that he could do was

left undone to ensure success. In 1249 he captured Damietta, and then stood in need of every pound of money and of every man that Christendom could raise; yet at this crisis the Church thought chiefly of making what it could in cash out of the war, the inference being that the hierarchy suspected that even if Saint Louis prevailed and occupied Jerusalem, little would be gained from an ecclesiastical standpoint. At all events, Matthew Paris has left an account, in his chronicle of the year 1249, of how the pope and the Franciscans preached this crusade, which is one of the most suggestive passages in thirteenth-century literature:

"About the same time, by command of the pope, whom they obeyed implicitly, the Preacher and Minorite brethren diligently employed themselves in preaching; and to increase the devotion of the Christians, they went with great solemnity to the places where their preaching was previously indicated, and granted many days of indulgence to those who came to hear them.... Preaching on behalf of the cross, they bestowed that symbol on people of every age, sex and rank, whatever their property or worth, and even on sick men and women, and those who were deprived of strength by sickness or old age; and on the next day, or even directly afterwards, receiving it back from them, they absolved them from their vow of pilgrimage, for whatever sum they could obtain for the favour. What seemed unsuitable and absurd was, that not many days afterwards, Earl Richard collected all this money in his treasury, by the agency of Master Bernard, an Italian clerk, who gathered in the fruit; whereby

no slight scandal arose in the Church of God, and amongst the people in general, and the devotion of the faithful evidently cooled." [Footnote: Matthew Paris, *English History*, translated by the Rev. J. A, Giles, II, 309.]

When the unfortunate Baldwin II became Emperor of the East in 1237, the relics of the passion were his best asset. In 1238, while Baldwin was in France trying to obtain aid, the French barons who carried on the government at Constantinople in his absence were obliged to pledge the crown of thorns to an Italian syndicate for 13,134 perpera, which Gibbon conjectures to have been besants. Baldwin was notified of the pledge and urged to arrange for its redemption. He met with no difficulty. He confidently addressed himself to Saint Louis and Queen Blanche, and "Although the king felt keen displeasure at the deplorable condition of Constantinople, he was well pleased, nevertheless, with the opportunity of adorning France with the richest and most precious treasure in all Christendom." More especially with "a relic, and a sacred object which was not on the commercial market." [Footnote: Du Cange, *Histoire de L'empire de Constantinople sous les empereurs Français*, edition de Buchon, I, 259.]

Louis, beside paying the loan and the cost of transportation which came to two thousand French pounds (the mark being then coined into £2, 15 sous and 6 pence), made Baldwin a present of ten thousand pounds for acting as broker. Baldwin was so well contented with this sale which he closed in 1239, that a couple of

years later he sent to Paris all the contents of his private chapel which had any value. Part of the treasure was a fragment of what purported to be the cross, but the authenticity of this relic was doubtful; there was beside, however, the baby linen, the spear-head, the sponge, and the chain, beside several miscellaneous articles like the rod of Moses.

Louis built the Sainte Chapelle at a cost of twenty thousand marks as a shrine in which to deposit them. The Sainte Chapelle has usually ranked as the most absolutely perfect specimen of mediaeval religious architecture. [Footnote: On this whole subject of the inter-relation of mediæval theology with architecture and philosophy the reader is referred to *Mont-Saint-Michel et Chartres*, by Henry Adams, which is the most philosophical and thorough exposition of this subject which ever has been attempted.]

When Saint Louis bought the Crown of Thorns from Baldwin in 1239, the commercial value of relics may, possibly, be said to have touched its highest point, but, in fact, the adoration of them had culminated with the collapse of the Second Crusade, and in another century and a half the market had decisively broken and the Reformation had already begun, with the advent of Wycliffe and the outbreak of Wat Tyler's Rebellion in 1381. For these social movements have always a common cause and reach a predetermined result.

In the eleventh century the convent of Cluny, for example, had an enormous and a perfectly justified hold upon the popular

imagination, because of the sanctity and unselfishness of its abbots. Saint Hugh won his sainthood by a self-denial and effort which were impossible to ordinary men, but with Louis IX the penitential life had already lost its attractions and men like Arnold rapidly brought religion and religious thought into contempt. The famous Grosseteste, Bishop of Lincoln, born, probably, in 1175, died in 1253. He presided over the diocese of Lincoln at the precise moment when Saint Louis was building the Sainte Chapelle, but Grosseteste in 1250 denounced in a sermon at Lyons the scandals of the papal court with a ferocity which hardly was surpassed at any later day.

To attempt even an abstract of the thought of the English Reformation would lead too far, however fascinating the subject might be. It must suffice to say briefly that theology had little or nothing to do with it. Wycliffe denounced the friars as lazy, profligate impostors, who wrung money from the poor which they afterwards squandered in ways offensive to God, and he would have stultified himself had he admitted, in the same breath, that these reprobates, when united, formed a divinely illuminated corporation, each member of which could and did work innumerable miracles through the interposition of Christ. Ordinary miracles, indeed, could be tested by the senses, but the essence of transubstantiation was that it eluded the senses. Thus nothing could be more convenient to the government than to make this invisible and intangible necromancy a test in capital cases for heresy-Hence Wycliffe had no alternative but to deny

transubstantiation, for nothing could be more insulting to the intelligence than to adore a morsel of bread which a priest held in his hand. The pretension of the priests to make the flesh of Christ was, according to Wycliffe, an impudent fraud, and their pretension to possess this power was only an excuse by which they enforced their claim to collect fees, and what amounted to extortionate taxes, from the people. [Footnote: Nowhere, perhaps, does Wycliffe express himself more strongly on this subject than in a little tract called *The Wicket*, written in English, which he issued for popular consumption about this time.] But, in the main, no dogma, however incomprehensible, ever troubled Protestants, as a class. They easily accepted the Trinity, the double procession, or the Holy Ghost itself, though no one had the slightest notion what the Holy Ghost might be. Wycliffe roundly declared in the first paragraph of his confession [Footnote: Fasciculi Zizaniorum, 115.] that the body of Christ which was crucified was truly and really in the consecrated host, and Huss, who inherited the Wycliffian tradition, answered before the Council of Constance, "Verily, I do think that the body of Christ is really and totally in the sacrament of the altar, which was born of the Virgin Mary, suffered, died, and rose again, and sitteth on the right hand of God the Father Almighty." [Footnote: Foxe, *Acts and Monuments*

Конец ознакомительного фрагмента.