

terpretation that must arise, they will not entail so much mischief as the loose action of the Boards of Immigration in this country, necessary as these Boards are, and eager as they are to perform faithfully the duties imposed upon them.

We said that even the foreign governments might assist in this control of migration. In past years there have been indications of a wish on the part of some of the European governments to dispose of their vicious and incapable population by shipping them abroad. This wish, however opposed to the rules of comity and friendship recognized by international law, is, after all, a very natural one, and only the strong remonstrances of this Government have prevented its being carried into effect. "Every society," wrote Mr. Marcy in 1856, "possesses the undoubted right to determine who shall compose its members, and it is exercised by all nations both in peace and war"; and in 1872 Mr. Fish wrote positively that the Government of the United States "is not willing, and will not consent, to receive the pauper class of any community who may be sent, or may be assisted in their immigration, at the expense of Government or of municipal authorities." On one occasion, Austria checked an undesirable emigration of Mormons at the request of this Government.

Exactly how this participation of a foreign government in this plan for controlling emigration is to be exercised we will leave for future discussion. It is doubtful whether it would be necessary often to call upon a government for action, as the classes over which it has complete control—the chronic paupers, the insane, and the incapable—are already excluded from landing at our ports by positive statute. But it would be well to have such an agency to fall back upon should a special contingency requiring it arise. In the meanwhile, we think that the consular certificate or passport would be a step towards a proper solution of this intricate question. As the machinery exists, and can be put to work without expense, there is a fair field for a trial.

THE RACE ISSUE IN GEORGIA.

THE lower branch of the Georgia Legislature has passed, with only two dissenting votes, what is known as the Glenn bill. The bill is entitled "A bill to regulate the manner of conducting educational institutions in this State, and provide penalties for the infraction of this act." It provides that no school, college, or other educational institution conducted for the education and training of colored people shall matriculate or receive as a pupil any white person; nor shall any school, college, or other educational institution conducted for the education of white people receive or matriculate any colored person as a pupil. Any teacher or manager controlling an institution violating this act shall, upon conviction, be punished under a section of the code providing as the penalty for misdemeanors a fine not exceeding \$1,000, imprisonment not exceeding six months, or work in a chain-gang not exceeding twelve months—any or all in the discretion of the court. If the institution has a charter, not only the teachers, but the president, secre-

tary, and trustees, who shall knowingly permit this act to be violated, are subject to indictment and similar punishment.

The act is aimed at the single institution in the State which has ever educated children of the two races together—the Atlanta University. This institution was founded by the American Missionary Association, shortly after the war, for the education of colored pupils, and is still chiefly supported by Northern benevolence, its only assistance from the State having been the allowance for some years past of half the \$16,000 annual interest coming from its share of a national grant of public lands to the States for educational purposes. The University has never had a white pupil from a Georgian family, and the only white pupils are a half-dozen children of the professors and of a clergyman associated with the institution, who have been thus educated by their parents, partly from motives of convenience, as there is no other school in the vicinity, and partly from their desire to live up to their principles of disregarding the race line. No charge has ever been made that the professors have acted as proselyters in the cause of mixed education, and no evidence has ever been presented that their course was making mixed education so popular that native white parents were likely to imitate their example. The act simply means that if a professor in the Atlanta University teaches his own child in a class with a negro child, he may be sentenced to a year in the chain gang.

Georgia, like every other Southern State, and like many Northern States until recent years, has always maintained separate schools for the two races. The Constitution provides for "a thorough system of common schools," which "shall be free to all citizens of the State; but separate schools shall be provided for the white and colored races." In the existing condition of public sentiment on the race question throughout the South, public education could never have been established if the attempt had been made by force to bring the two races into the same school-room, and it would be overthrown in a moment if mixed schools were to be ordered now. The legality and the expediency of separate school systems are, therefore, not now in question. But it is one thing to provide that the races shall not mix in schools supported by public taxation, and quite another thing to declare that no school, however supported, shall teach whites and blacks together without subjecting everybody responsible for this policy to the risk of a year in the chain-gang. This is an outrage of the very worst sort, for which no defence that is even plausible has been made or can be made. It is simply an outburst of race prejudice in its most offensive form.

But much of the Northern comment upon this performance is quite beside the point. Many Republican papers talk as though this were a question of politics, and a matter for Congressional legislation; and appear to think that, if there were a Republican Administration at Washington, something would be done about it. A Connecticut organ, for example, has proposed to take the question of civil rights involved into Congress, and "appeal to the highest court in the land to have the law set aside." If the editor had read the decision

of the Supreme Court declaring the Civil-Rights Act passed by Congress unconstitutional, he never would have made such a proposition. He would have learned that, in the opinion of the highest tribunal, Congress has no constitutional authority to interfere in the matter of civil rights unless a State passes legislation which denies to any of its citizens the equal protection of the laws. But the bill in question applies impartially to whites and blacks. If the teacher of a white school should receive a black pupil, he would incur precisely the same penalty as the teacher of a black school who should receive a white pupil. The State has the right to dictate that attendance upon schools shall be regulated according to sex, boys only going to one set of schools, and girls only to another; and, in like manner, it has the right to dictate that attendance shall be regulated according to color, provided that the limitations and penalties imposed upon white and black offenders against the law are the same, as is the case with the proposed law. The Glenn bill would undoubtedly be held constitutional if submitted to the Republican Supreme Court, and it may as well be accepted that Georgia has the legal right to pass it.

The real appeal in such a case as this Georgia one is not to Congress or to the Supreme Court, but to the popular conscience and sense of justice. A lesson may here be drawn from the history of Connecticut. In 1833 Miss Prudence Crandall, a young Quaker woman, announced her intention to throw open to colored pupils her private school in Canterbury, Conn. Town-meetings were promptly called to prevent the consummation of the outrage. The school having been opened, attempts were made to frighten the pupils away and to fine Miss Crandall for harboring them. An appeal was made to the Legislature, and that body passed an act prohibiting private schools for non-resident colored persons, and providing for the expulsion of the latter, the news of its passage being hailed by the ringing of the church bells in the town. Under this act Miss Crandall was arrested and temporarily imprisoned in the county jail, twice tried and convicted, and only escaped sentence upon a technicality. Meanwhile attempts had been made to starve out the young white woman and her colored pupils; the shopkeepers would not sell them a morsel of food; their well was filled with filth, and water from other sources refused; the physicians would not wait upon them; the village meeting-house was closed against them; carriage in the public conveyances was denied them, and friends were forbidden under heavy fines to visit them; their house was assailed with rotten eggs and stones, and finally was set on fire.

This happened in Connecticut only fifty years ago. A white woman can teach colored pupils in Connecticut to-day, but, not because the people have been compelled to allow her to do so by Congress or court. It is because they have come to see the injustice and inhumanity of their ancestors. If Georgia is to outgrow her present intolerant disposition, it must be in the same way. And if Northern Republican papers are impatient at the prospect that this will take a long time, they must remember that it was not until the year 1887 that the Northern State of Ohio,

which had been controlled by the Republican party most of the time for thirty years, reached the point where her Legislature would abolish the last of the "black laws."

SOREL'S MONTESQUIEU.

PARIS, July 29, 1887.

I GAVE an analysis of Boissier's little volume on Mme. de Sévigné. I have now before me another volume of the same series, 'Montesquieu.' It is not an easy task to write anything original or new on the author of the 'Lettres Persanes' and the 'Esprit des Lois.' M. Albert Sorel, the author of this new volume in the "Grands Écrivains de la France," has made himself known by a work on 'Europe and the French Revolution,' now in course of publication. His mind is more turned on diplomatic and historical questions than on pure literature; he has occupied for some time a post in the French Foreign Office, is one of the officers of the French Senate and a professor in the École Libre des Sciences Politiques.

The family of Montesquieu adopted the Protestant reform in the sixteenth century, and returned to the Catholic religion at the time of the abjuration of Henri IV. Charles Louis, the future author of the 'Esprit des Lois,' was born January 18, 1689, near Bordeaux, at the château de la Brède. "His father," says M. Sorel, "had the aristocratic austerity of the Vaubans and the Catinats; his mother was pious; they were both nobles who made themselves of the people, partly from a sentiment of the duty of their rank, partly from a Christian feeling. At the moment when Charles Louis was born, a beggar came before the château; they kept him and made him the godfather of the child, in order that this godfather might remind him all his lifetime that the poor were his brothers." This might be called an education à la Rousseau before Rousseau. The pious and philanthropic mother did not nurse her child, however; but gave him to some peasants, who kept him three years. Charles Louis lost his mother at the age of seven, and was sent to the Oratoriens, at Juilly, where he remained seven years. This education in an ecclesiastical school, away from his family, did not develop his sensibility; strangely enough, it prepared him for incredulity. The education at Juilly was classical, and, it might be said, Roman; young Montesquieu wrote at the age of twenty an essay to prove that the ancient philosophers did not deserve damnation.

After his law studies, he was made *conseiller* of the *Parlement* of Bordeaux, and married Mlle. Jeanne de Lartigue, of Calvinistic origin. M. Sorel tells us that his wife "had more candor than beauty, more timidity than charm, more virtue than *agrément*." He adds that *Parlement* and family "occupied little place in his life; he spoke of both with respect, behaved towards both with decency;" but that was all. "His activity drew him towards the great intellectual curiosity" (Renan introduced this use of the epithet 'great, la grande curiosité, la grande culture'). Montesquieu first gave his attention to scientific subjects: he studied anatomy, botany, physics—it was the fashion. President de Brosses was also devoted to science. Montesquieu's excursion in the scientific domain was shorter, but it gave him a method, a certain power of observing and classifying.

The first object of his philosophical observation was French society at the time of the Regency of the Duke of Orleans. He described it in a light form in the 'Lettres Persanes' (in 1721). Two Persians, one gay and critical, the other thoughtful, write letters to their friends in

Persia and describe what they see in France. This idea of Persia was borrowed from the work of a celebrated traveller, Chardin. As a novel, the 'Lettres Persanes' are a *meïre pastiche*; as a social study, they are still worth reading. In one year there were four editions of the 'Lettres Persanes.'

Montesquieu, though he was blamed by many, became a member of the fashionable and literary society of Paris, a friend of Maurepas, of the Chevalier d'Aydie, of the Comte de Caylus. He saw familiarly Mme. de Tencin, Mme. de Lambert, Mme. Du Deffand. He won the good graces of Mme. de Prie, who reigned at Chantilly with the Duc de Bourbon. He never lost his heart to any woman. "The society of women," he writes somewhere, "spoils our manners and deforms our taste." He was of a very timid disposition, and he affected not to feel any passion. "I was," he says, "in my youth happy enough to attach myself to women by whom I thought myself beloved; as soon as I ceased to think so, I left them suddenly." It is said, however, that he conceived an unhappy passion for Marie Anne de Bourbon, the sister of the Duc de Bourbon, who was called Mlle. de Clermont. She had extraordinary beauty. The Duc d'Aumale has in his collections a life-size portrait of Mlle. de Clermont, by Nattier. She has in it the simple dress of a Naiad, being represented as the deity of the spring of "Sylvie," one of the springs of the Park of Chantilly. Montesquieu composed, in order to please this charming goddess, a little pagan poem, called the "Temple de Gnide"—a fastidious poem in prose, artificial, quite unworthy of him, which would be entirely forgotten if there had not been a fine edition of it, entirely engraved, with beautiful illustrations by Eisen. (This book has a necessary place among the *livres à figures* of the eighteenth century.) I confess that I have read the "Temple de Gnide" without finding in it "the argument in prose of an elegy of André Chénier's"; that I did not suspect that "Chénier had much read Montesquieu"; and that it never occurred to me that Montesquieu "had been touched by the reflection of a ray of light coming from Greece." After publishing it, Montesquieu presented himself to the French Academy. The King, who did not like the 'Lettres Persanes,' refused consent to his nomination, under the pretext that he did not live at the capital. Montesquieu sold his office of *président à mortier* at Bordeaux, and fixed himself in Paris. He was reelected to the French Academy in 1729, and this time admitted.

He began soon afterwards a long journey in Europe: saw Germany, Austria, Hungary, Poland, Italy, England; he took notes for the 'Esprit des Lois.' But, while this great work was in preparation, he published the 'Considerations on the Causes of the Greatness and Decline of the Romans' (in 1734), and the 'Dialogue of Sylla and Eucrates' (in 1735). The 'Considerations' may be considered a model of what may be called philosophical history. The modern historical school somewhat despises this philosophy, believing in facts and documents, and draws no general conclusions: it is, so to speak, positivist—it does not believe in any final causes. Such works as Bossuet's 'Discours sur l'histoire universelle' are no longer considered as having any historical value. Montesquieu did not bring to the study of Rome and of the Latin writers the profound knowledge which characterizes a Mommsen; still, M. Sorel says "that, on the whole, the judgments of Montesquieu are just." He well understood the Roman civilization and the causes of its downfall. Modern historians care little for science, and many of them have good reasons for professing such indifference: it is not given to everybody to have the terse style

of a Montesquieu. His picture of the world at the time of the Roman conquest, his analysis of the Roman genius, of the causes of the greatness of Rome, cannot be forgotten.

These 'Considerations' were an admirable preparation for the 'Esprit des Lois.' In this great work, Montesquieu undertook to analyze the various forms of government which are found in the history of mankind, to show their advantage and defects, to point out their relations with the race, the geography, the religion. Machiavelli had done something of this kind in his 'Prince,' but nobody before him had treated the problem of the government of men in all its generality. This generality is found in the first sentence of the book, which is classical: "The laws, in their most extensive signification, are the necessary relations derived from the nature of things"—a definition so general that it can be applied to scientific as well as to social laws. The analysis of the various forms of government, into monarchical, oligarchic or aristocratic, and democratic, made by Montesquieu has become classical; the same may be said of his description of the English Government and its balance of powers. I will not dwell on these points, merely insisting a moment on the part which Montesquieu left to religion in his study of human societies. His mind was shut on the side of heaven; he was not an idealist. He introduces here and there a phrase on religion, for fear of the censorship and of the Sorbonne; but it is clear that these phrases are purely conventional. He does not formally exclude religion from the various elements which tend to constitute human society, but he gives it a subordinate place, after the army, after the political constitution, after the climate, after the geological nature of the soil, after trade, population, and police.

He is tolerant, of course, but his tolerance is mere indifference; the maximum of it is the Edict of Nantes. He dislikes religious propagandism, which he considers a cause of disturbance for the state, and which, in his opinion, ruins paternal authority in the family. His principles are thus summed up: "When you are master of receiving into a state a new religion or of not receiving it, do not allow its establishment; when it is established, tolerate it." He even goes so far as to show by what means a religion can be destroyed if its destruction is expedient for the state. He does not approve of violence and persecution, but says: "It is safer to attack a religion by favor, by the commodities of life, by the hope of fortune, not by an advertisement, but by what makes it forgotten; not by what excites indignation, but by what cools and calms people—by what excites other passions while the passions excited by religion remain silent. As a general rule, in matters of a change of religion, invitations are stronger than punishment." With such views, it is not to be wondered at if Montesquieu preferred a state religion, tempered by the indifference of many and the unbelief of a select few, as much preferable to the struggle of contending religions.

The 'Esprit des Lois' was printed in Geneva in 1748, in two quarto volumes. It bore no name, but everybody knew who the author was. The influence of this book can hardly be exaggerated. Voltaire was jealous of it; it inspired the men who tried in 1798 to establish a constitutional government in France; it is to be found in the diplomatic documents written at various times by Talleyrand; it inspired the works of Mme. de Staël, the 'Considerations on the French Revolution'; it inspired Tocqueville when he wrote his famous book on 'Democracy in America.' Sainte-Beuve has at various times criticised the 'Esprit des Lois'; he has reproached Montesquieu with placing humanity too high, with treating it too much like an abstraction, with