

A free people are naturally jealous of police control. It is not less natural that they should be indisposed to exercise it, except in its most obviously necessary forms. A sense of injury more than a sense of duty must be enlisted in its support in order to make it effective. This is always the case when a theft or murder is committed. These crimes are universally regarded as public injuries, and therefore the public gives the laws that prohibit them all the help it can to make them impossible. This is not the case when intoxicating liquor is sold in violation of law. Only in a modified sense is the traffic regarded as an injury. It is the abuse, not the use, of alcohol that is injurious; and opinion differs very widely as to what constitutes its abuse.

It is only those laws which are universally recognized as necessary to protect the public from injury that have a continuous momentum from their passage by the Legislature to their execution by the courts, that lose none of the awful energy of the public will in the course of their Administration. If, on the other hand, it is attempted, through legislation by the majority, to enforce a police control which public opinion does not overwhelmingly approve, that which is repugnant to the Administrative function is forced into the body politic, and "the gorge rises at it," or dyspepsia ensues. When this function manifests repugnance, or becomes atrophied, there is no resource for those who insist upon the exercise of the abhorrent control but a change of political system.

The mistake of prohibition is twofold. It subjects our popular system to a greater strain than it will bear without peril of a change, either in the direction of anarchy or despotism. It overcharges the functions of Administration, causing, on the one hand, a disrespect for law and indifference to its violation, and, on the other, the demand for a stronger government with agencies of Administration remote from popular control. The knowledge that the final expression of the public will is made in the administration of the law tends to bereave our legislatures of a sense of responsibility and honour, and make their Acts in this regard hypocritical.

It is, besides, a misapplication of the forces of morality and religion in the effort to reform society. There is a very important distinction between law and morals which the advocates of prohibition seem to overlook. Law is not intended to make men good, but to prevent their becoming bad. It is addressed not to the aspirations but to the prudence and fears of men. It has been said, with much truth, that it would be a fatal objection to any law that it implied a high ideal. When the law has finished its threats it has done its work. It can do no more. The formation of character must be accomplished by influences which are distinctively moral, by motives addressed to the aspirations as well as to fear.

The negative attitude of the law with regard to virtue may be illustrated by a reference to the position which the State takes in punishing bribery in elections. It does not allow what one man is willing to give, and another is anxious to take, to pass from giver to receiver—the poor man must not sell his vote and the rich man must not buy it. But the object of the law in this prohibition is not to teach a political virtue, but to prevent a political crime in which the bribe-giver and receiver make merchandise of the public interests and imperil the very existence of the State by corrupting the law and its source.

When men interfere with each other in that corporate form called law, they must be agreed upon those actions which it is desirable to prevent, but need not be agreed as to those which it is desirable to encourage. In order to make this interference effectual they must incorporate in their laws no moral aim or aspiration in which all sane and educated beings fail to unite. What is here said applies of course only to human laws. The Divine Law, on the other hand, is a standard of conduct which is addressed to the aspirations as well as to prudence and fear. It is a code of right as well as wrong. It approves the good while it condemns the evil,—a thing which a human code does not attempt and could not accomplish.

In a word, the proper function of legal enactments is to prevent what the State is united in regarding as wrong, as destructive to the public safety and comfort, and not to make men moral. The limits of the corporate action of the State in regard to the vast and varied differences of human conduct are necessarily narrow. At the most law is only an incomplete index of morality. The things we have a right to do are among the least of those things which find place in aspirations after perfect rectitude. For the moulding of character and the education of communities in virtue we must depend upon a higher than human laws, upon that Divine Law which is written in the heart—that "silent law in the kingdom of God whose very existence," as Bishop Butler said, "executes it."—*Andover Review*.

LORD CHIEF JUSTICE COLERIDGE, while trying a case recently, experienced great difficulty in swallowing a lozenge, but a young member of the Bar experienced no trouble in composing off-hand the following epigram:

His lordship's a little unhappy
In what enters and comes from his jaw;
For he cannot swallow his lozenge,
And we cannot swallow his law.

THE present year of grace is a most unpleasant one to write. In Arabic numerals, it is monotonous to a degree; the hand protests against writing and the eye against reading, three 8's in succession; and the people who go on writing the old year at the top or bottom of their letters till the new year is well under way, have more excuse than usual for doing so in 1888. Written in Roman characters, the year is the longest of the century. The eye is appalled by the long series of capitals necessary to express the date. Sculptors and stone-cutters must rebel at heart, when called upon to date their works MDCCLXXXVIII. The legend contains half as many letters as the whole alphabet.

THE RUSSIAN NOVELISTS.*

I HAVE thought that a few explanatory remarks touching the names, characters, and respective abilities of these justly famous writers of fiction may be of interest and value to readers of THE WEEK to whom an opportunity may not immediately occur of making their acquaintance within the pages of M. de Vogüé's careful and graphic little volume. Such acquaintance should undoubtedly be made and at once, as through the American press at least, the names of Gogol, Turgenev, and Tolstoi, are continually reaching us, variously fraught with rabid panegyric, doubtful praise, or vague depreciation. That the eulogy outweighs the sentiments of literary distrust and aversion promptly born in narrow breasts when word is given that a new school arises, or a distinct departure occurs, is perfectly right, just and fair, and attests to the breadth of the American leaders in thought and criticism, some of whom are fain to be considered the discoverers of Russian literature. And regarded as Russian literature the efforts put forth by these four novelists, Gogol, Turgenev, Dostoevsky, and Tolstoi, can simply not be disregarded. It is when I perceive in statements concerning the literature of Russia a tendency to exalt it to a position it never can adequately occupy, much less retain—it is then that the need of a more perfect knowledge of what the Russians have done becomes very pressing, and in this relation I feel confident that M. de Vogüé's book can furnish the information, or at least some of it, that is required by us here in Canada, as well as any other work on the subject. As a preliminary remark in this connection it may be noted that without an intimate acquaintance with French literature, particularly the writings of Rousseau, Voltaire, and M^{me}. Dudevant, as well as a partial knowledge of the romantic school of modern Germany, the influence of both having been undeniably at work in the formation and growth of Russian fiction, it is simply impossible to adequately place the productions of these four eminent writers, the first of whom in point of date is Gogol. Nikolai Vasilievitch Gogol was a native of Little Russia or Ukraine, and was therefore a Cossack, born near Poltava in 1809, and much indebted in after-life to the spirited and thrilling tales of the great wars with Poland as told him in early childhood by his grandfather, regimental scribe to the Zaporavian League or Commonwealth. In fact, the main portion of his most popular work, entitled *Evenings at a Farm*, consisted of these rustic tales and tragedies, fairy lore and legends, served up in new shapes and affording frequent and correct glimpses of the curious local peculiarities and customs of a corner of Russia till then almost unnoticed. These sketches were received with only comparative enthusiasm, the satirical powers of their author not having been as yet sufficiently drawn upon to arouse all Russia to recognition of the fact that here was a master-mind indeed, capable of immense foresight, and possessed of considerable practical acquaintance with executive and administrative affairs. The *Evenings at a Farm*, appearing in 1832, was followed by an epic poem, entitled *Taras Bulba*, which received at the hand of Guizot almost extravagant laudation, as he called it "the only modern epic poem worthy of the name." The most important work, however, which Gogol had yet attempted was *Le Manteau*, a novel which resulted from his period of service in St. Petersburg in the Government offices. A Provincial, and minus letters of introduction, he was at first snubbed and set aside, and the pride of the author and of the man revolted to that degree that is plainly revealed in the bitter and sarcastic pages of *Le Manteau*, which is the outgrowth of his one year's experience in the Government offices, and the fulfilment of a desire to avenge his life of a galley-slave while there. A late Russian politician and author once remarked to M. De Vogüé, "Nous sommes tous sortis du manteau du Gogol." Following this pathetic and graphic novel came the *Revizor*, a still more pungent and incisive satire on the venality and arbitrariness of the Russian Administration which, despite its attack on the Government and its general disregard of convention, was applauded by the Emperor Nicholas from the Royal box. Indeed no fact about this curious Russia is more curious than this, that the Emperor on being informed of the author's poverty, immediately placed 5,000 roubles at his disposition through the poet Zhukovski, thus aiding in the self-imposed expatriation of the melancholy and sensitive Gogol.

The positive helplessness of a despotic power against the inevitable consequences of its own existence has rarely been more clearly shown. After travelling extensively, Gogol settled in Rome, where he wrote his last and finest work, *Dead Souls*, in which he continued in the same train of thought, holding up as in the brightest of mirrors the innumerable types of Russian character all more or less corrupted by the sad social conditions under which they were formed. Upon the publication of this book the poor author found he had written too strongly. He returned to Russia, fell ill, became morbid, fanciful, half-mad, suffered as only such men can suffer, and died at the age of forty-three. His books are taken by the critics most conversant with Russian literature to be the first attempts at realism in that country, and the spirit in which he wrote was the spirit which generated the succeeding novels of Turgenev and Tolstoi, although much modified and characterized by less irony and more sentiment.

Gogol died in 1852, and Turgenev, having been born in 1817, was therefore thirty-five when the removal of one great writer left room for another. It is not perhaps generally known that upon Gogol's death Turgenev, in an article strongly in praise of the dead author, called him "a great man," for which treasonable phrase he (Turgenev) was imprisoned for a month, and banished to his own estates. His first book of this period was *Dimitri Rondine*, a tale of prosaic country life, and mostly successful as a moral

* *Russian Novelists*. By E. M. de Vogüé. Translated by Jane Loring Edwards. Boston: D. Lothrop and Company.