

sciously being exerted, and little by little "Symmetrical Order" was being established, when the flood of barbarian invasion turned the tide.

With this condition of man let us contrast the state of society in the eighteenth century. Let us select those countries renowned for the obstinacy, tyranny and oppression of their sovereigns,—France under Louis XIV, and the colonies of America under George III. In the former the lower classes have been driven to desperation by extreme poverty, made worse by the exactions of ruthless and unprincipled monarchs. In the latter, unjustly subjected to impositions and taxes, with no voice in the government and no hope of obtaining it. In both nations their stubborn, conservative rulers, with a people roused to action by the eloquence of patriots and statesmen, and a sense of indignities heaped upon them. For centuries the lower classes in France have been striving for liberty and equality. The tide seemingly carried them only the farther from the goal. They speed to-day, they are put back to-morrow. With no hope of peaceably attaining their end they have given a new interpretation to Natural Law.

In the speculations of men like Rousseau, the central figure is man in a supposed State of Nature. "Every law or institution which would misbecome this imaginary being under these ideal circumstances, is to be condemned" and any change which will bring him nearer to the simple natural state, is worthy to be effected at whatever cost. "The theory is still that of the Roman lawyers, but as it were turned upside down. It is not the Law of Nature, but the State of Nature."

The great difference between the modern and ancient views, is that the one bitterly and broadly condemns the present for its unlikeness to the ideal past, while the other, assuming the present to be as necessary as the past does not affect to disregard or censure it." The functions of the Law of Nature are remedial; those of the State of Nature revolutionary.

In Rome the Law of Nature was confined to the lawyers. They had no desire to give it to the people who would not have been ready to receive it, for the fulness of time had not come. In modern times it has been wrested from their grasp. The people, downtrodden and oppressed, have seized upon it as their last hope. Under these circumstances what wonder that the law of Nature was no longer a mere legal dogma, but became a vital political principle,—a law which makes men free and equal before the law, not only in theory but in reality as well.

Before the crisis comes in France, stimulus is added by the conduct of America. In sympathy with the peculiar idea so popular in France, the American lawyers joined the French assumption that "all men are born equal," with that more familiar to the English, that "all men are born free," and made the two the keynote of their Declaration of Independence. Roused by the patriotic enthusiasm of men like Patrick Henry and Thomas Jefferson, the people apply the accepted interpretation of Natural Law to their own country. It is but the echo descended from the past. "Taxation without Representation is Tyranny." In despair of securing the one without the other, and with the consciousness of the justice of their cause, they grasp the double-edged sword of their Liberty and Equality, the Gordian-knot of Tyranny is cut, and America is forever free.

The theory in Natural Law now returned to its home in France endowed with vastly greater energy and enjoying much greater claims on general reception and respect. The end was not long delayed. The volcano which had been smouldering for so many centuries at last burst forth in all its fury. False to their principles as many were, yet the bloody days of 1789 were the end of Absolutism, and the beginning of happier days for France.

Grand as has been the results of these two great revolutions, yet the grandest service rendered by Natural Law to Modern Nations is Modern International Law. One of the legal legacies of Rome was the Jus Gentium, or Law Common to all Nations. This was developed by observing all the laws common to those tribes with which Rome came in contact, and regulated her intercourse with them until the time of the Stoics. When Roman Law was stimulated by the theory of Natural Law, the Praetors turned to the Jus Gentium, and supposing this to be the lost code of Nature began to incorporate it in their Edicts, and the old Decemviral code was eventually preceded by it. This interpretation was the first mistake. In the beginning of Modern History, there was, properly speaking, no International Law. The lawyers believed that in the Praetorian Edicts they had discovered such a law. Here lies the second mistake. The Romans could scarcely conceive of a relation of independent States in which all were equal, but this was just the interpretation given to what was simply the Roman Property Law, but as just a law as could well have been framed. Its acceptance was urged on European nations. It was long before they were willing to take this step, but the labor of Hugh Grotius finally secured for it the enthusiastic assent of all Europe, "an assent which has been renewed over and over again." Upon the double mistake of the Roman and Modern lawyers rests that law which has so happily contributed to the happiness of mankind.

When the Stoic placed their fundamental principle in the laws of their country little did they think of the latent power hidden there, or of the influence it would exert when they and their philosophy had passed away. The force of the Law of Nature is not yet spent. That which is not the direct result of a first cause may be a ripple of the undulating ocean, while at the bottom lies the power which set that vast body in motion. The influence of free nations can never be estimated. We see it in Russia, stirred to her foundations; in Italy throwing off the Papal yoke; in Spain rising from the ignorance and superstition of the past; or in England granting the franchise to multitudes of her subjects. Go where we may and we find men ever striving for liberty, The greater the liberty, united with self control the greater the progress, and the striving is stimulated and the purpose strengthened, by the example of nations which have striven and succeeded.

Duty and self control were the sum of the moral tenets of the Stoics. They builded more wisely than they knew when they bequeathed to succeeding ages not only their principle but the practical illustration of that power which alone constitutes true greatness.

Men of the present forget that self-government is the greatest liberty. If they exercised more of that noble self-control of the Stoic would the end of justice