

case a remit was made by the Lord Ordinary to Sir Arthur Mitchell, a man, as I have said, highly competent to fulfil such a function, and the Court had the advantage of his report before arriving at any conclusion. Therefore, my Lords, there appears to me to be no authority justifying the assertion that the Court can only act by taking proof itself or having proof taken before the Sheriff. There is authority for the proposition that the Court may act, and has been in the habit of acting, upon a remit to a medical man, or medical men of skill, to assist it in forming its conclusion. But all these authorities together leave, without any doubt, the impression upon my mind that in every one of these cases it is for the Court to form its own conclusion, and it is for the Court to determine in its discretion what assistance it will obtain towards forming that conclusion. That assistance has been of a different character in different cases, but whatever its character has been, whether in the way of proof before the Sheriff or not, it appears to me only to have been such assistance as the Court thought right to acquire in order to enable it to come to a conclusion as to how the discretion reposed in it ought to be exercised. My Lords, if that be so, I think it disposes of the whole of the contentions which have been put before your Lordships on behalf of the appellant, and it shows the course taken in this case to have been correct. I therefore move your Lordships to affirm this judgment, and to dismiss the appeal.

Lord Watson—My Lords, I cannot say that I have anything to add to the statement of this case which has been made by my noble and learned friend. To anyone conversant with the law and practice of Scotland, this must, in my opinion, appear to be a most groundless appeal. I think there can be no doubt whatever, in the first place, that the Court of Session had jurisdiction to entertain the application made to it in its present form; in the second place, that, notwithstanding the appearance of the present appellant to oppose its prayer being granted, it was a matter entirely within the discretion of the Court to determine what inquiry was necessary for the purpose of enlightening them as to the capacity or incapacity of the appellant to manage his own affairs at the time; and, in the third place, I think it equally clear that the certificates of the medical men which were produced were quite sufficient to justify the Court in taking the course which they did take, and making the appointment without further inquiry.

Lord Morris concurred.

Their Lordships affirmed the judgment appealed from, and dismissed the appeal.—*The Scottish Law Reporter*, June 25, 1891.

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#### MISS CONSTANCE NADEN'S ESSAYS: A REJOINDER.

In the "Journal of Mental Science" for April there appears a review of the late Miss Constance Naden's essays, under the heading "A New Philosophy." It must be a pleasure to those in any way identified with Miss Naden's thought-system thus to find it ably and courteously discussed in so prominent a quarter. I have shown my own appreciation of the notice in question by reprinting it—with annotations by Dr. Lewins—in the appendix to a recently published essay of my own on Miss Naden's auto-monism ("Sadducee *versus* Pharisee," Bickers). It is chiefly, however, as editor of the latest volume of her essays ("Further Reliques of Constance Naden," Bickers), reviewed in the "Journal of Mental Science," that I am interested in the matter. In that capacity, a very large amount of her posthumous papers passed through my hands for arrangement and selection. I can thus, without pretension, affirm myself to have had, at least, the opportunity of becoming as fully acquainted with Miss Naden's views as any other person, and it is because I do not think that the late notice

in these pages adequately treats the subject that I pen this rejoinder. Of course I do not claim authoritatively to interpret Miss Naden and her "Weltanschauung," but where there may be any difference of opinion between her reviewer and myself her own words may be referred to as being, at least, in court. As a philosophical and scientific writer, she has been largely misinterpreted and misunderstood, probably because the time has not yet come for her report being believed; but her most careless critic would scarcely accuse her of using misleading or inaccurate language. Her statement, even in matters of trivial detail, was always measured and deliberate, and her posthumous papers, on account of her painstaking method, required very little revision before being sent to press.

(1.) Had Miss Naden lived to see her essays published in volume form I think she would have been the first to question the propriety of their being reviewed under the title "A *New* Philosophy." And this for the simple reason that it is *not* new, or even, in the modified sense, novel—this hylo-idealism, to the exposition and elaboration of which she devoted the best years of her brief life. A glance at almost any of her essays will show that she always regarded the most advanced generalization of modern thought as having its seed-time, if not its roots, in the past—*only its readjustment to date* being, in any sense, "new."\* In her case, the up-to-date scientific training through which she passed enabled her to put in a fresh light the familiar dictum of Protagoras. No one more distinctly deprecates the viewing of hylo-idealism as a "discovery," or as anything more than a *resipiscencia*—a coming again to our better self—than Dr. Lewins (*Cf.* his pamphlet "Auto-centricism," W. Stewart and Co., pp. 1, 13), to whom Miss Naden was so much indebted for the germ of the thought-theory which she elaborated.

(2.) It is stated by the reviewer that "her main interest . . . was in the discovery and working-out of a philosophical scheme of the world of knowledge which should combine for her mind the merits of the English and the Neo-Kantian systems of thought, and avoid the difficulties of both." Now, as to "discovery" enough has been said, and scarcely anything could be more unfortunate than the phrase "a philosophical scheme of the world of knowledge" as applied to Miss Naden's world-scheme, seeing that her method is scientific as well, and includes, in identity, the world of being as well as the world of knowing. And then, of course, we have the apparently inevitable statement repeated, "It is evident that she was much influenced at one time by Mr. Herbert Spencer." I have dealt with this elsewhere (*Cf.* "Reliques," Appx. 233, note; "Sadducee *versus* Pharisee," pp. 12, 13). The persistence, however, of this idea without any foundation is truly astonishing.

(3.) "The essence of the theory (hylo-idealism) appears to be capable of being stated as an inverted variant of the teaching of Berkeley and Hume." Thus far the reviewer. The contention may be granted as regards Berkeley; indeed, I admitted as much in my reply to Dr. Dale's article in the "Contemporary Review" (*Cf.* "Reliques," Appx. p 238). But I cannot see where Hume comes in—at least, distinctively. Hume, indeed, doubted "whether there were any reality corresponding to these 'fictions of the mind' at all." But that was not the distinguishing characteristic of his system. On the other hand, it is the veriest commonplace of philosophical record that, as the external world practically disappeared with Berkeley, so the permanent conscious subject disappeared with Hume. Now, what would "an inverted variant" of the latter position be? Simply the reinstatement of a permanent conscious subject. But that would, in no sense, apply to Miss Naden's position. The true "inversion" of Hume is Neo-Kantianism, not of the English, but of the French school.

\* As Dr. Lewins puts it in a letter just received: "In every age, every problem must receive a new rendering, so as to bring it into harmony with the ever-varying *Zeitgeist*."

(4.) But since we cannot agree as to what Miss Naden's system resembles, let us see what it is—or rather, in the present instance, what it *is not*—in and by itself. “Miss Naden,” says the reviewer, “is possessed by two currents of thoughts, which she conceives her theory to reconcile. She is very clear that to us there is no outside world—that every ‘thing’ is a ‘think’ . . . and that, in fact, each man makes his own universe.” But she is, at the “same time, equally assured of the effective materiality of the universe.” So far well. But the following is immediately slipped in, as if on precisely the same level as the foregoing: “She is quite satisfied of the existence of other things (*sic*) and other beings, and she is prepared to reason about them, not only for intellectual, but for ethical purposes.” Now, is this line of criticism a fair one? I am tolerably well acquainted with Miss Naden's writings, published and unpublished, and I would respectfully ask for substantiation of the statement implicitly conveyed by the above method of quotation, viz., that as regards (1) thing being think, (2) the effective materiality of the universe, and (3) the existence of “other things” and other beings, Miss Naden was *coincidentally* persuaded, *i.e.*, regarded them as assurances on one and the same primary level? If not substantiated, of course the criticism falls. It is mainly a question of “object” and “eject,” as Clifford put it, and Miss Naden was “parlously” exact in her terminology, as many of her critics have found to their cost.

(5.) Again, “Miss Naden's answer to the difficulty seems to be a rough-and-ready sort of Cartesian argument.” In what succeeds, I am unable to follow the reasoning. In fact, in regard to it, I am somewhat of the opinion of Dr. Martineau when he said of a certain controversialist that he impressed his readers more with the stateliness of his march than with any clear idea of the direction in which he intended to travel. Miss Naden's argument is represented by sundry disconnected quotations from her writings. The first is taken from her essay “Ontology and Scepticism.” The second is from another part of her writings altogether. And so on. Now, why not have followed up the first extract, with its natural and logical sequel, in the essay which immediately follows it, *i.e.*, “Cosmic Identity?” Isolated quotations are apt to be misleading, and a mosaic of them is intolerable. And, then, by way of conclusion, the patchwork is called a “simple-minded argument.” How would Kant read if his “Critique of the Pure Reason” were not only interleaved, but interlined, with his “Critique of the Practical Reason?” Yet this would scarcely be less edifying than an *olla podrida* of hylo-zoism and hylo-idealism. The latter, indeed, lies implicit in the former, but they are not the same.

(6.) It seems, however, according to the “Journal of Mental Science” reviewer, that “the test and basis of the whole matter is, what test of *reality* one's scheme of philosophy can provide.” The “test” is the “test,” without doubt—except, perhaps, when it does duty as “basis.” But let that pass. The answer to the above very much depends upon what the “philosophy” in question *is*. If it be a monism—a synthesis universal—then a “test” is unthinkable. Miss Naden has the following in her essay “Cosmic Identity:”—

“The term ‘identity’ when applied to the cosmos has precisely the same signification as when applied to any separate object. It means *constancy of relations*. There is only one distinction to be drawn. The relations of a separate object may be classed as internal and external. . . . Cosmic relations are all internal, for the cosmos has no outside. . . . We cannot draw any comparison between this world and other worlds, for there is no other universe by which our own can be tested.” Constancy of relations, then, must be internal, not external, in the case of the cosmos. But a “test of reality” which is internal, inside the cosmos, can only test that which is left when it (the test) is subtracted. Hence, possibly, the conclusions of the reviewer: “That our universe is made up of phenomena all thinking persons will agree. That, in some sense, it is nevertheless real, is obvious to all who are not in a lunatic asylum, and to many who are. But the explanation of the meaning of that

reality is the crux of the philosopher, as the discernment of it is often the test of the lunatic."

It would seem, then, that if a world-scheme is monistic it can have no *locus* at all from the reviewer's standpoint, since there is no foothold left for a test of its reality. All that can be said to this is—What "test" would there be, in turn, of the reality of any such "test," to say nothing of its "meaning?" What of the regress of tests thus imperative? Broadly, however, such a method as that of the "Journal of Mental Science" has its advantages. Find a "basis" for your philosophy and it contrives a double debt to pay—a basis at one time, it comes in handy as a court of appeal at another.

(7.) Then as to reality apart from "tests." This is the *fons et origo mali*, i.e., of the whole of the bad reasoning. "Drunken dreams," "mirages," etc., according to the reviewer, are not "real." And we "know" nothing, apparently, regarding dream-content. But some realists—out of an asylum—are of a contrary opinion, so are some apparently sane idealists, who affirm, undeterred by dread of incarceration, that "the real is *everything*." But surely, unless the critic can show that such dreams and spectra are outside the egoistic circle, his contention cannot affect Miss Naden's auto-centricism. A chronometer registering correct time is a chronometer, but registering incorrectly is not a chronometer at all. Is that how his argument would run? But the registration is "the thing"—its correctness or incorrectness a secondary matter; and this whether the fact be "obvious" or otherwise to sane or insane. Unreality in certain relations is reality in others. Absolute unreality is not even the black spot on the bean. Everything has its place. We may place wrongly, but the round peg in the square hole is not an unreality. Daltonism is not blindness. Were all affected by it, the "colour" would just be *as it is seen* and not otherwise. Scientists begin to admit nowadays that the sentient eye is "the only colour-box."

(8.) With the estimate of Miss Naden, which concludes the notice, it is more difficult to deal, inasmuch as it is mainly negative. "She was a strong and interesting personality, and her essays contain many fresh and vigorous things which will repay perusal." But this, it seems, is because "they (the essays) are not all concerned with the explanation of the fundamental notions of her system." Lastly, "all her arguments are, on the whole, less interesting than herself." Such a verdict is regrettable, if only on the ground that it shows how completely the reviewer has missed her philosophic and scientific standpoint. Eliminate it, and the late verdict of a certain provincial newspaper editor might not unreasonably be applied to her literary achievements in prose: "Respectable school-girl essays." And, as I have elsewhere remarked, although her career was brilliant and fascinating, it lacks aim and purpose, and is, to a great extent, unintelligible, unless life-theory be brought forward to explain it. And this has never been done except in the case of the hylo-idealism which she was persuaded of and embraced. The time will come—if it be not already at the doors—when those who now reject it will find, as she found, in this her "rational ideal," the same "sense of new joy, new strength, and new life."

GEORGE M. MCCRIE.