



**THE TAMIL NADU
Dr. AMBEDKAR LAW UNIVERSITY**

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**ENGLISH - I
STUDY
MATERIAL**

By

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MESSAGE

Knowledge is power. Legal Knowledge is a potential power. It can be exercised effectively everywhere. Of all the domains of reality, it is Legal Knowledge, which deals with rights and liabilities, commissions and omissions, etc., empower the holder of such knowledge to have prominence over the rest. Law Schools and Law Colleges that offer Legal Education vary in their stature on the basis of their ability in imparting the quality Legal Education to the students. Of all the Law Schools and Colleges, only those that educate their students to understand the nuances of law effectively and to facilitate them to think originally, excel. School of Excellence in Law aims to be in top of such institutions.

The revolution in Information and Communication Technology dump lot of information in the virtual world. Some of the information are mischievous and dangerous. Some others are spoiling the young minds and eating away their time. Students are in puzzle and in dilemma to find out the right information and data. They do not know how to select the right from the wrong, so as to understand, internalise and assimilate into knowledge. Hence in the present scenario, the role of teachers gains much more importance in guiding the students to select the reliable, valid, relevant and suitable information from the most complicated, perplexed and unreliable data.

The teachers of the School of Excellence in Law have made a maiden attempt select, compile and present a comprehensive course material to guide the students in various subjects of law. The students can use such materials as guidance and travel further in their pursuit of legal knowledge. Guidance cannot be a complete source of information. It is a source that facilitates the students to search further source of information and enrich their knowledge. Read the materials, refer relevant text books and case laws and widen the knowledge.

Dr.P.Vanangamudi
Vice-Chancellor

PREFACE

This course material is meant for the students of I year, 1st semester B A LL B (Hons) and B Com LLB (Hons),B B A LL B (Hons) and B C A LL B (Hons) studying in SOEL, TNDALU It covers the syllabus prescribed for English An attempt has been made to give some basic information for every unit Many students coming from rural and semi-urban areas have problem understanding and following the lectures in English language Learning is made more difficult with some of the classmates exhibiting excellent language skills Transition from school to University and from spoon feeding to analytical introspection makes the future look bleak and affects them psychologically For those whose language skills are good they can add to the existing material or write on their own It should not limit their creative thinking and writing Those with deficient English language skills, may find the information about the author useful and the lesson analysis may help them understand the lesson properly

In the course material, for units III and IV, the prescribed lessons have been taken from different books like "Law and Language" by R P Bhatnagar and "Learning the Law" by Glanville Williams Some have been sourced from the net/websites Likewise, information about the authors too has been taken from web sources

I hope the material would help the students who need it the most I wish to acknowledge the support and encouragement of our Hon'ble Vice-Chancellor Prof Dr P Vanangamudi I sincerely thank some my students B Bharat, Deepika C, Kannadasan and K Saravanan for helping in typing and in editing this course material I thank each and every person who has helped me in bringing out this course material All the efforts put into it will be deemed to be successful if it caters to the students who need it the most

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UNIT-I

a) English Language & Linguistics

Indo - European or Indo - Germanic is considered as the common ancestor of most of the languages of Europe, North India, and Persia. The dispersal of people speaking a common language has led to the rise of various dialects. Over a period of time, the dialect of an individual group tended to develop along its own lines. Dialectal changes crept in along with the changed living modes and environment. Due to continuous changes and development, these dialects evolved into different languages, wherein the speech of one group, was no longer understood by the other groups. At the same time, as they have come from the same parent language, and as they are genealogically related, we call them a language family. They share certain features of vocabulary and structure. A familiar example for a language family would be the Dravidian language family. The following are the translations of the clause 'come here' in four South Indian languages belonging to the Dravidian language family:

Tamil Inge Vaa	Telugu Ikkada Raa	Kannada Illi Baa	Malayalam Ivide Varu
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An example from the Indo - European language family:

English Father is	Latin Pater Est	Greek Pater esti	Sanskrit Pitru asti
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There are now more than 2,000 languages in the world and they belong to different families.

THE GERMAN FAMILY

English with German, Dutch, Norwegian, Danish etc. belongs to the Low Germanic branch of the Germanic group of languages. There were eight different sets of languages by 2000 B.C. - all descendants of the Proto - Indo - European. They are divided into the Eastern and the Western groups. The division is based on the shift in pronunciation of guttural consonants g' and k' to a palatal position. For example, the assumed primitive form for the numeral 100 is kmtom, which sound is retained in the western set.

Sl.No.	Eastern Languages	Western Languages
1.	Indo - Iranian	Hellenic
2.	Armenian	Italic
3.	Albanian	Primitive Germanic
4.	Balto - Slavic	Celtic

Latin retains the original k sound (centum) whereas Sanskrit has changed the k to a sh-sound (s) (satam). For this reason, the western languages are commonly referred to as 'Centum - Languages' and the eastern after the old Persian or Iranian form of the word as 'Satem - Languages'.

Eastern Groups:

Balto - Slavic includes all the Slavonic tongues, ancient and modern and all related languages of Baltic countries such as Lithuania and Latvia, Russia, Polish, Czechoslovakia, Buyania, Selia and Croatia.

Indo - Iranian - includes the languages of old and new India of which Sanskrit is a type and of most of the languages spoken in Iran-Persia, India, Persia, Asia, Kurdesh etc. Armenian includes ancient and modern

Armenian with its various dialects spoken in a small area south of the Caucasus and the eastern end of the Black Sea.

Albanian is spoken in a small area round the eastern coast of the Adriatic like Armenia (Greek, Turkish etc. mixed). There are elements of Greek, Latin, Slavonic and Turkish in it.

Western Groups:

Hellenic, ancient and modern with its main dialects.

Celtic languages existing in Britain are Welsh, Irish - Gaelic, Scots-Gaelic and Manx. Now it is spoken in remote parts of France and British Isles.

Italic: The main descendants of Latin, known as Romanic or Romance languages are French, Spanish, Italian, Portuguese and Rumanian. These have not come from classical Latin but from the spoken Latin also called Vulgar Latin.

Primitive Germanic or Teutonic: Germanic group is composed of the languages spoken in Germany, Scandinavia, Holland, Flemish, Parts of Belgium and England. The history of the English language begins with the settling of the North Germanic tribes, Angles, Saxons and Jutes in Britain.

The Phases in the History of English

Language is evolutionary; there is continuous development and growth. A vibrant language will never cease to change and hence it is in a constant state of flux. The English language has been evolving and developing continuously for more than 1500 years. For our convenience, we can divide this history of the language into 3 main periods or stages:

- 1) Old English (A.D. 450 or 600 to A.D. 1100)
- 2) Middle English (A.D. 1100 to A.D. 1500)
- 3) Modern English (A.D. 1500 to the present)

The landmark changes in the History of English from the Old English period to the modern era are discussed below:

The Old English Period

Celtic Transmission: The Celts were supposed to have been the original inhabitants of Britain. Rome annexed Britain and between 55 B.C. to A.D. 410, Britain remained a colony of the Roman Empire. The British were Latinized and Latin and Celtic existed side by side. So, in the period preceding the Anglo-Saxon invasion, Latin influenced the language (Celtic).

Anglo - Saxon Influence: The Teutonic tribes of North Germany - Angles, Saxons and Jutes invaded the British Isles. The Romans, who defended the Celts from foreign invasions, had left the country and the Celts were unable to defend themselves. They were forced to withdraw into the hills of Wales, Cornwall and Scotland.

Even before coming to Britain, the Germanic tribes were in contact with the Romans, so a number of Latin words were absorbed into the Teutonic dialects even before they invaded Germany. The three powerful races of invaders who entrenched themselves in Britain were collectively called as Anglians. They had deep linguistic and cultural affinities. So, English came to be applied not just to the Anglian tongue, but to the language of all the invading tribes. The land and its people were called Angelcynn (Angle - kin or the race of Angles). At the same time, the term Anglo - Saxon was also used till 18th Century to refer to English. It was King Alfred in the 10th century, who first interested himself in English culture. He called the general language of England Englisc and its people as Engle (Angles) (p.22) C.L.Wrenn)

Initially, there were many dialects spoken in the old English period e.g. Northumbrian, Mercian, West Saxon and Kentish. During the old Saxon period, it was the West Saxon dialect, which was more popular than the other three. But, it is the Anglican dialect (Mercian) which is the direct ancestor of modern standard English.

There were about 20,000 words in Anglo-Saxon vocabulary and old English was phonetic in its spelling. It was almost purely Teutonic, with a sprinkling of Celtic, Scandinavian, Greek and Latin.

Old English was flexible. Suffixes like “-th” were added to form a number of words - e.g. abstract nouns: true-truth; foul-filth; merry-mirth etc. One single word gave rise to many compounds. Prefixes and suffixes were used to enlarge the vocabulary. Native linguistic resources were used to express new ideas, thoughts and concepts. Modern English is indebted to the Anglo-Saxon tongue, as it is the main base on which Modern English has developed.

The Christianization of Britain: The Christian faith was brought into Britain in the year 597 A.D. by St. Augustine and a small band of Roman monks. Thus began a systematic attempt to Christianize Britain. In order to proselytize, they had to explain the concepts, ideas and institutions of their faith clearly. They were unable to get the correct translations of the Latin terms in the Anglo-Saxon tongue. So, they used the Latin terms as such while conducting the church services. It has survived to this day. So, for the next 500 years, Latin had a very great influence on English. Most of these terms have survived in modern English, though later they were slightly altered. Some examples are abbot, church, priest, alms, candle, martyr, bishop, manna, mass, pope, tunic, temple, nun, angel, monk, hymn etc. At times, they adapted the native words to express foreign ideas and concepts. For example, the old English word “Bletsian” (to sprinkle with blood) has given us “bless” owing to the Latin Christian influence.

The Scandinavian (Danes or Old Norse) Influence: The age between the 8th to 11th centuries is known as the Viking Age in the history of England. Viking is a common Germanic word in old English and old Norse. In old English, it was wicing’ meaning pertaining to a settlement’ and in old Norse, the word had the form Viking which denoted one who crossed the seas from Norway for plunder and settlement in a foreign country. For nearly 2 centuries they were repeatedly plundering Britain and in the 10th Century, a Danish Prince Cnut became the king of England.

The Scandinavian Vikings, who consisted of the Swedes, Norwegians and Danes, were closely related to the Angles and Saxons in culture and language. By the 10th century, they succeeded in establishing settlements in north and east of the country (Yorkshire, East Anglia and North Midlands). The entrenchment of these people in England became so extensive that we find more than 1,400 place-names of Scandinavian origin. The English people followed the Scandinavian legal systems and their Government. Their affinity is so deep that at times it is difficult to decide whether a given word is of Scandinavian or Anglo Saxon origin. (Words - skin, skill, ill etc., 3rd person pronoun - they, them, their etc.)

The Middle English Period:

In the year 1066, William the Duke of Normandy invaded England and was crowned the king of England. Consequent to this, many changes were seen in the history of English language as much as in the political and social history of England. The Norman-French settlers brought with them nobles, soldiers and servants, apart from merchants and craftsmen from Normandy and France.

This resulted in French overtaking English as the exclusive medium of the court, administration, church and the aristocracy. English was the language of the masses. This continued till 1204 A.D. When Normandy was lost to the British crown, it indirectly proved advantageous to the language. Slowly French was replaced by English.

The Black Death of 1348 spelt the death-knell of French language in Britain. 30% of the population was wiped out by this contagious disease and the people were severely affected by the plague. This resulted in a shortage of labour and the lower class people who knew only English stepped in. So, from the beginning of the 14th Century, we find that English replaced French. Literature was written in English and Geoffrey Chaucer started the trend with his *Canterbury Tales*. In administration too, English came to be used in place of French.

In 1362, the king's speech at the opening session of Parliament was made in English and in the same year an Act was passed making English the official language of the law courts instead of French, though records were to be kept in Latin. French influence was indirectly Latin influence, since the French language is derived from Latin. So, a very large proportion of English vocabulary is there either directly or indirectly of Latin origin.

From the 13th to 15th century, a large volume of French literature was translated into English. A very large number of French words were added to the English vocabulary. For example, words for the flesh of animals used for food were French words while their respective animals were referred to in English words: Beef, mutton, veal, pork were French words - Ox, sheep, calf, pig are English words.

Titles like Duke, Marquis, Dawn, Viscount, etc., are French loan words. The list of French loan words includes military terms - Battle, Siege, Fortress, etc, are French loan words.

Modern English:

Britain was called as the "Queen of the seas" at the end of the middle ages. She became very powerful and was able to annex many parts of the world. She had colonies in almost all the continents of the world by 18th century and 19th century. So, we find the influence of various languages on English.

Conclusion:

Though Modern English has evolved from old English, there is a vast difference between the two. Old English was resourceful whereas modern

English has a cosmopolitan character. One of the outstanding features of modern English - as also one of the sources of difficulty to the non-native users is the lack of correspondence between its spelling and pronunciation. Old English was phonetic, whereas modern English is not.

For e.g.:

The phonetic symbol /i/ is repeated in

be	-	/bi/
bee	-	/bi:/
see	-	/si:/
sea	-	/si:/
leave	-	/li:v/ etc.

An English word cannot always be spelt by its pronunciation. In old English there were no silent sounds (like in stone and scene). There was a one- to-one correspondence between the spelling of a word and its pronunciation. In modern English there are some superfluous letters.

For e.g.:

q'	-	qu'	-	queen
c'	-	k'	or	s'
x'	=	'ks'	-	qs'

The French scribes introduced symbols from their own language to represent English sound. So we have 'C' for 'S' in 'City', 'Mice' etc and 'Gu' for 'g' in 'guest, guess' etc.,

Further confusion resulted from attempts to make the spelling of certain words indicate their etymology'. The Norman - French words 'dette' and 'doute'. For e.g., retained this spelling when they were first introduced. They were later written 'debt' and 'doubt' in order to show their connection with the Latin 'debitum' and 'dubitum', 'b' has never been pronounced.

Loan words from other languages have improved the word-hoard of the English language. It surpassed most other languages in its wealth of synonymous words and hence its power to draw precise and subtle distinctions. To conclude we can say that the English language has undergone great changes it:

- 1) Orthography-It deals with the correct spelling.
- 2) Etymology - This Branch of language study dealing with the meaning, formation and origin of words.
- 3) Pronunciation : This applies mainly to spoken language and is about articulating a word the correct way.
- 4) Grammar : Most of the old English inflexions (giveth, showeth, etc.) have disappeared and the grammatical machinery has been simplified.
- 5) Vocabulary: Additions to vocabulary have been made through the influence of invaders, through borrowings from literary sources like Latin and Greek and through conquests and colonization and through religion. After the 18th Century and to the day, there is a phenomenal growth in English word hoard due to Englishman interacting with people from different language groups each based on varied speech sounds. Development in technology and communications especially after the onset of LPG era (Liberalisation, Privatisation and Globalisation) is further widening and broadening the English language.

b) ETYMOLOGY AND SEMANTICS

Background of Vocabulary in a language:

Language is an important tool in the development of human civilization.

It is a living thing and hence it changes continuously. The primary function of a language is to facilitate interaction and communication. This communication is carried through speech and writing. Words are used for communication, i.e. to convey something. Words have a potential for developing in different ways in different places. Though people invent words, they acquire meaning independent of the people who create and use them. There is no monopolizing a word. Once a word is created, it becomes the word used by the people and its usage cannot be restricted. Otherwise there would be no way for people to communicate. There are two branches of linguistics which are specially concerned with words. They are etymology and semantics.

a) Etymology:

It studies the origin of each and every word. It not only traces the roots of words, but also the meaning ascribed to the root word and its inferential word. In etymology we go from the known to the unknown. In that process, the changes that have taken place in the word meanings and pronunciation is also traced out simultaneously.

b) Semantics:

It is the branch of linguistics that studies and understands how words have meanings. It deals with the study of meaning, changes in meaning and the principles that govern the relationship between words and sentences and their meanings. Semantics is derived from the Greek word 'sema', which means sign and its adjective 'semantikos', meaning significant. Every word that is uttered is meaningful in one way or the other. But there is a difference in being meaningful and informative. The main aim of communication is to inform. Meaning can include a variety of attitudes and emotions like courtesy, happiness, hostility, praise, insult, affection, anger etc. The same sentence spoken by different speakers on different occasions can give different meanings. One should listen to distinguish between 'sentence meaning' and 'speaker meaning'. Semantics cannot lay down the standards of semantic correctness and prescribe what meaning words shall have or how they may be used. Semantics like the rest of linguistics describes and attempts to set up a theory of meaning. A sentence is a string of words put together by the grammatical rules of a language, an ideal string of words behind various utterances. In semantics, utterances and sentences are distinct. The notion of 'sense' and 'reference', are central to the study of meaning in an utterance. Semantics tells us how words and sentences convey meaning in everyday situations of speaking and writing.

UNIT-II

a) PHONETICS

Phonology:

The selection and organization of different sounds that can possibly be articulated by man in a particular language constitutes the phonology of that language.

The way in which speech sounds are used, put together and organized in any one language is called phonology.

Linguistics:

Linguistics deals with the scientific study of language.

Phonetics:

Phonetics is the study of the actual speech sounds of language.

Language:

- Language distinguishes man from the rest of the animal world.
- Language is the most remarkable tool invented by the tool making animal -man.
- A human language is a signalling system.
- Language is a skill subject and not a knowledge subject.
- Language is a system of vocal sounds that are symbols.

Theories relating to Origin of Languages:

- Primitive language was an imitation of natural sounds. Cuckoo, quack, sneeze, splash, slush (Bow - Wow theory).
- Language arose from instinctive emotional cries, pain or joy interjections (pooh-pooh theory).
- Primitive man had a peculiar instinctive faculty by which every external impression that he received was given vocal expression.
- Language arose from the noises made by a group of men engaged in joint labour or effort (Yo - He - Ho theory propounded by Noire)
- Gesture language preceded speech (Gesture theory)
- Language originated in song - musical sounds without words (Musical theory of Otto Jespersen, a Danish linguist) melodious love songs - sounds.
- Language has arisen from man's instinctive need for contact with his fellows gregariousness (Contact theory by James Revesz of Amsterdam)

Writing is derived from speech - picture, writing, simplification and conventionalization of pictures, word symbol to phoneme symbol, writing displaced memorization of language genealogical tables and incidents.

Language Families:

The Languages of the world can be classified into four:

1. Hemitic Group of Languages.
2. Semitic Group of Languages.
3. Ural - Altoic Group of Languages.
4. Indo - European Group of Languages.

Speech:

1. Speech is primary and writing is only secondary.
2. No language has all the sounds that can be articulated by a human being.
3. Each language selects a few sounds.
4. Each language organizes the selected sounds into set patterns.
5. This selection & organization constitute the phonology of a language.
6. Even the few sounds that exist in a language can be grouped into a limited numbers of sound units or families called phonemes.
7. Phonemes are language specific.
8. Phonetic symbols within square brackets indicate the precise phonetic qualities of the sounds represented by the symbols.
9. Phonemic symbols are enclosed within slantlines.
10. The minimal pair test is the surest test to find out if two sounds belong to two different phonemes.
11. If several sounds belong to a phoneme, they are called allophones of that phoneme.

Auditory Phonetics:

The study of the sounds, as they are received and interpreted in the hearer's ear.

Acoustics phonetics:

The study of the actual sound waves and their characteristics.

Articulatory phonetics:

The study of the way in which the sounds are produced in the speaker's body.

The Phoneme Theory

Every language has a large number of vowel and consonant sounds forming the sound system of that language.

Phoneme is a minimal, distinctive sound unit of a language. By minimal we mean that it cannot be sub-divided and by distinctive we mean that it has the potentiality of changing the meaning of a word.

For e.g., we can identify the phonemes in a particular language by the existence of minimal pairs. A minimal pair is a set of 2 words which differ, from each other in one sound.

Meat and Neat constitute a minimal pair, as they differ from each other in the initial consonant.

Ten and pin do not constitute a minimal pair as they differ from each other in more than one sound the initial consonants and the medial vowels are different.

Speech sounds:

There are 44 speech sounds in English. They are divided into VOWELS (20 -12 Pure vowels and 8 Diphthongs) and CONSONANTS - 24

VOWELS 20:

PURE VOWELS / MONOPHTHONGS - 12

/ə:/ - curd:
/ɔ:/ - caught
/i:/ - feet
/ɑ:/ - aunt
/ʊ:/ - fool
/i/ - fill
/e/ - sell
/æ/ - man
/ɔ/ - cot
/ʊ/ - put
/ə/ - about
/ʌ/ - but - bu

The speech sounds which are produced without friction are called as VOWELS. While articulating a vowel sound, the gap between the highest point of the tongue and the hard palate is wide enough for the air from the lung to escape freely without friction. Pure vowels are categorized in two ways based on manner of articulation and place of articulation.

The vowels are again divided into front, back and central vowels, based on the place of articulation.

Pure vowels/Monophthongs - 12

Front vowels:/i, i:, e, æ/ (4)

If the front of the tongue is raised towards the hard palate while articulating vowels, they are called as FRONT VOWELS.

Back vowels:/a:, ɔ, ɔ:, ʊ, ʊ:/ (5)

If a vowel sound is articulated with the back of the tongue being raised in the direction of the soft palate, it is called a BACK VOWEL.

Central vowels: /ə, ə, ʌ/ (3)

If the central part of the tongue between front and back towards the roof of the mouth is active while articulation, it is called a CENTRAL VOWEL.

Manner of Articulation

BBC Classification:

Based on the manner of articulation, vowels are classified into

(a) Long Vowels

(b) Short Vowels

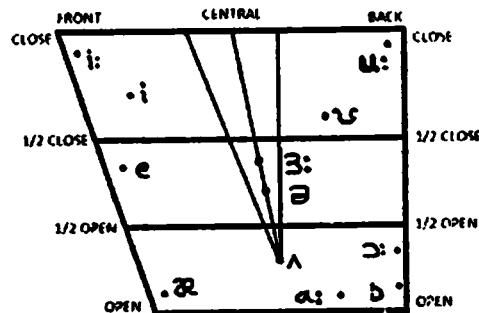
It is also called as BBC Classification.

Long Vowels - (5) - /i: ɜ: u:ɔ: /

Short vowels - (7) - /i æ e ə ʊ ɒ ʌ/

VOWELS

PLACE OF ARTICULATION



1. /i:/ - Front, unrounded vowel just below close
2. /i/ - Front, unrounded vowel just above close
3. /e/ - Front unrounded vowel between half close and half open
4. /æ/ - Front unrounded vowel between half open and open
5. /ɑ:/ - Back open unrounded vowel
6. /ɒ/ - Back open rounded vowel below 1/2 open
7. /ɔ:/ - Back rounded vowel between 1/2 open and 1/2 close
8. /ʊ/ - Back close rounded vowel
9. /u:/ - Back rounded vowel just above half close
10. /ʌ/ - Central unrounded vowel just below half open
11. /ɜ:/ - Central unrounded vowel below half close and half open
12. /ə/ - Central unrounded vowel just below half open

Diphthongs Articulation

Diphthongs are basically vowel sounds. A diphthong is a combination of two vowels. While articulating a diphthong, there is a glide from one vowel to another and hence diphthongs are also called as vowel glides. Diphthong is a combined vowel sound. Tongue changes its position while articulation of diphthongs from one position to another, pure vowels or monophthongs do not change their quality. Diphthong is considered as a single syllable.

Diphthongs - 8 (3 groups)

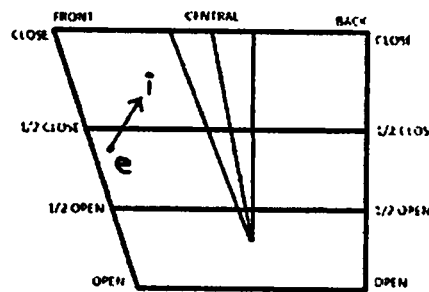
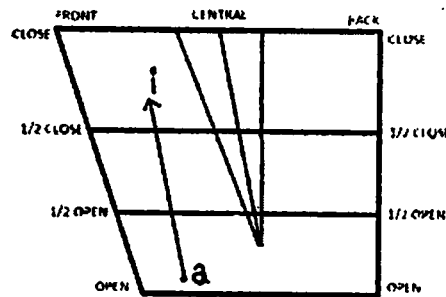
Those ending in [i], [u], & [ə]

- 1) /i/ endings - /ei/ - /plei/ - play; /ai/ - /plai/ - ply; /ɔi/ /bɔi/ - boy.
- 2) /u/ endings - /əʊ/ - /gəʊ/ - go; /aʊ/ - /naʊ/ - now.
- 3) /ə/ endings - /iə/ - /hiə/ - here; /iə/ - /hiə/ - hear; /e/ - /ðeə/ - there; /ʊə/ - /puə/ - poor

THE SYLLABLE:

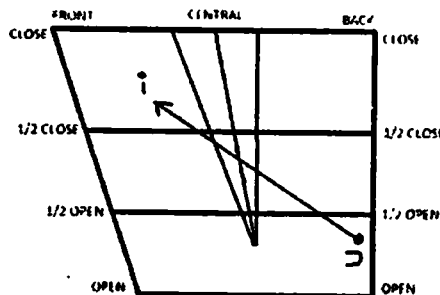
The unit that is higher than individual speech sound is the syllable. A word consists of one or more syllables.

Diphthongs - Place of Articulation: /i/ ending diphthongs



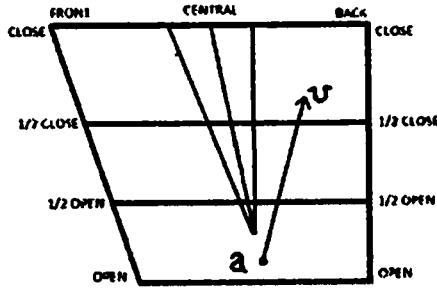
Articulation:

Glide just above the 1/2 open to just above 1/2 close unrounded front position, lips are spread.



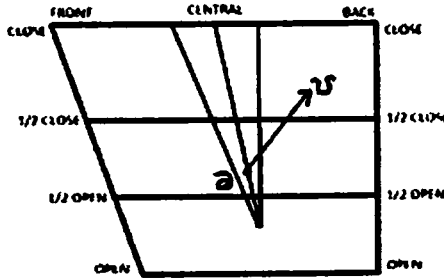
Articulation:

From a back rounded vowel between open and 1/2 open to a centralized front unrounded vowel just above 1/2 close position



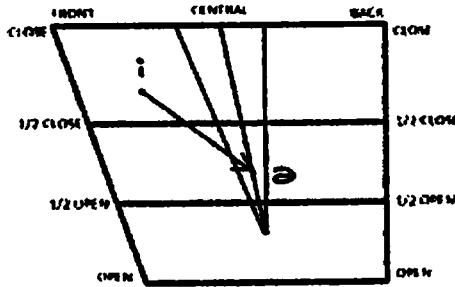
Articulation:

Glide from a central unrounded vowel 1/2 open and 1/2 close to back rounded vowel just above 1/2 close positions.



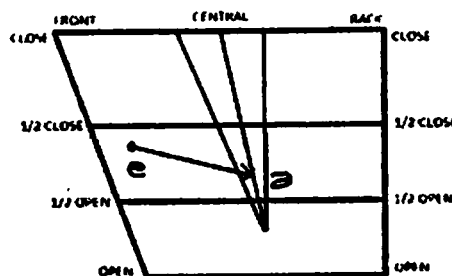
Articulation:

Glide from a back open unrounded vowel to a back centralized rounded vowel just 1/2 close position.



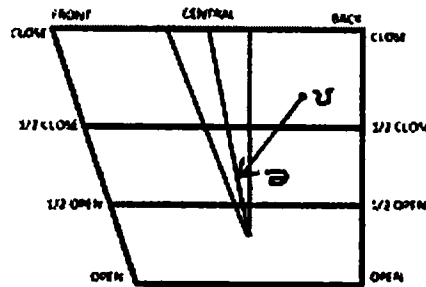
Articulation:

Glide with tongue position like for /i/ and moves in the direction of open centralized vowel below 1/2 open



Articulation:

Glide from just below ½ close unrounded vowel centralized open unrounded vowel just below ½



Articulation:

Lips are rounded in the beginning of the glide which is just above ½ close and gradually lips spread as the glide proceeds towards /ə/ which is a centralized back vowel, just below ½ open portion to a central position.

CONSONANTS

Consonant sounds are articulated through active and passive articulators.

/b, d, g, v, z, ʒ, l, r, j, w, m, n, ŋ, ʤ, ʧ, p, t, k, f, s, h, ʃ, ʒ, θ/

1. Active Articulators:

Lower lip and the tongue, blade, front and back of the tongue.

2. Passive Articulation:

Upper lip, the upper teeth and the entire roof of the mouth i.e., teeth ridge, the hard palate and the soft palate are considered as passive articulations.

Consonants are briefly described using a 3 term label. They are,

1. The state of the glottis whether the sounds is voiced or voiceless
2. The place of articulation and
3. The manner of articulation

The State Position of the Glottis

Consonants are called as voiced or voiceless depending on the state of the glottis while articulating them. While breathing, the vocal cords are kept wide apart and in that state some sounds are produced. At times vibrations occur in the vocal cords while articulating certain consonants. So, consonants are termed as voiced or voiceless depending on the state of glottis at the time of articulation.

Voiceless or Breathed Consonants:

/p, t, k, f, s, h, ʃ, ʒ, θ/ are called as voiceless consonants because the vocal cords are wide apart and do not vibrate while articulating or producing the sound

When we breathe in and out, the vocal cords are drawn wide apart and the glottis is open. If the vocal cords are wide apart and the glottis is pen while articulation, the sounds produced are called voiceless or breathed sounds as this is the position of the glottis for breathing.

Voiced Consonants:

/b, d, g, v, z, ʒ, l, r, j, w, m, n, ŋ, dʒ, ð/ are voiced consonants which while articulation produce vibration in the vocal cords. If the vocal cords are loosely held together and the pressure of the air from lungs makes them open a close rapidly while articulation making the vocal cords vibrate and so such sounds are called as voiced consonants.

Place of Articulation

Here the consonants are divided and categorized based on the place of articulation. Only 2 articulators are involved in the production of a consonant in this category (articulators).

a) Bilabial- /p, b, m/

The upper lip and the lower lip are the articulators. Examples are 'pan', 'ban', and 'man'.

b) Labio-dental - /f, v/

The active articulator is the lower lip and passive articulators are the upper front teeth. Examples are the sounds in 'fan', 'van'.

c) Dental- /θ, ð/

The tip of the tongue is the active articulator and the upper front teeth are the passive articulators. Initial sounds in English words like 'thin', 'then' are examples.

d) Alveolar /t, d, n, s, z/

The tip or the blade of the tongue is the active articulator and the teeth ridge is the passive articulator e.g., in words like 'tin', 'din', 'sin', 'zip', 'near' etc.

e) Post-Alveolar: /r/

The tip of the tongue is the active articulator and the part of the roof of the mouth that lies immediately behind the teeth ridge is the passive articulator. The sound represented by the letter /r/ in the words 'try' and 'dry' are examples.

f) Palato-Alveolar: /tʃ, dʒ, ʃ, ʒ/

The tip of the tongue or the tip and blade of the tongue is/are the active articulator (s) and the teeth ridge is the passive articulator(s). Simultaneously the front of the tongue is raised in the direction of the hard palate. /ʃi:p/ - 'sheep', /tʃi:p/ 'cheap' /li:v/ - 'leave' are examples of palate-alveolar sounds.

g) Retroflex: /t, d/

The curled back tip of the tongue is the active articulator and hind part of the teeth ridge or the hard palate is the passive articulator. Examples of retroflex consonants are 'tin', 'din'.

h) Palatal: /j/

The front of the tongue is the active articulator and the hard palate is the passive articulator. The initial sound in the word 'yes' is one.

i) Velar /k, g/

The back of the tongue is the active articulator and the soft palate is the passive articulator. The final sound in the English words 'sink', 'sing' are examples.

j) Glottal- /h/

Glottal sounds are produced at the glottis (the tract between the vocal cords) and the two vocal cords are the articulators. Example is 'hen'.

MANNER OF ARTICULATION

(i) Plosives: /p, b, t, d, k, g/

The active and the passive articulators come into contact with each other, forming a stricture of complete closure, preventing air escaping from the mouth. The soft palate is raised, nasal passage is blocked and air pressure is built up. When the active articulator is suddenly removed, air is released with a plosive sound - explosively. The sounds thus produced are called plosives.

(ii) Affricates: /tʃ, dʒ/

If the active articulators are closed and the air pressure behind the oral closure having been thus built up is removed slowly. (unlike sudden release) we get an affricate.

Stop Consonants:

These plosives and the affricates are called stop consonants - because in them the breath is completely stopped at some point in the mouth by the lips or tongue/and the lip or tongue is rolled back and then released with a slight explosion.

(iii) Nasal: /m, n, ŋ/

The soft palate is lowered and there is a complete oral closure. Air escapes through the nose producing a nasal consonant.

(iv) Intermittent closure:

Frictionless continuant /r/

(a) Flap: /r/

The active articulator strikes against the passive articulator only once.

e.g - /r/ in very /veri/

2) Roller (Thrill) /r/

The tongue (active articulator) tip taps against the teeth (passive articulator) several times and the air escapes intermittently. Example: red

3) Partial closure:

a) Lateral /l/ - /li:v/ - leave

Though the centre of the vocal tract is completely closed, air - stream escapes without friction on the sides.

4) Narrowing:

Fricatives: /f, v, s, z, ʒ, h, θ, ð, ʃ/

The active articulator is brought close to the passive articulator in order to have a narrow gap between them and when air is pushed through this gap with an audible friction, fricatives are produced. A fricative is also called a friction consonant. Examples are 'fan', 'van', 'sand', 'zip', 'pleasure', 'hat', 'think', 'that', 'sheep'.

5) Semi-vowel /j, w/

A semi-vowel is a vowel glide, which functions as a consonant and is included in the consonantal category on functional ground. Examples are 'yes', 'what'

ACCENT, RHYTHM AND INTONATION

WORD ACCENT:

An important aspect of spoken English is accent. A word is made up of one or more syllables and in a given word only some syllable(s) is / are given prominence or stressed. That is, all syllables in a word are not spoken with equal emphasis, greater stress or force is used while pronouncing such syllables. So the syllable that is pronounced more prominently than the others in the same word is said to receive the accent. The vibration of the vocal cords is greater while uttering a syllable, which is stressed. In a polysyllabic word one syllable stands out prominently than the rest.

Very often, stress and pitch change work together to make a syllable more prominent. The quality of the sounds and their length also contribute to prominence of a word. The greater prominence of a syllable may be sure to stress or produce greater breath force which makes a syllable more prominent than its neighboring syllables.

The word is a linguistic entity, composed of one or more phonemes, so phonemes are the basic units of speech, which cannot be further divided and are distinctive. Next in rank is the syllable which is composed of one or more phonemes and which is followed by a word which is composed of one or more syllables. A syllable is composed of vowels and consonants.

Syllable division that is to say precisely, where one syllable ends and the next begins in a polysyllabic word is a bit difficult. There are no hard and fast rules to divide a word into syllables, as long as the syllable division does not violate any rules of the phonology of the language in question.

The reason for this apparent complexity in word accent can be traced to the historical character of the English Language. The basic structure of English is formed by the Teutonic accent that is the Germanic language. The Germanic group of language is English, German, Scandinavian, etc., have a strong tendency to fix the stress of a word on its root syllable or as near to its beginning as possible. The Romance languages like French, Italian etc., which have contributed extensively to the word-hoard of English have their accent mostly on the last syllable. The interaction of these two systems has largely contributed to the accentual patterns of modern English.

Primary accent and secondary accent:

In a polysyllabic word, the syllable on which a pitch movement takes place is said to receive primary accent or tonic accent. Any other prominent syllable in the same word is said to receive secondary accent. Different dictionaries mark word - accent in different ways. In connected speech several syllables are prominent but one will receive the primary or tonic accent, this is usually the last prominent syllable. Moreover, in a given sentence, the choice of the syllable receiving primary accent depends on the meaning the speaker wants to convey.

Primary accent is marked with a vertical bar above and in front of the syllable to which it refers.

Eg:

Teacher	/tɪːtʃə/
delay	/dɪleɪ/
phonetics	/fəʊnetiks/

Secondary accent is marked with a vertical bar below and in front of the syllable to which it refers. A few English words are given below in phonemic transcription with both primary and secondary accents marked:

deposition	/deːpəzɪʃn/
notification	/nəʊtɪfɪkəɪʃən/

- Monosyllabic words : Eg: boy, girl, sit, stand, come, go etc.,
Words with two syllables : Eg: teacher, tailor, pencil, etc.,
Words with three syllables : Eg: remember, cigarette, etc.,
Words with four syllables : Eg: population, relationship, etc.,
Words with five syllables : Eg: examination, possibility, etc.,

ACCENT & RHYTHM IN CONNECTED SPEECH:

Accentuation in connected speech differs from that of a polysyllabic word as accent is determined largely by the meaning, which the utterance is intended to convey.

The first point to remember is that the syllables of words, which receive the primary accent when the words are pronounced in isolation, are potentially those, which receive the accent when the given sound/word occurs in an utterance. The second point is that the words we stress in connected speech are those that are important for meaning. These words are generally content or lexical words - nouns, demonstrative and interrogative pronouns, principle verbs, adjectives and adverbs.

In English speech stressed syllables occur at regular intervals of time, i.e., the time intervals between the beginning of the stress syllables will be approximately the same irrespective of the number of the unstressed syllables in between. What we do is, we pronounce the stressed syllables carefully and get the unstressed syllables crowded together and pronounce rapidly. It is this regularity of occurrence of the stressed syllables that give English a characteristic rhythm.

UNIT-III

A) THE GETTYSBURG ADDRESS

November 19, 1863

The great battle of Gettysburg, fought for three days in July 1863 through the streets and around the countryside of the little Pennsylvania town, was the turning point of the Civil War. Congress decided to make a national cemetery of the battlefield where so many gallant men had fallen. President Lincoln came from Washington to dedicate that cemetery. His dedication speech, short as it is, is one of the most eloquent statements of the democratic faith ever made.

THE SPEECH

Four score and seven years ago our fathers brought forth on this continent a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal. Now we are engaged in a great civil war testing whether that nation or any nation so conceived and so dedicated, can long endure. We are met on a great battle-field of that war. We have come to dedicate a portion of that field as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.

But, in a larger sense, we cannot dedicate- we cannot consecrate- we cannot hallow- this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note, nor long remember what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us - that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion - that we here highly resolve that these dead shall not have died in vain - that this nation, under God, shall have a new birth of freedom - and that government of the people by the people, for the people, shall not perish from the earth.

Abraham Lincoln- A short biography (1809-1865)

Abraham Lincoln. Civil Rights Activist, Lawyer, U.S. Representative, U.S. President was born on February 12, 1809 at Hodgenville, Kentucky .He died on April 15, 1865 at Washington, D.C.

Abraham Lincoln is regarded as one of America's greatest heroes due to both his incredible impact on the nation and his unique appeal. His is a remarkable story of the rise from humble beginnings to achieve the highest office in the land; then, a sudden and tragic death at a time when his country needed him most to complete the great task remaining before the nation. Lincoln's distinctively human and humane personality and historical role as savior of the Union and emancipator of the slaves created a legacy that endures. His eloquence of democracy and his insistence that the Union was worth saving embody the ideals of self-government that all nations strive to achieve.

Abraham Lincoln was the 16th president of the United States. He preserved the Union during the U.S. Civil War and brought about the emancipation of slaves.

Famous quotes by Lincoln:

- “Those who deny freedom to others, deserve it not for themselves.”
- “No man is good enough to govern another man without the other’s consent.”



Childhood

Abraham Lincoln was born in a log cabin in Hardin County, Kentucky to Thomas Lincoln and Nancy Hanks Lincoln. The couple had two other children. When young Abraham was 9 years old his mother died. It was while growing into manhood that he received his formal education.

Law Career

In March, 1830, the family again migrated, 22-year-old Abraham Lincoln struck out on this own, Young Lincoln eventually migrated to the small community of New Salem, Illinois where over a period of years he worked as a shopkeeper, postmaster, and eventually general store owner. It was here that Lincoln, working with the public, acquired social skills and honed story telling talent that made him popular with the locals. When the Black Hawk War broke out in 1832 between the United States and Native Americans, the volunteers in the area elected Lincoln to be their captain.

After the Black Hawk War, Abraham Lincoln began his political career and was elected to the Illinois state legislature in 1834 as a member of the Whig Party. He supported the Whig politics of government sponsored infrastructure and protective tariffs. This political understanding led him to formulate his early views on slavery, not so much as a moral wrong, but as an impediment to economic development. It was around this time that he decided to become a lawyer, teaching himself the law by reading William Blackstone’s Commentaries on the Laws of England. After being admitted to the bar in 1837, he moved to Springfield, Illinois and began to practice in the John T. Stuart law firm.

In 1844, Abraham Lincoln partnered with William Herndon in the practice of law. Lincoln made a good living in his early years as a lawyer, but found that Springfield alone didn’t offer enough work, so to supplement his income, he followed the court as it made its rounds on the circuit to the various county seats in Illinois.

Entering Politics

Abraham Lincoln served a single term in the U.S. House of Representatives from 1847 to 1849. His foray into national politics seems to be as unremarkable as it was brief. He was the lone Whig from the state of Illinois; he used his term in office to speak out against the Mexican- American War and supported Zachary Taylor for president in 1848. His criticism of the war made him unpopular back home and he decided not to run for second term, but instead returned to Springfield to practice law.

By the 1850s, the railroad industry was moving west and Illinois found itself becoming a major hub for various companies. Abraham Lincoln served as a lobbyist for the Illinois Central Railroad as its company attorney, and also for banks, insurance companies and manufacturing firms. Lincoln also did some criminal trials. In one case, a witness claimed that he could identify Lincoln's client who was accused of murder, because of the intense light from a full moon. Lincoln referred to an almanac and proved that the night in question had been too dark for the witness to see anything clearly. His client was acquitted.

In 1840, Lincoln became engaged to Mary Todd, a high spirited, well educated woman and eventually married on November 4, 1842. The couple had four children, of which only one, Robert, survived to adulthood.

Elected President

In 1854, Congress passed the Kansas-Nebraska Act, which repealed the Missouri Compromise, and allowed individual states and territories to decide for themselves whether to allow slavery. The law provoked violent opposition in Kansas and Illinois. And it gave rise to the Republican Party. This awakened Abraham Lincoln's political zeal once again, and his views on slavery moved more toward moral indignation. Lincoln joined the Republican Party in 1856.

In 1857, the Supreme Court issued its controversial decision *Scott v. Sanford*, declaring that African Americans were not citizens and had no inherent rights. Though Abraham Lincoln felt African Americans were not equal to whites, he believed the America's founders intended that all men were created with certain inalienable rights. Lincoln decided to challenge sitting U.S. Senator Stephen Douglas for his seat. In his nomination acceptance speech, he criticized Douglas, the Supreme Court, and President Buchanan for promoting slavery and declared that "a house divided cannot stand". In the end, the state legislature elected Douglas, but the exposure vaulted Lincoln into national politics.

In 1860, political operatives in Illinois organized a campaign to support Lincoln for the presidency. On May 18th at the Republican National Convention in Chicago, Abraham Lincoln surpassed better known rivals and got 180 of 303 Electoral votes.

Abraham Lincoln selected a strong cabinet composed of many of his political rivals. Lincoln's Cabinet became one of his strongest assets in his first term in office. Before his inauguration in March, 1861, seven Southern states had seceded from the Union and by April the U.S. military installation Fort Sumter, was under siege in Charleston Harbour, South Carolina. In the early morning hours of April 12, 1861, the guns stationed to protect the harbour blazed toward the fort signalling the start of America's costliest and most deadly conflict.

Civil War

Abraham Lincoln responded to the crisis wielding powers as no other president before him. He was often at odds with his generals, his Cabinet, his party and a majority of the American people. The Union

Army's first year and a half of battlefield defeats made it especially difficult to keep morale up and support strongly for a reunification of the nation. With the hopeful, but by no means conclusive Union victory at Antietam on September 22, 1862, Abraham felt confident enough to reshape the cause of the war from "union" to abolishing slavery. He issued the Emancipation Proclamation on January 1, 1863, which stated that all individuals who were held as slaves "henceforward shall be free."

But by 1864, the Confederacy had hunkered down to a Guerrilla war. On April 9, 1865, General Robert E. Lee, commander of the Army of Virginia, surrendered his forces to Union General Ulysses S. Grant and the war for all intents and purposes was over.

Assassination

Lincoln was assassinated on April 14, 1865, by well-known actor and Confederate sympathizer John Wilkes Booth at Ford's Theatre in Washington, D.C. Lincoln was taken from the theatre to a Petersen House across the street and laid in a coma for nine hours before dying the next morning. His body lay in state at the Capitol before a funeral train took him back to his final resting place in Springfield, Illinois.



THE GETTYSBURG ADDRESS

Delivered at the dedication of the National Cemetery at

Gettysburg, November 19th, 1863

Background:

On November 19, 1863, Lincoln dedicated a new national cemetery at Gettysburg with perhaps the most famous address in American History. The Gettysburg Address is universally recognized not only as a classical model of the noblest kind of oratory, but also as one of the most moving expressions of the democratic spirit ever uttered. Edward Everett, the main speaker on that occasion moved by the simple and sincere

eloquence of Lincoln wrote to him saying I wish that I could flatter myself that I had come as near to the central idea of the occasion in 2 hours as you did in 2 minutes. This speech reconfirmed Lincoln's intention to reunite the country. It was a stunning verbal coup. The power of words has rarely been given a more compelling demonstration than in the Gettysburg Address.

Lincoln used The ordinary coin of funeral oratory at Gettysburg. Funeral oratory or tribute to the dead heroes was actually started in Greece by Pericles. In the space of a mere 272 words, Lincoln brought to bear the rhetoric of the Greek revival, the categories of Transcendentalism and the imagery of the rural cemetery movement. His entire life, all his prior literary, intellectual and political training went into this, his revolutionary masterpiece.

Lincoln came to affect an intellectual revolution; his words had to and did complete the work of the guns. At Gettysburg, war had made life very difficult. There were 1000's of rotting bodies. There was a need for artful words to sweeten the poisoned air of Gettysburg. Lincoln, through his speech transformed the ugly reality into something different. For Lincoln this was a classical situation for political fence mending. He undertook a new founding of the nation, to correct things felt to be imperfect in the constitution. Lincoln also knew the power of his rhetoric to define war aims and he did it very ably in 272 words. Because of that, the civil war is to most Americans, what he wanted it to mean.

A brief history of America:-

In 1492, Christopher Columbus landed in America. Later Spanish settlements came up in America. America was actually named after an Italian adventurer, Amerigo Vespucci - who wrote 'New World' - a very popular account of his voyage to America in 1520's.

The English, after some setbacks were able to establish in 1607 a settlement at Jamestown. Immigrants from all the European states especially from Britain flocked to America in the 17th and 18th centuries. America was mainly a British colony. A Frenchman Jacques Cartier laid the foundations for the French Claims to North America, which were to last until 1763.

The first blacks were brought to Virginia in 1619, just 12 years after the founding of Jamestown. Initially, many were regarded as indentured servants who could earn their freedom. By the 1660's as the demand for plantation labor in the southern colonies grew, the institution of slavery began to harden around them and Africans brought to America were in shackles for a lifetime of involuntary servitude.

Causes for the outbreak of the civil war:-

Before the outbreak of the civil war in the United States, serious economic and ideological differences among the states rights and slavery divided the people of the young nation. Most of the Northern States prohibited slavery (free states) while the Southern States, which depended on agriculture permitted the continuation of slavery/slave state. The Northern States were industrially well advanced.

Political Factors:-

Loyalty to one's state took precedence, over loyalty to one's country. The union was considered a voluntary compact entered into by the states for as long as it served their purpose. It was a typical federal structure. The North was industrialized and the South depended on agriculture.

As their patterns of living diverged, their political ideas also developed marked differences. The North needed a Central Government to build an infrastructure of roads and railways, protect its complex trading and financial interests, and control the national currency. The South depended much less on the federal Government than did other regions and they feared that a strong Central Government might interfere with slavery. The election of Abe Lincoln as President was viewed as a threat to slavery and ignited the war.

Economic & Social Factors:-

By 1860, cotton was the chief crop of the south, and it represented 57% of all U.S exports. The profitability of cotton completed the South's dependence on the plantation system and its essential component, slavery.

The North was by then firmly established as an industrial society. Labor was needed, but not slave labor. Roadways and railways were developed and North was well connected.

The South resisted industrialization and had to import manufactured goods. The North had to impose high tariff on the manufactured goods in order to survive, which was resented by the Southerners. Tariffs were the chief sources of revenue for the federal Government. The West also had to develop its means of transportation and though agricultural, allied with the North. So, economic needs sharpened sectional differences, adding to the interregional hostility.

The fight over slavery:-

Vast territories in the West and Southwest acquired by America were petitioning for statehood. The North wanted those states to enter as free states', while the South wanted them to enter as slave states'. South Carolina was the first State to secede from the union on December 20, 1860. It was also the site of the 1st battle of the American Civil war on April 12 1861.

Abraham Lincoln, (1809 - 1865) the 16th President of America was known for his anti-slavery stance. Shortly after his victory, 11 southern states seceded. He declared it as legally void and went to war against the belligerent states.

On 1st January 1863, Lincoln proclaimed the 'Emancipation Proclamation' which declared that all slaves in States rebelling against the Union were free. It also authorized the recruitment of blacks into the union army.

Lincoln felt that temporizing with slavery was the great historical weakness of America. He felt that, A House divided against itself cannot stand. I believe this Government cannot endure permanently half slave and half free.

Lesson Analysis:-

William Saunders created a cemetery layout at Gettysburg for the mass burial, which was declared open by Lincoln. Gettysburg address does not mention the place or slavery or the Union and the South. Lincoln does not even talk about the Emancipation Proclamation. It does not directly talk about slavery. The Great Task mentioned in the Address is not emancipation but the preservation of self-government.

Lincoln reached the very heart of the Address in the 1st paragraph itself when he said that a new nation conceived in liberty by its dedication to the Declarations' (1776) critical proposition (human equality) must test that proposition's survivability in the real world of struggle.

These people was conceived in 1776, brought forth as an entity whose birth was datable (four score and 7years back) and placeable (on this continent), something that could receive a new birth of freedom'. A Score is a period of twenty years and this address was made 87 years after American Constitution was drafted.

The Gettysburg Address has become an authoritative expression of the American spirit - as authoritative as the declaration itself and perhaps even more influential, since it determines how we read the declaration. He subtly corrected the Constitution without overthrowing it.

When he spoke at the end of the Address about Government of the people by the people, for the people, he was saying that America is one nation addressing its great assignment as was accepted in the declaration. Lincoln was looking beyond the war to the great task remaining before us as a nation trying to live up to the vision in which it was conceived.

Lincoln forged a new lean language to humanize and redeem the 1st modern war. Words were weapons for him, even though he meant them to be weapons of peace in the midst of war.

Lincoln's distinctive mark, one almost unique in the history of war leadership was his refusal to indulge in triumphalism or vilification of the foe. He talked of rebirth from blood, but not of washing away the crimes of the past. Lincoln does not argue law or history but he makes history.

The Gettysburg Address must be supplemented with his, second inaugural address, where the question or burden of slavery was discussed.

On April 19th, 1865 civil war ended and the war for Southern Independence had become the lost cause'. On 14th April 1965, Lincoln (in his 2nd term was assassinated by John Wilkes Booth, a Virginian actor, who was embittered by the South's defeat.

B) ADVICE TO A YOUNG MAN INTERESTED IN
GOING INTO LAW

BY FELIX FRANKFURTER

THE LETTER

My dear Paul:

No one can be a truly competent lawyer unless he is a cultivated man. If I were you, I would forget all about any technical preparation for the law. The best way to prepare for the law is to come to the study of the law as a wellread person. Thus alone can one acquire the capacity to use the English language on paper and in speech and with the habits of clear thinking which only a truly liberal education can give. No less important for a lawyer is the cultivation of the imaginative faculties by reading poetry, seeing great paintings, in the original or in easily available reproductions, and listening to great music. Stock your mind with the deposit of much good reading, and widen and deepen your feelings by experiencing vicariously as much as possible the wonderful mysteries of the universe, and forget all about your future career.

With good wishes,

Sincerely yours,

[signed] Felix Frankfurter

About the Author :(Born in 1882-Died in 1965)

One of the most reputed Supreme Court Justices in the history of United States, Felix Frankfurter emigrated to the U.S from Vienna (Austria)with his parents and four siblings in 1894 at the age of 12.They lived in Leopoldstadt, centre of Jewish ghetto. In America, he had to face an undercurrent of hostility and a bleak economic future. When he arrived in Manhattan he could not speak one word of English. But with hard work, he earned his U.G degree from City College in New York, 12 years after his arrival. He joined law and graduated first class from Harvard law school.



Felix worked with a private law firm on Wall Street, corporate sector. He was appointed by the government to serve as an assistant to U.S. attorney in the southern district of New York for four years. In 1911, he was appointed as solicitor to the Federal Bureau of Insular Affairs. In 1914, he joined as Professor of Law in the Harvard Law School, his Alma matter. In 1939, he was appointed to the United States Supreme Court as associate justice. He was also the informal advisor to F.D.Roosevelt, the American President. He died on February 22, 1965.

Lesson Analysis:

This lesson is a letter written by Felix Frankfurter and is addressed to Master M. Paul Claussen Jr., who probably joined a law course. From the letter it is resumed that Paul sought his advice on how to become a competent lawyer.

Felix opines that in order to become a competent lawyer, one must first be a cultivated man. In the initial stage, he feels that technical preparation for the law is not important. A well-read person can come to the study of law. A person with liberal educational background alone can speak and write the English language fluently and effortlessly. Good education gives one the ability to think widely and clearly, which helps in speaking with clarity.

Along with that, the author stresses the importance of cultivation of the imaginative faculties for a lawyer. This is done by reading poetry, seeing great paintings, original or in reproductions, and listening to great music.

Felix finally advises Paul to forget worrying about his future career and to first stock his mind with the deposit of good reading and to widen and deepen his feelings by experiencing vicariously (indirectly) as much as possible the mysteries in this world. Only then can law be learnt and understood in the proper perspective.

VOCABULARY

Competent – having ability, power, authority, skill, knowledge

Cultivated – having good manners and education

technical- connected with, a particular art, craft, science

liberal education – education favouring a wide general knowledge, the broadening of the mind and wide possibilities of self expression

faculty – power(of mind)

reproduction – copy of something, specially a work of art

stock – supply or equip with

deposit – something placed for safe keeping vicariously – indirectly, by the imagination through watching or reading

C) METHODS OF STUDY

Glanville Williams

LESSON:

TEXTBOOKS

How is my time better spent: sitting in the library reading cases in the reports, or stewing over a text book or case book in my own room? This is a question often put my beginners, and it is a hard one to answer. One can, of course, answer it discreetly by saying-do both. But then the question is-in what proportion? What is the relative importance of the two modes of study?

Before answering this question let me remind the leader that when studying law there is not one aim but two. The primary and most important aim is to make one self a lawyer. The secondary (but also very important) aim is to pass the law exam with credit.

Now to a large extent these two aims can be pursued by the same means. For both purpose one must study cases, either in the original law reports or in the case book. It is through applying oneself to cases that one gets to understand how legal problem present themselves and how legal problem present themselves and how legal argument is conducted. That understanding is important whether one's object is to solve exam problem or to give sound opinions on point of legal practice.

But there is one different between preparation for practice and preparation for exams. For practicing lawyer, having a large field of what Pollock called potential knowledge is more important than having a small amount of actual knowledge. What the practitioner needs is a grasp of general legal principles, a sound knowledge of practice and procedure, an ability to argue, and a general knowledge of where to find the relevant law. But it is not essential for the practitioner though, of course, it is a great help to carry much law in the mind. To shine at exams, on the other hand, one must not only know how to argue, and be able to display first- hand knowledge of the sources; one must also be able to recite a considerable number of rules and authorities. From the exam point of view there is a danger in discursive in discursive reading that is not accompanied by a considerable amount of learning by rote.

Teachers of law regret the amount of memorising that is required, but they have not agreed upon effective counter-measures. Often it seems to smoother constructive thought. Some exam scripts are positively shocking for the amount of word-prefect memorising that they display, coupled with lack of individuality. Copies of statues are allowed to be used in some law exams. The result should not be lover the standard of the exam but to raise it, for it means that the exam can be made more starkly a test of intelligence and lawyerly ability. But some candidate fall prey to the temptation to recite long passages from the permitted materials, which gives the examiner the impression that they are insufficiently prepared to answer the question (even though the passage cited may be permitted, or at least lists of names of cases. In some universities, some teachers allow pupils to take into the exam all material that they have prepared themselves.

But I must not vex present readers with problems of educational reform. My reason for writing the above was merely to underline the importance, as matters now stand, of some memory work. Students whose schooling has consisted of project work and other forms of continuous assessment might well find that the degree of material that must be committed to memory is rather daunting. It is distressing when a student who has worked industriously and read widely fails to achieve a due place in the exam merely through failure to commit to memory a due proportion of what has been read.

There is another observation to be made about the learning of law through the medium of textbooks. It is an observation that everyone worth putting on paper for the sake of those who acquaintance with this discipline has hitherto been slight. It is this. The more often a book is read, the easier and quicker it is to read (which is, perhaps, not quite so obvious), and the more it repays the reading (which is, perhaps, not quite so obvious). When a book on an unfamiliar subject is read for the first time (including I should suppose this one) it is rather heavy-going, and one seems not to remember very much of it. The second reading is both easier and more interesting, and more (but still not much) is remembered. Many people take their exam at this point. Had they had the perseverance to read through their exam at this point. Had they had the perseverance to read through the book a third, fourth and fifth time, they would have found that each successive reading came more easily and that the residue left in the mind each time went up in geometrical progression.

While on the subject of memory work it is worth pointing out that learning by heart is best performed in short periods distributed over as long a time as possible. For instance, it is better to devote one hour a day to revision than six hours at a stretch once a week. By the same token, you can learn the same amount in less learning time by distributing your learning evenly over term and vacation than by crowding your learning into the term and leaving the vacations an academic blank.

It has been found, says a psychologist, that when acts of reading and acts of recall alternate, i.e. when every reading is followed by an attempt to recall the items, the efficiency of learning and retention is enormously enhanced. This means that learning is best done by reading a paragraph or page or similar convenient amount, and immediately reciting the gist of it, and it has been found better to recite aloud than to perform the recall in the head. If you find that you cannot remember the passage properly, read it again and then try another recall. The longer the passage that you set yourself for recall the better; in other words, read as much at a time as you will be able to reproduce at the next recall. Heavy footnotes to a book are sometimes distracting, and it is then a good plan to read the book through a first time without looking at the footnotes.

It is a mistake to spend valuable time in digesting a textbook on paper, unless the digest consists of little more than subject headings and names of cases. Mere transcription from a book that one owns oneself is certainly folly.

“Many readers I have found unalterably persuaded”, wrote Dr Johnson, “that nothing is certainly remembered but what is transcribed: and they have therefore passed weeks and months in transferring large quotations to a commonplace book. Yet, why any part of a book, which can be consulted at pleasure, should be copied I was never able to discover. The hand has no closer correspondence with the memory than the eye. The act of writing itself distracts the thoughts, and what is twice read is commonly better remembered than what is transcribed.”

CASES AND MATERIAL BOOKS

Some teachers of law do not recommend the use of casebooks, although the numbers who adopt such a high-minded line is undoubtedly dwindling. In their view, the only way to become a proficient lawyer is to sit down and read cases, not contenting oneself with the headnote or any other simplified version of the case, but reading through the whole of the statement of facts and the whole of the judgements. Faced with such a counsel of perfection the student may well echo from the heart the words of Doderidge J., written when legal literature was but a fraction of its present bulk: *vita brevisest, ars longa, our life is short and full of calamities, and learning is a long time in getting*. A teacher must consider, before giving advice like the above, the amount of time actually available to a law student for studies. Taking first those at the universities, there period of residence is only about 7 months in the year, and few can work for more than 8 months in the year altogether. In that time they have to cover 4 or 5 subjects. This means an average of between 6 and 8 weeks for

each subject. Into this alarmingly short space they must fit attendance at lectures and tutorials / supervisions, the reading of the text books, wider reading in the library, and revision, as well as the manifold activities that very properly occupy the undergraduate outside work. Those studying for professional exams, particularly those engaged in office work during the day, will probably have less rather than more time than undergraduates.

It becomes obvious, then, that time must be carefully managed. Granting that the student must read cases, it is a permissible economy of time to buy a good case book for each department of law that is being studied. Using the case book has 2 advantages for the learner. First, the case book saves some of the trouble (beneficial, but time-consuming) of making one's own notebook of cases. Secondly, it does something to eliminate immaterial facts, thus helping in the search (again beneficial, but again time consuming) for the facts that are legally material.

It should be added that the use of case books by no means dispenses with the need for reading at least some of the original reports. For one thing, many of the more important cases in the case book can profitably be read in full in the law reports, using the case book version only for revision. Also, there are bound to be many cases that the keen student will come across and want to read that are not in the case book — among them, cases decided since the case book went to print. And it should be remarked that examiners are prone to set papers in which recent cases figure prominently, if only because they afford such rich material demonstrating the growth points of the law.

To the student of modest means the high price of law books is intimidating, but it is false economy to do without basic works. Many are available at reasonable prices in paperback. Money can usually be saved by buying secondhand books (often organised by the student Law Society where you are intending to study), but the beginner who does this should be careful never to buy anything but a latest edition, and to make sure that an new edition is not in preparation at the time of purchase. It can be infuriating to buy in June, only to find when the course starts in late September or early October that a new edition has appeared. As rule of thumb, I would say, be a big suspicious of any textbook in its 3rd or 4th year.

The following is a London firm specialising in 2nd hand and new law books. An email to Wildy & Sons Ltd, Lincoln's Inn Archway, Carey Street, London WC2A 2JD (info@wildys.co.uk) (or a phone call — 0207242 5778) will bring a quotation.

LECTURES AND CLASSES

In the Middle Ages lectures were necessary because of the shortage of books. Now that printing has been with us for some hundred years, that many lectures provide very comprehensive hand outs and that the internet is developing apace, is there any need to continue the lecture system

Perhaps the only comprehensive answer to this complex question is that it depends upon the particular lecturer and the particular lectures. You should soon appreciate that not all lectures are seeking to achieve precisely the same objectives in the course of a lecture session. If you start with the assumption that each lecturer is determined to provide you with a set of perfect notes, with the aid of which you will be able to sail through the exam, you will be sorely disappointed. But speaking generally, lectures may be said to possess several merits as a means of instruction. They can quicken interest. To listen to a competent lecturer makes a welcome change from the reading of books. Some lecturers seek to help an audience by giving the basics and essentials of the subject, elucidating the broad principles and indicating what is matter of detail. It is possible to dwell on the parts of the subject that experience shows to cause special difficulties. Another point in favour is that by varying the emphasis the lecturer can be understood more readily than can the toneless words of a book. Finally, the lecturer can bring textbooks up to date, and in a smallish class can solve individual difficulties through interaction and discussion.

Taking notes

You will in time develop your own style of note taking, but there are some well-established systems, such as the Cornell system for taking notes and subsequent study. This suggests that you should draw a vertical line about 2 inches from the left hand edge of the paper, using the right hand side to record the lecture itself, and the left for recall purposes subsequently. That is, the lecture is captured in general idea rather than detail and the key ideas can be summarized and reflected upon later in the recall column.

Some lecturers regard it as their sole function to stimulate and inspire; oblivious, perhaps, to the old Chinese proverb that the palest ink is worth more than the most retentive memory, they do not particularly want notes to be taken. Certainly it is a great waste of time to sit through the average lecture making notes mechanically without thinking what they are about. Either concentrate on the lecture and rely upon your books for acquisition of facts or form the habit of taking notes (using a laptop if you are sufficiently familiar with the operation of the machine as not to be distracted by it and you can do this without distracting others) and at the same time following the line of argument. It may set an edge upon your attention if you imagine that you are due to be tested in the subject immediately after the lecture. Another inestimable habit is of spending a part of each evening reading through all the notes taken in the day. It need hardly be added, after what has already been said about transcription, that the making of a fair copy of one's own lecture notes is a dismal waste of time.

Using shorthand

Some lecturers are blamed for saying too many valuable things in too short a time, making it difficult for the pens of their audiences (particularly those not used to note-taking) to keep pace. Often, you will find that the lecturer is in fact making the same (or a very similar) point but in different language, in order to get the idea across. But if you are not used to taking notes in a lecture and if the lecturer is using a hand-out and visual aids (such as PowerPoint presentation), the difficulties of keeping track are compounded. One tip that might help to meet these difficulties is to suggest that you use abbreviations. You can devise your own system but might find that the following are particularly useful:

H husband	W wife
T tenant	L landlord
Er employer	Ee employee
C claimant	D defendant (in both civil and criminal cases)
A agent	P principal
P purchaser	V vendor

In land law it is customary to refer to imaginary pieces of land as blackacre, white acre, etc.

Some traditional abbreviations make use of the stroke, I. A part from a/c (account), they all represent two words, the stroke being placed between the initial letters of each:

b/e	Bill of exchange
b/l	Bill of landing
b/n	Bank note
b/s	Bill of sale
h/p	Hire purchase
p/n	Promissory

This method can, of course, be extended to other common legal phrases:

a/b	Act of bankruptcy
a/t	Abstract of title
A/P	Act of Parliament
b/f	Bonafide
e/r	Equity of redemption
l/a	Letters of administration
n/i	Negotiable instrument
n/k	Next to kin
p/a	Power of appointment
p/p	Personal property, part performance
p/r	Personal representative
r/p	Real property
r/c	Restrictive covenant
s/g	Sale of goods
s/p	Specific performance

Alternatively the initial letter may be separated by periods:

b.f. (p)	Bona fide (purchaser)
c.q.t.	Cestuique trust
c.q.tt.	Cestuisque trust
p.f.	Prima facie

Or they may even be joined up:

CPS	Crown Prosecution service
DPP	Director of Public prosecutions

Another traditional method of abbreviation is to write the first pronounceable part of the word and then write the ending. Common examples of this method is an association, for the department of and insce for insurance.

If you fail to catch or understand a particular sentence, most lecturers do not mind being asked to repeat or amplify it. Exercise discretion in the matter. If you have missed a case, and the lecturer has provided a hand-out, it may be better discreetly to ask a neighbour to point you in the right direction rather than disrupt the flow of the lecture. Some lectures invite questions and argument; in that case see that you play your part.

Considerably more important than the average lectures is the discussion class, generally called a tutorial, class, seminar or supervision. And of discussion classes, the most beneficial are those in which the discussion is centred on legal problems. With regard to these classes my injunctions are limited to two: first, attend them, and secondly, prepare for them by attempting to work out the problems for yourself before the session. Half the value of the exercise is missed if you sit supinely back and let the instructor or the other members of the class address the problem for you. The larger the group, the less likely it is that you will be passed to speak, and the more important it is that you should speak-if only in order to cultivate self possession and to get used to the sound of your own voice in public.

Talking about your work, whether in class or with friends, has the further very important advantage of helping the memory. To quote one of our psychologists again:

“Some form of action or of expression would seem to be essential to unimpaired retention. It seems that good conversationalist and great talker generally have good memories. It is over-simple to suppose that this is due to the fact that, having good memories, they are well supplied with topics of conversation. The reverse connection would seem to be involved. What is talked about is more firmly impressed upon the mind. Such men when they read a book immediately discuss it with a friend, thus unconsciously employing the potent principle of active repetition.”

Apart from this necessary conversation, from the habit of working a full morning (which includes making use of the spare time that you have between lectures), because this is the part of the day when you are freshest. Do not do minor chores in the morning. As for the rest of the day, you will wish to make your own choice between the afternoons and evening for work, but at wether time you will find that alcohol is inconsistent with study.

In conclusion, a few words on a comparatively humble matter, that of materials. The use of bound lecture notebooks is not to be recommended, because they are cumbersome and inelastic. If you use such notebooks and have three or four lecturers to attend in a morning, this means a considerable weight and bulk to be carried about. Also, if you want to expand the lecturer's remarks with notes of your own will you will find it difficult to do so within the confines of the notebook. On both counts the loose leaf system is greatly preferable. The students who adopt this system needs to take to lectures only a single loose leaf notebook, the day's work being transferred to larger specialised files in the evening. Notes taken down in this form can be rearranged and expanded at pleasure.

THE STUDY OF HISTORY

Some students who have studied English history may be able to recollect the order of the dates of the king and queens of England. Such knowledge is useful in the study not only of constitutional but of purely legal history, for regnal years are the foundations of legal chronology. Those whose historical knowledge is shaky may possibly be glad of the following mnemonic rhyme, which was once learnt by Victorian children. Even if you do not trouble to learn it, you may find in the course of your studies that you will need to date a piece of legislation, and on the basics that it may come in useful for that purpose, I set it out with the corresponding regnal years at the side:

First William the Norman	1066-1087
Then William his son;	1087-1100
Henry, Stephen and Henry,	1100-1135, 1135-1154, 1154-1189
Then Richard and John;	1189-1199, 1199-1216
Next Henry the third,	1216-1272
Edwards, one, two and three,	1272-1307, 1307-1327, 1327-1377
And again after Richard	1377-1399
Three Henrys we see	1399-1413, 1413-1422, 1422-1461
Two Edwards, third Richard,	1461-1483, 1483, 1483-1485

If rightly I guess;

Two Henrys, sixth Edward,	1485-1509, 1509-1547, 1547-1553
Queen Mary, Queen Bess,	1553-1558, 1558-1603
Then Jamie the Scotsman,	1603-1625
Then Charles whom they slew,	1625-1649
Yet received after Cromwell	[1649-1660]
Another Charles too.	16498 (1660)-1685
Next James the second Ascended the throne;	1685-1688
Then Good William and Mary Together came on,	1689-1702
Till, Anne, Georges four,	1702-1714, 1714-1727, 1727-1760, 1760-1820, 1820-1830
And fourth William all past,	1830-1837
God sent Queen Victoria:	1837-1901
May she long be the last! Perhaps it is time to add the edifice: Edward, George, then	1901-1910, 1910-1936,
Edward 8, George; now Bess is head of state.	1936, 1936-1952, 1952

If the regnal years are not already known and the task of learning them all seems too great, the student should atleast notice the sovereigns whose regime commenced at or shortly after the turn of each century. Knowledge of this, combined with the knowledge of the order of the sovereigns, will place every sovereign in the proper century. The sovereigns just referred to are:

Henry I	1100
Henry III	1216
Edward II	1307
Henry V	1413
Henry VIII	1509
James I	1603
Anne	1702
George IV	1820
Edward VII	1901

Not only regnal years but dates in general are often a bugbear to students of history. The intelligent way to remember dates is to memorise a few key ones, and then to remember others by working backwards and forward from these. By relating this in the mind and noticing the difference in years, the one will become linked to the other, and both can be recalled together. In time the same date can be related to several others, so that all important dates become interlocked in the mind. This method of memorising helps to build up the sense of historical perspectives, which is the only rational justification for remembering dates. A useful dictionary is J. Gardiner ed., *The Penguin Dictionary of British History (2000)*.

ABOUT THE AUTHOR:

Glanville Williams studied in the University of Cambridge and the University of Wales, then enrolled in the bar and became a member of Middle Temple in 1935. He was a research fellow from 1936-1942 and completed his Ph.D in law at the St.John's University of Cambridge.

ACADEMIC CAREER:

He started as a reader specializing in English law, and went on to become a professor in public law, and jurisprudence at the university of London, from 1945-53, from 1957-68 worked as a professor of law in the University of Cambridge. He also served in many official committees especially - The Criminal Law Revision Committee between 1959 and 1980.



He wrote a number of books and is considered as Britain's foremost scholar of criminal law. Some of the books written by him are Text Book on Criminal Law, Criminal Law: The General Part, Joint Obligations (1949), The Law Reports (1943).

The book Learning the Law, from which this essay is taken was written in 1945. It was written as a small introductory about law studies for the new entrants to the legal education. This book remains indispensable to any would-be law students.

LESSON ANALYSIS:

Glanville Williams starts the lesson with a quote which says that learning and knowledge acquisition have to be won and that is not a property to be acquired or bequeathed. At the outset he says that there are two categories of people in studying law – a law student and a lawyer. A student studies for two purposes- to pass examinations and to qualify as a lawyer. Though both study law, a lawyer should have wide knowledge of general legal principles while a student should remember a good deal of information on the subject along with the sources, rules and authorities. Problem solving question in the exam papers try to balance between intelligence and memory. The author also agrees that a law student has to memorise a lot.

In this lesson the author discusses four methods of study from textbooks, casebooks, case laws, listening to lectures and classes and finally learning from history. He has offered his suggestions on the best methods for studying.

LEARNING FROM TEXT BOOKS:

The techniques suggested to reading from a textbook are to read a book or chapter 5-6 times since with each reading the residue is more. Reading a book many times helps understanding the subject better. To retain what we read, distribution of learning like reading daily for 1 hour helps one to remember more points. He cautions / advices against leaving long gaps between periods of learning. Ageing of learning, i. e., having a less period after every learning session is also a good method to help retention. Reading the lesson and recalling the points immediately enhances learning and retention. Acts of reading and acts of recalling, if done alternately aid memorising efficiently, while reading heavy foot notes can be left out. He is also not in favour of writing whatever is read to remember more. He says that it does not help.

CASEBOOKS:

Learning from cases, though good, is very difficult. Glanville Williams suggests that students must buy the latest case books for every law paper and study from them. Some law teachers recommended reading the cases in full. But the student has to divide his time between 5-6 subjects attending classes, writing tests, doing projects, reading in the library, and preparing for the exams. Moreover for every question, he has to cite many cases. Hence, due to lack of time, learning from the latest case books is the best solution to face the exams.

LECTURES AND CLASSES:

In the age where cost effective printed material is available, the author raises a question on the need for continuing the system of lecture. Defending lectures Glanville Williams says that there are certain merits, like increasing as students interest, giving the students the main points and leaving out the unimportant ones, dwell at length on difficult areas, bring textbooks up-to date, clarify doubts and can be readily understood than text.

Regarding listening in classes, the author is of the opinion that taking down the points on a loose sheet of paper for every subject and filing them after writing in full, helps to buildup material. At times, concentrating on the lecture, without jotting down the points is also recommended. While jotting points it is better to use abbreviations. Discussion classes are more valuable than an average lecture. Students must make active participation in discussion classes, the more the interaction, the better the understanding of the subject. Discussing with peers about the class makes one remember well.

THE STUDY OF HISTORY:

Knowledge of history is important for the legal history, legal chronology and constitutional law. Hence a law student needs to memorise the historical facts also.

CONCLUSION:

To conclude with the author gives variable suggestions and useful tips are learning from textbooks like ageing of learning , distribution of learning, reading and recall, reading from latest casebooks, importance of lectures, active listening, jotting down points and learning history. These methods of study if followed by law students, would help them retain a large volume of what they read and understand the subject better.

D) MERCHANT OF VENICE

William Shakespeare

COURT SCENE

ACT IV SCENE I

Enter the DUKE, the Magnificoes, ANTONIO, BASSANIO, GRATIANO, SALERIO, and others

DUKE: What, is Antonio here? ANTONIO: Ready, so please your grace.

DUKE: I am sorry for thee: thou art come to answer. A stony adversary, an inhuman wretch incapable of pity, void and empty. From any dram of mercy.

ANTONIO: I have heard Your grace hath ta'en great pains to qualify. His rigorous course; but since he stands obdurate. And that no lawful means can carry me. Out of his envy's reach, I do oppose. My patience to his fury, and am arm'd. To suffer, with a quietness of spirit, The very tyranny and rage of his.

DUKE: Go one, and call the Jew into the court.

SALERIO: He is ready at the door: he comes, my lord. Enter SHYLOCK

DUKE: Make room, and let him stand before our face. Shylock, the world thinks, and I think so too, That thou but lead'st this fashion of thy malice. To the last hour of act; and then 'tis thought, Thou'lt show thy mercy and remorse more strange. Than is thy strange apparent cruelty; And where thou now exact'st the penalty, Which is a pound of this poor merchant's flesh, Thou wilt not only loose the forfeiture, But, touch'd with human gentleness and love, Forgive a moiety of the principal; Glancing an eye of pity on his losses, That have of late so huddled on his back, Endow to press a royal merchant down, And pluck commiseration of his state. From brassy bosoms and rough hearts of flint, From stubborn Turks and Tartars, never train'd. To offices of tender courtesy. We all expect a gentle answer, Jew.

SHYLOCK : I have possess'd your grace of what I purpose. And by our holy Sabbath have I sworn. To have the due and forfeit of my bond: If you deny it, let the danger light Upon your charter and your city's freedom. You'll ask me, why I rather choose to have A weight of carrion flesh than to receive Three thousand ducats: I'll not answer that: But, say, it is my humour: is it answer'd? What if my house be troubled with a rat And I be pleased to give ten thousand ducats. To have it baned? What, are you answer'd yet? Some men there are love not a gaping pig;

Some, that are mad if they behold a cat; And others, when the bagpipe sings i' the nose, Cannot contain their urine: for affection, Mistress of passion, sways it to the mood. Of what it likes or loathes. Now, for your answer: As there is no firm reason to be render'd, Why he cannot abide a gaping pig; Why he, a harmless necessary cat; Why he, a woollen bagpipe; but of force Must yield to such inevitable shame. As to offend, himself being offended; So can I give no reason, nor I will not, More than a lodged hate and a certain loathing. I bear Antonio, that I follow thus. A losing suit against him. Are you answer'd?

BASSANIO: This is no answer, thou unfeeling man, To excuse the current of thy cruelty.

SHYLOCK: I am not bound to please thee with my answers. BASSANIO: Do all men kill the things they do not love? SHYLOCK: Hates any man the thing he would not kill? BASSANIO: Every offence is not a hate at first.

SHYLOCK: What, wouldst thou have a serpent sting thee twice?

ANTONIO: I pray you, think you question with the Jew: You may as well go stand upon the beach And bid the main flood bate his usual height; You may as well use question with the wolf Why he hath made the ewe bleat for the lamb; You may as well forbid the mountain pines To wag their high tops and to make no noise, When they are fretten with the gusts of heaven; You may as well do anything most hard, As seek to soften that— than which what's harder?—His Jewish heart: therefore, I do beseech you, Make no more offers, use no farther means, But with all brief and plain conveniency. Let me have judgment and the Jew his will.

BASSANIO: For thy three thousand ducats here is six.

SHYLOCK: What judgment shall I dread, doing Were in six parts and every part a ducat, I would not draw them; I would have my bond.

DUKE: How shalt thou hope for mercy, rendering none?

SHYLOCK: What judgment shall I dread, doing no wrong? You have among you many a purchased slave, Which, like your asses and your dogs and mules, You use in abject and in slavish parts, Because you bought them: shall I say to you, Let them be free, marry them to your heirs? Why sweat they under burthens? let their beds Be made as soft as yours and let their palates Be season'd with such viands? You will answer 'The slaves are ours:' so do I answer you: The pound of flesh, which I demand of him, Is dearly bought; 'tis mine and I will have it. If you deny me, fie upon your law! There is no force in the decrees of Venice. I stand for judgment: answer; shall I have it?

DUKE: Upon my power I may dismiss this court, Unless Bellario, a learned doctor, Whom I have sent for to determine this, Come here to-day.

SALERIO: My lord, here stays without A messenger with letters from the doctor, New come from Padua.

DUKE: Bring us the letter; call the messenger.

BASSANIO: Good cheer, Antonio! What, man, courage yet! The Jew shall have my flesh, blood, bones and all, Ere thou shalt lose for me one drop of blood.

ANTONIO: I am a tainted wether of the flock, Meetest for death: the weakest kind of fruit Drops earliest to the ground; and so let me You cannot better be employ'd, Bassanio, Than to live still and write mine epitaph.
Enter **NERISSA**, dressed like a lawyer's clerk

DUKE: Came you from Padua, from Bellario?

NERISSA: From both, my lord. Bellario greets your grace. Presenting a letter

BASSANIO: Why dost thou whet thy knife so earnestly?

SHYLOCK: To cut the forfeiture from that bankrupt there.

GRATIANO: Not on thy sole, but on thy soul, harsh Jew, Thou makest thy knife keen; but no metal can, No, not the hangman's axe, bear half the keenness Of thy sharp envy. Can no prayers pierce thee?

SHYLOCK: No, none that thou hast wit enough to make.

GRATIANO : O, be thou damn'd, execrable dog! And for thy life let justice be accused. Thou almost makest me waver in my faith To hold opinion with Pythagoras, That souls of animals infuse themselves Into the trunks of men: thy currish spirit Govern'd a wolf, who, hang'd for human slaughter, Even from the gallows did his fell soul fleet, And, whilst thou lay'st in thy unhallow'd dam, Infused itself in thee; for thy desires Are wolvis, bloody, starved and ravenous.

SHYLOCK : Till thou canst rail the seal from off my bond, Thou but offend'st thy lungs to speak so loud: Repair thy wit, good youth, or it will fall To cureless ruin. I stand here for law.

DUKE : This letter from Bellario doth commend A young and learned doctor to our court. Where is he?

NERISSA : He attendeth here hard by, To know your answer, whether you'll admit him.

DUKE : With all my heart. Some three or four of you Go give him courteous conduct to this place. Meantime the court shall hear Bellario's letter. Clerk

[Reads] Your grace shall understand that at the receipt of your letter I am very sick: but in the instant that your messenger came, in loving visitation was with me a young doctor of Rome; his name is Balthasar. I acquainted him with the cause in controversy between the Jew and Antonio the merchant: we turned o'er many books together: he is furnished with my opinion; which, bettered with his own learning, the greatness whereof I cannot enough commend, comes with him, at my importunity, to fill up your grace's request in my stead. I beseech you, let his lack of years be no impediment to let him lack a reverend estimation; for I never knew so young a body with so old a head. I leave him to your gracious acceptance, whose trial shall better publish his commendation.

DUKE : You hear the learn'd Bellario, what he writes: And here, I take it, is the doctor come. Enter PORTIA, dressed like a doctor of laws Give me your hand. Come you from old Bellario?

PORTIA : I did, my lord.

DUKE : You are welcome: take your place. Are you acquainted with the difference That holds this present question in the court?

PORTIA : I am informed thoroughly of the cause. Which is the merchant here, and which the Jew?

DUKE : Antonio and old Shylock, both stand forth.

PORTIA : Is your name Shylock?

SHYLOCK : Shylock is my name.

PORTIA : Of a strange nature is the suit you follow; Yet in such rule that the Venetian law Cannot impugn you as you do proceed. You stand within his danger, do you not?

ANTONIO : Ay, so he says. **PORTIA** : Do you confess the bond? **ANTONIO** : I do.

PORTIA : Then must the Jew be merciful.

SHYLOCK : On what compulsion must I? tell me that.

PORTIA: The quality of mercy is not strain'd, It droppeth as the gentle rain from heaven Upon the place beneath: it is twice blest; It blesseth him that gives and him that takes: 'Tis mightiest in the mightiest: it becomes The throned monarch better than his crown; His sceptre shows the force of temporal power, The attribute to awe and majesty, Wherein doth sit the dread and fear of kings; But mercy is above this sceptred sway; It is enthroned in the hearts of kings, It is an attribute to God himself; And earthly power doth then show likest God's When mercy seasons justice. Therefore, Jew, Though justice be thy plea, consider this, That, in the course of justice, none of us Should see salvation: we do pray for mercy; And that same prayer doth teach us all to render The deeds of mercy. I have spoke thus much To mitigate the justice of thy plea; Which if thou follow, this strict court of Venice Must needs give sentence 'gainst the merchant there.

SHYLOCK: My deeds upon my head! I crave the law, The penalty and forfeit of my bond.

PORTIA: Is he not able to discharge the money?

BASSANIO: Yes, here I tender it for him in the court; Yea, twice the sum: if that will not suffice, I will be bound to pay it ten times o'er, On forfeit of my hands, my head, my heart: If this will not suffice, it must appear That malice bears down truth. And I beseech you, Wrest once the law to your authority: To do a great right, do a little wrong, And curb this cruel devil of his will.

PORTIA: It must not be; there is no power in Venice Can alter a decree established: 'Twill be recorded for a precedent, And many an error by the same example. Will rush into the state: it cannot be.

SHYLOCK: A Daniel come to judgment! yea, a Daniel! O wise young judge, how I do honour thee!

PORTIA: I pray you, let me look upon the bond.

SHYLOCK: Here 'tis, most reverend doctor, here it is.

PORTIA: Shylock, there's thrice thy money offer'd thee.

SHYLOCK: An oath, an oath, I have an oath in heaven: Shall I lay perjury upon my soul? No, not for Venice.

PORTIA: Why, this bond is forfeit; And lawfully by this the Jew may claim. A pound of flesh, to be by him cut off Nearest the merchant's heart. Be merciful: Take thrice thy money; bid me tear the bond.

SHYLOCK: When it is paid according to the tenor. It doth appear you are a worthy judge; You know the law, your exposition Hath been most sound: I charge you by the law, Whereof you are a well-deserving pillar, Proceed to judgment: by my soul I swear There is no power in the tongue of man To alter me: I stay here on my bond.

ANTONIO: Most heartily I do beseech the court To give the judgment.

PORTIA: Why then, thus it is: You must prepare your bosom for his knife. **SHYLOCK:** O noble judge! O excellent young man!

PORTIA: For the intent and purpose of the law Hath full relation to the penalty, Which here appeareth due upon the bond.

SHYLOCK: 'Tis very true: O wise and upright judge! How much more elder art thou than thy looks!

PORTIA: Therefore lay bare your bosom.

SHYLOCK: Ay, his breast: So says the bond: doth it not, noble judge?

'Nearest his heart:' those are the very words.

PORTIA: It is so. Are there balance here to weigh The flesh?

SHYLOCK: I have them ready.

PORTIA: Have by some surgeon, Shylock, on your charge, To stop his wounds, lest he do bleed to death.

SHYLOCK: Is it so nominated in the bond?

PORTIA: It is not so express'd: but what of that? 'Twere good you do so much for charity.

SHYLOCK: I cannot find it; 'tis not in the bond. **PORTIA:** You, merchant, have you any thing to say?

ANTONIO: But little: I am arm'd and well prepared. Give me your hand, Bassanio: fare you well! Grieve not that I am fallen to this for you; For herein Fortune shows herself more kind Than is her custom: it is still her use To let the wretched man outlive his wealth, To view with hollow eye and wrinkled brow An age of poverty; from which lingering penance Of such misery doth she cut me off. Commend me to your honourable wife: Tell her the process of Antonio's end; Say how I loved you, speak me fair in death; And, when the tale is told, bid her be judge Whether Bassanio had not once a love. Repent but you that you shall lose your friend, And he repents not that he pays your debt; For if the Jew do cut but deep enough, I'll pay it presently with all my heart.

BASSANIO: Antonio, I am married to a wife Which is as dear to me as life itself; But life itself, my wife, and all the world, Are not with me esteem'd above thy life: I would lose all, ay, sacrifice them all Here to this devil, to deliver you.

PORTIA: Your wife would give you little thanks for that, If she were by, to hear you make the offer.

GRATIANO: I have a wife, whom, I protest, I love: I would she were in heaven, so she could Entreat some power to change this currish Jew.

NERISSA: 'Tis well you offer it behind her back; The wish would make else an unquiet house.

SHYLOCK: These be the Christian husbands. I have a daughter; Would any of the stock of Barrabas Had been her husband rather than a Christian! *Aside* We trifle time: I pray thee, pursue sentence.

PORTIA: A pound of that same merchant's flesh is thine: The court awards it, and the law doth give it.

SHYLOCK: Most rightful judge!

PORTIA: And you must cut this flesh from off his breast: The law allows it, and the court awards it.

SHYLOCK: Most learned judge! A sentence! Come, prepare!

PORTIA: Tarry a little; there is something else. This bond doth give thee here no jot of blood; The words expressly are 'a pound of flesh: 'Take then thy bond, take thou thy pound of flesh; But, in the cutting it, if thou dost shed One drop of Christian blood, thy lands and goods Are, by the laws of Venice, confiscate. Unto the state of Venice.

GRATIANO: O upright judge! Mark, Jew: O learned judge!

SHYLOCK: Is that the law?

PORTIA: Thyself shalt see the act: For, as thou urgest justice, be assured

Thou shalt have justice, more than thou desirest. GRATIANO: O learned judge! Mark, Jew: a learned judge!

SHYLOCK: I take this offer, then; pay the bond thrice And let the Christian go.

BASSANIO: Here is the money.

PORTIA: Soft! The Jew shall have all justice; soft! no haste: He shall have nothing but the penalty.

GRATIANO: O Jew! an upright judge, a learned judge!

PORTIA: Therefore prepare thee to cut off the flesh. Shed thou no blood, nor cut thou less nor more But just a pound of flesh: if thou cut'st more Or less than a just pound, be it but so much As makes it light or heavy in the substance. Or the division of the twentieth part Of one poor scruple, nay, if the scale do turn But in the estimation of a hair, Thou diest and all thy goods are confiscate.

GRATIANO: A second Daniel, a Daniel, Jew! Now, infidel, I have you on the hip.

PORTIA: Why doth the Jew pause? take thy forfeiture. SHYLOCK: Give me my principal, and let me go.

BASSANIO: I have it ready for thee; here it is.

PORTIA: He hath refused it in the open court: He shall have merely justice and his bond.

GRATIANO: A Daniel, still say I, a second Daniel! I thank thee, Jew, for teaching me that word.

SHYLOCK: Shall I not have barely my principal?

PORTIA: Thou shalt have nothing but the forfeiture, To be so taken at thy peril, Jew.

SHYLOCK: Why, then the devil give him good of it! I'll stay no longer question.

PORTIA: Tarry, Jew: The law hath yet another hold on you. It is enacted in the laws of Venice, If it be proved against an alien That by direct or indirect attempts He seek the life of any citizen, The party 'gainst the which he doth contrive Shall seize one half his goods; the other half Comes to the privy coffer of the state; And the offender's life lies in the mercy Of the duke only, 'gainst all other voice. In which predicament, I say, thou stand'st; For it appears, by manifest proceeding, That indirectly and directly too Thou hast contrived against the very life Of the defendant; and thou hast incurr'd The danger formerly by me rehearsed. Down therefore and beg mercy of the duke.

GRATIANO: Beg that thou mayst have leave to hang thyself: And yet, thy wealth being forfeit to the state, Thou hast not left the value of a cord; Therefore thou must be hang'd at the state's charge.

DUKE: That thou shalt see the difference of our spirits, I pardon thee thy life before thou ask it: For half thy wealth, it is Antonio's; The other half comes to the general state, Which humbleness may drive unto a fine.

PORTIA: Ay, for the state, not for Antonio.

SHYLOCK: Nay, take my life and all; pardon not that: You take my house when you do take the prop That doth sustain my house; you take my life When you do take the means whereby I live.

PORTIA: What mercy can you render him, Antonio?

GRATIANO: A halter gratis; nothing else, for God's sake.

ANTONIO: So please my lord the duke and all the court To quit the fine for one half of his goods, I am content; so he will let me have The other half in use, to render it, Upon his death, unto the gentleman That lately stole his daughter: Two things provided more, that, for this favour, He presently become a Christian; The other, that he do record a gift, Here in the court, of all he dies possess'd, Unto his son Lorenzo and his daughter.

DUKE: He shall do this, or else I do recant The pardon that I late pronounced here.

PORTIA: Art thou contented, Jew? what dost thou say?

SHYLOCK: I am content.

PORTIA: Clerk, draw a deed of gift.

SHYLOCK: I pray you, give me leave to go from hence; I am not well: send the deed after me, And I will sign it.

DUKE: Get thee gone, but do it.

GRATIANO: In christening shalt thou have two god-fathers: Had I been judge, thou shouldst have had ten more, To bring thee to the gallows, not the font. Exit SHYLOCK:

DUKE: Sir, I entreat you home with me to dinner.

PORTIA: I humbly do desire your grace of pardon: I must away this night toward Padua, And it is meet I presently set forth.

DUKE: I am sorry that your leisure serves you not. Antonio, gratify this gentleman, For, in my mind, you are much bound to him. Exeunt Duke and his train

BASSANIO: Most worthy gentleman, I and my friend Have by your wisdom been this day acquitted Of grievous penalties; in lieu whereof, Three thousand ducats, due unto the Jew, We freely cope your courteous pains withal.

ANTONIO: And stand indebted, over and above, In love and service to you evermore.

PORTIA: He is well paid that is well satisfied; And I, delivering you, am satisfied And therein do account myself well paid: My mind was never yet more mercenary. I pray you, know me when we meet again: I wish you well, and so I take my leave.

BASSANIO: Dear sir, of force I must attempt you further:

Take some remembrance of us, as a tribute, Not as a fee: grant me two things, I pray you, Not to deny me, and to pardon me.

PORTIA: You press me far, and therefore I will yield. To ANTONIO

Give me your gloves, I'll wear th And, for your love, I'll take this ring from you: Do not draw back your hand; I'll take no more; And you in love shall not deny me this.

BASSANIO: This ring, good sir, alas, it is a trifle! I will not shame myself to give you this.

PORTIA: I will have nothing else but only this; And now methinks I have a mind to it.

BASSANIO: There's more depends on this than on the value. The dearest ring in Venice will I give you, And find it out by proclamation: Only for this, I pray you, pardon me.

PORTIA: I see, sir, you are liberal in offers You taught me first to beg; and now methinks You teach me how a beggar should be answer'd.

BASSANIO: Good sir, this ring was given me by my wife; And when she put it on, she made me vow That I should neither sell nor give nor lose it.

PORTIA: That 'scuse serves many men to save their gifts. An if your wife be not a mad-woman, And know how well I have deserved the ring, She would not hold out enemy for ever, For giving it to me. Well, peace be with you!

Exeunt Portia and Nerissa

ANTONIO: My Lord Bassanio, let him have the ring: Let his deservings and my love withal Be valued against your wife's commandment.

BASSANIO: Go, Gratiano, run and overtake him; Give him the ring, and bring him, if thou canst, Unto Antonio's house: away! make haste. Exit Gratiano Come, you and I will thither presently; And in the morning early will we both Fly toward Belmont: come, Antonio.

Exeunt.



ABOUT THE AUTHOR

WILLIAM SHAKESPEARE (1564-1616):

William Shakespeare, 26 April, 1564 (Baptised) –23 April, 1616 was a poet, playwright and an actor, widely regarded as the greatest writer in the English language and a pre-eminent dramatist. He is often called the National Poet and the Bard of Avon. His literary works, including a few collaborations, consist of about 38 plays, 154 sonnets, 2 long narrative poems and a few verses.

Shakespeare was born and brought up in Stratford-upon-Avon. His father, John Shakespeare was an alderman and a successful merchant and his mother, Mary Arden was the daughter of an affluent land-owning farmer. Shakespeare was the third child of eight and the eldest surviving son. At the age of 18, he married 26-year-old Anne Hathaway. Their first daughter, Susanna was baptised on 26 May 1583 and two years later by twins, son Hamnet and daughter Judith, were baptised on 2nd February 1585. Hamnet died at the age of 11 of an unknown cause and was buried on 11 August 1596.

CAREER

After the birth of the twins, Shakespeare left few historical traces until he is mentioned as part of the London Theatre scene in 1592. Some scholars believe that he fled from town to London to escape prosecution. By 1592, several of his plays were already on the London stage. Many believe that his writing career could have started any time from the mid-1580s to just before 1592. By 1594, all his plays were enacted on stage only by the Lord Chamberlain's Men, a company owned by a group of players, including Shakespeare and it soon became the leading playing company in England. After the death of Queen Elizabeth in 1603, King James I awarded a royal patent to the troupe and it was renamed as the King's Men. Shakespeare continued to act in his own as well as other plays after his success as a playwright. His plays were performed on stage and in the royal court.

DEATH

Shakespeare died on 23 April, 1616 at the age of 52. He died within a month of signing his will, a document which he begins by describing himself as being in perfect health. There are no contemporary sources which explain how or why he died. He was buried in the Holy Trinity Church two days after his

death. The epitaph carved into the stone slab covering his grave includes a curse against moving his bones. Shakespeare has been commemorated in many statues and memorials around the world, including funeral monuments in Southwark Cathedral and Poets' Corner in Westminster Abbey.

WORKS

Shakespeare's plays included comedies, tragic-comedies and romantic tragedies. *A Midsummer Night's Dream*, *Merchant of Venice*, *Much Ado About Nothing*, *As You Like It*, and *Twelfth Night* complete Shakespeare's sequence of great comedies. His problem plays include *Measure for Measure*, *Troilus and Cressida* and *All's Well That Ends Well*. Some of his greatest tragedies are *Othello*, *King Lear*, *Hamlet* and *Macbeth*. His last major tragedies were *Antony and Cleopatra* and *Coriolanus*. His 154 sonnets are addressed to a mysterious fair young youth. The 1609 edition of these sonnets was dedicated to Mr. W.H., credited as the only begetter of the poems. It is not known if it was written by Shakespeare himself or by the publisher, Thomas Thorpe.

Even today, his works are held in high regard and are being translated and performed in many languages all over the world. He is hailed as the Universal Playwright and his works will continue to charm the audiences to come.

THE TRIAL SCENE

LESSON ANALYSIS

The play *Merchant of Venice*, written by Shakespeare was set in the city of Venice and Antonio is the Merchant. Act IV of the play is called as the Trial Scene or the Court Scene. This Act which shapes the fate of the players and the play is claimed to be one of the most enthralling in all dramatic literature

Act IV, scene I starts with Antonio facing trial before the Duke for failing to pay Shylock his dues. Antonio borrows from his arch rival Shylock to help Bassanio marry Portia. At that time, a bond is signed between them stating that if Antonio is unable to pay the dues within the stipulated time, Shylock would cut a pound of flesh from near his heart. Unable to return the dues due to business losses, Antonio is dragged to the Duke's court for fulfilling the bond.

The strange bond evokes sympathy for Antonio and the Duke pleads with Shylock to show mercy. Bassanio offers to pay three times the loan as repayment, which is not accepted. The whole atmosphere is charged. The Duke had sent a letter to Bellario, a doctor of laws to judge this tricky case. With no sight of Bellario and unable to convince Shylock, the Duke threatens to dismiss the Court. At that juncture, Portia's attendant Nerissa, dressed as a messenger announces the arrival of Dr. Balthazar, supposed to have been sent by Dr. Bellario.

Dr. Balthazar, who is Portia in disguise, begins the trial by assuring the Duke that he knows the facts of the case and ascertains Shylock's and Antonio's identity. After Antonio accepts signing the bond, Portia turns to Shylock requesting him to show mercy and accept the money offered. A perturbed Shylock demands the fulfilment of the contract. He then hands over the bond to Portia on being asked for it, who goes through it and asks him to go ahead as per the bond. An elated Shylock exclaims, A Daniel come to judgement, yea, a Daniel! and starts sharpening his knife.

Daniel is a judge referred in the Bible. Some elders of a town accuse Susanna of unchastely behaviour and Daniel is called to judge the case. He finds that Susanna is innocent, the elders to be guilty and so,

punishes them. Shylock, the Jew is alienated by the Christians in the Court Hall. He gets ready to cut the pound of flesh from Antonio's heart. Portia asks him if a doctor has been called, for which he replies that it is not there in the bond. When he is about to cut, Portia as Dr. Balthazar asks him not to shed even one drop of Christian blood and also to cut just one pound, nothing more or less. This is the turning point in the scene and the cunning Shylock realising that he is defeated, requests Portia to at least give him his money. The request was rejected since the initial offer was not accepted by him. At this point, Shakespeare through Portia displays his brilliant power of interpretation and his legal acumen. Portia informs Shylock and the Court about the existing Venetian law which states that any person plotting to kill a Christian will lose half his property to the affected person or in the event of his death to his family and the other half will be confiscated by the State. Not only that, the accused's life will be in the hands of the Duke. Completely exhausted, Shylock kneels down for the Duke to take away his life. The Duke pardons him and leaves him.

For Shylock, this act of mercy did not cut ice, for, a Jew without his money is better dead than alive and pleads not to show mercy. Understanding his problem, Antonio tells the Court that he will forego his half and Shylock can do his business with that amount on two conditions. Shylock has to convert to Christianity and accept his daughter Jessica's marriage to her Christian husband Lorenzo to whom the property must be bequeathed. Left with no choice, Shylock accepts this offer and seeks the Duke's permission to leave the Court and agrees to sign all the papers in the regard.



CONCLUSION

The play merchant of Venice brought to light many things. During the medieval period, there was the conflict between the Jews (who were expelled from England in 1290) and the Christians. The play is set in that backdrop and that is probably the reason for the dark portrayal of Shylock, the Jew and projecting Antonio, the Christian merchant as the epitome of goodness. The Jews who were barred from investing in lands or houses lived in Ghettos and they could survive only by taking huge interest. Shakespeare's drama mirrors the society through various characters.

Portia's character has been finely sketched by Shakespeare and this Act sees the triumph of intellect over cunningness and hatred.

E) THE LAW IS A JEALOUS MISTRESS- A POPULAR FALLACY

Joseph W. Plank

LESSON:

Blackstone said, "The Lady of the Common Law likes to lie alone". To the contrary is the eminent authority of John Seldon: The "proverbial assertion that Lady Common Law must lie alone never wrought with me".

Thus is framed an issue of which Charles Lamb might well have disposed in the *Essays of Elia*, where he undertakes to disprove certain popular fallacies. The subject might well have proposed to one reared, as was he, within the classic walls of the Inner Temple. That the law is a jealous mistress has been heard for several centuries in Anglo-American law. It is, perhaps, time that this venerable ghost were laid.

Thackeray describes a great lawyer, who best exemplifies the fruit of the fallacy, in these terms:

He was a man who had laboriously brought down a great intellect to the comprehension of a mean subject, and in his fierce grasp of that, resolutely excluded from his mind all higher thoughts, all better things; all the wisdom and philosophy of historians; all the thoughts of poets, all wit, fancy and reflection; all art, love, truth, all together so that he might master that enormous legend of law. He could not cultivate a friendship or do a charity or admire a work of genius or kindle at the sight of beauty. Love, nature, and art were shut out from him.

What a libel on a great profession and how utterly false! The horizon of the law is as broad as human life itself, and all culture is its domain. All knowledge and learning is grist for the lawyer's mill. What is the subject of a lawyer? Let us hear the word of Juvenal:

Whatsoever it is that mankind does, their hopes, their fears, their angers, their pleasures, their vagaries, their delights, all of these things form the subject of our creation.

Dean Leon Green of North Western University Law School writes as follows in discussing preparation for the bar:

What formula short of all knowledge can be written? The student cannot slight his own language and its literature for they give him the power of thought and articulation without which he cannot function. Government, economics, and history in their fullness are all basic. Of all studies, they give meaning to law. The natural sciences he must have to give him understanding of the world he lives in, and to break the chains of prejudices which have so greatly hampered his for bears. Psychology, sociology, and anthropology are gaining significance as the importance of human behaviour and human welfare comes to the fore in emerging order. And for purposes of a sustaining base, how can the lawyer survive without some integrating philosophy of all learning and all life?

A learned Judge, Hon. Merrill E. Otis, holds that:

To say that he is learned in the law who has committed some or many of its rules to memory, who knows not history and philosophy and science and literature and jurisprudence is to give a poverty stricken meaning to an opulent, ancient phrase.

Indeed, Lady Common Law imperatively requires a host of bed-fellows. Some of them are decidedly practical. The law was the first of the social sciences and tends to remain aloof even today. The concept of natural law, inimitable and preordained, long delayed the idea that law is a useful, social device. The end of the law may be said to be the attainment of social justice. It is only one of several disciplines striving toward that end. Taxation is now a matter, not only of producing revenues, but of exercising social control-which is a fact whether we admit it or not. The time-honoured theory of the proper sphere of government is in the process of being redefined in much broader terms. Lawyers today must be political scientists, economists and sociologists, as were Hamilton, Jay and Madison.

One more authority may suffice for the complete refutation of the ancient libel with which we are concerned. Lord Macmillan, whose recent demise was widely noted in the press of this country, once spoke to American lawyers in Chicago:

No lawyer is justly entitled to the honourable and conventional epithet of "learned" if his learning is confined to the statutes and law reports. It is the province of the lawyer to the counsellor of persons engaged in every branch of human activity. Nothing human must be alien to him. "You are a lawyer", said Dr. Johnson to Mr. Edwards; "Lawyers know life practically. A bookish man should always have them to converse with. They have what he wants". Equally the man of letters has what the lawyer wants, for if he is to fulfill his role usefully and wisely he must have a mind not merely stored with the precedents of the law but possessing that width of comprehension, that serenity of outlook and that catholicity of sympathy which can nowise be so well acquired as from consort with the great masters of literature. In such company is found the corrective for the narrowness of mere professionalism. The lawyer does well from time to time to lift his eyes from his desk and look out of the window on the wider world beyond. There can be a too sedulous devotion to the textbooks of the law and I do not commend the example of Chief Baron Palles, who is said to have taken Fearné on Contingent Remainders with him for reading on his honeymoon.

Let us recall a great lawyer created by Sir Walter Scott in Guy Mannering. Colonel Mannering is paying a visit to the study of his counsel, Mr Pleydell, in the High Street of Edinburgh.

The library into which he was shown [we read]... was a well proportioned room, hung with a portrait or two of Scottish characters of eminence, by Jamieson, the Caledonian Vandyke, and surrounded with books, the best editions of the best authors and in particular an admirable collection of classics. "These", said Pleydell, "are my tools of trade. A lawyer without history or literature is a mechanic, a mere working mason; if he possesses some knowledge of these, he may venture to call himself an architect".

Let us prepare a grave both wide and deep and respectfully inter this hoary proverb, that the law is a jealous mistress, to which we have so long paid lip service. In the same, sepulture belongs Thackeray's lawyer. Requiescat in pace!

LESSON ANALYSIS:

The proverb 'Law' is a jealous mistress', was popular in the American and English legal circles for many centuries, It means that law as a subject or a discipline or profession needs absolute dedication and no other interest or hobby can be allowed for a practitioner. The author, Joseph W. Plank feels that such an opinion is out-dated and is a false statement. Hence it needs to be discarded and thrown out of usage. The method used by the author is to quote two different views on one topic and then give his opinion, instead of just stating his personal opinion.

At the outset, he quotes Sir William Blackstone, British jurist and the author of Commentaries, who said that the “lady of the Common Law likes to lie alone”. John Selden, a 17th Century English jurist and antiquary held the view that, “the proverbial assertion that Lady Common Law must lie alone never wrought with me”. Charles Lamb, an eminent English essayist and a registered law practitioner in the Inner Temple, the Bar Association in England, writing under the pen name Elia, used to disprove some popular existing proverbs. The author Joseph W. Plank feels that if only Charles Lamb had taken it up he would have torn it to pieces. This fallacy has become a venerable ghost since it was being heard for many centuries in the English and American legal circles and to be time it is laid to rest.

Describing a great lawyer, an English novelist William Makepeace Thackeray (1811-1863), says that he is a great intellect, who in a bid to understand the enormous legend called law, leaves out all fine things in life, all enjoyment, all friendship and shuts out all other subjects. This view tallies with the proverb, but the author considers this a discredit to a great profession and it is not the truth. Law’s area is as wide as human life and its culture. Juvenal, a Roman satirist also known as Decimus Junius Juvenalis (60-140 A.D), considers that, whatever man does forms the subject matter of law. On preparation for the Bar, Dean Leon Green, of North Western University Law School says that, good language skills are extremely important. Thorough and in depth knowledge of social science subjects like politics, history and economics is needed. An understanding of natural sciences, psychology, sociology and anthropology are also important to understand law in its proper perspective.

A learned judge Hon. Merrill Otis, held the opinion that the epithet, ‘learned’, should be given only to those who are not only learned in law, but also in history, politics, philosophy, science, economics, literature and jurisprudence. The author Joseph W. Plank admits that law requires a host of bed fellows which, are the other subjects, some of them being very practical. Since law was the first of the social sciences, she remains aloof. The belief that natural law or natural justice would prevail in the world acted as a deterrent to law being looked at as a useful social device. The aim of law is to attain social justice. Many subjects too work towards that goal. For e.g. taxation is not only for collecting taxes, but also of exercising social control. So a lawyer in the modern world needs to be a political scientist, economist and sociologist among other things.

Lord Macmillan, addressing the American lawyers in Chicago said, that only those lawyers who possess wide knowledge not only in law, but also in other subjects can be given the epithet ‘learned’. If a lawyer and a literary man are friends, they will enrich each other and enrich the society. He too stressed on the importance of good language skills for a lawyer. A lawyer should acquire knowledge not only from books, but from life also.

To conclude, the author recalls a scene from Sir Walter Scott’s work, ‘Guy Mannering’. The client while visiting his lawyer Mr. Pleydell’s office is surprised to see portraits by eminent artists and collection of classical literature in his library. Understanding his client’s thoughts, Pleydell says that these are his tools. A lawyer without history and literature is a mason, with these he is an architect. So Joseph W. Plank says that it is time to give a decent burial to that hoary proverb.

Vocabulary

Wrought – worked
disposed of – deal with
classic – famous because of a long history
venerable – old and deserving respect
demise – depth

mason – worker who builds with stone

paid lip service – supported in words but not infact; given loyalty in speech while thinking the opposite

UNIT IV

A) THE HYPOTHESES OF FAILURE

O' HENRY

LESSON

Lawyer Gooch bestowed his undivided attention upon the engrossing arts of his profession. But one flight of fancy did he allow his mind to entertain. He was fond of likening his suite of office rooms to the bottom of a ship. The rooms were three in number, with a door opening from one to another. These doors could also be closed.

"Ships", Lawyer Gooch would say, "are constructed for safety, with separate, water-tight compartments in their bottoms. If one compartment springs a leak it fills with water; but the good ship goes on unhurt. Were it not for the separating bulkheads one leak would sink the vessel. Now it often happens that while I am occupied with clients, other clients with conflicting interests call. With the assistance of Archibald- an office boy with a future- I cause the dangerous influx to be diverted into separate compartments, while I sound with my legal plummet the depth of each. If necessary, they may be hauled into the hallway and permitted to escape by way of the stairs, which we may term the lee scuppers. Thus the good ship of business is kept afloat; whereas if the element that supports her were allowed to mingle freely in her hold we might be swamped ha, ha, ha!"

The law is dry. Good jokes are few. Surely it might be permitted Lawyer Gooch to mitigate the bore of briefs, the tedium of torts and the prissiness of processes with even so light a levy upon the good property of humour.

Lawyer Gooch's practice leaned largely to the settlement of marital infelicities. Did matrimony languish through complications; he mediated, soothed and arbitrated. Did it suffer from implications, he readjusted, defended and championed. Did it arrive at the extremity of duplications; he always got light sentences for his clients

But not always was Lawyer Gooch the keen, armed, wily belligerent, ready with his two-edged sword to lop off the shackles of Hymen. He had been known to build up instead of demolishing, to reunite instead of severing, to lead erring and foolish ones back into the fold instead of scattering the flock. Often had he by his eloquent and moving appeals sent husband and wife, weeping, back into each other's arms. Frequently he had coached childhood so successfully that, at the psychological moment (and at a given signal) the plaintive pipe of "Papa, won't you turn home adain to me and muvver?" had won the day and upheld the pillars of a tottering home.

Unprejudiced persons admitted that Lawyer Gooch received as big fees from these revoked clients as would have been paid him had the cases been contested in court. Prejudiced ones intimated that his fees were doubled because the penitent couples always came back later for the divorce, anyhow.

There came a season in June when the legal ship of Lawyer Gooch (to borrow his own figure) was nearly becalmed. (The divorce mill grinds slowly in June.) It is the month of Cupid and Hymen.

Lawyer Gooch, then, sat idle in the middle room of his clientless suite. A small anteroom connected or rather separated this apartment from the hallway. Here was stationed Archibald, who wrested from visitors their cards or oral nomenclature which he bore to his master while they waited.

Suddenly, on this day, there came a great knocking at the outermost door. Archibald, opening it, was thrust aside as superfluous by the visitor, who without due reverence at once penetrated to the office of Lawyer Gooch and threw himself with good-natured insolence into a comfortable chair facing that gentleman.

"You are Phineas C. Gooch, attorney-at-law?" said the visitor, his tone of voice and inflection making his words at once a question, an assertion and an accusation. Before committing himself by a reply, the lawyer estimated his possible client in one of his brief but shrewd and calculating glances.

The man was of the emphatic type large-sized, active, bold and debonair in demeanor, vain beyond a doubt, slightly swaggering, ready and at ease. He was well-clothed, but with a shade too much ornateness. He was seeking a lawyer; but if that fact would seem to saddle him with troubles they were not patent in his beaming eye and courageous air.

"My name is Gooch", at length the lawyer admitted. Upon pressure he would also have confessed to the Phineas C. But he did not consider it good practice to volunteer information. "I did not receive your card", he continued, by way of rebuke, "so I"

"I know you didn't", remarked the visitor, coolly; "And you won't just yet. Light up?" He threw a leg over an arm of his chair, and tossed a handful of rich-hued cigars upon the table. Lawyer Gooch knew the brand. He thawed just enough to accept the invitation to smoke.

"You are a divorce lawyer", said the cardless visitor. This time there was no interrogation in his voice. Nor did his words constitute a simple assertion. They formed a charge a denunciation as one would say to a dog: "You are a dog". Lawyer Gooch was silent under the imputation.

"You handle", continued the visitor, "all the various ramifications of busted-up connubiality. You are a surgeon, we might say, who extracts Cupid's darts when he shoots 'em into the wrong parties. You furnish patent, incandescent lights for premises where the torch of Hymen has burned so low you can't light a cigar at it. Am I right, Mr. Gooch?"

"I have undertaken cases", said the lawyer, guardedly, "in the line to which your figurative speech seems to refer. Do you wish to consult me professionally, Mr.?" The lawyer paused, with significance.

"Not yet", said the other, with an arch wave of his cigar, "not just yet. Let us approach the subject with the caution that should have been used in the original act that makes this pow-wow necessary. There exists a matrimonial jumble to be straightened out. But before I give you names I want your honest well, anyhow, your professional opinion on the merits of the mix-up. I want you to size up the catastrophe abstractly you understand? I'm Mr. Nobody; and I've got a story to tell you. Then you say what's what. Do you get my wireless?"

"You want to state a hypothetical case?" suggested Lawyer Gooch.

"That's the word I was after. 'Apothecary' was the best shot I could make at it in my mind. The hypothetical goes. I'll state the case. Suppose there's a woman a deuced fine-looking woman who has run away from her husband and home? She's badly mashed on another man who went to her town to work up some real estate business. Now, we may as well call this woman's husband Thomas R. Billings, for that's his name. I'm giving you straight tips on the cognomens. The Lothario chap is Henry K. Jessup. The Billingses lived in a little town called Susanville a good many miles from here. Now, Jessup leaves Susanville two weeks ago. The next day Mrs. Billings follows him. She's dead gone on this man Jessup; you can bet your law library on that."

Lawyer Gooch's client said this with such unctuous satisfaction that even the callous lawyer experienced a slight ripple of repulsion. He now saw clearly in his fatuous visitor the conceit of the lady-killer, the egoistic complacency of the successful trifler.

"Now", continued the visitor, "suppose this Mrs. Billings wasn't happy at home? We'll say she and her husband didn't gee worth a cent. They've got incompatibility to burn. The things she likes, Billings wouldn't have as a gift with trading-stamps. It's Tabby and Rover with them all the time. She's an educated woman in science and culture, and she reads things out loud at meetings. Billings is not on. He doesn't appreciate progress and obelisks and ethics, and things of that sort. Old Billings is simply a blink when it comes to such things. The lady is out and out above his class. Now, lawyer, doesn't it look like a fair equalization of rights and wrongs that a woman like that should be allowed to throw down Billings and take the man that can appreciate her?"

"Incompatibility", said Lawyer Gooch, "is undoubtedly the source of much marital discord and unhappiness. Where it is positively proved, divorce would seem to be the equitable remedy. Are you excuse me is this man Jessup one to whom the lady may safely trust her future?"

"Oh, you can bet on Jessup", said the client, with a confident wag of his head. "Jessup's all right. He'll do the square thing. Why, he left Susanville just to keep people from talking about Mrs. Billings. But she followed him up, and now, of course, he'll stick to her. When she gets a divorce, all legal and proper, Jessup the proper thing."

"And now", said Lawyer Gooch, "continuing the hypo- if you prefer, and supposing that my services should be hired in the case, what"

The client rose impulsively to his feet.

"Oh, dang the hypothetical business", he exclaimed, impatiently.

"Let's let her drop, and get down to straight talk. You ought to know who I am by this time. I want that woman to have her divorce. I'll pay for it. The day you set Mrs. Billings free I'll pay you five hundred dollars."

Lawyer Gooch's client banged his fist upon the table to punctuate his generosity.

"If that is the case" began the lawyer.

"Lady to see you, sir", bawled Archibald, bouncing in from his anteroom. He had orders to always announce immediately any client that might come. There was no sense in turning business away.

Lawyer Gooch took client number one by the arm and led him suavely into one of the adjoining rooms. "Favour me by remaining here a few minutes, sir", said he. "I will return and resume our consultation with the least possible delay. I am rather expecting a visit from a very wealthy old lady in connection with a will. I will not keep you waiting long".

The breezy gentleman seated himself with obliging acquiescence, and took up a magazine. The lawyer returned to the middle office, carefully closing behind him the connecting door.

"Show the lady in, Archibald", he said to the office boy, who was awaiting the order.

A tall lady, of commanding presence and sternly handsome, entered the room. She wore robes robes; not clothes ample and fluent. In her eye could be perceived the lambent flame of genius and soul. In her hand was a green bag of the capacity of a bushel, and an umbrella that also seemed to wear a robe, ample and fluent. She accepted a chair.

"Are you Mr. Phineas C. Gooch, the lawyer?" she asked, in formal and unconciliatory tones.

"I am", answered Lawyer Gooch, without circumlocution. He never circumlocuted when dealing with a woman. Women circumlocute. Time is wasted when both sides in debate employ the same tactics.

"As a lawyer, sir", began the lady, "you may have acquired some knowledge of the human heart. Do you believe that the pusillanimous and petty conventions of our artificial social life should stand as an obstacle in the way of a noble and affectionate heart when it finds its true mate among the miserable and worthless wretches in the world that are called men?"

"Madam", said Lawyer Gooch, in the tone that he used in curbing his female clients, "this is an office for conducting the practice of law. I am a lawyer, not a philosopher, nor the editor of an 'Answers to the Lovelorn' column of a newspaper. I have other clients waiting. I will ask you kindly to come to the point".

"Well, you needn't get so stiff around the gills about it", said the lady, with a snap of her luminous eyes and a startling gyration of her umbrella. "Business is what I've come for. I want your opinion in the matter of a suit for divorce, as the vulgar would call it, but which is really only the readjustment of the false and ignoble conditions that the short-sighted laws of man have interposed between a loving"

"I beg your pardon, madam", interrupted Lawyer Gooch, with some impatience, "for reminding you again that this is a law office. Perhaps Mrs. Wilcox"

"Mrs. Wilcox is all right", cut in the lady, with a hint of asperity. "And so are Tolstoy, and Mrs. Gertrude Atherton, and Omar Khayyam, and Mr. Edward Bok. I've read em all. I would like to discuss with you the divine right of the soul as opposed to the freedom-destroying restrictions of a bigoted and narrow-minded society. But I will proceed to business. I would prefer to lay the matter before you in an impersonal way until you pass upon its merits. That is to describe it as a supposable instance, without-

"You wish to state a hypothetical case?" said Lawyer Gooch.

"I was going to say that", said the lady, sharply. "Now, suppose there is a woman who is all soul and heart and aspirations for a complete existence. This woman has a husband who is far below her in intellect, in taste in everything. Bah! He is a brute. He despises literature. He sneers at the lofty thoughts of the world's great thinkers. He thinks only of real estate and such sordid things. He is no mate for a woman with soul. We will say that this unfortunate wife one day meets with her ideal - a man with brain and heart and force. She loves him. Although this man feels the thrill of a new-found affinity he is too noble, too honourable to declare himself. He flies from the presence of his beloved. She flies after him, trampling, with superb indifference, upon the fetters with which an unenlightened social system would bind her. Now, what will a divorce cost? Eliza Ann Timmins, the poetess of Sycamore Gap, got one for three hundred and forty dollars. Can I mean can this lady I speak of get one that cheap?"

"Madam", said Lawyer Gooch, "your last two or three sentences delight me with their intelligence and clearness. Can we not now abandon the hypothetical and come down to names and business?"

"I should say so", exclaimed the lady, adopting the practical with admirable readiness. "Thomas R. Billings is the name of the low brute who stands between the happiness of his legal his legal, but not his spiritual wife and Henry K. Jessup, the noble man whom nature intended for her mate. I", concluded the client, with an air of dramatic revelation, "am Mrs. Billings!"

"Gentlemen to see you, sir", shouted Archibald, invading the room almost at a handspring. Lawyer Gooch arose from his chair.

"Mrs. Billings", he said courteously, "allow me to conduct you into the adjoining office apartment for a few minutes. I am expecting a very wealthy old gentleman on business connected with a will. In a very short while I will join you, and continue our consultation."

With his accustomed chivalrous manner, Lawyer Gooch ushered his soulful client into the remaining unoccupied room, and came out, closing the door with circumspection.

The next visitor introduced by Archibald was a thin, nervous, irritable-looking man of middle age, with a worried and apprehensive expression of countenance. He carried in one hand a small satchel, which he set down upon the floor beside the chair which the lawyer placed for him. His clothing was of good quality, but it was worn without regard to neatness or style, and appeared to be covered with the dust of travel.

"You make a specialty of divorce cases", he said, in, an agitated but business-like tone.

"I may say", began Lawyer Gooch, "that my practice has not altogether avoided-"

"I know you do", interrupted client number three. "You needn't tell me. I've heard all about you. I have a case to lay before you without necessarily disclosing any connection that I might have with it that is-"

"You wish", said Lawyer Gooch, to state a hypothetical case.

"You may call it that. I am a plain man of business. I will be as brief as possible. We will first take up hypothetical woman. We will say she is married uncongenially. In many ways she is a superior woman. Physically she is considered to be handsome. She is devoted to what she calls literature poetry and prose, and such stuff. Her husband is a plain man in the business walks of life. Their home has not been happy, although the husband has tried to make it so. Some time ago a man a stranger came to the peaceful town in which they lived and engaged in some real estate operations. This woman met him, and became unaccountably infatuated with him. Her attentions became so open that the man felt the community to be no safe place for him, so he left it. She abandoned husband and home, and followed him. She forsook- her home, where she was provided with every comfort, to follow this man who had inspired her with such a strange affection. Is there any- "thing more to be deplored", concluded the client, in a trembling voice, "than the wrecking of a home by a woman's uncalculating folly?"

Lawyer Gooch delivered the cautious opinion that there was not.

"This man she has gone to join", resumed the visitor, "is not the man to make her happy. It is a wild and foolish self-deception that makes her think he will. Her husband, in spite of their many disagreements, is the only one capable of dealing with her sensitive and peculiar nature. But this she does not realize now."

"Would you consider a divorce the logical cure in the case you present?" asked Lawyer Gooch, who felt that the conversation was wandering too far from the field of business.

"A divorce!" exclaimed the client, feelingly – almost tearfully. "No, no-not that. I have read, Mr. Gooch, of many instances where your sympathy and kindly interest led you to act as a mediator between estranged husband and wife, and brought them together again. Let us drop the hypothetical case I need conceal no longer that it is I who am the sufferer in this sad affair the names you shall have Thomas R. Billings and wife and Henry K. Jessup, the man with whom she is infatuated."

Client number three laid his hand upon Mr. Gooch's arm. Deep emotion was written upon his careworn face. "For Heaven's sake", he said fervently, "help me in this hour of trouble. Seek, out Mrs. Billings, and persuade her to abandon this distressing pursuit of her lamentable folly. Tell her, Mr. Gooch, that her husband is willing to receive her back to his heart and home promise her anything that will induce her to return. I have heard of your success in these matters. Mrs. Billings cannot be very far away. I am worn out with travel and weariness. Twice during the pursuit I saw her, but various circumstances prevented our having an interview. Will you undertake this mission for me, Mr. Gooch, and earn my everlasting gratitude?"

"It is true", said Lawyer Gooch, frowning slightly at the other's last words, but immediately calling up an expression of virtuous benevolence, "that on a number of occasions I have been successful in persuading couples who sought the severing of their matrimonial bonds to think better of their rash intentions and return to their homes reconciled. But I assure you that the work is often exceedingly difficult. The amount of argument, perseverance, and, if I may be allowed to say it, eloquence that it requires would astonish you. But this is a case in which my sympathies would be wholly enlisted. I feel deeply for you sir, and I would be most happy to see husband and wife reunited. But my time", concluded the lawyer, looking at his watch as if suddenly reminded of the fact, "is valuable".

"I am aware of that", said the client, "and if you will take the case and persuade Mrs. Billings to return home and leave the man alone that she is following on that day I will pay you the sum of one thousand dollars. I have made a little money in real estate during the recent boom in Susanville, and I will not begrudge that amount."

"Retain your seat for a few moments, please", said Lawyer Gooch, arising, and again consulting his watch. "I have another client waiting in an adjoining room whom I had very nearly forgotten. I will return in the briefest possible space."

The situation was now one that fully satisfied Lawyer Gooch's love of intricacy and complication. He revelled in cases that presented such subtle problems and possibilities. It pleased him to think that he was master of the happiness and fate of the three individuals who sat unconscious of one another's presence, within his reach. His old figure of the ship glided into his mind. But now the figure failed, for to have filled every compartment of an actual vessel would have been to endanger her safety; with his compartments full, his ship of affairs could but sail on to the advantageous port of a fine, fat fee. The thing for him to do, of course, was to wring the best bargain he could from some one of his anxious cargo.

First he called to the office boy: "Lock the outer door, Archibald, and admit no one". Then he moved, with long, silent strides into the room in which client number one waited. That gentleman sat, patiently scanning the pictures in the magazine, with a cigar in his mouth and his feet upon a table.

"Well", he remarked, cheerfully, as the lawyer entered, "have you made up your mind? Does five hundred dollars go for getting the fair lady a divorce?"

"You mean that as a retainer?" asked Lawyer Gooch, softly interrogative.

"Hey? No; for the whole job. It's enough, ain't it?"

"My fee", said Lawyer Gooch "would be one thousand five hundred dollars. Five hundred dollars down, and the remainder upon issuance of the divorce."

A loud whistle came from client number one. His feet descended to the floor.

"Guess we can't close the deal", he said, arising, "I cleaned up five hundred dollars in a little real estate dicker down in Susanville. I'd do anything I could to free the lady, but it out-sizes my pile."

"Could you stand one thousand two hundred dollars?" asked the lawyer, insinuatingly.

"Five hundred is my limit, I tell you. Guess I'll have to hunt up a cheaper lawyer". The client put on his hat.

"Out this way, please", said Lawyer Gooch, opening the door that led into the hallway.

As the gentleman flowed out of the compartment and down the stairs, Lawyer Gooch smiled to himself. "Exit Mr. Jessup", he murmured, as he fingered the Henry Clay tuft of hair at his ear. "And now for the forsaken husband". He returned to the middle office, and assumed a businesslike manner.

"I understand", he said to client number three, "that you agree to pay one thousand dollars if I bring about, or am instrumental in bringing about, the return of Mrs. Billings to her home, and her abandonment of her infatuated pursuit of the man for whom she has conceived such a violent fancy. Also that the case is now unreservedly in my hands on that basis. Is that correct?"

"Entirely", said the other, eagerly. "And I can produce the cash any time at two hours' notice."

Lawyer Gooch stood up at his full height. His thin figure seemed to expand. His thumbs sought the arm-holes of his vest. Upon his face was a look of sympathetic benignity that he always wore during such undertakings.

"Then, sir", he said, in kindly tones, "I think I can promise you an early relief from your troubles. I have that much confidence in my powers of argument and persuasion, in the natural impulses of the human heart toward good, and in the strong influence of a husband's unfaltering love. Mrs. Billings, sir, is here in that room-" the lawyer's long arm pointed to the door. "I will call her in at once; and our united pleadings"

Lawyer Gooch paused, for client number three had leaped from his chair as if propelled by steel springs, and clutched his satchel.

"What the devil", he exclaimed, harshly, "do you mean? That woman in there! I thought I shook her off forty miles back."

He ran to the open window, looked out below, and threw one leg over the sill.

"Stop!" cried Lawyer Gooch, in amazement. "What would you do? Come, Mr. Billings, and face your erring but innocent wife. Our combined entreaties cannot fail to-"

"Billings!" shouted the now thoroughly moved client. "I'll Billings you, you old idiot!"

Turning, he hurled his satchel with fury at the lawyer's head. It struck that astounded peacemaker between the eyes, causing him to stagger backward a pace or two. When Lawyer Gooch recovered his wits he saw that his client had disappeared. Rushing to the window, he leaned out, and saw the recreant gathering himself up from the top of a shed upon which he had dropped from the second-story window. Without stopping to collect his hat he then plunged downward the remaining ten feet to the alley, up which he flew with prodigious celerity until the surrounding buildings wallowed him up from view.

Lawyer Gooch passed his hand tremblingly across his brow. It was a habitual act with him, serving to clear his thoughts. Perhaps also it now seemed to soothe the spot where a very hard alligator-hide satchel had struck.

The satchel lay upon the floor, wide open, with its contents spilled about. Mechanically, Lawyer Gooch stooped to gather up the articles. The first was a collar; and the omniscient eye of the man of law perceived, wonderingly, the initials H.K.J. marked upon it. Then came a comb, a brush, a folded map, and a piece of soap. Lastly, a handful of old business letters, addressed every one of them to "Henry K. Jessup, Esq".

Lawyer Gooch closed the satchel, and set it upon the table. He hesitated for a moment, and then put on his hat and walked into the office boy's anteroom.

"Archibald", he said mildly, as he opened the hall door, "I am going around to the Supreme Court rooms. In five minutes you may step into the inner office, and inform the lady who is waiting there that" here Lawyer Gooch made use of the vernacular "that there's nothing doing".

ABOUT THE AUTHOR: (Born on 11-9-1862; Died on 5-6-1910)

O' Henry is the pen name of William Sydney Porter, an acclaimed American short story writer. He was born in North Carolina and was raised by his grandmother and aunt. His father was a medical doctor and his mother died when he was three years. In his fifteenth year, he left school and started working. In 1896, he was accused of embezzlement of funds from the bank he was working. Escaping from the arm of law, he fled to New Orleans and then to Honduras. There he coined the term, "Banana Republic", which is now used to describe unstable Latin American agricultural economies. His wife's illness forced him to return to U.S. when he surrendered to police. He was sentenced to five years and sent to Ohio State prison in 1898, but in 1903, he was released due to his good behavior. He moved to New York to pursue his writing career.



While in prison, he started writing short stories to support his young daughter Margaret. The first story 'Whistling Dick's Christmas Stocking', was written under the pen name Olivier Henry and published in 1899. On the whole fourteen short stories were published while in prison. Totally he is credited with 600 short stories, all about life in America. He was a licensed pharmacist and worked as a pharmacist in jail from 1898 to 1901. He changed his pen name to O'Henry. His short stories are known for their wit, wordplay, warm characterization and clever twist endings. After his release, he made a name as a successful writer, but he died penniless due to cirrhosis of the liver on 5th June, 1910 in New York. A formal application was made seeking posthumous pardon for O'Henry in America in September 2012. The same month, the U.S. Postal Department issued its O'Henry stamp.

LESSON ANALYSIS:

This is a short story written by the American writer, O'Henry. There are five characters in this story namely Lawyer Gooch, his assistant, Archibald, Mr. and Mrs. Billings and Henry K. Jessup. The main theme is about the bungling and finally losing a case by lawyer Gooch due to mistaking the identity of his clients. It probably has an underlying message that lawyers first understand and estimate their clients to be a successful lawyer.

Lawyer Gooch, despite being a divorce lawyer is portrayed as a conservative person believing in the sanctity of marriage. When estranged couples approach him, he would try his best to reunite them instead of breaking the marriage. At times he would train the children to pull them together. Out of gratitude for saving their marriage, the rejoined couple would pay the lawyer a fat fee. After few months due to differences cropping up again, the same couple would come back seeking a divorce, for which they have to pay his fee. In this way, the lawyer gets paid twice for one case.

Lawyer Gooch has constructed his office like the bottom of a ship, each compartment being water-tight. There are three rooms in his office in a row, connected to the central room and the hallway. This is to ensure that clients do not mingle. The month of June is considered to be a lean season for divorce lawyers as it is the month of Cupid, the god of love and Hymen, the goddess of marriage. One day in June, the lawyer was sitting in his office room least expecting a client. A knock was heard on the outermost door and when Archibald opened it, a visitor pushed him aside and entered the lawyer's room. Before lawyer Gooch could react, the stranger who looked bold and arrogant asked the lawyer whether he was Phineas C. Gooch. Offering the lawyer a cigar, the man stated a hypothetical case and wanted the lawyer's honest comments. He refused to reveal his name, despite the lawyer asking him.

In a small town called Susanville, Mr. and Mrs. Billings lived. He was a businessman who gave importance to earning money. The lady was more inclined towards academics and enjoyed attending meetings, speaking about scientific developments, reading poetry etc. They were not made for each other and there was no love lost between them. In such a situation, Henry K. Jessup, a real estate agent came to Susanville to do some business. Mrs. Billings falls in love with him and starts openly proclaiming her love. Startled by this, Jessup leaves Susanville, but she leaves her home and follows him. The first client finishes the hypothetical and asks the lawyer to get a divorce for that lady so that she can marry Jessup. He assures the lawyer that Jessup will definitely take care of her once she gets her divorce. He agrees to pay 500 dollars towards that. Before the lawyer could reply, Archibald announces the arrival of a lady. Taking the first client to the adjoining room, he excuses himself saying he has to write a will to a lady and that he will come back on finishing that. Latching the door from outside the lawyer tells Archibald to send that lady.

A very good looking, well dressed lady with flowing robes and accessories is welcomed by the lawyer. She also states the same hypothetical case. It is clear to the lawyer that she is Mrs. Billings. Instead of

coming to the point, she beats round the bush, irritating the lawyer. When prodded to come to the point, the lady asks whether she can get a divorce for 340 dollars, for her friend got one for that amount. Before the lawyer could discuss the matter, Archibald announces the arrival of a client. Lawyer Gooch, takes that lady to the other empty room, and asks her to wait since he has to write a will for an old man. Coming to the middle office room, he permits the third client to enter.

Client number three is a very irritated looking man, who seems to be having some problem. Though he was wearing good quality clothes, it looked like he had travelled a lot and seemed to be tired and worn out. He too without revealing his identity presented the same hypothetical case. He looked disturbed and pleaded with the lawyer to see that the lady unites with her husband since only he knows how to handle her. He promised to pay one thousand dollars to the lawyer the day she returned to her husband, who he claimed was waiting for her.

This was a situation that pleased lawyer Gooch. He realized that all the three related people in the hypothetical were with him and he was the master of their destinies. Asking Archibald to close the outer door and not to allow anyone, he enters the room where the first client is waiting, to get the best deal. He demands a fee of 1500 dollars, which the first client refuses to pay and he exits through the hall way without being able to see the other clients. The lawyer now goes to the third client to clinch the deal. He assures the client that he will definitely bring together the Billings couple and assuming him to be Mr. Billings, he dramatically reveals the presence of Mrs. Billings in the adjoining room. On hearing that, the startled third client gets up from his chair, runs to the open window and from the second floor attempts to jump down. The shocked lawyer pleads with him to come back to his wife, assuming him to be Mr. Billings and runs towards the window. Throwing the bag in his hand, the client jumps down. It hits the lawyer on his face, who staggers back. The contents of the bag spill out and it comes out that the man was not her husband as wrongly assumed by the lawyer. The husband was asking for a divorce to his wife so she can marry Jessup, while Jessup was willing to pay 1000 dollars so that the lady remains with her husband. So both the men did not want the lady and were trying to pass her to the other. Lawyer Gooch decided not to take up that case, asked Archibald to send her off by telling her that Sir was gone to the Supreme Court. Thus due to wrong assumption made by the lawyer, the case went out of his hand.

Vocabulary

Bestowed – applied ; conferred

engrossing – wholly absorbing; fully occupying time and attention

flight of fancy – effort that goes beyond the usual limits suite set of rooms

bulk heads – water-tight divisions or dividing walls in a ship

influx – constant inflow of large numbers

hallway – passage, space into which the main entrance the door opens

swamped – flooded

tedium – monotony ; boredom

marital – pertaining to marriage

infelicities – great unhappiness or discontentment

B) CIVIL DISOBEDIENCE

- Henry David Thoreau

LESSON

I heartily accept the motto, "That government is best which governs least; and I should like to see it acted up to more rapidly and systematically. Carried out, it finally amounts to this, which also I believe, That government is best which governs not at all;" and when men are prepared for it, that will be the kind of government which they will have. Government is at best but an expedient; but most governments are usually, and all governments are sometimes, inexpedient. The objections which have been brought against a standing army, and they are many and weighty, and deserve to prevail, may also at last be brought against a standing government. The standing army is only an arm of the standing government. The government itself, which is only the mode which the people have chosen to execute their will, is equally liable to be abused and perverted before the people can act through it. Witness the present Mexican war, the work of comparatively a few individuals using the standing government as their tool; for, in the outset, the people would not have consented to this measure.

This American government, what is it but a tradition, though a recent one, endeavouring to transmit itself unimpaired to posterity, but each instant losing some of its integrity? It has not the vitality and force of a single living man; for a single man can bend it to his will. It is a sort of wooden gun to the people themselves; and, if ever they should use it in earnest as a real one against each other, it will surely split. But it is not the less necessary for this; for the people must have some complicated machinery or other, and hear its din, to satisfy that idea of government which they have. Governments show thus how successfully men can be imposed on, even impose on themselves, for their own advantage. It is excellent, we must all allow; yet this government never of itself furthered any enterprise, but by the alacrity with which it got out of its way. It does not keep the country free. It does not settle the West. It does not educate. The character inherent in the American people has done all that has been accomplished; and it would have done somewhat more, if the government had not sometimes got in its way. For government is an expedient by which men would fain succeed in letting one another alone; and, as has been said, when it is most expedient, the governed are most let alone by it. Trade and commerce, if they were not made of India rubber, would never manage to bounce over the obstacles which legislators are continually putting in their way; and, if one were to judge these men wholly by the effects of their actions, and not partly by their intentions, they would deserve to be classed and punished with those mischievous persons who put obstructions on the railroads.

But, to speak practically and as a citizen, unlike those who call themselves no-government men, I ask for, not at once no government, but at once a better government. Let every man make known what kind of government would command his respect, and that will be one step toward obtaining it.

After all, the practical reason why, when the power is once in the hands of the people, a majority are permitted, and for a long period continue, to rule, is not because they are most likely to be in the right, nor because this seems fairest to the minority, but because they are physically the strongest. But a government in which the majority rule in all cases cannot be based on justice, even as far as men understand it. Can there not be a government in which majorities do not virtually decide right and wrong, but conscience? in which majorities decide only those questions to which the rule of expediency is applicable? Must the citizen ever for a moment, or in the least degree, resign his conscience to the legislator? Why has every man a conscience, then? I think that we should be men first, and subjects afterward. It is not desirable to cultivate a respect for the law, so much as for the right. The only obligation which I have a right to assume, is to do at any time what I think right. It is truly enough said, that a corporation has no conscience; but a corporation of conscientious men is

a corporation with a conscience. Law never made men a whit more just; and, by means of their respect for it, even the well-disposed are daily made the agents of injustice. A common and natural result of an undue respect for law is, that you may see a file of soldiers, colonel, captain, corporal, privates, powder-monkeys and all, marching in admirable order over hill and dale to the wars, against their wills, aye, against their common sense and consciences, which makes it very steep marching indeed, and produces a palpitation of the heart. They have no doubt that it is a damnable business in which they are concerned; they are all peaceably inclined. Now, what are they? Men at all? or small moveable forts and magazines, at the service of some unscrupulous man in power? Visit the Navy Yard, and behold a marine, such a man as an American government can make, or such as it can make a man with its black arts, a mere shadow and reminiscence of humanity, a man laid out alive and standing, and already, as one may say, buried under arms with funeral accompaniments, though it may be

“Not a drum was heard, not a funeral note, As his course to the ramparts we hurried; Not a soldier discharged his farewell shot O'er the grave where our hero we buried.”

The mass of men serve the State thus, not as men mainly, but as machines, with their bodies. They are the standing army, and the militia, jailers, constables, posse comitatus, &c. In most cases there is no free exercise whatever of the judgment or of the moral sense; but they put themselves on a level with wood and earth and stones; and wooden men can perhaps be manufactured that will serve the purpose as well. Such command no more respect than men of straw, or a lump of dirt. They have the same sort of worth only as horses and dogs. Yet such as these even are commonly esteemed good citizens. Others, as most legislators, politicians, lawyers, ministers, and office-holders, serve the State chiefly with their heads; and, as they rarely make any moral distinctions, they are as likely to serve the devil, without intending it, as God. A very few, as heroes, patriots, martyrs, reformers in the great sense, and men, serve the State with their consciences also, and so necessarily resist it for the most part; and they are commonly treated by it as enemies. A wise man will only be useful as a man, and will not submit to be “clay”, and “stop a hole to keep the wind away”, but leave that office to his dust at least: “I am too high-born to be propertied, to be a secondary at control, Or useful serving-man and instrument to any sovereign state throughout the world.”

He who gives himself entirely to his fellow-men appears to them useless and selfish; but he who gives himself partially to them is pronounced a benefactor and philanthropist.

How does it become a man to behave toward this American government to-day? I answer that he cannot without disgrace be associated with it. I cannot for an instant recognize that political organization as my government which is the slave's government also.

All men recognize the right of revolution; that is, the right to refuse allegiance to and to resist the government, when its tyranny or its inefficiency are great and unendurable. But almost all say that such is not the case now. But such was the case, they think, in the Revolution of '75. If one were to tell me that this was a bad government because it taxed certain foreign commodities brought to its ports, it is most probable that I should not make an ado about it, for I can do without them: all machines have their friction; and possibly this does enough good to counterbalance the evil. At any rate, it is a great evil to make a stir about it. But when the friction comes to have its machine, and oppression and robbery are organized, I say, let us not have such a machine any longer. In other words, when a sixth of the population of a nation which has undertaken to be the refuge of liberty are slaves, and a whole country is unjustly overrun and conquered by a foreign army, and subjected to military law, I think that it is not too soon for honest men to rebel and revolutionize. What makes this duty the more urgent is the fact that the country so overrun is not our own, but ours is the invading army.

"Paley, a common authority with many on moral questions, in his chapter on the Duty of Submission to Civil Government, "resolves all civil obligation into expediency; and he proceeds to say, that "so long as the interest of the whole society requires it, that is, so long as the established government cannot be resisted or changed without public inconveniency, it is the will of God, that the established government be obeyed- and no longer this principle being admitted, the justice of every particular case of resistance is reduced to a computation of the quantity of the danger and grievance on the one side, and of the probability and expense of redressing it on the other". Of this, he says, every man shall judge for himself. But Paley appears never to have contemplated those cases to which the rule of expediency does not apply, in which a people, as well as an individual, must do justice, cost what it may. If I have unjustly wrested a plank from a drowning man, I must restore it to him though I drown myself. This, according to Paley, would be inconvenient. But he that would save his life, in such a case, shall lose it. This people must cease to hold slaves, and to make war on Mexico, though it cost them their existence as a people.

In their practice, nations agree with Paley; but does anyone think that Massachusetts does exactly what is right at the present crisis?

"A drab of state, a cloth-o'-silver slut, to have her train borne up, and her soul trail in the dirt".

Practically speaking, the opponents to a reform in Massachusetts are not a hundred thousand politicians at the South, but a hundred thousand merchants and farmers here, who are more interested in commerce and agriculture than they are in humanity, and are not prepared to do justice to the slave and to Mexico, cost what it may. I quarrel not with far-off foes, but with those who, near at home, co-operate with, and do the bidding of those far away, and without whom the latter would be harmless. We are accustomed to say, that the mass of men are unprepared; but improvement is slow, because the few are not materially wiser or better than the many. It is not so important that many should be as good as you, as that there be some absolute goodness somewhere; for that will leave the whole lump. There are thousands who are in opinion opposed to slavery and to the war, who yet in effect do nothing to put an end to them; who, esteeming themselves children of Washington and Franklin, sit down with their hands in their pockets, and say that they know not what to do, and do nothing; who even postpone the question of freedom to the question of free-trade, and quietly read the prices current along with the latest advices from Mexico, after dinner, and, it may be, fall asleep over them both. What is the price current of an honest man and patriot to-day? They hesitate, and they regret, and sometimes they petition; but they do nothing in earnest and with effect. They will wait, well disposed, for others to remedy the evil that they may no longer have it to regret. At most, they give only a cheap vote, and a feeble countenance and Godspeed, to the right, as it goes by them. There are nine hundred and ninety-nine patrons of virtue to one virtuous man; but it is easier to deal with the real possessor of a thing than with the temporary guardian of it.

All voting is a sort of gaming, like checkers or back gammon, with a slight moral tinge to it, a playing with right and wrong, with moral questions; and betting naturally accompanies it. The character of the voters is not staked. I cast my vote, perchance, as I think right; but I am not vitally concerned that that right should prevail. I am willing to leave it to the majority. Its obligation, therefore, never exceeds that of expediency. Even voting for the right is doing nothing for it. It is only expressing to men feebly your desire that it should prevail. A wise man will not leave the right to the mercy of chance, nor wish it to prevail through the power of the majority. There is but little virtue in the action of masses of men. When the majority shall at length vote for the abolition of slavery, it will be because they are indifferent to slavery, or because there is but little slavery left to be abolished by their vote. They will then be the only slaves. Only his vote can hasten the abolition of slavery who asserts his own freedom by his vote.

I hear of a convention to be held at Baltimore, or elsewhere, for the selection of a candidate for the Presidency, made up chiefly of editors, and men who are politicians by profession; but I think, what is it to any independent, intelligent, and respectable man what decision they may come to, shall we not have the advantage of his wisdom and honesty, nevertheless? Can we not count upon some independent votes? Are there not many individuals in the country who do not attend conventions? But no: I find that the respectable man, so called, has immediately drifted from his position, and despairs of his country, when his country has more reason to despair of him. He forthwith adopts one of the candidates thus selected as the only available one, thus proving that he is himself available for any purposes of the demagogue. His vote is of no more worth than that of any unprincipled foreigner or hireling native, who may have been bought. Oh for a man who is a man, and, as my neighbour says, has a bone in his back which you cannot pass your hand through! Our statistics are at fault: the population has been returned too large. How many men are there to a square thousand miles in this country? Hardly one. Does not America offer any inducement for men to settle here? The American has dwindled into an Odd Fellow, one who may be known by the development of his organ of gregariousness, and a manifest lack of intellect and cheerful self-reliance; whose first and chief concern, on coming into the world, is to see that the alms-houses are in good repair; and, before yet he has lawfully donned the virile garb, to collect a fund for the support of the widows and orphans that maybe; who, in short, ventures to live only by the aid of the mutual insurance company, which has promised to bury him decently.

It is not a man's duty, as a matter of course, to devote himself to the eradication of any, even the most enormous wrong; he may still properly have other concerns to engage him; but it is his duty, at least, to wash his hands of it, and, if he gives it no thought longer, not to give it practically his support. If I devote myself to other pursuits and contemplations, I must first see, at least, that I do not pursue them sitting upon another man's shoulders. I must get off him first, that he may pursue his contemplations too. See what gross inconsistency is tolerated. I have heard some of my towns men say, "I should like to have them order me out to help put down an insurrection of the slaves, or to march to Mexico, see if I would go;" and yet these very men have each, directly by their allegiance, and so indirectly, at least, by their money, furnished a substitute. The soldier is applauded who refuses to serve in an unjust war by those who do not refuse to sustain the unjust government which makes the war; is applauded by those whose own act and authority he disregards and sets at naught; as if the State were penitent to that degree that it hired one to scourge it while it sinned, but not to that degree that it left off sinning for a moment. Thus, under the name of order and civil government, we are all made at last to pay homage to and support our own meanness. After the first blush of sin, comes its indifference; and from immoral it becomes, as it were, unmoral, and not quite unnecessary to that life which we have made.

The broadest and most prevalent error requires the most disinterested virtue to sustain it. The slight reproach to which the virtue of patriotism is commonly liable, the noble are most likely to incur. Those who, while they disapprove of the character and measures of a government, yield to it their allegiance and support, are undoubtedly its most conscientious supporters, and so frequently the most serious obstacles to reform. Some are petitioning the State to dissolve the Union, to disregard the requisitions of the President. Why do they not dissolve it themselves, the union between themselves and the State, and refuse to pay their quota into its treasury? Do not they stand in the same relation to the State, that the State does to the Union? And have not the same reasons prevented the State from resisting the Union, which have prevented them from resisting the State?

How can a man be satisfied to entertain an opinion merely, and enjoy it? Is there any enjoyment in it, if his opinion is that he is aggrieved? If you are cheated out of a single dollar by your neighbour, you do not rest satisfied with knowing that you are cheated, or with saying that you are cheated, or even with petitioning him to pay you your due; but you take effectual steps at once to obtain the full amount, and see that you are never cheated again. Action from principle, the perception and the performance of right, changes things and relations; it is essentially revolutionary, and does not consist wholly with anything which was. It not only divides states and churches, it divides families; aye, it divides the individual, separating the diabolical in him from the divine.

“Unjust laws exist; shall we be content to obey them, or shall we endeavour to amend them, and obey them until we have succeeded, or shall we transgress them at once? Men generally, under such a government as this, think that they ought to wait until they have persuaded the majority to alter them. They think that, if they should resist, the remedy would be worse than the evil. But it is the fault of the government itself that the remedy is worse than the evil. It makes it worse. Why is it not more apt to anticipate and provide for reform? Why does it not cherish its wise minority? Why does it cry and resist before it is hurt? Why does it not encourage its citizens to be on the alert to point out its faults, and do better than it would have them? Why does it always crucify Christ, and excommunicate Copernicus and Luther, and pronounce Washington and Franklin rebels?

One would think, that a deliberate and practical denial of its authority, was the only offense never contemplated by government; else, why has it not assigned its definite, its suitable and proportionate penalty? If a man who has no property refuses but once to earn nine shillings for the State, he is put in prison for a period unlimited by any law that I know, and determined only by the discretion of those who placed him there; but if he should steal ninety times nine shillings from the State, he is soon permitted to go at large again.

If the injustice is part of the necessary friction of the machine of government, let it go, let it go; perchance it will wear smooth, certainly the machine will wear out. If the injustice has a spring, or a pulley, or a rope, or a crank, exclusively for itself, then perhaps you may consider whether the remedy will not be worse than the evil; but if it is of such a nature that it requires you to be the agent of injustice to another, then, I say, break the law. Let your life be a counter friction to stop the machine. What I have to do is to see, at any rate, that I do not lend myself to the wrong which I condemn.

As for adopting the ways which the State has provided for remedying the evil, I know not of such ways. They take too much time, and a man's life will be gone. I have other affairs to attend to. I came into this world, not chiefly to make this a good place to live in, but to live in it, be it good or bad. A man has not every thing to do, but something; and because he cannot do everything, it is not necessary that he should do something wrong. It is not my business to be petitioning the governor or the legislature any more than it is theirs to petition me; and, if they should not hear my petition, what should I do then? But in this case the State has provided no way: its very Constitution is the evil. This may seem to be harsh and stubborn and un conciliatory; but it is to treat with the utmost indents and consideration the only spirit that can appreciate or deserve it. So is all change for the better, like birth and death which convulse the body.

I do not hesitate to say, that those who call themselves abolitionists should at once effectually withdraw their support, both in person and property, from the government of Massachusetts, and not wait till they constitute a majority of one, before they suffer the right to prevail through them. I think that it is enough if they have God on their side, without waiting for that other one. Moreover, any man more right than his neighbours, constitutes a majority of one already.

I meet this American government, or its representative the State government, directly, and face to face, once a year, no more, in the person of its tax-gatherer; this is the only mode in which a man situated as I am necessarily meets it; and it then says distinctly, Recognize me; and the simplest, the most effectual, and, in the present posture of affairs, the indispensable mode of treating with it on this head, of expressing your little satisfaction with and love for it, is to deny it then. My civil neighbour, the tax gatherer, is the very man I have to deal with, for it is, after all, with men and not with parchment that I quarrel, and he has voluntarily chosen to be an agent of the government. How shall heaven know well what he is and does as an officer of the government, or as a man, until he is obliged to consider whether he shall treat me, his neighbour, for whom he has respect, as a neighbored well-disposed man, or as a maniac and disturber of the peace, and see if he can

get over this obstruction to his neighbourliness without a ruder and more impetuous thought or speech corresponding with his action? I know this well, that if one thousand, if one hundred, if ten men whom I could name, if ten honest men only, aye, if one HONEST man, in this State of Massachusetts, ceasing to hold slaves, were actually to withdraw from this co- partnership, and be locked up in the county jail therefore, it would be the abolition of slavery in America. For it matters not how small the beginning may seem to be: what is once well done is done for ever. But we love better to talk about it: that we say is our mission. Reform keeps many scores of newspapers in its service, but not one man. If my esteemed neighbour, the State's ambassador, who will devote his days to the settlement of the question of human rights in the Council Chamber, instead of being threatened with the prisons of Carolina, were to sit down the prisoner of Massachusetts, that State which is so anxious to foist the sin of slavery upon her sister, though at present she can discover only an act of inhospitality to be the ground of a quarrel with her, the Legislature would not wholly waive the subject the following winter.

Under a government which imprisons any unjustly, the true place for a just man is also a prison. The proper place to-day, the only place which Massachusetts has provided for her freer and less desponding spirits, is in her prisons, to be put out and locked out of the State by her own act, as they have already put themselves out by their principles. It is there that the fugitive slave, and the Mexican prisoner on parole, and the Indian come to plead the wrongs of his race, should find them; on that separate, but more free and honourable ground, where the State places those who are not with her but against her, the only house in a slave-state in which a free man can abide with honour. If any think that their influence would be lost there, and their voices no longer afflict the ear of the State, that they would not be as an enemy within its walls, they do not know by how much truth is stronger than error, nor how much more eloquently and effectively he can combat injustice who has experienced a little in his own person. Cast your whole vote, not a strip of paper merely, but your whole influence. A minority is powerless while it conforms to the majority; it is not even a minority then; but it is irresistible when it clogs by its whole weight. If the alternative is to keep all just men in prison, or give up war and slavery, the State will not hesitate which to choose. If a thousand men were not to pay their tax-bills this year that would not be a violent and bloody measure, as it would be to pay them, and enable the State to commit violence and shed innocent blood. This is, in fact, the definition of a peaceable revolution, if any such is possible. If the tax-gatherer, or any other public officer, asks me, as one has done, "But what shall I do?" my answer is, "If you really wish to do anything, resign your office". When the subject has refused allegiance, and the officer has resigned his office, then the revolution is accomplished. But even suppose blood should flow. Is there not a sort of blood shed when the conscience is wounded? Through this wound a man's real manhood and immortality flow out, and he bleeds to an everlasting death. I see this blood flowing now.

I have contemplated the imprisonment of the offender, rather than the seizure of his goods, though both will serve the same purpose, because they who assert the purest right, and consequently are most dangerous to a corrupt State, commonly have not spent much time in accumulating property. To such the State renders comparatively small service and a slight tax is wont to appear exorbitant, particularly if they are obliged to earn it by special labor with their hands. If there were one who lived wholly without the use of money, the State itself would hesitate to demand it of him. But the rich mannot to make any invidious comparisonis always sold to the institution which makes him rich. Absolutely speaking, the more money, the less virtue; for money comes between a man and his objects, and obtains them for him; it was certainly no great virtue to obtain it. It puts to rest many questions which he would otherwise be taxed to answer; while the only new question which it puts is the hard but superfluous one, how to spend it. Thus his moral ground is taken from under his feet. The opportunities of living are diminished in proportion as what are called the "means" are increased. The best thing a man can do for his culture when he is rich is to endeavour to carry out those schemes which he entertained when he was poor. Christ answered the Herodias according to their condition. "Show me the tribute-money", said he; and one took a penny out of his pocket; If you use money which has the

image of Caesar on it, and which he has made current and valuable, that is, if you are men of the State, and gladly enjoy the advantages of Caesar's government, then pay him back some of his own when he demands it; "Render therefore to Caesar that which is Caesar's, and to God those things which are God's", leaving them no wiser than before as to which was which; for they did not wish to know.

When I converse with the freest of my neighbours, I perceive that, whatever they may say about the magnitude and seriousness of the question, and their regard for the public tranquillity, the long and the short of the matter is, that they cannot spare the protection of the existing government, and they dread the consequences of disobedience to it to their property and families. For my own part, I should not like to think that I ever rely on the protection of the State. But, if I deny the authority of the State when it presents its tax-bill, it will soon take and waste all my property, and so her as same and my children without end. This is hard. This makes it impossible for a man to live honestly and at the same time comfortably in outward respects. It will not be worth the while to accumulate property; that would be sure to go again. You must hire squat somewhere, and raise but a small crop, and eat that soon. You must live within yourself, and depend upon yourself, always stocked up and ready for a start, and not have many affairs. A man may grow rich in Turkey even, if he will be in all respects a good subject of the Turkish government. Confucius said, "If a State is governed by the principles of reason, poverty and misery are subjects of shame;" if a State is not governed by the principles of reason, riches and honours are the subjects of shame. No: until I want the protection of Massachusetts to be extended to me in some distant southern port, where my liberty is endangered, or until I am solely on building up an estate at home by peaceful enterprise, I can afford to refuse allegiance to Massachusetts, and her right to my property and life. It costs me less in every sense to incur the penalty of disobedience to the State, than it would to obey. I should feel as if I were worth less in that case.

Some years ago, the State met me in behalf of the church, and commanded me to pay a certain sum toward the support of a man whose preaching my father attended, but never I myself. "Pay", "it said, or be locked up in the jail". I declined to pay. But, unfortunately another man saw fit to pay it. I did not see why the schoolmaster should be taxed to support the priest, and not the priest the schoolmaster: for I was not the State's schoolmaster, but I supported myself by voluntary subscription. I did not see why the lyceum should not present its tax-bill, and have the State to back its demand, as well as the church. However, at the request of the selectmen, I condescended to make some such statement as this in writing: "Know all men by these presents, that I, Henry Thoreau, do not wish to be regarded as a member of any incorporated society which I have not joined". This I gave to the town-clerk; and he has it. The State, having thus learned that I did not wish to be regarded as a member of that church, has never made a like demand on me since; though it said that it must adhere to its original presumption that time. If I had known how to name them, I should then have signed off in detail from all the societies which I never signed on to; but I did not know where to find a complete list.

I have paid no poll-tax for six years. I was put into a jail once on this account, for one night; and, as I stood considering the wall so solid stone, two or three feet thick, the door of wood and iron, a foot thick, and the iron grating which strained the light, I could not help being struck with the foolishness of that institution which treated me as if I were mere flesh and blood and bones, to be locked up. I wondered that it should have concluded at length that this was the best use it could put me to, and had never thought to avail itself of my services in some way. I saw that, if there was a wall of stone between me and my townsmen, there was a still more difficult one to climb or break through, before they could get to be as free as I was. I did not for a moment feel confined, and the walls seemed a great waste of stone and mortar. I felt as if I alone of all my townsmen had paid my tax. They plainly did not know how to treat me, but behaved like persons who are under bred. In every threat and in every compliment there was a blunder; for they thought that my chief desire was to stand the other side of that stone wall. I could not but smile to see how industriously they locked the door on my meditations, which followed them out again without let or hindrance, and they were really all

that was dangerous. As they could not reach me, they had resolved to punish my body; just as boys, if they cannot come at some person against whom they have spite, will abuse his dog. I saw that the State was half-witted, that it was timid as a lone woman with her silver spoons, and that it did not know its friends from its foes, and I lost all my remaining respect for it, and pitied it.

Thus the State never intentionally confronts a man's sense, intellectual or moral, but only his body, his senses. It is not armed with superior wit or honesty, but with superior physical strength. I was not born to be forced. I will breathe after my own fashion. Let us see who is the strongest. What force has a multitude? They only can force me who obey a higher law than I. They force me to become like themselves. I do not hear of men being forced to live this way or that by masses of men. What sort of life were those to live? When I meet a government which says to me, Your money or your life, why should I be in haste to give it my money? It may be in a great strait, and not know what to do: I cannot help that. It must help itself: do as I do. It is not worth the while to snivel about it. I am not responsible for the successful working of the machinery of society. I am not the son of the engineer. I perceive that, when an acorn and a chestnut fall side by side, the one does not remain inert to make way for the other, but both obey their own laws, and spring and grow and flourish as best they can, till one, perchance, overshadows and destroys the other. If a plant cannot live according to its nature, it dies; and so a man.

The night in prison was novel and interesting enough. The prisoners in their shirt-sleeves were enjoying a chat and the evening air in the doorway, when I entered. But the jailer said, "Come, boys, it is time to lock up", and so they dispersed, and I heard the sound of their steps returning into the hollow apartments. My roommate was introduced to me by the jailer, as "a first-rate fellow and a clever man". When the door was locked, he showed me where to hang my hat, and how he managed matters there. The rooms were whitewashed once a month; and this one, at least, was the whitest, most simply furnished, and probably the neatest apartment in the town. He naturally wanted to know where I came from, and what brought me there; and, when I had told him, I asked him in my turn how he came there, presuming him to be an honest man, of course; and, as the world goes, I believe he was. "Why", said he, "they accuse me of burning a barn; but I never did it". As near as I could discover, he had probably gone to bed in a born when drunk, and smoked his pipe there; and so a barn was burnt. He had the reputation of being a clever man, had been there some three months waiting for his trial to come on, and would have to wait as much longer; but he was quite domesticated and contented, since he got his board for nothing, and thought that he was well treated.

He occupied one window, and I the other; and I saw, that, if one stayed there long, his principal business would be to look out the window. I had soon read all the tracts that were left there, and examined where former prisoners had broken out, and where a gate had been sawed off, and heard the history of the various occupants of that room; for I found that even here there was a history and a gossip which never circulated beyond the walls of the jail. Probably this is the only house in the town where verses are composed, which are afterward printed in circular form, but not published. I was shown quite a long list of verses which were composed by some young men who had been detected in an attempt to escape, who avenged themselves by singing them.

I pumped my fellow-prisoner as dry as I could, for fear I should never see him again; but at length he showed me which was my bed, and left me to blow out the lamp.

It was like travelling into a far country, such as I had never expected to behold, to lie there for one night. It seemed to me that I never had heard the town-clock strike before, nor the evening sounds of the village; for we slept with the windows open, which were inside the grating. It was to see my native village in the light of the middle ages, and our Concord was turned into a Rhine stream, and visions of knights and castles passed before me. They were the voices of old burghers that I heard in the streets. I was an involuntary

spectator and auditor of whatever was done and said in the kitchen of the adjacent village- inn, a wholly new and rare experience to me. It was a closer view of my native town. I was fairly inside of it. I never had seen its institutions before. This is one of its peculiar institutions; for it is a shire town. I began to comprehend what its inhabitants were about.

In the morning, our breakfasts were put through the hole in the door, in small oblong-square tin pans, made to fit, and holding a pint of chocolate, with brown bread, and an iron spoon. When they called for the vessels again, I was green enough to return what bread I had left, but my comrade seized it, and said that I should lay that up for lunch or dinner. Soon after, he was let out to work at having in a neighbouring field, whither he went every day, and would not be back till noon; so he bade me good-day, saying that he doubted if he should see me again.

When I came out of prison, for someone interfered, and paid that tax, I did not perceive that great changes had taken place on the common, such as he observed who went in a youth, and emerged a tottering and gray-headed man; and yet a change had to my eyes come over the scene, the town, and State and country, greater than any that mere time could effect. I saw yet more distinctly the State in which I lived. I saw to what extent the people among whom I lived could be trusted as good neighbours and friends; that their friendship was for summer weather only; that they did not greatly propose to do right; that they were a distinct race from me by their prejudices and superstitions, as the Chinamen and Malays are; that, in their sacrifices to humanity, they ran no risks, not even to their property; that, after all, they were not so noble but they treated the thief as he had treated them, and hoped, by a certain outward observance and a few prayers, and by walking in a particular straight though useless path from time to time, to save their souls. This may be to judge my neighbours harshly; for I believe that many of them are not aware that they have such an institution as the jail in their village.

It was formerly the custom in our village, when a poor debtor came out of jail, for his acquaintances to salute him, looking through their fingers, which were crossed to represent the grating of a jail window, "How do ye do?" My neighbours did not thus salute me, but first looked at me, and then at one another, as if I had returned from a long journey. I was put into jail as I was going to the shoemaker's to get a shoe which was mended. When I was let out the next morning, I proceeded to finish my errand, and, having put on my mended shoe, joined a huckleberry party, who were impatient to put themselves under my conduct; and in half an hour, for the horse was soon tackled, was in the midst of a huckleberry field, on one of our highest hills, two miles off, and then the State was nowhere to be seen.

This is the whole history of "My Prisons". I have never declined paying the highway tax, because I am as desirous of being a good neighbour as I am of being a bad subject; and, as for supporting schools, I am doing my part to educate my fellow-countrymen now. It is for no particular item in the tax-bill that I refuse to pay it. I simply wish to refuse allegiance to the State, to withdraw and stand aloof from it effectually. I do not care to trace the course of my dollar, if I could, till it buys a man, or a musket to shoot one with, the dollar is innocent, but I am concerned to trace the effects of my allegiance. In fact, I quietly declare war with the State, after my fashion, though I will still make what use and get what advantage of her I can, as is usual in such cases.

If others pay the tax which is demanded of me, from a sympathy with the State, they do but what they have already done in their own case, or rather they abet injustice to a greater extent than the State requires. If they pay the tax from a mistaken interest in the individual taxed, to save his property, or prevent his going to jail, it is because they have not considered wisely how far they let their private feelings interfere with the public good.

This, then, is my position at present. But one cannot be e regard for the opinions of men. Let him see that he does only what belongs to him and to the hour.

I think sometimes, Why, this people mean well; they are only ignorant; they would do better if they knew how; why give your neighbours this pain to treat you as they are not inclined to? But I think, again, this is no reason why I should do as they do, or permit others to suffer much greater pain of a different kind. Again, I sometimes say to myself, When many millions of men, without heat, without ill-will, without personal feeling of any kind, demand of you a few shillings only, without the possibility, such is their constitution, of retracting or altering their present demand, and without the possibility, on your side, of appeal to any other millions, why expose yourself to this overwhelming brute force? You do not resist cold and hunger, the winds and the waves, thus obstinately; you quietly submit to a thousand similar necessities. You do not put your head into the fire. But just in proportion as I regard this as not wholly a brute force, but partly a human force, and consider that I have relations to those millions as to so many millions of men, and not of mere brute or inanimate things, I see that appeal is possible, first and instantaneously, from them to the Maker of them, and, secondly, from them to themselves. But, if I put my head deliberately into the fire, there is no appeal to fire or to the Maker of fire, and I have only myself to blame. If I could convince myself that I have any right to be satisfied with men as they are, and to treat them accordingly, and not according, in some respects, to my requisitions and expectations of what they and I ought to be, then, like a good Muss man and fatalist, I should endeavour to be satisfied with things as they are, and say it is the will of God. And, above all, there is this difference between resisting this and a purely brute or natural force that I can resist this with some effect; but I cannot expect, like Orpheus, to change the nature of the rocks and trees and beasts.

I do not wish to quarrel with any man or nation. I do not wish to split hairs, to make fine distinctions, or set myself up as better than my neighbours. I seek rather, I may say, even an excuse for conforming to the laws of the land. I am but too ready to conform to them. Indeed, I have reason to suspect myself on this head; and each year, as the tax-gatherer comes round, I find myself disposed to review the acts and position of the general and State governments, and the spirit of the people, to discover a pretext for conformity.

“We must affect our country as our parents, and if at any time we alienate our love or industry from doing it honour, we must respect effects and teach the soul Matter of conscience and religion, and not desire of rule or benefit.”

I believe that the State will soon be able to take all my work of this sort out of my hands, and then I shall be no better a patriot than my fellow-countrymen. Seen from a lower point of view, the Constitution, with all its faults, is very good; the law and the courts are very respectable; even this State and this American government are, in many respects, very admirable and rare things, to be thankful for, such as a great many have described them; but seen from a point of view a little higher, they are what I have described them; seen from a higher still, and the highest, who shall say what they are, or that they are worth looking at or thinking of at all?

However, the government does not concern me much, and I shall bestow the fewest possible thoughts on it. It is not many moments that I live under a government, even in this world. If a man is thought-free, fancy-free, imagination-free, that which is not never for a long time appearing to be to him, unwise rulers or reformers cannot fatally interrupt him.

I know that most men think differently from myself; but those whose lives are by profession devoted to the study of these or kindred subjects, content me as little as any. Statesmen and legislators, standing so completely within the institution, never distinctly and nakedly behold it. They speak of moving society, but have no resting-place without it. They may be men of a certain experience and discrimination, and have no doubt invented ingenious and even useful systems, for which we sincerely thank them; but all their wit and usefulness lie within certain not very wide limits. They are wont to forget that the world is not governed by policy and expediency. Webster never goes behind government, and so cannot speak with authority about it.

His words are wisdom to those legislators who contemplate no essential reform in the existing government; but for thinkers, and those who legislate for all time, he never once glances at the subject. I know of those whose serene and wise speculations on this theme would soon reveal the limits of his mind's range and hospitality. Yet, compared with the cheap professions of most reformers, and the still cheaper wisdom and eloquence of politicians in general, his are almost the only sensible and valuable words, and we thank Heaven for him. Comparatively, he is always strong, original, and, above all, practical. Still his quality is not wisdom, but prudence. The lawyer's truth is not truth, but consistency, or a consistent expediency. Truth is always in harmony with her, and is not concerned chiefly to reveal the justice that may consist with wrong-doing. He well deserves to be called, as he has been called, the Defender of the Constitution. There are really no blows to be given by him but defensive ones. He is not a leader, but a follower. His leaders are the men of '87. "I have never made an effort, he says, and never propose to make an effort; I have never countenanced an effort, and never mean to countenance an effort", to disturb the arrangement as originally made, by which the various States came into the Union. Still thinking of the sanction which the Constitution gives to slavery, he says, Because it was a part of the original compact, "let it stand". Notwithstanding his special acuteness and ability, he is unable to take a fact out of its merely political relations, and behold it as it lies absolutely to be disposed of by the intellect, what, for instance, it behoves a man to do here in America to-day with regard to slavery, but ventures, or is driven, to make some such desperate answer as the following, while professing to speak absolutely, and as a private man, from which what new and singular code of social duties might be inferred? "The manner", says he, "in which the governments of those States where slavery exists are to regulate it, is for their own consideration, under their responsibility to their constituents, to the general laws of propriety, humanity, and justice, and to God. Associations formed elsewhere springing from a feeling of humanity, or any other cause, have nothing whatever to do with it. They have never received any encouragement from me and they never will".

They who know of no purer sources of truth, who have traced up its stream no higher, stand, and wisely stand, by the Bible and the Constitution, and drink at it there with reverence and humility; but they who behold where it comes trickling into this lake or that pool, gird up their loins once more, and continue their pilgrimage toward its fountain-head.

No man with a genius for legislation has appeared in America. They are rare in the history of the world. There are orators, politicians, and eloquent men, by the thousand; but the speaker has not yet opened his mouth to speak, who is capable of settling the much-vexed questions of the day. We love eloquence for its own sake, and not for any truth which it may utter, or any of these extracts have been inserted since the lecture was read. Heroism it may inspire. Our legislators have not yet learned the comparative value of free-trade and of freedom, of union, and of rectitude, to a nation. They have no genius or talent for comparatively humble questions of taxation and finance, commerce and manufactures and agriculture. If we were left solely to the wordy wit of legislators in Congress for our guidance, uncorrected by the seasonable experience and the effectual complaints of the people, America would not long retain her rank among the nations. For eighteen hundred years, though perchance I have no right to say it, the New Testament has been written; yet where is the legislator who has wisdom and practical talent enough to avail him of the light which it sheds on the science of legislation?

The authority of government, even such as I am willing to submit to, for I will cheerfully obey those who know and can do better than I, and in many things even those who neither know nor can do so well, is still an impure one: to be strictly just, it must have the sanction and consent of the governed. It can have no pure right over my person and property but what I concede to it. The progress from an absolute to a limited monarchy, from a limited monarchy to a democracy, is a progress toward a true respect for the individual. Even the Chinese philosopher was wise enough to regard the individual as the basis of the empire. Is a democracy, such as we know it, the last improvement possible in government? Is it not possible to take a step

further towards recognizing and organizing the rights of man? There will never be a really free and enlightened State, until the State comes to recognize the individual's higher and independent power, from which all its own power and authority are derived, and treats him accordingly. I please myself with imagining a State at last which can afford to be just to all men, and to treat the individual with respect as a neighbour; which even would not think it inconsistent with its own repose, if a few were to live aloof from it, not meddling with it, nor embraced by it, who fulfilled all the duties of neighbours and fellow-men. A State which bore this kind of fruit, and suffered it to drop off as fast as it ripened, would prepare the way for a still more perfect and glorious State, which also I have imagined, but not yet anywhere seen.

INTRODUCTION:

Resistance to Civil Government (Civil Disobedience) is an essay by Henry David Thoreau that was first published in 1849. In it, Thoreau argues that individuals should not permit governments to overrule their consciences, and that they have a duty to avoid allowing such acquiescence to enable the government to make them the agents of justice. Thoreau was motivated partly by his disgust with slavery and the Mexican-American War.

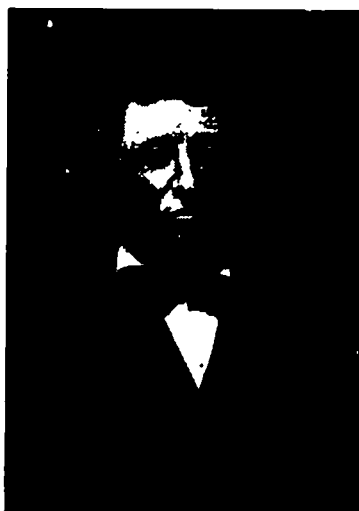
In 1848, Thoreau gave lectures at the Concord Lyceum entitled the rights and duties of the individual in relation to Government. This formed the basis for his essay, which was first published under the title Resistance to Civil Government 1849 in an anthology called Aesthetic Papers.

In 1866, four years after his death, the essay was reprinted in collection of Thoreau's work (A Yankee in Canada) under the title Civil Disobedience. Today the essay also appears under the title On the Duty of Civil Disobedience.

The slavery crisis inflamed New England in the 1840-50's. The environment became especially tense after the Fugitive Slave Act of 1850. Thoreau delivered an impassioned speech which would later become Civil Disobedience in 1848. The speech dealt with slavery and particularly Mexican-American War.

ABOUT THE AUTHOR:

Henry David Thoreau, an American author, poet, philosopher, abolitionist, naturalist, tax resister, development critic, surveyor, historian and leading transcendentalist was born on 12-7-1817 in Concord, Massachusetts and died on 6-3-1862 in the same place. He got his education from Harvard College. The books that he wrote are Walden, A Yankee in Canada, The Maine Woods, Cape Cod etc. His famous Essays were- Civil Disobedience, Life without principles, Slavery in Massachusetts, A plea for capital Brown.



Henry David Thoreau

LESSON ANALYSIS:

Thoreau opens his essay with the motto that government is best which governs least. His distrust of government stems from the tendency of the latter to be prevented and abused before the people can actually express their will through it. A case in point is the Mexican War, orchestrated by the small elite of individuals who have manipulated government to their advantage against popular will. Government inherently lends itself to oppressive and corrupt uses since it enables a few men to impose their moral will on the majority and to profit economically from their own position of authority. Thoreau views government as a fundamental hindrance to the creature enterprise of the people it purports to represent. He cites as a prime example the regulation of trade and commerce, and its negative effect on the forces of the free market.

A man has an obligation to act according to the dictates of his conscience, even if the latter goes against majority opinion, the presiding leadership, or the law of society. In cases where the government supports unjust or immoral laws, Thoreau's notion of service to one's country paradoxically takes the form of resistance against it. Resistance is the highest form of patriotism because it demonstrates a desire not to subvert government but to build a better one in the long term. Along these lines, Thoreau does not advocate a wholesale rejection of government, but resistance to those specific features deemed to be unjust or immoral.

In the American tradition, men have a recognised and cherished right of revolution, from which Thoreau derives the concept of civil disobedience. A man disgraces himself by associating with a government that treats even some of its citizens unjustly, even if he is not the direct victim of its injustice. Thoreau takes issues with William Paley, an English philosopher, who argues that any movement of resistance to government must balance the enormity of the grievance to be redressed and the probability and expense of redressing it. It may not be convenient to resist, and the personal costs may be greater than the injustice to be remedied, however, Thoreau firmly asserts the primacy of individual conscience over collective pragmatism.

Thoreau turns to the issue of effecting change through democratic means. The position of the majority, however legitimate in the context of a democracy, is not tantamount to a moral position. Thoreau believes that the real obstacle to reform lies with those who disapprove of the measures of government while tacitly lending in their practical allegiance. At the very least, if an unjust government is not to be directly resisted, a man of true conviction should cease to lend it his indirect support in the form of taxes. Thoreau acknowledges that it is realistically impossible to deprive the government of tax dollars for the specific policies that one wishes to oppose. Still, complete payment of his taxes would be tantamount to expressing complete allegiance to the State. Thoreau calls on his fellow citizens to withdraw their support from the government of Massachusetts and risk being thrown in prison for their resistance. By using force to keep all men in prison or abolish slavery, the State would quickly exhaust its resources and choose the latter course of action. For Thoreau, out of these acts of conscience, flows a man's real manhood and immortality.

Money is generally a corrupting force because it binds men to the institutions and the government responsible for unjust practices and policies, such as the enslavement of black Americans and the pursuit of war with Mexico. Thoreau sees a paradoxically inverse relationship between money and freedom. The poor man has the greatest liberty to resist because he depends the least on the government for his own welfare and protection.

After refusing to pay the poll tax for six years, Thoreau is thrown into jail for one night. While in prison, he realises that the only advantage of the State is superior physical strength. Otherwise, it is completely devoid of moral or intellectual authority, and even with its brute force, cannot compel him to think a certain way.

Why submit other people to one's own moral standard? Thoreau meditates at length on this question. While seeing his neighbors as essentially well-intentioned and in some respects undeserving of any moral contempt for their apparent indifference to the State's injustice, he nonetheless concludes that he has a human relation to his neighbors, and through them, millions of other men. He does not expect his neighbors to confirm to his own beliefs, nor does he endeavor to change the nature of men. On the other hand, he refuses to tolerate the status quo.

Despite his stance of civil disobedience on the questions of slavery and the Mexican war, he claims to have great respect and admiration for the ideals of American government and its institutions. Thoreau goes so far as to state that his first instinct has always been conformity. Statesmen, legislators, politicians, in short, any part of the machinery of the state bureaucracy, are unable to scrutinize the government that lends them their authority. He values their contributions to society, their pragmatism and their diplomacy, but feels that only someone outside of government can speak the Truth about it.

The purest sources of truth are, in Thoreau's view, the Constitution and the Bible. Not surprisingly, he holds in low esteem the entire political class, which he considers incapable of devising the most basic forms of legislation. In his last paragraph, he comes full circle to discussing the authority and reach of government, which derives from the sanction and consent of the governed. Democracy is not the last step in the evolution of government, as there is still greater room for the State to recognize the freedom and rights of the individual. Thoreau concludes on an utopist note, saying such a State is one he has imagined but not yet anywhere seen.

C) OF TRUTH

- Francis Bacon (1561-1626)

LESSON:

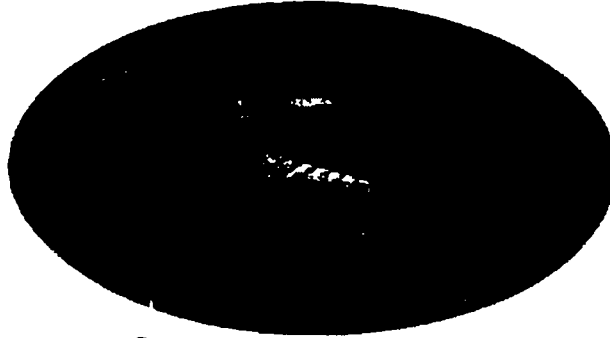
What is truth? said jesting Pilate, and would not stay for an answer. Certainly there be, that delight in giddiness, and count it a bondage to fix a belief; affecting free-will in thinking, as well as in acting. And though the sects of philosophers of that kind be gone, yet there remain certain discoursing wits, which are of the same veins, though there be not so much blood in them, as was in those of the ancients. But it is not only the difficulty and labour, which men take in finding out of truth, nor again, that when it is found, it imposes upon men's thoughts, that doth bring lies in favour; but a natural though corrupt love, of the lie itself. One of the later schools of the Grecians, examine the matter, and is at a stand, to think what should be in it, that men should love lies; where neither they make for pleasure, as with poets, nor for advantage, as with the merchant; but for the lie's sake. But I cannot tell; this same truth, is a naked, and open day-light, that doth not show the masks, and mummeries, and triumphs, of the world, half so stately and daintily as candle-lights. Truth may perhaps come to the price of a pearl, that showeth best by day; but it will not rise to the price of a diamond, or carbuncle, that showeth best in varied lights. A mixture of a lie doth ever add pleasure. Doth any man doubt, that if there were taken out of men's minds, vain opinions, flattering hopes, false valuations, imaginations as one would, and the like, but it would leave the minds, of a number of men, poor shrunken things, full of melancholy and indisposition, and unpleasing to themselves?

One of the fathers, in great severity, called poesy vinum doemonum, because it filled the imagination; and yet, it is but with the shadow of a lie. But it is not the lie that passed through the mind, but the lie that sinketh in, and settled in it, that doth the hurt; such as we spake of before. But, howsoever these things are thus in men's depraved judgments, and affections, yet truth, which only doth judge itself, teach that the inquiry of truth, which is the love-making, or wooing of it, the knowledge of truth, which is the presence of it, and the belief of truth, which is the enjoying of it, is the sovereign good of human nature. The first creature of God, in the works of the days, was the light of the sense; the last, was the light of reason; and his sabbath work ever since, is the illumination of his Spirit. First he breathed light, upon the face of the matter or chaos; then he breathed light, into the face of man; and still he breatheth and inspireth light, into the face of his chosen. The poet, that beautified the sect, that was otherwise inferior to the rest, saith yet excellently well: It is a pleasure, to stand upon the shore, and to see ships tossed upon the sea; a pleasure, to stand in the window of a castle, and to see a battle, and the adventures thereof below: but no pleasure is comparable to the standing upon the vantage ground of truth (a hill not to be commanded, and where the air is always clear and serene), and to see the errors, and wanderings, and mists, and tempests, in the vale below; so always that this prospect be with pity, and not with swelling, or pride. Certainly, it is heaven upon earth, to have a man's mind move in charity, rest in providence, and turn upon the poles of truth.

To pass from theological, and philosophical truth, to the truth of civil business; it will be acknowledged, even by those that practice it not, that clear, and round dealing, is the honor of man's nature; and that mixture of falsehoods, is like alloy in coin of gold and silver, which may make the metal work the better, but it embaseth it. For these winding, and crooked courses, are the goings of the serpent; which goeth basely upon the belly, and not upon the feet. There is no vice, that doth so cover a man with shame, as to be found false and perfidious. And therefore Montaigne saith prettily, when he inquired the reason, why the word of the lie should be such a disgrace, and such an odious charge? Saith he, if it be well weighed, to say that a man lieth, is as much to say, as that he is brave towards God, and a coward towards men. For a lie faces God, and shrinks from man. Surely the wickedness of falsehood, and breach of faith, cannot possibly be so highly expressed, as in that it shall be the last peal, to call the judgments of God upon the generations of men; it being foretold, that when Christ cometh, he shall not find faith upon the earth.

ABOUT THE AUTHOR:

Francis Bacon was an English philosopher, statesman and the pioneer of modern scientific thought. He was born on January 22, 1561 at York House in London and educated at Trinity College, University of Cambridge.



Sir Francis Bacon
1561 1626

He was elected to the House of Commons in 1584, he served until 1614. He acted as an adviser to Queen Elizabeth, for some time and later to King James I. Bacon proposed schemes for the Union of England and Scotland and recommended measures for dealing with Roman Catholic. He was knighted on July 23, 1603, made a commissioner for the union of Scotland and England and was given a pension in 1604. His book

'Advancement of Learning' was published and presented to King in 1605. Two years later he was appointed solicitor general. Bacon wrote many papers on state craft, mainly on relations between Crown and Commons. In 1613, he was appointed Attorney General, in 1616, as a Privy Councilor and in 1618, appointed Lord Chancellor and received the peerage Baron Verulam. In 1620, he published *Novum Organum Scientiarum* and on Jan 26, 1621, elevated as Viscount Saint Albans. The same year he was charged by Parliament with accepting bribes and he accepted it. He was fired, imprisoned and banished from Parliament and the court. In 1621, the king pardoned him but prohibited his return to Parliament or court. He wrote *History of Henry VII*. He died in London on April 9, 1626.

LESSON ANALYSIS:

Bacon is credited with 58 essays written between 1597-1613. Montaigne *ESSAIS*, published in 1580, probably influenced him and Bacon's essays represent an insight into human nature, the godly and the beastly traits.

The essay of truth, began with a question on what is truth, by Pilate, the Roman governor of Judea. He was not interested in an answer, since he belonged to the school of thought which refused to accept something as final or truth. There is a natural tendency to lie amongst men neither for business nor for poetry. It is rather a way of life. Truth says Bacon is like light, but people play with darkness i.e., untruth along with light i.e., truth for their pleasure. He compares truth to pearls seen only during daylight and lies to diamonds, which shine in any amount of light. Without hearing lies, many person egos are hurt as they get used to listen to flattering words and hopes.

There are references to Christian faith and belief in the essay. The early church fathers considered poetry to be the wine of demons. Poetry which is a blend of lies and truth makes men's mind depraved and so they condemned poetry Bacon categories lies into two-passing lies and the settling lies. Of these, one which settles down is dangerous. It is like a snake which moves with its stomach.

God created the universe and breathed life into many forms. He breathed light of reason into men inspiring lives to follow the truthful path. Though lies are attractive, man derives the most pleasure from speaking the truth. Bacon says that truthfulness is an inherent quality of human being that god has bestowed on him. It is like standing a hillock safe and secure while people down the valley are struggling due to a web of lies and deceit. They are unable to climb up. Bacon cautions that when such situations arise, the person on top instead of feeling arrogant should sympathize with the suffering people.

Mixing lies and truth may make one's speech attractive. It is like mixing alloys to gold and silver which makes the metal stronger, but the purity of the metal is reduced in that process. If a man is found to be a liar, he is shamed and looked down by the society. Montaigne, the poet regarded lies as a blot on human behaviour, since a liar is brave towards god and a coward towards fellow human beings. If this lying for the sake of lying continues, Bacon feels that when Christ comes back to earth, he may not find any faith left on earth.

D) ON LIBERTY

John Stuart Mill (1806 1873)

LESSON:

The subject of this Essay is not the so called Liberty of the Will, so unfortunately opposed to the misnamed doctrine of Philosophical Necessity; but Civil, or Social Liberty: the nature and limits of the power which can be legitimately exercised by society over the individual. A question seldom stated, and hardly ever discussed, in general terms, but which profoundly influences the practical controversies of the age by its latent presence, and is likely soon to make itself recognized as the vital question of the future. It is so far from being new, that, in a certain sense, it has divided mankind, almost from the remotest ages; but in the stage of progress into which the more civilized portions of the species have now entered, it presents itself under new conditions, and requires a different and more fundamental treatment.

The struggle between Liberty and Authority is the most conspicuous feature in the portions of history with which we are earliest familiar, particularly in that of Greece, Rome, and England. But in old times this contest was between subjects, or some classes of subjects, and the Government. By liberty, was meant protection against the tyranny of the political rulers. The rulers were conceived (except in some of the popular governments of Greece) as in a necessarily antagonistic position to the people whom they ruled. They consisted of a governing One, or a governing tribe or caste, who derived their authority from inheritance or conquest, who, at all events, did not hold it at the pleasure of the governed, and whose supremacy men did not venture, perhaps did not desire, to contest, whatever precautions might be taken against its oppressive exercise. Their power was regarded as necessary, but also as highly dangerous; as a weapon which they would attempt to use against their subjects, no less than against external enemies. To prevent the weaker members of the community from being preyed on by innumerable vultures, it was needful that there should be an animal of prey stronger than the rest, commissioned to keep them down. But as the king of the vultures would be no less bent upon preying upon the flock than any of the minor harpies, it was indispensable to be in a perpetual attitude of defend against his beak and claws. The aim, therefore, of patriots was to set limits to the power which the ruler should be suffered to exercise over the community; and this limitation was what they meant by liberty. It was attempted in two ways. First, by obtaining a recognition of certain immunities, called political liberties or rights, which it was to be regarded as a breach of duty in the ruler to infringe, and which, if he did infringe, specific resistance, or general rebellion, was held to be justifiable. A second, and generally a later expedient, was the establishment of constitutional checks, by which the consent of the community, or of a body of some sort, supposed to represent its interests, was made a necessary condition to some of the more important acts of the governing power. To the first of these modes of limitation, the ruling power, in most European countries, was compelled, more or less, to submit. It was not so with the second; and, to attain this, or when already in some degree possessed, to attain it more completely, became everywhere the principal object of the lovers of liberty. And so long as mankind were content to combat one enemy by another, and to be ruled by a master, on condition of being guaranteed more or less efficaciously against his tyranny, they did not carry their aspirations beyond this point.

A time, however, came, in the progress of human affairs, when men ceased to think it a necessity of nature that their governors should be an independent power, opposed in interest to themselves. It appeared to them much better that the various magistrates of the State should be their tenants or delegates, revocable at their pleasure. In that way alone, it seemed, could they have complete security that the powers of government would never be abused to their disadvantage. By degrees this new demand for elective and temporary rulers became the prominent object of the exertions of the popular party, wherever any such party existed; and superseded, to a considerable extent, the previous efforts to limit the power of rulers. As the struggle proceeded for making the ruling power emanate from the periodical choice of the ruled, some persons began to think

that too much importance had been attached to the limitation of the power itself. *That* (it might seem) was a resource against rulers whose interests were habitually opposed to those of the people. What was now wanted, that the rulers should be identified with the people; that their interest and will should be the interest and will of the nation. The nation did not need to be protected against its own will. There was no fear of its tyrannizing over itself. Let the rulers be effectually responsible to it, promptly removable by it, and it could afford to trust them with power of which it could itself dictate the use to be made. Their power was but the nation's own power, concentrated, and in a form convenient for exercise. This mode of thought, or rather perhaps of feeling, was common among the last generation of European liberalism, in the Continental section of which it still apparently predominates. Those who admit any limit to what a government may do, except in the case of such governments as they think ought not to exist, stand out as brilliant exceptions among the political thinkers of the Continent. A similar tone of sentiment might by this time have been prevalent in our own country, if the circumstances which for a time encouraged it had continued unaltered.

But, in political and philosophical theories, as well as in persons, success discloses faults and infirmities which failure might have concealed from observation. The notion, that the people have no need to limit their power over themselves, might seem axiomatic, when popular government was a thing only dreamed about, or read of as having existed at some distant period of the past. Neither was that notion necessarily disturbed by such temporary aberrations as those of the French Revolution, the worst of which were the work of an usurping few, and which, in any case, belonged, not to the permanent working of popular institutions, but to a sudden and convulsive outbreak against monarchical and aristocratic despotism. In time, however, a democratic republic came to occupy a large portion of the earth's surface, and made itself felt as one of the most powerful members of the community of nations; and elective and responsible government became subject to the observations and criticisms which wait upon a great existing fact. It was now perceived that such phrases as "self government," and "the power of the people over themselves," do not express the true state of the case. The "people" who exercise the power are not always the same people with those over whom it is exercised; and the "self government" spoken of is not the government of each by himself, but of each by all the rest. The will of the people, moreover, practically means the will of the most numerous or the most active *part* of the people; the majority, or those who succeed in making themselves accepted as the majority; the people, consequently, *may* desire to oppress a part of their number; and precautions are as much needed against this as against any other abuse of power. The limitation, therefore, of the power of government over individuals loses none of its importance when the holders of power are regularly accountable to the community, that is, to the strongest party therein. This view of things, recommending itself equally to the intelligence of thinkers and to the inclination of those important classes in European society to whose real or supposed interests democracy is adverse, has had no difficulty in establishing itself; and in political speculations "the tyranny of the majority" is now generally included among the evils against which society requires to be on its guard

Like other tyrannies, the tyranny of the majority was at first, and is still vulgarly, held in dread, chiefly as operating through the acts of the public authorities. But reflecting persons perceived that when society is itself the tyrant—society collectively, over the separate individuals who compose it—its means of tyrannizing are not restricted to the acts which it may do by the hands of its political functionaries. Society can and does execute its own mandates: and if it issues wrong mandates instead of right, or any mandates at all in things with which it ought not to meddle, it practices a social tyranny more formidable than many kinds of political oppression, since, though not usually upheld by such extreme penalties, it leaves fewer means of escape, penetrating much more deeply into the details of life, and enslaving the soul itself. Protection, therefore, against the tyranny of the magistrate is not enough: there needs protection also against the tyranny of the prevailing opinion and feeling; against the tendency of society to impose, by other means than civil penalties, its own ideas and practices as rules of conduct on those who dissent from them; to fetter the development, and, if possible, prevent the formation, of any individuality not in harmony with its ways, and compel all characters to fashion themselves upon the model of its own. There is a limit to the legitimate interference of collective

opinion with individual independence: and to find that limit, and maintain it against encroachment, is as indispensable to a good condition of human affairs, as protection against political despotism

But though this proposition is not likely to be contested in general terms, the practical question, where to place the limit how to make the fitting adjustment between individual independence and social control is a subject on which nearly everything remains to be done. All that makes existence valuable to any one, depends on the enforcement of restraints upon the actions of other people. Some rules of conduct, therefore, must be imposed, by law in the first place, and by opinion on many things which are not fit subjects for the operation of law. What these rules should be, is the principal question in human affairs; but if we except a few of the most obvious cases, it is one of those which least progress has been made in resolving. No two ages, and scarcely any two countries, have decided it alike; and the decision of one age or country is a wonder to another. Yet the people of any given age and country no more suspect any difficulty in it, than if it were a subject on which mankind had always been agreed. The rules which obtain among themselves appear to them self evident and self justifying. This all but universal illusion is one of the examples of the magical influence of custom, which is not only, as the proverb says, a second nature, but is continually mistaken for the first. The effect of custom, in preventing any misgiving respecting the rules of conduct which mankind impose on one another, is all the more complete because the subject is one on which it is not generally considered necessary that reasons should be given, either by one person to others, or by each to himself. People are accustomed to believe, and have been encouraged in the belief by some who aspire to the character of philosophers, that their feelings, on subjects of this nature, are better than reasons, and render reasons unnecessary. The practical principle which guides them to their opinions on the regulation of human conduct, is the feeling in each person's mind that everybody should be required to act as he, and those with whom he sympathizes, would like them to act. No one, indeed, acknowledges to himself that his standard of judgment is his own liking; but an opinion on a point of conduct, not supported by reasons, can only count as one person's preference; and if the reasons, when given, are a mere appeal to a similar preference felt by other people, it is still only many people's liking instead of one. To an ordinary man, however, his own preference, thus supported, is not only a perfectly satisfactory reason, but the only one he generally has for any of his notions of morality, taste, or propriety, which are not expressly written in his religious creed; and his chief guide in the interpretation even of that. Men's opinions, accordingly, on what is laudable or blameable, are affected by all the multifarious causes which influence their wishes in regard to the conduct of others, and which are as numerous as those which determine their wishes on any other subject. Sometimes their reason at other times their prejudices or superstitions: often their social affections, not seldom their antisocial ones, their envy or jealousy, their arrogance or contemptuousness: but most commonly, their desires or fears for themselves their legitimate or illegitimate self interest. Wherever there is an ascendant class, a large portion of the morality of the country emanates from its class interests, and its feelings of class superiority. The morality between Spartans and Helots, between planters and negroes, between princes and subjects, between nobles and rotaries, between men and women, has been for the most part the creation of these class interests and feelings: and the sentiments thus generated, react in turn upon the moral feelings of the members of the ascendant class, in their relations among themselves. Where, on the other hand, a class, formerly ascendant, has lost its ascendancy, or where its ascendancy is unpopular, the prevailing moral sentiments frequently bear the impress of an impatient dislike of superiority. Another grand determining principle of the rules of conduct, both in act and forbearance, which have been enforced by law or opinion, has been the servility of mankind towards the supposed preferences or aversions of their temporal masters, or of their gods. This servility, though essentially selfish, is not hypocrisy; it gives rise to perfectly genuine sentiments of abhorrence; it made men burn magicians and heretics. Among so many baser influences, the general and obvious interests of society have of course had a share, and a large one, in the direction of the moral sentiments: less, however, as a matter of reason, and on their own account, than as a consequence of the sympathies and antipathies which grew out of them: and sympathies and antipathies which had little or nothing to do with the interests of society, have made themselves felt in the establishment of moralities with quite as great force.

The likings and dislikings of society, or of some powerful portion of it, are thus the main thing which has practically determined the rules laid down for general observance, under the penalties of law or opinion. And in general, those who have been in advance of society in thought and feeling, have left this condition of things unassailed in principle, however they may have come into conflict with it in some of its details. They have occupied themselves rather in inquiring what things society ought to like or dislike, than in questioning whether its likings or dislikings should be a law to individuals. They preferred endeavouring to alter the feelings of mankind on the particular points on which they were themselves heretical, rather than make common cause in defence of freedom, with heretics generally. The only case in which the higher ground has been taken on principle and maintained with consistency, by any but an individual here and there, is that of religious belief: a case instructive in many ways, and not least so as forming a most striking instance of the fallibility of what is called the moral sense: for the odium theologicum, in a sincere bigot, is one of the most unequivocal cases of moral feeling. Those who first broke the yoke of what called itself the Universal Church, were in general as little willing to permit difference of religious opinion as that church itself. But when the heat of the conflict was over, without giving a complete victory to any party, and each church or sect was reduced to limit its hopes to retaining possession of the ground it already occupied; minorities, seeing that they had no chance of becoming majorities, were under the necessity of pleading to those whom they could not convert, for permission to differ. It is accordingly on this battle field, almost solely, that the rights of the individual against society have been asserted on broad grounds of principle, and the claim of society to exercise authority over dissentients, openly controverted. The great writers to whom the world owes what religious liberty it possesses, have mostly asserted freedom of conscience as an indefeasible right, and denied absolutely that a human being is accountable to others for his religious belief. Yet so natural to mankind is intolerance in whatever they really care about, that religious freedom has hardly anywhere been practically realized, except where religious indifference, which dislikes to have its peace disturbed by theological quarrels, has added its weight to the scale. In the minds of almost all religious persons, even in the most tolerant countries, the duty of toleration is admitted with tacit reserves. One person will bear with dissent in matters of church government, but not of dogma; another can tolerate everybody, short of a Papist or an Unitarian; another, every one who believes in revealed religion; a few extend their charity a little further, but stop at the belief in a God and in a future state. Wherever the sentiment of the majority is still genuine and intense, it is found to have abated little of its claim to be obeyed.

In England, from the peculiar circumstances of our political history, though the yoke of opinion is perhaps heavier, that of law is lighter, than in most other countries of Europe; and there is considerable jealousy of direct interference, by the legislative or the executive power, with private conduct; not so much from any just regard for the independence of the individual, as from the still subsisting habit of looking on the government as representing an opposite interest to the public. The majority have not yet learnt to feel the power of the government their power, or its opinions their opinions. When they do so, individual liberty will probably be as much exposed to invasion from the government, as it already is from public opinion. But, as yet, there is a considerable amount of feeling ready to be called forth against any attempt of the law to control individuals in things in which they have not hitherto been accustomed to be controlled by it; and this with very little discrimination as to whether the matter is, or is not, within the legitimate sphere of legal control; insomuch that the feeling, highly salutary on the whole, is perhaps quite as often misplaced as well grounded in the particular instances of its application. There is, in fact, no recognised principle by which the propriety or impropriety of government interference is customarily tested. People decide according to their personal preferences. Some, whenever they see any good to be done, or evil to be remedied, would willingly instigate the government to undertake the business; while others prefer to bear almost any amount of social evil, rather than add one to the departments of human interests amenable to governmental control. And men range themselves on one or the other side in any particular case, according to this general direction of their sentiments; or according to the degree of interest which they feel in the particular thing which it is proposed that the government should do, or according to the belief they entertain that the government would, or would not, do it in the manner they prefer; but very rarely on account of any opinion to which they consistently adhere, as to

what things are fit to be done by a government. And it seems to me that in consequence of this absence of rule or principle, one side is at present as often wrong as the other; the interference of government is, with about equal frequency, improperly invoked and improperly condemned.

The object of this Essay is to assert one very simple principle, as entitled to govern absolutely the dealings of society with the individual in the way of compulsion and control, whether the means used be physical force in the form of legal penalties, or the moral coercion of public opinion. That principle is, that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self protection. That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant. He cannot rightfully be compelled to do or forbear because it will be better for him to do so, because it will make him happier, because, in the opinions of others, to do so would be wise, or even right. These are good reasons for remonstrating with him, or reasoning with him, or persuading him, or entreating him, but not for compelling him, or visiting him with any evil in case he do otherwise. To justify that, the conduct from which it is desired to deter him, must be calculated to produce evil to some one else. The only part of the conduct of any one, for which he is amenable to society, is that which concerns others. In the part which merely concerns himself, his independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign.

It is, perhaps, hardly necessary to say that this doctrine is meant to apply only to human beings in the maturity of their faculties. We are not speaking of children, or of young person below the age which the law may fix as that of manhood or womanhood. Those who are still in a state to require being taken care of by others, must be protected against their own actions as well as against external injury. For the same reason, we may leave out of consideration those backward states of society in which the race itself may be considered as in its nonage. The early difficulties in the way of spontaneous progress are so great, that there is seldom any choice of means for overcoming them; and a ruler full of the spirit of improvement is warranted in the use of any expedients that will attain an end, perhaps otherwise unattainable. Despotism is a legitimate mode of government in dealing with barbarians, provided the end be their improvement, and the means justified by actually effecting that end. Liberty, as a principle, has no application to any state of things anterior to the time when mankind have become capable of being improved by free and equal discussion. Until then, there is nothing for them but implicit obedience to an Akbar or a Charlemagne, if they are so fortunate as to find one. But as soon as mankind have attained the capacity of being guided to their own improvement by conviction or persuasion (a period long since reached in all nations with whom we need here concern ourselves), compulsion, either in the direct form or in that of pains and penalties for non compliance, is no longer admissible as a means to their own good, and justifiable only for the security of others.

It is proper to state that I forego any advantage which could be derived to my argument from the idea of abstract right, as a thing independent of utility. I regard utility as the ultimate appeal on all ethical questions; but it must be utility in the largest sense, grounded on the permanent interests of man as a progressive being. Those interests, I contend, authorize the subjection of individual spontaneity to external control, only in respect to those actions of each, which concern the interest of other people. If any one does an act hurtful to others, there is a *primâ facie* case for punishing him, by law, or, where legal penalties are not safely applicable, by general disapprobation. There are also many positive acts for the benefit of others, which he may rightfully be compelled to perform; such as, to give evidence in a court of justice; to bear his fair share in the common defence, or in any other joint work necessary to the interest of the society of which he enjoys the protection; and to perform certain acts of individual beneficence, such as saving a fellow creature's life, or interposing to protect the defenceless against ill usage, things which whenever it is obviously a man's duty to do, he may rightfully be made responsible to society for not doing. A person may cause evil to others not only by his actions but by his inaction, and in either case he is justly accountable to them for the injury. The latter case, it

is true, requires a much more cautious exercise of compulsion than the former. To make any one answerable for doing evil to others, is the rule; to make him answerable for not preventing evil, is, comparatively speaking, the exception. Yet there are many cases clear enough and grave enough to justify that exception. In all things which regard the external relations of the individual, he is de jure amenable to those whose interests are concerned, and if need be, to society as their protector. There are often good reasons for not holding him to the responsibility; but these reasons must arise from the special expediencies of the case: either because it is a kind of case in which he is on the whole likely to act better, when left to his own discretion, than when controlled in any way in which society have it in their power to control him; or because the attempt to exercise control would produce other evils, greater than those which it would prevent. When such reasons as these preclude the enforcement of responsibility, the conscience of the agent himself should step into the vacant judgment seat, and protect those interests of others which have no external protection; judging himself all the more rigidly, because the case does not admit of his being made accountable to the judgment of his fellow creatures.

But there is a sphere of action in which society, as distinguished from the individual, has, if any, only an indirect interest; comprehending all that portion of a person's life and conduct which affects only himself, or if it also affects others, only with their free, voluntary, and undeceived consent and participation. When I say only himself, I mean directly, and in the first instance: for whatever affects himself, may affect others through himself; and the objection which may be grounded on this contingency, will receive consideration in the sequel. This, then, is the appropriate region of human liberty. It comprises, first, the inward domain of consciousness; demanding liberty of conscience, in the most comprehensive sense; liberty of thought and feeling; absolute freedom of opinion and sentiment on all subjects, practical or speculative, scientific, moral, or theological. The liberty of expressing and publishing opinions may seem to fall under a different principle, since it belongs to that part of the conduct of an individual which concerns other people; but, being almost of as much importance as the liberty of thought itself, and resting in great part on the same reasons, is practically inseparable from it. Secondly, the principle requires liberty of tastes and pursuits; of framing the plan of our life to suit our own character; of doing as we like, subject to such consequences as may follow: without impediment from our fellow creatures, so long as what we do does not harm them, even though they should think our conduct foolish, perverse, or wrong. Thirdly, from this liberty of each individual, follows the liberty, within the same limits, of combination among individuals; freedom to unite, for any purpose not involving harm to others: the persons combining being supposed to be of full age, and not forced or deceived.

No society in which these liberties are not, on the whole, respected, is free, whatever may be its form of government; and none is completely free in which they do not exist absolute and unqualified. The only freedom which deserves the name, is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs, or impede their efforts to obtain it. Each is the proper guardian of his own health, whether bodily, or mental and spiritual. Mankind are greater gainers by suffering each other to live as seems good to themselves, than by compelling each to live as seems good to the rest.

Though this doctrine is anything but new, and, to some persons, may have the air of a truism, there is no doctrine which stands more directly opposed to the general tendency of existing opinion and practice. Society has expended fully as much effort in the attempt (according to its lights) to compel people to conform to its notions of personal, as of social excellence. The ancient commonwealths thought themselves entitled to practise, and the ancient philosophers countenanced, the regulation of every part of private conduct by public authority, on the ground that the State had a deep interest in the whole bodily and mental discipline of every one of its citizens; a mode of thinking which may have been admissible in small republics surrounded by powerful enemies, in constant peril of being subverted by foreign attack or internal commotion, and to which even a short interval of relaxed energy and self command might so easily be fatal, that they could not afford to wait for the salutary permanent effects of freedom. In the modern world, the greater size of political

communities, and above all, the separation between spiritual and temporal authority (which placed the direction of men's consciences in other hands than those which controlled their worldly affairs), prevented so great an interference by law in the details of private life; but the engines of moral repression have been wielded more strenuously against divergence from the reigning opinion in self regarding, than even in social matters; religion, the most powerful of the elements which have entered into the formation of moral feeling, having almost always been governed either by the ambition of a hierarchy, seeking control over every department of human conduct, or by the spirit of Puritanism. And some of those modern reformers who have placed themselves in strongest opposition to the religions of the past, have been no way behind either churches or sects in their assertion of the right of spiritual domination: M. Comte, in particular, whose social system, as unfolded in his *Systeme de Politique Positive*, aims at establishing (though by moral more than by legal appliances) a despotism of society over the individual, surpassing anything contemplated in the political ideal of the most rigid disciplinarian among the ancient philosophers.

Apart from the peculiar tenets of individual thinkers, there is also in the world at large an increasing inclination to stretch unduly the powers of society over the individual, both by the force of opinion and even by that of legislation: and as the tendency of all the changes taking place in the world is to strengthen society, and diminish the power of the individual, this encroachment is not one of the evils which tend spontaneously to disappear, but, on the contrary, to grow more and more formidable. The disposition of mankind, whether as rulers or as fellow citizens, to impose their own opinions and inclinations as a rule of conduct on others, is so energetically supported by some of the best and by some of the worst feelings incident to human nature, that it is hardly ever kept under restraint by anything but want of power; and as the power is not declining, but growing, unless a strong barrier of moral conviction can be raised against the mischief, we must expect, in the present circumstances of the world, to see it increase.

It will be convenient for the argument, if, instead of at once entering upon the general thesis, we confine ourselves in the first instance to a single branch of it, on which the principle here stated is, if not fully, yet to a certain point, recognised by the current opinions. This one branch is the Liberty of Thought: from which it is impossible to separate the cognate liberty of speaking and of writing. Although these liberties, to some considerable amount, form part of the political morality of all countries which profess religious toleration and free institutions, the grounds, both philosophical and practical, on which they rest, are perhaps not so familiar to the general mind, nor so thoroughly appreciated by many even of the leaders of opinion, as might have been expected. Those grounds, when rightly understood, are of much wider application than to only one division of the subject, and a thorough consideration of this part of the question will be found the best introduction to the remainder. Those to whom nothing which I am about to say will be new, may therefore, I hope, excuse me, if on a subject which for now three centuries has been so often discussed, I venture on one discussion more.

ABOUT THE AUTHOR:

J.S. Mill (1806 1873), British philosopher, economist, moral and political theorist and administrator, was the most influential English speaking philosophist of the nineteenth century. He was born on May 20, 1806 at Pentonville, a suburb of London and passed away on 8th may 1873 at Avignon, France. His father was James Mill, a Scotsman and a poet of the utilitarian group of Jeremy Bentham. His mother was Harriet Burrow and she influenced J.S.Mill's ideas. His father wrote "History of India" and served as a chief examiner/administrator of the company. His father and Jeremy Bentham devised a method to educate J.S.Mill in such a way that he becomes the king of utilitarian philosophy. Mill believed in empiricism, utilitarianism and liberality. Marriage to Harriet Taylor influenced his views mostly on moral life and women's rights. In 1854, Mill planned to write a short essay on liberty, but it developed and expanded so much that it became a full fledged book. His wife contributed hugely to this world. Acknowledging her contribution for the completion

of this book Mill stated that, *On Liberty* "was more directly and literally our joint production than anything else which bears my name". His wife died suddenly in 1858, by then the book was ready and he published it shortly in 1859 to consecrate it to her memory. In writing this book he was heavily influenced by German thinker Wilhelm von Humboldt. The topic which inspired was "On the Limits of State Action".

"*On liberty*" and "*Utilitarianism*" are the two widely popular books written by J.S. Mill. A copy of the book is presented to the President of the British Liberal Democrats and to the resident of the Liberal Party as a symbol of office. "*On liberty's*" success is so great that it has remained in printing without break from the time of its initial publication.

John Stuart Mill (1806–1873)
On Liberty, 1869



LESSON ANALYSIS

The introductory part of the book is taken up for analysis. There are two types of liberty

- ❖ civil liberty
- ❖ social liberty

Civil liberty

In this essay the author analyses the nature and limit of the power which can be exercised legitimately over an individual by the government or the society in accordance with the civil liberty and social liberty respectively.

Mill opines that struggle between liberty and authority remains a constant factor from the ancient periods to the present. In ancient Greece and Rome, the rulers were considered to be antagonistic to the ruled and there was a great divide between them. Slowly, over time, the control of authority was divided into two rights of the citizens and the "establishment of constitutional checks with people's consent". These were considered as people's duties and they became the Government's power. Society's political control kept changing from monarchy to despotism to democracy.

Mill criticizes democracy as the "tyranny of the majority". Before democracies came into being, people were controlled by monarchs some despotic, some good. By bringing in democracy, people sought to have

control over the delegates to be elected and to have control over the government. The rulers come from the people and “there was no fear of its tyrannizing over itself”

The concept of democracy was good but when it started working, phrases like “self government”, “the power of the people over themselves”, etc., came to mean “the power of few over many” and Mills said “like other tyrannies, the tyranny of the majorities was at first, and is still vulgarly held in dread”.

Social control

Tyranny of the majority, says Mill is not limited to political function. One can protect oneself from a tyrant, but it is very difficult to be protected “against the tyrant of the prevailing opinion and feeling”. Social control over people is more dangerous than political control. In a society, there can be no safeguard in law against the tyranny of the majority. According to Mill, it is the majority opinion that will prevail and it need not be the correct opinion. He opines that of the two civil liberty and social liberty, it is more difficult to protect yourself against social liberty.

CONCLUSION

Liberty is dear to every individual. According to Mill it shall not be given to children and barbarian nations. Even despots like Charlemagne and Akbar the Great, though hailed as the great rulers are not to be given liberty, or their subjects. Apart from them it may be given to all and a person’s liberty may be restricted only when he is harmful to others. Otherwise, an individual has all rights over his body and mind. This standard is solely based on utility. In the words of Mill, a person’s liberty may be restricted on the condition that, “the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant. Over himself, over his body and mind, the individual is sovereign”.

In the conclusion of the introductory chapter, Mill prioritises three basic liberties in the order of importance:

- ❖ The freedom of thoughts and emotions which includes the freedom of speech emanating from freedom of thought.
- ❖ The freedom to pursue taste (provided they do no harm to others), even if they are deemed “immoral”.
- ❖ The freedom to unite so long as the involved members are of age, the involved members are not forced and no harm is done to others Finally Mill says that in contemporary and civilized societies removal of these freedoms cannot be justified.

LESSON:

Revered Chairman, I was extremely thankful to you for having given me this opportunity to associate myself with the observations made in this august Assembly. Of course, I was a bit hesitant to take part in the discussions this session, because I thought that my method ought to be to listen and learn this session rather than talk and rake up controversies. But the very congenial atmosphere that I find in this august House has emboldened me to join the rich chorus of praise that has been showered upon the President of this great country. I join along with others in paying my tributes to the unstinted service of our President though he has got failing health, and when I pay a tribute to Babu Rajendra Prasad, the President, I do not claim to have been a camp follower of the President. I do not have an identity with the ideologies, which the political party to which he is wedded has got. I was admiring the very able effort of the President from a vast distance. Perhaps, that gives me strength as well as weakness, weakness in the sense that I cannot have the same amount of warmth that others who worked along with him would have claimed, and strength because of the fact that the amount of tribute that I pay to the President is not to be construed a dutiful party man's tribute to another party man but one who having seen from a distance the unstinted service of the President pays the tribute that is due to him. Therefore, Sir, while I express my respects, when I pay my tribute, to the Hon. President, I have to couple it unfortunately with a sense of disappointment with the address that he has favored to deliver to us. As students of Constitutional history know, it is only the Government that is speaking through the President and, therefore, any remark bitter or otherwise, which is started about the address is not to be construed and I am very confident it would not be construed as anything against the President. But in spite of the President, the Government have failed to deliver the goods as it were. Therefore, Sir, Members on the opposite side have got certain sentiments to express about that.

I have had the benefit of having listened to a veritable disposition on planning by the Father of Planning, if I may say so, the Hon. Mr. V.T. Krishnamachari. But on going through the President's Address, I find that it reads more like the prospectus of a company rather than a message of hope and ideals – prospectus of a company because that company today seems to be in need of more and more members prospectus of a company because that company has been found to be needy.

Therefore, Sir, throughout the speeches from the ruling party on the Address and the Motion of Thanks, I found a sort of jubilation, a sort of elation on their part. "Oh, we have been elected by the people for three consecutive terms. Therefore, whatever we say is correct, whatever we do is correct and the smaller parties have no right to question our rights and our prerogatives".

Sir, I may point out that after having got victory in the general elections, any party has got the right to be jubilant. But I may with your permission; point out to the ruling party that it is not very astounding for a well organized and well funded party like the Congress to win the elections pitted as it is against opposition groups of varied interests and varied ideologies. May I point out, Sir, that the strength of the Congress lies in the weakness of the opposition parties. Therefore, instead of being jubilant over the victory, the ruling party should learn to be humble, magnanimous, liberal and democratic. Therefore, the very first thought, the very first sentiment that Members on this side were pleased to state was about the corrupt practices in elections.

Sir, as the members on this side spoke about the corrupt practices in the elections, the people of the ruling party rose up to ask whether it could be proved. Sir, may I point out that if we were able to lay our hands on proof, we could have dragged them into courts, of law rather than come to this august assembly to

present our sentiments. It is not always easy for parties placed at a disadvantage to produce proofs. We lay more emphasis on the philosophic side rather than the legal side of the matter. Did we not see some time ago strictures from High Courts that the ruling party to take donations though it may be legal on their part to take donations from industrial firms is highly immoral got their weapons from the armoury of Tatas and Birlas. They did not find it below their dignity even to go to the Mundhras for funds. Has the country forgotten where from their election fund was built up? Is it on this basis that the ruling party is jubilant? Perhaps the ruling party Members might say that corrupt practices can be found in other political parties too. But as the premier political party of this vast sub continent, is it not the duty of the Congress to set high traditions? I am reminded, Sir, of the sayings of Sanskrit Pandits, of home town "Conjeevaram Yatha Raja Tatha Praja". Whatever traditions the Congress set, other political parties may follow. I conveniently use the word "may" because "may" implies "may not" also. Therefore our first point is that this election was not fair and free and the peoples will was not legitimately consulted. Therefore, if at least during the next elections the ruling party does not associate itself with the protagonists of fleet owners, profiteers and permit mongers, and as Mr. Ganga Sharan Sinha stated the other day, if Members of the ruling party and the cabinet resign at least six months before the general elections, I challenge, Sir, the ruling party to come back to power. Therefore, the first ingredient that the President wants in his Address is that we should build up high democratic traditions by disassociating ourselves from the

Shri. N. Sri Rama Reddy (Mysore): Is there any democratic precedent for this?

Mr. Chairman: He is asking whether there is any democratic precedent for resignation six months earlier.

Shri. Bhupesh Gupta (West Bengal): There is hardly any precedent, Sir, to interrupt a maiden speech.

Shri. C.N. Annadurai: Of course, Sir, this is my maiden speech but I am not bashful of interruptions. Therefore, I like them.

The second point that I want to make on the President's Address is that I understood that three cardinal principles are being enunciated in the President's Address democracy, socialism and nationalism. As far as democracy is concerned unless we have got proportional representation coupled with a system of referendum initiated in a vast sub continent like this, you cannot have any utility for democracy. It is, therefore, that I regret very much that the President in his Address has not given the shortcomings of democracy as it has been worked out for the past ten or fifteen years. Therefore, I would request this House to consider the matter, whether it is not necessary and expedient now at least to have a free thinking on the tenets of democracy.

About socialism, Sir, the other day I have found in this House a new meaning given to socialism. When my friend Hon. Mr. Ramamurti was telling the House about the big industrial concerns, the Tatas and Birlas, I found an Hon. Member giving an amazing interpretation of shares and profits. He was pleased to say that though crores and crores of rupees are gathered as profit, it does not go to the coffers of the individual capitalist like the Tatas and Birlas but it is being disbursed to the shareholders. Sir, if that it is the economic interpretation, why do we have two sectors, public and private? If my Hon. friend thinks that private is public, that private industries controlled by Tatas and Birlas are after all public, why make a differentiation between public and private? Sir, he was far off the mark when he said that these shares and profits were distributed and disbursed.

Sir, we have committees which have gone into the question and they have stated that powerful, industrial empires have been built up, monopolies have grown. I find that the Prime Minister of this country has stated

that the question should be looked into. I understand that a Committee is working and they are going to find out how and where the amount of wealth produced by the two plans has gone. Therefore, Sir, instead of a different kind, give it some other name; why drag in the name of socialism and give your own interpretation to socialism? Socialism is not mere welfare, because socialism is something other than guaranteeing welfare. It works out to create equality. I am aware, according to Laski, that equality is not identity of treatment but affording equal opportunities for all but in this country of ours, can we say that equal opportunities have been given or is being given to all? What about the Scheduled Castes, what about the backward classes?

Sometimes ago I read in the papers that there was a conference at Hyderabad of the Scheduled Castes and Tribes wherein the Prime Minister and Hon. Mr. Jagjivan Ram were present, not to present a united front but to give varied opinions. The Prime Minister was said to have stated there that distinctions like Scheduled Castes and Backward Classes were not to be allowed hereafter ; and Mr. Jagjivan Ram, naturally enough, rose to say that the Scheduled Castes and Scheduled Tribes need patronage because they have been driven to the last rung of the society.

If two such stalwarts can hold different views and remain in the same party, is it any wonder, Sir, that there is difference in the ideology between the ruling party and other parties? Therefore it is that I would say that the implementation of socialism are not leading towards socialism. Here I have got to refer to what a great friend of India, an admirer of this Government, the Ambassador of the United States of America, but an economist, Dr. Galbraith, says labour our socialism. He has called it "Post office Socialism". Why is it that Prof. Galbraith calls it "Post office Socialism?" That is because he says that public enterprises should be run to maximise revenues, that is to say, profits, in a developing country like India. He points out that both America and Russia do this. The idea is that the profits made should in turn be ploughed back into the unit, should be re invested, and it should be used for the good of the people. Just now we have been hearing the observations of the Hon. Member, Shri V. T. Krishnamachari. He was stating that in the public projects, whether they be irrigational projects or power project or industrial projects, the returns are not up to the mark. He says that the returns are not up to the mark and adequate. It is because of the difference in the interpretation of socialism that we are not getting enough returns. I would say that much money has been sunk in the public sector. But neither have the targets been reached nor are the returns commensurate with the efforts taken on the sonnets sung about Sindri or Bhakra or other projects. Sir, I would hasten to state that I must not be misconstrued to mean that I am against planning or against the public sector, I am all for planning and all for the public sector, but if in the public sector the return is so meager, if in the implementation of the public sector there is so much of wastage we have to see to it. There are rumors about corruption. I am not in a position to present facts and figures, but the rumor is wide spread that there is corruption and maladministration and other evils connected with the public sector. Therefore, I feel that the President should have stated in his Address that in spite of having the vision of socialism, we are not moving towards socialism.

The third point which is a point that is very intimate so far as the party to which I have the honour to belong is concerned is nationalism. Or to put in the current word, which has become very current now, I would call it "national integration". But, Sir, before coming to the point and to the nature of methods to be followed for national integration, may I point out that to think about national integration fifteen years after independence, fifteen years after the working of a national Government, is something which is against all that we have been thinking and doing all these years. Are we to take, Sir, that all the efforts of the national leaders all these years have not been fruitful? Why is it that we are forced today to speak, or to chalk out methods, of "national integration?" We from the South, especially Tamilnadu, while we are sitting here, find Hon. Members though they know English, speaking in Hindi and putting questions in Hindi and getting answers in Hindi. At that time I find a twinkle in their eye, as if to say; you people, unless you learn Hindi, you have to keep quiet. Is that the way to national integration? Sir, may I say, even at the point of being misunderstood, that the very term "national integration" is contradiction in terms? People integrated become a nation and if they become

a nation, where is the necessity for integration? Therefore, that term "national integration" shows the poverty of ideas which has been holding away all this time. I would, therefore, say this. Let us have are thinking. We have had a constitution, of course, stalwarts of this country sat and devised the constitution. But the time has come for a re-thinking, for a re-appraisal, for re-valuation and for a re-interpretation of the word "nation". I claim, Sir, to come from a country, a part in India now, but which I think is to be of a different stock not necessarily antagonistic. It does not mean it is antagonistic. It means only being supplementary to, or complementary not necessarily antagonistic to one another. I belong to the Dravidian stock. I am proud to call myself a Dravidian. That does not mean that I am against a Bengali or a Maharashtrian or a Gujarati. As Robert Browns has stated "A man is a man for all that". Therefore, it is that I say that I belong to the Dravidian stock and that is only because I consider that the Dravidians have got something concrete, something distinct, something different to offer the world at large. Therefore, it is that we want self determination.

After coming here I must say that many times I have found great kindness from Hon. Members. I did not expect so much of kindness when I came here. I find that this kindness even makes me forget the animosities that had been created by certain Hindi people. I would very much like to be with you as one nation. But Wish Is Something And Facts Are Different. We want one world, one Government but we do not forget national frontiers. The other day, I found the Hon. Member Shri. Dahyabhai Patel speak and when he spoke about Gujarat there was such fire in his words and I felt it. About such an industrially advanced state Gujarat he speaks thus: "I come from Gujarat. I am talking of Gujarat" and so on. Take my State of Madras. It is backward taking into consideration everything. You have here four steel plants. We have been crying hoarse for a decade and more for a steel plant, but what have they given? They gave the portfolio to a new Minister, not the steel industry to us. Perhaps if Hon. Subramaniam had not come here, he might have been pressing for the steel industry from there. Is it diplomacy or prudence or political expediency? I do not know which – But you have brought him here and you are going to ask him to reply to the demand of the South. That is what the Britishers were doing – divide and rule, barter and get money, marshal out figure and demolish arguments. I would say that the fact that we want separation is not to be misconstrued as being antagonistic. Of course, I can understand the feelings that would very naturally arise in the minds of people in the northern area whatever they think of partition. I know the terrible consequences of partition and I am deeply sympathetic towards them. But our separation is entirely different from the partition which has brought about Pakistan. I would even say that if the ideal is being considered and if sympathetic treatment is afforded, there need be no heat generated. There would not be any amount of consequence. Fortunately, the South itself is a sort of a geographical unit. We call it the Deccan plateau or Peninsula. There will not be any amount of people migrating from this place to that. There will not be any refugee problem.

I would ask you to very calmly favour deeper thoughts sympathetically towards that problem.

Shri Joseph Mathen (Kerala): And what will be the language of the Southern State?

Shri C. N. Annadurai: Sir, the language and other details will be out by a Constituent Assembly. Therefore, Sir, the position today is, whatever may be your reading of the situation, for whatever we do not get in the South, the messes are ready to lay the entire blame on the Indian Government. There will be very natural reasons for not opening certain industries there but the moment we are denied a steel plant, the moment we are denied new railway lines, the moment we are denied an oil refinery, the man in the street in the South gets up and says, "This is the way of De'hi". This is the way of northern imperialism and unless you come out of that imperialism you are not going to make your country safe, sound, plentiful and progressive. Therefore, it is, Sir, that when I talk about separation, I represent the resurgent view of South and as the illustrious person, Mira Behn, started some time ago, the national unity that we found when we were opposing the Britishers is not to be construed as the permanent affair. The principle of separation or, to put in the correct way, an act of the principle of self determination has been accepted by the leaders of international

repute and more than that, by the Prime Minister of the sub continent of ours. During the day of Pakistan controversy, Pandit Jawaharlal Nehru, speaking, if I remember correctly, on the Kapurthala Grounds, stated categorically that the Congress as an organisation would try to keep every unit within the Indian Union but if any Indian unit decided to secede, the Congress would give consent for that. Thus, the Congress has recognised the principle of self determination. I make this bold appeal to that liberal thoughts, to that democratic spirit and despite the fact that he has become the Prime Minister, I think part of the old fire is still burning in his heart. Why not give self determination to the peninsular India and after that India will not be impoverished? I would say that the decision would pave the way for raising the stature of India. I am inviting those people who want to keep India one and indivisible to make it a Comity of Nations instead of being a medley of disgruntled units here and there. Sir, whenever Members representing different units get up and plead for this project or that project, do they not to that extent forget that India is one and indivisible? Did not our Maharashtra friends, when they wanted a Maharashtra State, at that time forget that India was one and indivisible? Was not the Bengal infuriated when Berubari was taken away and switched over to Pakistan? Was not Bihar infuriated over the claims of Orissa? Is it not a fact that animosity was created over language between Assam and Bengal? While I like that supreme Indian unity and ideology, whatever these things are just to brush aside other things by saying that these are all regionalism, parochialism and the like, is to burke the issue. I would like this House to face this issue squarely and grant self determination for that part of the country from which I come, the Dravidian part.

Shri N. M. Lingam: Why not grant self determination, following your logic, to all the States of the Union? That would be logical.

Shri C. N. Annadurai: Well, my Hon. Friend can advocate that. I am pleading for separation of Dravidanad not because of any antagonism but because if it is separated, it will become a small nation, compact, homogeneous and united wherein sections of people in the whole area can have community of sentiment. Then we can make economic regeneration more effective and social regeneration more fruitful. Sir, it was only ten days ago that I came to Delhi. I did not wander or saunter along all the avenues but wherever I went, I found many avenues, new roads, parks – they are to be found in New Delhi. Why is it, Sir, that it did not occur to the Indian Government that a single avenue be named after a Southerner?

The Minister of State in the Ministry of External Affairs

(Shrimathi Lakshmi Menon): There is Thyagaraja Road.

Shri C. N. Annadurai: Does that mean that people of the south will have to be

Second rate citizens?

Shri N Rama Reddy: There is the Thyagaraja Road, named after the great musician saint.

(An Hon. Member): What more do you want?

Shri C. N. Annadurai: Sir, I am surprised at the advocacy of the Hon. Mr. Lingam. If he is satisfied with Sir Theagaraya – or is it the Theyeagaraja of Kirtana – fame – Road, if he is satisfied with that, i beg to submit that that is not enough for the South.

Shri C. N. Annadurai: Come to any Southern Town. You can saunter in Motilal Nehru Park; you can enter Jawaharlal Nehru Reading Room; you can go to Kamla Nehru Hospital

Shri N. Sri Rama Reddy: That shows integration

Mr. Chairman: You can motor through Abul Kalam Azad Road. Why is it that such a thing is not found in this part of the country? And, Sir, look at the sentiments of the Southerners. When I am pleading for the South it is only my Southern friends who and say, 'don't plead; we are quite all right'. This is due to the fear complex instilled into the minds of representatives of the South because if they plead for something they are dubbed as separatists and it may be taken that these people have joined the DMK and there for it may be that their political future might be lost. That is why people get up and say, 'Oh, you have got this road and that road'. Am i not aware of that? I am as fully aware of that as members from the South of other political parties are. I am pleading for a national cause, and not for parochialism, not for party principle. I want that this great State of ours should haver self determination so that it can contribute its might to the whole world because, Sir, we have got a culture peculiai to ours. There may be a similarity between the culture obtaining in Dravida nad and the culture that is to be found in other places.

And I am reminded, Sir, of your very scholarly statement made some time ago that India is united because Rama and Krishna are being worshipped and venerated from the Himalayas right up to Cape Comorin. So too is Jesus held in respect and veneration throughout the world and yet you have got nation – States in Europe and new and newer nation states are coming up in the world.

Therefore, I regret very much that the President has not stated anything about neo – nationalism that is surging up in the South. Sir, I have stated that there are three tenets, democracy, socialism and nationalism. I would conclude by saying that democracy is distorted, socialism is emaciated and nationalism is misinterpreted. I think in the coming years there will be a new sense of appreciation and the needs and philosophy of the South will be more appreciated and self determination accorded to Dravida nad from where I have the honour to come.

ABOUT THE AUTHOR

Annadurai was born on Sep 15, 1909 in Kanchipuram. His parents were *Natrajan* and *Angaruammal* his sister *Rajamaniammal* raised him. He married *Rani*, had no children and adopted Rajamani's grand children. He worked initially in town's municipal office and in 1934 he graduated from Pachaiyappa's college Chennai and later completed M.A in economics and politics in same college. Before joining journalism and politics he worked as an English teacher in Pachaiyappa's college.

ANNA AS A POLITICIAN

In 1916, the Justice Party was formed by Non Brahmin elites – Natesa Mudaliar, Sir.Pitti Thayagara Chetty and Dr. T.M. Nair. In 1925 Self Respect Movement (S.R.M)was started. In 1936 both were merged at Salem and the party was called Dravida Kalagam(D.K). Anna joined the Justice party in 1935, inspired by Periyar E.V Ramasami Nayakar and from then Anna became a full fledged politician. Periyar's decision not to participate in election, mourning India independence and his marriage to Maniammai who was 40 years younger than him, resulted in serious differences between Anna and Periyar. In 1949, Anna formed the D.M.K. Dravida Munnetra Kazhagam .

ANNA AS A JOURNALIST

Anna realized the importance of mass media and he was a journalist also. He was the sub editor of the *Justice Magazine*, edited for *Viduthalai* (Freedom in English) and *Kudiarasu*. He also started a journal *Dravida Nadu* and served as it editor.

LITERARY CONTRIBUTIONS

Anna was not only a skilled orator but also an acclaimed writer. The dravidan ideology was taken to the masses through his works, and through his dramas and cinema.

Some of the important writings are:

- ❖ *Novels* "Velaikkaari(1949)", "Oriravu"
- ❖ *Books* "AryaMayai", "Valkkaippuyal", "Rangoon Radha",
"Pavayin Payanam", "Needhi Devan Mayakkam", "Kambharasam" etc.
- ❖ *Flims* "Velaikkaari", "Nallathambhi", "Rangoon Radha", "Oriravu", "Nallavan Vazhvaan" etc.

Through his cinemas, the Dravidian ideologies were successfully taken to the masses that after 1967 to this day, parties with Dravidian ideologies alone are winning elections in Tamil Nadu.

POLITICAL IDELOGY

Annadurai participated vociferously in Anti Hindi agitation in 1938 itself, till the order was withdrawn by the government. Again in 1965 when Hindi was made the official language anti Hindi agitation rocked Tamil Nadu. It was a violent struggle.

DRAVIDA NADU

Periyar proposed the idea of creating a separate Dravida Nadu and Anna durai supported it. In his maiden speech in RajyaSabha, Anna pleaded the cause of Dravida Nadu. But the 16th constitutional amendment popularly known as Anti Secessionist amendment banned parties with sectarian principals from participating in election. Anna as the MP opposed it but it was passed. If D.M.K continued to ask for separate Dravida Nadu it cannot contest the election. Commenting on this tricky situation Anna said "to make the Dravidian state a separate state was our ideal. A situation has arisen where we can neither talk nor write about this ideal. Of course we can destroy the party by undertaking to violate the prohibition, but once the party itself is destroyed there will not be any scope for the ideal to exist or spread. That is why we have to give up the ideal".

POSTS HELD

Anna held the post of general secretary of D.M.K. till May 1956. In

1957, D.M.K. contested the second general election and secured 15 assembly seats and 2 parliamentary seats. Anna won from Kanchipuram and became the leader of the opposition in Tamil Nadu. In 1962 elections though Anna lost, D.M.K. won 50 assembly seats and Anna was nominated as RajyaSabha MP.



In 1967, elections the D.M.K. won a huge victory and formed the Government the first State to have a non congress party in power. His achievements are:

- ❖ Legalized self respect marriages without priest.
- ❖ Promised rice at 1 rupee a kg but later withdrew.
- ❖ Madras renamed officially as Tamil Nadu.
- ❖ Introduced two language policy instead of three.
- ❖ Second World Tamil conference on 3rd January 1968.
- ❖ Invited as a guest to U.S.A. was awarded the chub fellowship at Yale University, the first non American to receive this honor.
- ❖ Spoke at U.N.
- ❖ Awarded the honorary doctorate from Annamalai University.
- ❖ On 3rd February 1969 Anna died of cancer. His funeral attended by 15 million people, highest number of attendees has entered the Guinness book of records.

LESSON ANALYSIS:

Anna, as a Member of Parliament (Rajya Sabha) gave his maiden speech in 1962. New entrants to Parliament are given an opportunity to speak at the joint session of the Parliament. A Parliamentary session commences with a joint session addressed by the President of India. After that speech new members address the Parliamentary members. Anna spoke on that occasion.

Anna opens his speech by showering praises on the then Indian President, Babu Rajendra Prasad for his admirable qualities. At the same time, he expresses his wish to criticize the Presidential Address, which is authorized by the party in power. Before that he condemns the Congress Party's corrupt election practices. Finding fault with the Congressmen's arrogant attitude, Anna says that they are winning the elections not on

their strengths, but due to the weakness of the opposition parties. As the largest national party, the Congress should set a good example to the small upcoming parties. Anna suggests that 6 months before election, President's rule should be declared both at the centre and the states. If that is done, he says he is sure the Congress would not be able to win.

Anna takes up three important concepts highlighted in the Presidential address i.e., democracy, socialism and national integration. Democracy is considered to be the rule of the people, for the people and by the people. Anna pleads for making India a real democracy by including devices like "referendum". He alleges that the people's voice is not heard in the corridors of power at Delhi and Congressmen have usurped people's power. Despite making tall claims on having democratic governance, Anna says that what we have in India is but a shadow of it and not the real democracy.

The Congress government's claims on socialism was roundly criticized by Anna. He finds fault with a senior minister talking highly about the profits made by private industrialists, like the Tatas and Birlas.

He even said that in the true spirit of socialism, the profits are distributed among the shareholders. Criticizing this equation of a private sector with public sector, Anna asks the Government not to use the name of socialism for such things.

'National integration' as a concept is about the integration of people who desire to form a nation. The Congress talking about the need for 'national integration' 15 years after Indian independence showed the paucity of ideas of the party.

Anna then comes to the important part of his speech namely Dravidian nationalism. Pointing out the step motherly treatment meted out to South Indian States, Anna pleads the cause of Dravidian nationalism. Claiming to come from the Dravidian stock and being proud of it, Anna opines that a separate Dravida Nadu will ensure better and faster development in the Southern Peninsula. When he was arguing for in that vein, members from the South were asking him about the language and other things and Anna replied that those would be discussed later. The imposition of Hindi on non Hindi states and speaking in Hindi to them also smacked of Aryan dominance. If the Aryan hegemony is lifted, the Dravidian greatness and individuality can be showcased to the world and benefit it.

Understanding the negative thoughts associated with partition, Anna requested the Parliamentarians to look at it without any tension. The Vindhya ranges act as a national divide and so there will not be any problem in border disputes. Anna pleaded with the members to think over it calmly and see that Dravida Nadu is created in the interest of India also.

UNIT V – GRAMMAR

A) IDIOMS AND PHRASES

An idiom is a word or phrase which means something different from its literal meaning. Idioms are common phrases or terms whose meaning is not real, but can be understood by their popular use. Idioms can mean something different from what the words mean, so it is difficult for someone not very good at speaking the language to use them properly. Some idioms are only used by some groups of people or at certain times.

To learn a language a person needs to learn the words in that language, and how and when to use them. But people also need to learn idioms separately because certain words together or at certain times can have different meaning. In order to understand an idiom, one sometimes need to know the culture the idiom comes from. The meaning of an idiom/phrase cannot be understood from the dictionary, but from the usage of it in that language group.

1. IDIOM: To make both ends meet

MEANING: to live within one's income

SENTENCE: Dolly finds it difficult to make both ends meet

2. IDIOM: To eat one's word

MEANING: to retract one's statements

SENTENCE: He was forced to eat his words

3. IDIOM: To set one's face against

MEANING: to sternly oppose

SENTENCE: My mom set her face against me bunking class

4. IDIOM: to play fast and loose

MEANING: to say something and do another

SENTENCE: The councilor played fast and loose on his election manifesto

5. IDIOM: To win one's spurs

MEANING: to make one's reputation

SENTENCE: Saina won her spur in badminton.

6. IDIOM: To take one to task

MEANING: to rebuke

SENTENCE: She was taken to task by the school principal

7. IDIOM: To turn a deaf ear to

MEANING: to disagree

SENTENCE: The politicians turned a deaf ear to people's problem

8. IDIOM: by hook or by crook

MEANING: by fair or foul means

SENTENCE: He wants to win the event by hook or crook.

9. IDIOM: Without reserve

MEANING: fully

SENTENCE: I spent my pocket money without reserve

10.IDIOM: To take exception to

MEANING: to object to

SENTENCE: I took exception to her unjust criticism.

11.IDIOM: To pay off old score.

MEANING: to wreck revenge

SENTENCE: My brother decided to payoff old scores with his friend.

12.IDIOM: on and off

MEANING: at interval

SENTENCE: It was raining on and off the whole day

13.IDIOM: off and on

MEANING: now and then

SENTENCE: Someone kept on ringing the bell off and on

14.IDIOM: in good part

MEANING: without offence

SENTENCE: Sunil spoke to his friends in good part

15.IDIOM: To put a spoke in the wheel

MEANING: to thwart the execution of one's design (to spoil someone else's plans and stop them from doing something)

SENTENCE: Steve if you try to put a spoke in the wheel you will face the consequences

16.IDIOM: To make one's mark

MEANING: to distinguish oneself (distinguish means to make noticeable or different; set apart.)

SENTENCE: Modi made his mark as a strong Prime Minister.

17.IDIOM: To put one's foot down

MEANING: to take a resolute stand

SENTENCE: My mother puts her foot down on my unreasonable demands.

18.IDIOM: To make up one's mind

MEANING: to resolve

SENTENCE: I made up my mind to play tennis

19. IDIOM: To turn over a new leaf

MEANING: to change for the better

SENTENCE: Michel turned over a new leaf by joining yoga class

20.IDIOM: No love lost (between them)

MEANING: not on good terms

SENTENCE: There is no love lost between India and Pakistan.

- 21.IDIOM: To throw cold water**
MEANING: to discourage
SENTENCE: Never try to throw cold water on any one
- 22.IDIOM: Hands In glove**
MEANING: connive wit
SENTENCE: The politician was hand in glove with the sandalwood smugglers.
- 23.IDIOM: To turn one's error to account**
MEANING: to profit by errors
SENTENCE: Turn your errors to account to succeed in life.
- 24.IDIOM: To sit on the fence**
MEANING: to remain undecided
SENTENCE: Sheena was sitting on the fence about choosing her college
- 25.IDIOM: at issue**
MEANING: in dispute
SENTENCE: The title of Ram GopalVarma's movie is at issue.
- 26.IDIOM: To bring to light**
MEANING: to disclose
SENTENCE: His forgery was brought to light.
- 27.IDIOM: To burn one's fingers**
MEANING: to get into trouble
SENTENCE: He burnt his fingers by investing in shares.
- 28.IDIOM: To live by one's wits**
MEANING: to earn one's livelihood by ingenuity
SENTENCE: Tenali Raman lived by his own wits.
- 29.IDIOM: To bid fair**
MEANING: fairly to
SENTENCE: He bids fair to become a doctor.
- 30.IDIOM: To strain every nerve**
MEANING: to put forth one's utmost efforts
SENTENCE: You have to strain every nerve to achieve success.
- 31.IDIOM: Beside himself**
MEANING: out of his mind
SENTENCE: He was beside himself with grief when she died.
- 32.IDIOM: At sixes and sevens**
MEANING: In disorder or confusion
SENTENCE: We were at sixes and sevens before the seminar inaugural began.

33.IDIOM: To put on airs

MEANING: to behave arrogantly

SENTENCE: It's better not to put on airs as your position grows.

34.IDIOM: To be on alert

MEANING: ready to act

SENTENCE: At the time of emergencies, it is advisable to be on alert.

35.IDIOM: Order of the day

MEANING: Prevailing state of things

SENTENCE: Going to bed early was the order of the day when we were young.

36.IDIOM: To get into hot water

MEANING: to get into trouble

SENTENCE: Don't get into hot water by copying.

37.IDIOM: To get the better of one

MEANING: to overcome

SENTENCE: Women have to get the better of one's hurdles in their day to day life.

38.IDIOM: To get off easily

MEANING: to get a light sentence

SENTENCE: Sportsmen get off easily in doping cases.

39.IDIOM: Washing dirty linen in public

MEANING: to talk about one's short comings in public

SENTENCE: Teachers generally don't prefer washing dirty linen in public.

40.IDIOM: To have a finger in the pie

MEANING: to meddle with all affairs

SENTENCE: Sally always wants to have a finger in the pie.

41.IDIOM: To hit the nail on the head

MEANING: to say or do exactly the right thing

SENTENCE: Smart folks will hit the nail on the head.

42.IDIOM: To have an axe to grind

MEANING: to have personal interest in the matter

SENTENCE: As a novelist, he has no political axe to grind.

43.IDIOM: To have the gift of the gab

MEANING: to have talent for speaking

SENTENCE: An aspiring lawyer should have the gift of the gab.

44.IDIOM: To throw out of the gear

MEANING: to disturb the working of

SENTENCE: Kids often let throw their parent's work life out of the gear

45.IDIOM: Gall and worm wood

MEANING: Hateful, unacceptable

SENTENCE: Prohibition is gall and worm wood to distillers.

46.IDIOM: To be in the good books of

MEANING: to enjoy the patronage of

SENTENCE: Since I scored centum, I am in my teacher's good books.

47.IDIOM: To stand in one's own light

MEANING: to act against one's own interest

SENTENCE: He does not understand that he stands in his own light.

48.IDIOM: To put one's foot in

MEANING: to involve

SENTENCE: I put my foot in it by while mother cleaned the house.

49. IDIOM: To fight tooth and nail

MEANING: to fight bitterly

SENTENCE: We fought tooth and nail to keep our share of the business.

50. IDIOM: To make clean breast of

MEANING: to confess without reserve

SENTENCE: Julia finally made a clean breast of her role in the bank robbery.

51.IDIOM: To stand one's ground

MEANING: to maintain one's position

SENTENCE: Learn to stand your ground in the debate.

52.IDIOM: Where the shoe pinches

MEANING: where the difficulty or trouble exist

SENTENCE: Johnny thinks the job is easy, but he will find where the shoe pinches when he tries it.

53.IDIOM: To take to ones heels

MEANING: to run away

SENTENCE: The little boy on seeing his teacher took to his heels

54.IDIOM: To the letter

MEANING: to adhere to every detail

SENTENCE: I didn't make any error, I followed your instructions to the letter

55.IDIOM: To keep in the dark

MEANING: to keep one in ignorance

SENTENCE: Congress complained about being kept in the dark.

56.IDIOM: To die in harness

MEANING: to die while in office

SENTENCE: Her mother died in harness.

57.IDIOM: To have too many irons in the fire

MEANING: to be engaged into too many enterprises

SENTENCE: Tom had too many irons in the fire that he missed many deadlines

58.IDIOM: To be at one's wit's end

MEANING: puzzled, completely at a loss to act

SENTENCE: I'm at my wit's end in this problem

59.IDIOM: To fall foul of

MEANING: to quarrel with

SENTENCE: I hope you will avoid falling foul of the administration.

60.IDIOM: To go back on

MEANING: to fail to keep

SENTENCE: Going back on your promise, make you a liar

61.IDIOM: To lend ear to

MEANING: To listen to

SENTENCE: Lend your ear to what I am saying

62.IDIOM: To read between the lines

MEANING: to read a hidden meaning not apparent

SENTENCE: Lawyers should learn to read between the lines.

63.IDIOM: Thorn in one's side

MEANING: to be a constant source of annoyance

SENTENCE: Health inspectors are always a thorn in the side for most restaurant owners.

64.IDIOM: To smell a rat

MEANING: to suspect

SENTENCE: I don't think this is an accident, I smell a rat.

65.IDIOM: To nip in the bud

MEANING: to put an end to in the beginning itself

SENTENCE: The whole strike was nipped in the bud by a clever negotiation.

66.IDIOM: The long and short of it

MEANING: the whole matter in few words.

SENTENCE: The long and short of the seminar is that physical activity is very good for health.

67.IDIOM: To take stock of

MEANING: to assess

SENTENCE: I spent some time yesterday taking stock of my good and bad qualities.

68.IDIOM: To keep one's own counsel

MEANING: to preserve a discreet silence

SENTENCE: She doubted what he said but kept her own counsel.

69.IDIOM: To be born with silver spoon in one's mouth

MEANING: to be born in wealth and luxury

SENTENCE: Most of the students at the exclusive private college were born with silver spoons in their mouth.

70.IDIOM: To stand to reason

MEANING: to be logical

SENTENCE: Your arguments should always stand to reason.

71.IDIOM: To stand in good stead

MEANING: to be of good service

SENTENCE: Any experience you get in dealing with the public will stand you in good stead, no matter what line of work you go into.

72.IDIOM: To take wind out of one's sail

MEANING: to render to ones work or action ineffective

SENTENCE: Learning that one has been totally wrong about something can really take the wind out of one's sails

73.IDIOM: To pay back in ones coin

MEANING: to treat one in the same way

SENTENCE: I decided to pay her back in her own coin and refused to help her.

74.IDIOM: To take one's life in ones hands

MEANING: to undergo great risks

SENTENCE: If you go into the war zone, you will be taking your life in your hands.

75.IDIOM: To fight shy of

MEANING: to avoid due to a feeling of mistrust

SENTENCE: Ellen fights shy of parties because she hates crowd.

76.IDIOM: To end in smoke

MEANING: to come to nothing

SENTENCE: Even after the best players were there, they ended in smoke as they did not win the game

77.IDIOM: To leave no stone unturned

MEANING: to use all available means

SENTENCE: The PM left no stone unturned for the development of the nation.

78.IDIOM: To harp on the same string

MEANING: to dwell tediously on same subject

SENTENCE: Harish harped on the same string recounting his father's death.

79.IDIOM: To give a piece of one's mind

MEANING: to scold one

SENTENCE: Ravi gave a piece of his mind to his lazy son.

80.IDIOM: To make good the loss

MEANING: to compensate for the loss

SENTENCE: Insurance companies make good the loss to the policy holders.

81.IDIOM: To kick up a row

MEANING: to make great noise or fuse

SENTENCE: The child kicked up a row in the party for no reason.

82.IDIOM: To be ill at ease

MEANING: to be uneasy

SENTENCE: Ram felt to be ill at ease in the company of his competitors.

83.IDIOM: To rise to the occasion

MEANING: to show oneself equal to deal with the emergency

SENTENCE: Our boxers rose to the occasion and won gold medals in the Olympics.

84.IDIOM: To do the handsome thing by one

MEANING: to behave towards one in a magnanimous manner

SENTENCE: The teacher used to do the handsome thing by her.

85.IDIOM: To take the edge of one's argument

MEANING: to make an argument ineffective

SENTENCE: The Judge took the edge of the lawyer's argument.

86.IDIOM: To hang in the balance

MEANING: to remain in suspense

SENTENCE: The corruption case against the Tahsildar hung in the balance due to many reasons.

87.IDIOM: To put in the market

MEANING: to offer for sale

SENTENCE: The articles to be sold were put in the market.

88.IDIOM: To fall short of one's expectations

MEANING: to disappoint

SENTENCE: His behavior fell short of our expectations.

89.IDIOM: On the spur of the movement

MEANING: instantly

SENTENCE: The police reacted on the spur of the movement to control mob violence.

90.IDIOM: To burn the candle at both the ends

MEANING: to overtax one's energy

SENTENCE: The employer of the company burned the candle at both the ends.

91.IDIOM: To bury the hatchet

MEANING: to cease fighting, to make peace

SENTENCE: The political parties buried the hatchet to maintain public tranquility.

92.IDIOM: To feather one's own nest

MEANING: to make money unfairly

SENTENCE: Many businessmen in India feather their own nest.

93.IDIOM: To blow one's own trumpet

MEANING: to praise oneself

SENTENCE: Students usually blow their own trumpet as there are no other to do so.

94.IDIOM: To keep one's head above water

MEANING: to keep out of debt

SENTENCE: Take care to keep your head above water

95.IDIOM: To have two strings to one bow

MEANING: to have two sources of income to rely upon

SENTENCE: He keeps poverty away by having two strings at the bow.

96.IDIOM: To make a pile

MEANING: to save a fortune

SENTENCE: We have to make a pile by working hard.

97.IDIOM: To be beside

MEANING: to be irrelevant

SENTENCE: After elections, Politicians always be beside the man.

98.IDIOM: To be under the watch of

MEANING: to be completely under control of

SENTENCE: Students ought to be under the watch of the teachers.

99.IDIOM: To be on tenter hooks

MEANING: to be in a state of suspense or anxiety

SENTENCE: The CBI officers were being on tender hook due to the lack of evidence.

100.IDIOM: To move heaven and earth

MEANING: to make every possible effort

SENTENCE: The CM moved heaven and earth to tackle the problem in the State.

b) Words often confused

Vocabulary is a vital part of lingual expression. A good knowledge of words helps in an effective presentation of ideas, oral or written. It creates an impact on the listeners / readers about the communicator as being a learned and erudite person. Enhancing the word power is sought after by students and professionals alike as it lends fluidity to words and convey the most appropriate idea that is in one's mind. Advocacy skills are very important for the carrier of law students so having a wide range of words and being able to use than in sentence with felicity is sought to be developed and strengthened through this exercise.

1) Affect (to influence)

The cold night never affected the poor man. The area was affected by floods.

She was not affected by his words.

Effect(consequence)

The medicines had no effect on her.

The law had to come into effect.

Antony's speech had the desired effect on the people.

2) Adverse(un-favorable)

The people gave an adverse reaction to the change in train timings.

He had an adverse reaction to medications.

The mother's harsh words had an adverse effect on the child.

Averse(opposed)

She is averse to the ideologies of religions.

He is averse to their suggestion.

They are not averse to the idea of going to the boarding schools.

3) Apprehend (to arrest)

None can apprehend the occurrence of natural calamities.

The police apprehended the criminal.

Comprehend (to understand)

It is very difficult to comprehend this lesson.

He did not comprehend his friend's proposal.

If you listen carefully, you can easily comprehend it.

4) Adapt (to alter)

It was hard for the boy to adapt to his new school.

The fish adapt to water naturally.

We must adapt to survive.

Adopt (to become the legal parent of someone's child)

People are adopting homeless dogs.

We must adopt useful measures.

They did not adopt the recommended method.

- 5) **Accept (to take, receive)**
 They accepted the offer.
 The child accepts the chocolates. She accepted the gift.
Except (unusual)
 They accepted the whole offer except the first condition.
 He like all flavors except vanilla.
 She is scared of nothing except darkness.
- 6) **Advise**
 The doctor advised him to give up smoking.
 He advises the king on important matters.
 They advise the council on decisions of the state.
Advice
 Their head gives advice on all matters.
 The best advice is to give up all vices.
 Students hate advice.
- 7) **Beside (next to)**
 She sat beside me during class.
 There was a lake beside the temple.
 The mirror was beside the table.
Besides (moreover)
 Besides offering coffee, they also serve tea.
 He had ice creams besides toffee.
 Besides cold-drinks we have fresh juice.
- 8) **Bridal (a promise, offer or gift)**
 The bridal procession was grand.
 They offered discounts on bridal make-up. Bridal jewels are heavy.
Bridle (to control , restrain)
 The horse had a saddle and bridle.
 Never bridle a mad horse
 Bridle your negative thoughts.
- 9) **Canon (a Christian priest or senior person)**
 The decision violated the canons of natural law.
 This book is on the biblical canon.
 He was mesmerised by the anon of English poetry.
Cannon (an old type of gun)
 Former warfare involved firing cannon balls.
 They fired the cannons but did not hit the enemies.
 In 1914, the German ship Emden fired many cannons on Madras city.

- 10) Canvas (a course strong cloth)**
Every man paints on his canvas of life.
The children wore canvas shoes during play
The poor painter could not buy canvas to paint on.
Canvass (to ask people for vote)
The nominee canvassed for votes.
They are canvassing support among the masses.
The issues were resolved after the PM canvassed.
- 11) Council (a group of people elected to maintain affairs)**
The King had a council of ministers.
The members of the council are elected by people.
The council did not consist of wise men.
Counsel (advice or guidance)
The king needed counsel from his advisor.
The counsel for appellant is preparing the brief.
He must take counsel with his seniors.
- 12) Continual (to go on happening)**
Bribery is a continual threat to economy.
His continual complaints made them angry.
She was disturbed by the continual barking of the dog.
Continuous (joined together unbroken)
The child's continuous screaming drove her mad.
The continuous sound of the machines disturbed his sleep.
Continuous studying without breaks does not help much.
- 13) Childlike (innocent)**
His face was childlike.
She stared at the rainbow with childlike wonder.
The work required childlike enthusiasm for completion.
Childish (immature)
Her childish behavior is irritating.
He was fed up with his childish pranks.
His childish pranks annoyed him a lot.

- 14) Collision (act or ideas heading towards conflict)**
 The driver had no means to avoid collision.
 The aircraft was brought down by collision.
 The molecules are in collision with each other.
Collusion (to conspire or collaborate)
 The police were in collusion with the criminals.
 The officers in collusion with the rivals, killed their king.
 The government is trying to prevent collusion between officers and agents.
- 15) Confirm (to prove the truth of)**
 His ticket was not confirmed.
 They were asked to confirm their choices.
 The decisions were confirmed by the committee.
Conform (to comply with rules)
 You must conform to the rules of college.
 He did not conform to the principles.
 She did not conform to the general rules.
- 16) Contagious (capable of spreading by conduct)**
 Her happiness is contagious.
 He has been affected by contagious disease.
 The sorrow due to the war is contagious.
Contiguous (a formal word meaning touching)
 India is contiguous with Nepal.
 The brothers own contiguous lands.
 The contiguous lakes seem to flow into each other.
- 17) Dual (double)**
 Dual S.I.M. phones are trendy among students.
 The dress she bought had dual tones.
 He had a dual character.
Duel (a contest between two persons)
 They decided to have a duel to solve the matter.
 He was ready to risk his life in a duel.
 The husband invited his wife's admirer for a duel.
- 18) Elusive (to avoid being caught)**
 The boy is in pursuit of elusive success.
 It is hard to chase elusive people.
 The police finally caught the elusive thief.
Illusive (a deceptive appearance)
 He has been having illusive dreams.
 Do not keep thinking about the illusive future.
 Art is sometimes complicated and illusive.

19. **Eminent (famous)**
The eminent actor was called for the launch.
Eminent scientists were behind the discovery of atoms.
He is a follower of Gandhiji's eminent principles.
Imminent (about to happen soon)
The meteorologists have warned of imminent drought.
The people were unaware of the imminent danger.
The closing down of the school was imminent was due to the shortage of funds.
20. **Facilitate (to make it easier)**
Installation of traffic lights will facilitate easy flow of vehicles.
Canals were dug up to facilitate road.
The funds facilitated the smooth running of the school.
Felicitated (a formal word meaning happiness)
Soldier was felicitated for his dedication.
The child was felicitated for her bravery.
We must felicitate the editors for their effort.
21. **Industrial (relating to or used in industries)**
Engineering students were taken for an industrial visit.
Children should not be employed in industrial labour.
Colonialism was a result of industrial revolution.
Industrious (a more formal word for hardworking)
She is an industrious woman.
Employees must be industrious in order to progress.
Termites are among the most industrious insect group in the world.
22. **Judicial (of a court, legal)**
The plaintiff initiated judicial proceedings against the defendant.
One must abide by the judicial orders.
The state has a strong judicial machinery.
Judicious (showing good judgment)
She added judicious amount of butter to prepare the dough.
One must be judicious and wise in choosing friends.
Teens must be taught judicious use of money.
23. **Metal (a mineral substance like gold, silver)**
Copper was the first metal used by the ancient men.
The ancient soldiers use the metal shield.
The house had metal doors.

Mettle (bravery, courage)

KalpanaChawla proved her mettle in male dominated field.

He acts to go through stern tests to show his mettle.

Most of the indoor games are a test of one's patience and mettle.

24. **Official (a person who holds position in a government department, organization)**

She had to go abroad on official work.

They carried on the official family business.

Most people have a pet name and official name.

Officious (too ready to render help, services or advice)

The hospital was pointlessly officious regarding the visiting rights of parents.

The referee was too officious during the match.

People in uniform tend to be more officious.

25. **Popular (admired, well liked)**

William Shakespeare is a popular playwright.

Popular colleges fill up faster.

The college offered almost all the popular courses.

Populace (the general public, the masses)

The whole populace was affected by the epidemic.

Caesar was hailed by the populace of Rome.

The entire populace came to the streets to protest against the government.

26. **Principal (main chief)**

He failed to repay principal amount.

The school principal brought in many changes.

Kidneys are the principal excretory organ.

Principle (a basic general truth or rule)

They always followed Gandhi principles.

Principles of natural justice must strictly follow.

He ran away indicating his disregard for the principle of responsibility.

27. **Stationary (not moving standing still)**

His job is not a stationary one.

The sun is a stationary body.

The clouds remained stationary and there was no breeze.

Stationery (writing material)

They own a stationery shop.

The stationeries were missing from the office desk.

He did not have the required stationery.

28. **Wave (to move a raised hand from side to side)**
 The Tsunami waves washed away the entire village.
 She waved at them when she left.
 He is an expert on surfing on big waves.
Waive (a formal word meaning not to enforce)
 The fees were waived due to scholarship.
 The debt was waived off.
 The courts decided to waive off the penalty.
29. **Sea (the expanse of salt water that covers most of Earth's surface)**
 Ancient sailors believed in the sea monsters.
 The sea was rough due to storm. The navies guard the sea-coast.
See (to become aware through sight)
 We see through our eyes.
 He went to see her off at the airport.
 They went to see the sunset at the beach.
30. **Momentary (a very brief space of time, instant)**
 The speaker gave a momentary pause.
 Her momentary lapse of memory cost her the award.
 There were momentary spells of rain yesterday.
Momentous (importance, seriousness, significance)
 It was a momentous victory for the Indian team.
 The Supreme Court had given a momentous decisions.
 His sister's marriage was a momentous occasion in his life.
31. **Junction (a place where two or more things join to meet)**
 The metal junction box gave out sparks last night.
 An accident took place at the junction of the two roads.
 Salem junction is always crowded as many trains pass by it.
Juncture (at a critical or important point in a series)
 He had to slow at the juncture.
 Her business is at critical juncture.
 At the juncture, they are unable to work on their project.
32. **Estimate (a considered opinion or judgment)**
 Estimates suggests that the earth's temperature will raise by
 Never estimate anyone lightly.
 She took her survey to estimate who would win the polls.

Esteem (a formal word for regard or respect)

The boy held his teacher in high esteem.

Her self esteem slowly started sinking.

Although they esteem the opinion, they do not agree.

33. **Fain (gladly)**

He would fain gather some knowledge about it.

I would fain walk a mile for good health.

The soldier wished to die for his country.

Feign (to pretend, invent)

He feigned illness and went to the movie.

When surprised, certain fishes feigned death.

She feigns yawns to show her disinterest.

34. **Flagrant (outrageous, blatant)**

It was a flagrant violation of law.

His cooking was flagrant misuse of spicy ingredients.

Her flagrant disrespect of the codes was disappointing.

Fragrant (a pleasant sweet smell or perfume)

Fragrant flowers adorned the bouquet.

Fragrant waters were sprinkled on the guests.

The fragrant breeze from the mountain soothed her nerves.

Luxurious (very elaborate or ornate)

He could not afford a luxurious life.

They bought a luxurious car.

She built a luxurious apartment for her mother.

Luxuriant (thickly growing, abundant)

There is a luxuriant growth of coral along the coast.

The luxuriant forest of the Amazon is reducing.

Plains have luxuriant vegetation.

36. **Emigrate (to leave your own country to live in another)**

They emigrated from Ireland to Australia.

Many families emigrated during the partition.

He decided to emigrate from his country due to war.

Immigrate (somebody or something entering other country to take

Permanent residence)

Many Indians immigrate to foreign lands to earn money.

She immigrated to Australia for her higher studies.

She was detained for illegally immigrating.

37. **Destiny (fate, the power to control events)**
It was destiny that he would become a saint.
The old man could predict the destiny of villagers.
Destiny plays tricks on all.
Destination (a place where a person or a thing is going)
He started early to reach his destination quicker.
They could not reach their destination on time.
She was dropped off far away from her destination.
38. **Disease (an illness)**
Theebola disease was fast spreading.
He became a victim of a killer disease.
The disease does not spread by insect bites.
Decease (a more formal word for dead)
After the decease of the leader the people were shattered.
The decease of his father left him depressed.
He inherited the property after his aunt's decease.
39. **Disposal (to throw away)**
The police had 10 riot protection vans at their disposal.
Disposal of waste is a serious issue.
He was fined for improper water disposal.
Disposition (to arrange or place)
She has a gloomy disposition.
When he is ill, his friendly disposition vanished.
The family has a gentle disposition.
40. **Confident (self -assurance, certainty)**
He is confident of winning the competition.
She was not confident enough to sing on stage.
They were moved by his confident speech.
Confidential (private secret)
The parcel was marked confidential.
He sends her a confidential mail.
He attended a highly confidential meeting.
41. **Corporal (referring to a human)**
Corporal punishment has been banned.
Some people were against corporal sentence.

The teacher was arrested on the charges of corporal punishment.

Corporate (a group of people considered as one suit)

Every student wants a corporate job.

The corporate company was shut down due to losses.

The corporate officers interviewed the candidates.

42. **Congenial (pleasant, agreeable)**

The environment was congenial for studying.

She is a congenial host.

The lit fireplace gave the room a congenial atmosphere.

Congenital (existing at birth not hereditary)

She acquired a congenital disease.

He underwent a scan to predict the congenital disabilities.

The child was born with congenital heart disease.

43. **Compliment (to express admiration, praise)**

She complimented him for his success.

They were complimented for their work ethics.

He was complimented for his good behavior.

Complement (the required number or amount)

The pair complemented each other well.

The new software will complement the existing product.

These illustrations do not complement the text.

44. **Abstract (existing only in the mind)**

The students were asked to submit their abstract.

The philosopher's thesis was very abstract.

As article was long, they presented only an abstract.

Extract (to take or get something out of force)

Leaf extract is used in beauty treatment.

It was hard to extract the truth from him.

An extract from the book was printed on the back cover.

45. **Avert (to turn away, to turn aside)**

He could not avert the accident.

The guard's alertness averted the accident.

She was unable to avert her gaze from her ruined house.

Invert (reversed in direction)

He took a piece of cake and inverted onto his plate.

He wore inverted socks for funeral.

The jar was kept inverted over a plate.

46. **Accede (a formal word meaning to agree)**
The company acceded to the contract term.
He did not accede to their demands.
The factory made a decision to accede to the Union's demands.
- Exceed (to be greater than)**
Never exceed the speed limit.
Her work exceeds expectation.
The total cost for the travel should not exceed the budgeted.
47. **Assent (a formal word meaning to agree)**
She murmured an assent at end of conversation.
The patient assented to the operation.
They have not given their assent to the proposal.
- Ascent (a formal word meaning to rise up)**
His sudden ascent to glory spoiled him.
Her ascent to stardom was remarkable.
It was a steep ascent to the summit.
48. **Attenuate (a formal word meaning to weaken)**
The drought attenuated viruses.
Constant use of vaccines attenuates body's defense mechanism.
- Extenuate (a formal word for reporting something as less wrong or criminal than it seems)**
They cannot extenuate his crime but can forgive him.
There is no point trying to extenuate the mistake.
He was unable to take up the test due to extenuating circumstances.
49. **Artful (trickery, cunning)**
They made an artful scheme to rob the bank.
The poet uses an artful choice of metaphors.
Artful dodger is a character in Oliver Twist'.
- Artificial (not natural)**
Artificial colours are added to juices.
His gratitude seemed artificial.
Artificial limbs help the people who have lost their limbs.

B.A., B.L. (Hons.) DEGREE (SEMESTER) EXAMINATION, MAY 2014.

(For candidates admitted during 2011, 2012 and 2013)

First year – first semester

ENGLISH – I

Time : 2 ½ hours

Maximum : 70 marks

Part A

(2x10=20 marks)

1. Answer TWO of the following in about 500 words each:

- (a) Examine Anna's criticism of the congress rule.**
- (b) Describe the events leading to lawyer Gooch bungling the hypothetical case.**
- (c) Critically analyse mill's exposition on the concept of liberty.**

2. Annotate FIVE of the answers:

Part B

(5x3=15 marks)

- (a) No less important for a lawyer is the cultivation of the imaginative faculties.**
- (b) "Mrs. Billing, sir, is here in that room."**
- (c) The horizon of the law is as broad as human life itself.**
- (d) Nearest his heart', those are the very words.**
- (e) Whatever traditions the congress set, other political parties may follow.**
- (f) His primary and most important aim is to make himself a lawyer.**
- (g) We had met on a great battle - field of that war.**

Part C

(2x5=20 marks)

3. Answer any TWO of the following:

- (a) Influence of Christianity on English language.**
- (b) Revival of English during the medieval period.**
- (c) Examine the influence of the other language on English vocabulary and the need for a phonetic script.**

Phonetics

(10 marks)

4. Answer THREE of the following:

(3x2=6)

- (a) What are diphthongs? Give two examples.**
- (b) Categorize vowels based on place of articulations.**
- (c) Explain nasals with two examples.**
- (d) Explain primary and secondary accent.**

5. Transcribe the following sentence:

(2x2=4)

- (a) Please answer all the question.**
- (b) Life is to live happily.**

Part D

(15 marks)

Grammar

6. Make sentence using pair of words given below:

(5x1=5)

- (a) Compliment – complement
- (b) Assent – ascent
- (c) Estimate – esteem
- (d) Momentary – momentous
- (e) Sea – see

7. Frame sentence using the idioms given below:

(5x1=5)

- (a) To get off easily.
- (b) To stand to reason.
- (c) To take to one's heels.
- (d) To make a pile.
- (e) Hands in glove.

8. Give synonyms for the word given below:

(2x ½ =1)

- (a) Eliminate
- (b) Dispose

9. Give antonyms for the word given below:

- (a) Pleasant
- (b) Crooked

10. Form words using prefix and suffix:

(2x ½ =1)

- (a) Pre
- (b) ing

11. Rewrite the sentence:

(2x1 =2)

- (a) -Will you please keep the paper on my table ^-<□> requested teacher to Lata (Into indirect).
- (b) The police warned people not to go near the water as the sea waves were
