

## Theodore Dwight Woolsey

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## BOOK REVIEWS

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THEODORE DWIGHT WOOLSEY, by *George A. King, S. J.*

Loyola University Press, Chicago, 1956. Pp. xiii, 305. \$4.00.

*Reviewed by*

JOHN V. THORNTON\*

This book, authored by Rev. George A. King, S.J., has been aptly described by Prof. Frank Freidel of Harvard as a "sympathetic and systematic estimate of Woolsey's writings."<sup>1</sup> Father King's aim was not to write an autobiography of Theodore Dwight Woolsey. His work does not, and does not purport to, tell very much of the personal life of the late, great president of Yale. We learn not primarily of Woolsey the man but rather of the ideas which were expounded in his writings and interviews. Thus it is that the volume bears the expressive subtitle, "His Political and Social Ideas." We may perhaps hope that some day Father King will tell us of Woolsey's private life. If the combination of scholarly research and splendid writing ability which were brought to bear on this study of Woolsey's intellect were applied to an analysis of Woolsey's heart and spirit, the result would be a book to rival, if not exceed, the excellence of the present one.

Woolsey lived one of those long, energetic, and productive lives which appear to have been characteristic of his century. His life spanned an era of great change during which this country grew from a recently emancipated agricultural colony into a vast industrial empire. Born in New York City

in 1801, in the first year of the presidency of Thomas Jefferson, Woolsey died in New Haven, Connecticut, in 1889 during the presidency of Benjamin Harrison. A great-grandson of Jonathan Edwards, the famed New England divine and scholar, and a nephew of Timothy Dwight, a minister and president of Yale, Woolsey came into the world with a rich inheritance of the clerical and academic, and he added mightily to that double heritage in the course of his almost ninety years on this earth. Nor did he in any sense neglect the family side of life. In 1833 he married Elizabeth Martha Salisbury, and their union was blessed with nine children, including the noted Theodore Salisbury Woolsey, who won a substantial reputation in his own right in the field of international law. After the death of his first wife, Woolsey married Sarah Sears Prichard in 1854 and had four children by her.

Woolsey's more than half century of teaching at Yale commenced in 1823 when he accepted a tutorship, while at the same time continuing his studies for the Congregationalist ministry, to which he was later ordained.<sup>2</sup> During his first fifteen or twenty

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<sup>1</sup> Preface, p. ix.

<sup>2</sup> Woolsey was not formally ordained to the ministry until he became president of Yale. Up until 1899, when the selection of President Arthur Twining Hadley broke the tradition, the presidency of Yale was regarded as a pastoral office, and ordination in the Congregationalist ministry was a prerequisite to holding the position.

years at Yale, Woolsey taught the classics and did his job so well that he emerged as a leading Greek scholar. Then, in 1846, Yale, at that time the largest college in America with some 400 students, called him to its presidency. Upon accepting this position, Woolsey retired from the chair of Greek literature and entered upon the teaching of history and political science, fields in which comparatively little had previously been done in American colleges. After 1853, he narrowed his concentration to international law and became a recognized authority in that field. He was not, incidentally, a lawyer, although, many years before, he had read law for a year in the Philadelphia law office of a relative.

Woolsey remained as president of Yale until 1871 when, upon reaching the biblical age of three score and ten, he resigned. His contributions to society by no means ended with retirement, however. He had never been a mere academician, and, indeed, as early as 1825, had been a co-founder of the Antislavery Association. Retirement by no means quenched the fires of his abundant energy. After 1871 he continued as a member of the Yale Corporation and as a lecturer on international legal problems at the Yale Law School, and, until past the age of eighty, served as chairman of the Board for the Revision of the New Testament, in addition to engaging in numerous other activities. Indeed, up to the year before his death, he was active and quite hale and hearty. He died on July 1, 1889, still mentally alert and with complete faith in God, saying: "My work is done, and I am ready. God bless you all and God bless dear old Yale."<sup>3</sup>

Woolsey's views in various fields are not without significance for our time. It might be noted, for example, that, although he was

<sup>3</sup> P. 269.

an early and determined opponent of slavery, he favored gradual freedom for the negro, and insisted that the South should be persuaded by legal means as to the error of its ways. Unlike extremists such as William Lloyd Garrison and John Brown, Woolsey wished to avoid mutual recrimination between the factions so that intellect rather than emotion could resolve the problem. As it turned out, of course, the views of Woolsey and other moderates on both sides of the Mason-Dixon line did not prevail, and a bloody civil conflict, rather than intellectual discourse, was the final arbiter of the slavery question. Perhaps there is a lesson in all this for the nation today in dealing with the problem of integration of the races in the public schools and elsewhere.

Woolsey's opinions on communism are also of considerable import in today's world. In analyzing the nature and forecasting the effects of the communist system, Woolsey proved both a shrewd observer and a capable prophet. Thus, only some thirty years after *The Communist Manifesto* was published, and long before communism had attained any political power in the world, Woolsey declared:

The communistic theories are built on the tyranny of society over its members. No authority in despotical states over their subjects goes so far; no authority in states of the antique pattern could have crushed individual rights to an equal degree. Liberty is destroyed, that equality of condition may take its place. Equality of rights is divorced, as far as it exists, from personal freedom.<sup>4</sup>

In the sphere of relations between church and state, Woolsey similarly had things to say which have value for the present generation. He believed that the state should protect religion, and even that the establishment of a state church was permissible, provided

<sup>4</sup> P. 218.

that the non-members of that church were allowed the free exercise of their worship.<sup>5</sup> He was, furthermore, of the opinion that bible reading and school prayers were appropriate in the public schools. If minority groups, such as Catholics, did not wish to have their children present at such readings and prayers (which Woolsey apparently assumed would be from a Protestant, or a composite Protestant-Catholic, text), their children could absent themselves during such exercises and their priests visit the school at some other appropriate time to impart religious instruction. Woolsey, then, envisioned a kind of "released time" program although, under his scheme, religious instruction would take place within the schoolhouse — a method which, in recent years, has been held unconstitutional by the Supreme Court in the *McCullum* case.<sup>6</sup> I might point out, incidentally, in connection with this mention of the *McCullum* case, that Father King's discussion of the legal aspects of the problem of religion and the schools seems to be a little too abbreviated and thus somewhat inaccurate in its characterization of the impact of the decisions of the United States Supreme Court. While it is doubtless true, as Father King says, that the holding in *McCullum* was a "dangerous decision,"<sup>7</sup> it seems to me that Father King should have pointed out that *McCullum's* practical effect was somewhat curtailed by the later ruling in *Zorach v. Clauston* to the effect that "released time" programs of the New York type, wherein public school chil-

dren are released from their classes for religious instruction off the premises, are constitutionally unobjectionable.<sup>8</sup> The *Zorach* case is not mentioned in the book, which, in my judgment, makes this portion of it somewhat misleading.

This is a picayune flaw, however, in what otherwise impresses me as a top-notch piece of work. Father King is especially to be commended for the crisp, easy-to-understand manner in which he writes.<sup>9</sup> Woolsey's own writing style was sometimes ponderous and obscure, but Father King's clear and incisive approach presents the essence of Woolsey's thoughts in a most readable fashion. I particularly enjoyed his analysis of Woolsey as a proponent of the natural law.

Although Woolsey abandoned the term "natural law" and substituted the phrase "doctrine of rights," he was, as Father King makes clear, an ardent believer in basic natural law concepts. Thus, in his writings on international law, he expressed the view that the rights of man and the rights of states originated in God and that international law could claim validity only in so far as it was a manifestation or particularization of the natural law. To Woolsey there was an objective standard of justice and equity to which positive law must look for true guidance. As he put it:

In order to protect the individual members of human society from one another, and to make just society possible, the Creator of man has implanted in his nature certain conceptions which we call rights, to which in every case obligations correspond. These are the foundation of the system of

<sup>5</sup> Pp. 166, 191. Indeed the Congregationalist was the established church of Connecticut, supported by public taxation, at the time Woolsey began his studies at Yale. P. 166 n. 42.

<sup>6</sup> *McCullum v. Board of Educ.*, 333 U.S. 203 (1948).

<sup>7</sup> P. 258.

<sup>8</sup> 343 U.S. 306 (1952).

<sup>9</sup> A virtue of the book which, while minor, is nonetheless worth mentioning, is the splendid index. Its cross-referencing is so thorough that any point which the reader desires to examine can be found in a matter of a minute or two.

justice, and the ultimate standard with which laws are compared, to ascertain whether they are just or unjust.<sup>10</sup>

One of Woolsey's more significant achievements was a reasonably satisfactory blending of the two opposing schools of nineteenth century thought, the philosophical or natural law school, which was then in popular disrepute, and the historical school, which was then in the ascendancy. The Yale president was a diligent student of mankind's past life, but he always scrutinized the factual data of history with the aid of the philosophic principles of the natural law. Thus, the major assumption of his leading work, published in 1877 and entitled *Political Science or The State Theoretically and Practically Considered*, is "the personality and responsibility of man as a free moral being."<sup>11</sup> Furthermore, he believed, as I indicated above, that the state had a divine origin. The rights of the state came not from power "renounced" or bargained away by the people in some pre-historic dawn — as Hobbes, Locke, Rousseau and the other contractarians had postulated — "but from the state's being, in the natural order of things, God's method of helping men towards a perfect life."<sup>12</sup> In short, "the state and its authority is from God."<sup>13</sup> Such views placed Woolsey at the opposite pole from men like Machiavelli, Hobbes, Hume, Bentham and Austin. Indeed, the Yale scholar was one of the few important political theorists of his time who expounded such natural law doctrine, although, surprisingly enough, there is no direct evidence that he was familiar with the writings of St. Thomas Aquinas. Whatever

may have been Woolsey's formal knowledge of the works of Aquinas, however, the fact remains that the teachings of the two have at many points a striking similarity.

In its practical aspects, the state, according to Woolsey, should be neither the uncontrolled *laissez faire* organization visualized by von Humboldt and John Stuart Mill, nor, at the other extreme, an exaggerated guardian of the general welfare which crushes individual liberty and enterprise. He believed that the utter failure of *laissez faire* — the economic counterpart of Darwinian biology and Spencerian philosophy — was manifested in the actions of the cynical and conscienceless robber barons of post-Civil War days who exploited workers and farmers, bribed congressmen, cabinet officers and a vice-president, and regularly purchased and sold state legislatures. If these were the "fittest" who survived in the natural economic evolution represented by *laissez faire*, then there was something terribly wrong in the theory and essence of that economic philosophy. On the other hand, Woolsey by no means believed in unbridled economic or political democracy. He inveighed, for example, against the proposition, expounded by the ultimate democrats, that a legislative representative is bound to obey the will of his constituents rather than to exercise his own informed judgment, and he argued against the election of judges because he frankly felt that the general public was incompetent to pass upon judicial qualifications.

Although he was a prolific writer, it must be emphasized that Woolsey's work was not confined to the world of ideas and scholarship. He was always an active participant in political and social affairs. I have previously referred to his being one of the founders of the Antislavery Association. Among

<sup>10</sup> P. 89.

<sup>11</sup> P. 128.

<sup>12</sup> P. 151.

<sup>13</sup> P. 153.

many other public endeavors, he was called in to advise in the preparation of the American case in the arbitration of the *Alabama* claims with Britain in 1871 and 1872, and was a leading figure in the Independent Reform Conference of 1876, which had a great deal to do with uplifting national political morality after the abominations of the Grant regime. He was once offered but declined a post as Ambassador to the Court of St. James; he helped materially in establishing the humane policy of President Hayes towards the conquered South; and, in 1880, despite his advanced age, he was suggested, with apparent seriousness, by a leading reform newspaper as a candidate for the presidency. In addition to these manifold activities, Woolsey was an amateur poet

and botanist, a founder of the *New Englander* and the *New York Independent*, a regent of the Smithsonian Institution, an associate editor of the *Universal Cyclopedia*, a vice-president of the American Oriental Society, and a president of the American Home Missionary Society. In the breadth and fullness of his truly amazing life Woolsey set an example which might well be followed by modern university professors and administrators so many of whom seem totally oblivious to the obligation to serve their community, state, nation, and church. The demands of the scholar's life are oftentimes extensive but men like Woolsey prove that they are not so all-embracing as to preclude the rendition of important service elsewhere.

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