

## Seniors Scene

# Mark Twain on Science vs. Luck. . .

By George “The Engineer” Epstein

*Credit for this column goes to my dear friend, Dr. George Friedman, a brilliant engineer/industry leader (retired from Northrop Grumman as Corporate VP of Engineering & Technology, and currently a professor at USC). Knowing of my interest in the game of poker, and our philosophical discussion regarding the true nature of the game, he brought me an essay written by Mark Twain in 1870 – over 130 years ago. . . It was entitled “Science vs. Luck.” (Mark Twain loved to play poker.)*

In an essay written in 1870, Mark Twain wrote about a fascinating case in a Kentucky court. Back then, Kentucky had a strict law prohibiting “games of chance” such as poker. “About a dozen of the boys were detected playing . . . for money.” A brilliant attorney, James Sturgis, was retained to defend them. After considerable study and thought, Sturgis came up with a defense: It was NOT a game of chance! His clients could not be punished for indulging in what some people chose to consider a game of chance until it was proven that it was a game of chance. But the judge differed: The card game they had been playing was a game of chance (luck). Not so, Sturgis declared, “I call it a game of science, and I’ll prove it too!”

### Is it science or a game of chance?

The judge called in a number of Deacons and “Dominies” who “unanimously and with strong feeling put down the legal quibble of Sturgis by pronouncing that (it) was a game of chance.” In response, Sturgis then “brought in a cloud of witnesses, and produced an overwhelming mass of testimony . . . to show that (it) was not a game of chance but a game of science.” The case had turned out to be “an excessively knotty one. The judge scratched his head. . . and said there was no way of coming to a determination, because just as many men could be brought into court who would testify on one side as could be found to testify on the other.” Could Sturgis suggest a solution?

Sturgis quickly replied: “Impanel a jury of six of each, Luck versus Science. Give them candles and a couple of decks of cards. Send them into the jury-room, and just abide by the result.” The judge agreed; it was fair. The Deacons and Dominies were sworn in as the “chance” jurymen, and six others experienced in the game, represented the “science” side.

After two hours in the jury-room, one Deacon sent a message into the court room to borrow a “stake” from a friend. During the next few hours, the other “chance”

jurymen also “sent into court for small loans.” Meanwhile the packed audience waited in the courtroom.

About daylight the jury came in, and Deacon Job, the foreman, read the verdict:

**“We, the jury in the case of the Commonwealth of Kentucky vs. John Wheeler et al, have carefully considered the points of the case, and tested the merits of the several theories advanced, and do hereby unanimously decide that the game . . . is eminently a game of science and not of chance. . . In support of this our verdict, we call attention to the fact that the ‘chance’ men are all busted, and the ‘science’ men have got the money. It is the deliberate opinion of this jury, that the ‘chance’ theory . . . is a pernicious doctrine, and calculated to inflict untold suffering and pecuniary loss upon any community that takes stock in it.”**

Hence the game was deemed “as being not a game of chance but of science, and therefore not punishable under the law.” While the card game involved was not called poker, it was very much the same. Twain concluded his essay: “That verdict is of record, and holds good to this day.”

### Epilogue

Dr. Friedman offered his summary: “In every game – or engineering decision – there is an element of probability – or chance; and those who know the odds and consequences of their decisions will come out ahead, frequently in the short term and always in the long run.”

**Conclusion: Poker is a game of science (knowledge and skill) – using the laws of probability to make the BEST (winning) decisions!**

*So, readers what’s YOUR opinion?*

---

George “The Engineer” Epstein is the author of *The Greatest Book of Poker for Winners!* and *Hold’em or Fold’em? – An Algorithm for Making the Key Decision* (T/C Press, PO Box 36006, Los Angeles, CA 90036) He teaches poker courses and a Poker Lab at the Claude Pepper Sr. Citizen Center under the auspices of the City of Los Angeles Dept. of Recreation and Parks, and at the Los Angeles City College. In writing his poker books, he applied his engineering experience in solving complex problems. George can be reached by e-mail: [geps222@msn.com](mailto:geps222@msn.com).

---