

OUR DEMOCRACY

Its Origins and Its Tasks

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NEW YORK

HENRY HOLT AND COMPANY

1917

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Published November, 1917

THE QUINN & BODEN CO. PRESS
RAHWAY, N. J.

PREFACE

THIS book is not for the scholar. It is intended for the citizen—and the prospective citizen—who is willing to know better what his country stands for. It has little to say about the machinery of our government; its main concern is with the principles and ideas which the machinery is meant to serve. In attempting to trace the origins and significance of these principles which America means to us it draws upon materials from history, sociology, and politics which are familiar to scholars, but have not, so far as I am aware, been brought together into a connected view and presented in untechnical fashion for the general reader and the younger reader.

The book is not a product of the war. It was begun before 1914 as a part of a larger study of "The Real Business of Living." But just now the real business of living for all of us is centering more than before in national ideals and national tasks. And although the purpose and plan of the book has been constructive rather than in any sense polemic, the conviction has grown that a juster and finer appreciation of democracy as contrasted with autocracy is certain to result from a study of what we have passed through and left behind in gaining liberty and self-government. Furthermore, most of the problems discussed are not

war problems. Great and imperious as war problems are at times like this they are yet simpler than the problems that lie back of them. The justification of war must be found in the principles which we seek to preserve.

I desire to express my indebtedness to many colleagues for helpful suggestions, but especially to my wife, who has read the proof, and to Mrs. Anna Bryan Ayres, who has aided in the preparation of the manuscript.

J. H. T.

September, 1917.

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PART I
**THE BEGINNINGS OF COÖPERATION,
ORDER, AND LIBERTY**

CHAPTER I

INTRODUCTION

THE business of being an American citizen is not what it was when our nation was founded. At that time most men in this country were farmers. There were no factories, no railways, no cities of any considerable size. Practically all the people of the colonies were of one race and language. None were very rich and none very poor. They were separated from Europe by a voyage of months. The great tasks of men and women were those of the pioneer: first, to settle the wilderness, cut the forests, plant and harvest; and second, to establish homes, schools, churches, laws, and government. Their new nation was conceived in liberty and dedicated to the proposition that all men are created equal.

Living
in 1776

Today the work of getting a living is in many ways less heroic than in the days of the pioneer. It does not call for the same hardships; it does not get us up so early of a winter's morning, it does not compel us to make our journeys mainly on foot or to transport our goods by oxen; it does not compel the housewife to know spinning, weaving, cutting and making garments, soap and candlemaking as well as cooking and house-keeping. But the very fact that all these kinds of work once done by hand and in the household, as well as many other new kinds of manufacturing which could not have been done at all in the old days, have gone

Changed
conditions
set new
problems

into factories; that railways carry us and our goods; that inventions have changed our ways of living and produced great wealth; that we now nearly half or quite half of us live in cities;—all these changes have set new tasks which make living today a real business even more than it was in 1776. These changes have created needs for new laws, for new schools and universities. They have made it necessary for the governments of our cities, state, and nation to care for health and decide many matters that could formerly be left to each person to decide for himself. The great increase in wealth makes it easier for men to mistake what it means to live “well” and so to decide what the real business of living is.

The task of the citizen has also changed. The citizen of today must still think of liberty, union, and democracy, but in new forms. The great changes in the way of carrying on business and the great number of different races who now come to this country and become citizens bring new problems. We may not believe that all men are equal in all respects—and doubtless our fathers did not believe this either—but since we have equal votes we see the need of giving men equal opportunities. Finally the relation of America to other countries is no longer so simple as when it took months for a ship to cross the ocean. Our fathers came away from Europe to find freedom; they hoped to keep it safe by holding aloof from Europe’s affairs. We have learned that we cannot enjoy our freedom alone. Europe is so close a neighbor that freedom is not safe here unless it is safe there. We learned the value of union in our own land; now we see the need of world-wide coöperation to keep peace and promote general welfare. We believe not only that government by the

people must not perish from the earth but that "the world must be made safe for democracy."

To begin with a study of the way in which early man lived in clans governed by customs may seem to be a roundabout way of understanding our present problems. But in every field we find it one of the most helpful ways to understand any institution to compare it with earlier stages or with other institutions. Men did not learn coöperation or create liberty and democracy all at once. We can appreciate these more fully if we trace the main steps by which they were worked out. The main types of coöperation and union which men had already tried before the days of our American nation were three:

1. The clan, in which men were controlled by habits and customs.

2. The state, governed by laws, established by a king with a band of warriors. They made order but gave little freedom.

3. The town, made up of traders and craftsmen, brought men together in a new group with more freedom and democracy.

CHAPTER II

EARLY LIFE OF MAN

Our
early
ancestors

IN recent years we have come to know much more about our ancestors. The caves in which are found tools, weapons, drawings, and even paintings made by early men in Spain, France, Germany, and Great Britain, the lake dwellings in Switzerland, the piles of kitchen waste in Scandinavia, give a view of how the early dwellers in these countries got their living, what animals they hunted, what inventions they had. The discoveries in Egypt, Assyria, and most recently in Crete, show many of the earlier stages by which the wonderful civilization of those countries was built up. The men of the caves in Spain and France lived with the reindeer, the mammoth, and the bison. We know this because we find in the caves the cut or carved drawings of these animals on bone, and colored pictures of them on the cave walls. Early men used chiefly stone tools instead of metal. In many ways they probably resembled our North American Indians. The mounds in Scandinavia, Greece, and Crete show men later using copper or bronze, and finally iron.

The
great
inventions

The extraordinary thing is that at a very early time men had made the most important inventions, so far as getting a living was concerned. For they had:

First—Fire. We know this because there are ashes in the caves.

Second—The bow and arrow, which enabled them to get food from animals and birds. We know this for

we find the flint arrow heads like those used by the Indians.

Third—Pottery. This also was similar to the pottery made so successfully by our American Indians.

Fourth—Weaving. This gave clothing.

Fifth—Taming of animals such as the ox for plowing, the horse for riding, the dog for hunting.

Sixth—Boats for sailing over rivers and even great lakes or seas, and for aid in catching fish.

Seventh—Among some groups, the use of metals, especially iron. In the very early times of our European ancestors iron was not known, and the American Indians got on without it, though they made some use of copper.

These seven discoveries or inventions were all means for getting a better living. They gave man power over nature. Besides these, men had one other great gift which enabled them to unite and aid each other, namely:

Eighth—Speech. Animals use cries or gestures by which they can warn of danger or call to food, or call to their young or their mates. But human language enables men to understand each other and work together far better than animals can.

Ninth—And even in very early times men added Writing, at first with pictures, then with signs. This was useful for sending messages, but especially for keeping records, and so making men able to be sure about contracts and promises and in many ways to keep firmly in mind what had happened in the past.

Nothing so important for getting a living as these nine was afterward discovered or invented until the steam engine added a new and great servant to man. This invention had its beginnings in a crude pumping engine about two hundred years ago, but it was not

until improved by James Watt that it became really efficient, and then combined with the inventions for spinning and weaving to effect an industrial revolution about the beginning of the nineteenth century.

Progress from savage life to 19th century was chiefly in social life

In the thousands of years between the early uses of stone tools or first discovery of iron and the industrial revolution of a century ago men had made progress chiefly by discovering how to unite. They united mainly for two purposes: either for war in armies, or for trade and protection in cities. They learned how to govern and keep order. In cities they built beautiful buildings and gained skill in various crafts. They began to struggle for liberty. They found ways to make law protect them against rulers as well as against burglars and thieves.

Four stages up to 19th century

The main stages in man's progress in the real business of living down to about the beginning of the nineteenth century will then be:

I. Early society in tribes or clans with its inventions, mode of getting a living, and customs for regulating life.

II. Society in military groups when men had learned how to cultivate land and to unite into states.

III. Society in towns where trade grew, and arts and crafts could be practised, and

IV. First steps toward Liberty and Justice.

The two events:
(1) The Industrial Revolution
(2) Founding of the American nation

This will bring us to the great inventions of about a hundred years ago. A new order begins then in the way of getting a living and this has brought our present problems as to what is the right way to do business. This brings us also to the foundation of our nation by the Revolution of 1775 and the adoption of the Constitution in 1789 which decided what sort of country we should have. The life of American citizens today

and the tasks which confront them are largely determined by those great events.

Beginning now our survey with a look at savage life, we note that we do not have to go back so very far into the past. It is not many centuries since most of our forefathers, if they were British, or German, or Scandinavian, or Slav, lived as savages or at least as barbarians. A little longer ago Greeks and Italians, and still longer ago Jews, lived likewise a savage or roaming life. Some had no iron tools, but used stone for axes as well as for arrow heads. In this they were like the American Indians. Like the Indians, most of them hunted and fished; like the Indians, too, they lived in clans or tribes and had customs of blood revenge. We can use many features from Indian life to help us imagine how our own ancestors lived and what their customs were. Savage life

One point we do well to keep in mind. When we speak of savages or indeed of people who lived long ago we are likely to think that they were very different from ourselves and perhaps quite inferior. But we must remember that our own ancestors lived as savages; so we cannot assume that the savage is necessarily inferior to the civilized man in his ability. And as regards the actual fact, to discover fire and how to use it, to make a bow and arrow, to make the first pottery, to weave the first cloth, and to make the first iron tools were as great achievements as man has since performed.

The great difference between early men and civilized men today is not in their brains. The reason why the American or European today is able to make so much better a showing is because he has inherited so great

The great
difference
between
savage and
civilized
men

a stock of ideas and ways of doing things. These inherited ideas come to us not only through books and through the teaching of our parents, and of skilled workmen, but also in our tools, our grains, plants, and fruits, our written language, our knowledge of numbers, and in fact the copies or patterns for all kinds of arts which are all about us. These stimulate the mind of the little child as soon as he opens his eyes, and a large part of the life of all of us consists in just walking up the stairs which our forefathers have built ready for us. Many of us never build a single new stair. The best of us build only a few stairs.

Getting a
living in
early times

In studying the life of early man it is natural to begin by asking how he got his living. We may conveniently approach the answer by repeating the question in a more personal form and contrasting early with present life: What would a young man in early times expect to do for a living? What occupation would he follow?

The boy of today who leaves school, especially if he lives in a city, or goes to the city to seek his fortune, sees a great many kinds of factories, shops, and offices. But very likely he has to look a good while before he finds a place. A clever artist has sketched in a series of cartoons the history of a young high school graduate, going from office to office, and keeping up a plucky search for work for week after week. The difference between this condition and that of the boy in early society is that now there are many occupations but no sure place for any particular boy; then, there was only one occupation, but every boy or girl was sure of a place.

There was only one occupation—rather there were two main sets of occupations, one for men and one for

women. The man in general had to protect the women and children, and to capture the game. As an Australian put it, "A man hunts, spears fish, fights, and sits about." The women gathered roots or seeds, ground them, cooked, wove, made baskets or pottery, carried water, cared for the children. And both men and women had to make the weapons or tools they needed. In many cases men and women were very careful not to have anything to do with the tools or weapons of the other sex. These were "taboo"; it was regarded as dangerous for the other sex to touch them. A man might become weak if he meddled with woman's things. But practically all men in the same tribe did the same kind of work.

The other interesting fact was that every boy was sure of a place. This was because the family or clan or tribe all hung together. As the children grew up they stayed with their family or clan. They did not go off to the city to seek their fortune. They might stray away in search of food but they seldom dared to get far from the main group, for fear of their enemies. This might sometimes make it hard for the family or tribe to find enough food for all. But if so they shared their plenty or their want. As Dr. Eastman, himself a Sioux, says, "A whole tribe might starve; a single Indian never." One reason why this sharing was more possible than it is in civilized countries was that land was not all divided up and owned by individuals as it is now. The tribes of Indians had their range of forest or plain, and knew that if they went beyond certain bounds they would get into the territory of other tribes who would very likely attack them. But within the tribe the separate Indians did not have their own private land. So when a boy grew

up he simply went with the rest to hunt or fish, or ranged about for small game by himself.

The day's
work

A workman of today expects to work eight, nine, or ten hours a day. A few years ago his day would have been much longer. The farmer began work about five and kept at it until after dark. The stores and factories had similar hours. The writer was told the other day by an acquaintance that as a boy he worked in a woolen mill where he went to work at five in the morning and stayed until seven in the evening, stopping a half hour each for breakfast and dinner. Indeed, even schools kept early hours. At the academy where the writer's father prepared for college, the students rose for morning prayers at half past four in summer and at five the rest of the year. Now in savage life our ancestors kept no such regular hours. The men, especially, seemed to "sit about" a good deal, as the Australian said. And if you think of it, the work of the men was largely what civilized people call sport. It was hunting or fishing. There was a good deal of excitement about it and it necessarily came at irregular times, depending on the habits of game, or the sudden outbreak of war. When they did such steady work as rowing or carrying burdens, or hammering, men were very likely to sing and so relieve the monotony. The women, on the other hand, had much less exciting tasks. Most of what we call drudgery was done by them. For such work as grinding seeds or grain, kneading, weaving, washing clothes, they too had songs, and the rhythm helped them to keep steadily at their task.

This does not necessarily mean that savages were lazy, or cruel to women, as it is often charged. Some savages were no doubt both. But the chief reason for

the division of labor was that the man had to do the fighting and hunting because he was the quicker and stronger. If he was to do this he must keep ready for it. On the march he must be able to repel attack. Hence he carried his weapons and the woman the other belongings.

The materials out of which the savage made his tools and utensils varied considerably, but the beginning seems to have been with stone, bone, shell, and wood. Think for a moment what this meant in cost of time and energy. On my table lies a stone axe with which I suppose Indians may have worked in the very spot where a sawmill is now whirring. Think what it would mean to cut trees with such a tool. To be sure, a savage did not attempt to cut down an entire tree. He burned the base of the tree and used the axe to help the work of the fire. So in hollowing out a log for a canoe, fire did the main work; the edges were kept wet to confine the fire to the mid part, and the axes or knives finished the task. But even so, it was a slow process. Or think of grinding in a stone mortar or with a hand mill all the grain to be used. Tools

In early society no one could plan to be a merchant or trader, because there was no such vocation. No one made a business of purchasing wares in order to sell them again at a profit. The early method of exchanging something that one man had for something that some one else had was by making a present, and then getting a present in return. Notice, however, that in savage life a man would not need to exchange presents with some one in the same tribe or household. For as regards food, all would share. "It is looked upon as a theft (or at least as a mean act) if a herd of Gifts as a mode of trade

cattle is slaughtered and not shared with one's neighbor, or if one is eating and neglects to invite a passer-by. Any one can enter a hut at will and demand food; and he is never refused." And if it was a tool that was wanted, it could be borrowed if there was one in the tribe. The only exceptions in which presents would be needed would be "when purchasing a wife and making presents to the medicine-man, the singer, the dancer, and the minstrel, who are the only persons carrying on a species of separate occupations."* Between two different tribes hospitality even now is a common occasion for presents: "The stranger on arriving receives a present, which after a certain interval he reciprocates; and at his departure still another present is handed him." And of course the exchange of wares through presents is not limited to savage tribes, nor to hospitality. We read in the Old Testament of gifts to a conqueror, or to a fellow ruler. The Moabites and the Syrians brought gifts to David. Many princes brought gifts to Solomon, and notably the Queen of Sheba, who brought gold and spices and precious stones. Indeed the spices were long remembered, for the author of the book of Kings says, "there came no more such abundance of spices as those which the Queen of Sheba gave to King Solomon." And we have an interesting example of how presents did not always correspond to expectations. For Hiram, King of Tyre, furnished Solomon with cedar trees and fir wood and gold, with which Solomon built a temple and a palace. At the end of twenty years when these were finished Solomon gave Hiram in return twenty cities. "And Hiram came out from Tyre to see the cities which Solomon had given him; and they pleased him

* Bücher, *Industrial Evolution*, pp. 60 ff.

not." It need not be pointed out how awkward a way this is of really getting just the thing that is wanted and at a fair exchange. Nowadays we do not like to receive really valuable presents except from members of the family or from very close friends.

CHAPTER III

FIRST COÖPERATION—THE CLAN AND ITS CUSTOMS

HOW much had early peoples learned about living together? How far had they learned to coöperate? Today we belong to a family group, to a city or township, to a state, and finally to the nation. In this country it is the city or town that has most to do with our health and education. It is the state which makes the laws that make our lives and property secure. It is the nation which protects from any foreign enemy, which safeguards many of our liberties, and which is more and more coming to regulate our railroads and larger activities of business. These groups—family, city or township, state or nation—are ways of uniting and coöperating which men have gradually worked out. How much of this had the savage discovered?

The
earliest
group

The great group in early life was not the nation or state or city—for there were no such organizations—but the clan or tribe or kinship group. It decided where a man should live, whom he should marry, who his friends and foes would be, and by its customs regulated his education, his religion, and in fact nearly all that he did. It is then very important to understand this early clan which we may think of as the first plan of coöperation for union and government.

What is a clan? Perhaps the simplest way to get

at this is to think of it as a group of relatives living together or near one another, mother, brothers, uncles, aunts, cousins. It is not just the same as a large family, for the belief early grew up that a man should not marry a woman of his own clan. A family would have in it members of two different clans, that is, a husband and wife; the clan, on the other hand, would have in it blood relatives only, except as it included adopted members. Sometimes when a man took a wife she would be adopted into his clan. In this case she had to give up her own clan and would not be regarded by it as any longer a fellow kinswoman. But sometimes the woman stayed at home among her own kin. In this case the husband was not adopted into the wife's family, but was received as a visitor and kept his kinship with his own clan. Then if a quarrel arose between his clan and his wife's clan he would have to side with his clan and she with hers. Early society was built on the idea that blood was the strongest tie.

We do not mean to imply that all savage peoples have clan groups such as we have described. What we wish to say is that the clan was the typical group of early life. It came before there was anything like a nation, or a city, or a business group, or a labor union, or any other kind of union. The ancestors of all European peoples and of the Jews once lived in such clans or tribes. Walter Scott in the "Lady of the Lake" tells how a clan was roused by the signal of a fiery cross carried and passed on by swift runners:—

"When flits this Cross from man to man,
Vich-Alpine's summons to his clan,
Burst be the ear that fails to heed!
Palsied the foot that shuns to speed!"

And in response to this message Clan Alpine gathered:—

“ Each trained to arms since life began,
 Owing no tie but to his clan,
 No oath, but by his Chieftain’s hand,
 No law, but Roderick Dhu’s command.”

Many of Scott’s novels also suggest the strong ties of the clan which brought all the members to the help of any one member who was in trouble. A Scotch Macgregor or Macpherson is still proud of his clan even if he does not show it by fighting against other clans. Cæsar says that among the Germans of his day, “ No one possesses privately a definite extent of land; no one has limited fields of his own; but every year the magistrates and chiefs distribute the land to the clans and the kindred groups and to those (other groups) who live together.”

The song of Deborah in the book of Judges praises the tribes of Israel that came to help their fellow tribesmen in battle and blames those that were timid or selfish. In early Rome and Greece there were great clans such as the Julian “ gens.” It may safely be said that the ancestors of all of us once lived in this kind of group. Every one who as a boy has belonged to a gang or club or team has had something of the same feeling about standing by the group, keeping its secrets, or being loyal to the team.

Origin and
 purpose of
 the clan

Early men formed these clans because it was the natural thing for children as they grew up to stay together, and when there were no other groups such as we have now—churches, political parties, nations, business firms—the clan naturally was stronger than a family is with us. It served two great purposes.

First, it protected its members from other groups; in this it was like the nation today. Second, it controlled its members and made them do what the group as a whole thought right. Today this control is divided up among several groups. Parents are responsible for young children; schools for children during part of the day; cities for the way houses are built, waste disposed of, and streets kept safe; the state looks after most of the regulations of business, and decides questions about contracts; the United States controls our railroads, our post offices, and a few other affairs. In early life the one group, the clan, had all the responsibility.

In particular the clan decided some such things as the following:

What the
clan
decided

(1) It decided where its members should live. Nowadays a man goes to live where he can find work. Very likely he does not choose to remain with his family. In early society every one had to stay with his clan unless in the case of the woman who might go to her husband's clan. But even then the young people could not go off and set up a house where they pleased. It must be either with the husband's clan or the wife's clan. If a man were to decide to live by himself apart from his clan he would have no protection and might be killed by any one.

(2) The clan decided almost entirely what each of its members would do and what they would have to eat. For when a clan wanted large game all must join in the chase. It would not do for an Indian to stay at home or go off by himself if it was time for the great buffalo hunt. If the clan was a clan of shepherds, then every one must herd sheep. Many of the crafts, such as that of the smiths or metal workers, were fol-

lowed by a whole clan. And when game was captured or wild rice gathered by the clan, the product was shared by the clan.

(3) It decided very largely what every member must wear and what his or her ornaments or decorations should be. Nearly every savage tribe today has some characteristic manner of decoration or, as some might prefer to call it, of mutilation. Some wear scars of a certain pattern; others tattoo in a certain way; others knock out a particular tooth; others have a definite style for wearing the hair; the Thlinket Indian women on the Pacific coast wear a large block of wood inserted in the lower lip. Fashion among civilized people is strict, but it changes more or less from year to year, and is fixed by certain classes in certain cities for those who wish to be in style. Costume and decoration among savage people are largely fixed by the clan and are unchanged from generation to generation.

(4) It decided one's religion. For whatever the religion might be, the whole clan had the same belief, observed the same rites at birth, marriage, death, kept the same sacred days and festivals.

(5) It decided who would be one's friends or foes. If any member of a clan were killed or wronged by some one of another clan, then it would be the duty of every member of the first clan to help revenge the injury upon the second.

Customs

How did the clan control its members? Today the city, state, and nation control and protect us by laws. The early clan had no written laws prescribed by a king, or passed by a legislature, or enforced by a special body called a court. Instead it had *customs*. Custom was king. The old men of the clan might have a good

deal to do with making customs, but every one in the clan helped to enforce them.

Custom is of course very strong today in certain parts of our lives. Why do men wear one kind of clothes and women another? There is a law on the matter, but we seldom if ever think of it, and perhaps many do not know of it: we simply want to wear what other men or other women wear. Why do Americans today eat chiefly with a fork, whereas not long ago the knife was more used, and among other peoples the fingers are the main reliance? It is the custom in our set. Why do we call it incorrect to say, "There isn't no such person"? The Greeks, who were very keen-minded people, used to put in two negatives into a statement to make it emphatic. It was the custom in Greece, but among us good speakers and writers do not do it, and we follow their practice.

Present
day
customs

A great deal of our life is thus ruled by custom even now. But if we consider such illustrations as we have just given we note that in some of them there is no strong motive to act in a way which is different from the way the group acts, for example, shaking hands, while in others a violation might offend taste but would not really harm any one else, for example, eating with a knife. When we deal with matters where there may be a strong motive to do differently from the group, for example, in breaking a promise to pay back borrowed money, and where as in this case the failure would harm another, we do not trust to custom. Early man could get along better with custom because in small groups every one would know every one else and it would be almost unendurable to live in a small group if one got all the others down on him.

Notice some of the customs of clans. If we should

House
customs in
the clan

go into a house among many peoples who now have the clan system we should be likely to find a group sitting in a fixed order—the father, the mother, the children, the guest have their definite places and would not think of sitting anywhere else: This is a very effective way of teaching every one to think of others, and to respect the elders. It is carrying farther our custom of giving a seat to an older person, or allowing him to go first through a door. It is a first step in manners and morals both.

Initiation

The initiation ceremonies are highly interesting customs. They are practised among many primitive peoples to make boys full members of the group. Like the initiations in many secret societies, they are intended to impress the new member with his own helplessness and with the superior knowledge and power of the group. Among the Australians the ceremonies occupy weeks, and even months. A boy is kept much of the time hidden behind a screen of bushes, forbidden to speak except in answer to questions; decorated with various totem emblems; charged to obey every command and never to tell any woman or younger boy what he may see. At intervals he is brought out and watches performances by the men decorated to represent animals who are supposed to be the ancestors of the clan. He hears mysterious sounds which are supposed to be due to spirits. He is finally told the important traditions about the ancestors of the tribe and is shown some of the sacred objects in which the ancestral spirits are supposed to live. All these customs are well adapted to inculcate great respect for the traditions of the tribe.

Marriage

All such clan groups have very strong customs about marriage. A Sioux Indian would not marry until he

had done some brave or difficult deed to show that he was a man. The Sioux had a feast of maidens that no girl dared to attend if she had misbehaved and broken the customs for proper conduct. Practically all clans were very strict in forbidding their members to marry women from within the clan. This custom is called exogamy, "marriage outside." In Australia the native had to select his wife from a certain small group into which it was proper for him to marry. He would not dare to marry any one else. One very amusing custom among many savage peoples is that a man must not speak to his mother-in-law; on the other hand, he is often expected to make her presents of food.

Other important customs prescribe how to deal with quarrels, for a group of people must have some way to settle disputes. One way is to have a sort of regulated duel—the parties try to get the better of each other, but without actually aiming to kill. Among the Australians, if one man steals from another he sometimes settles with the man who is wronged, in a duel with wooden swords and a shield. The old men or chiefs stand by and see fair play. This is a sort of lawsuit with weapons instead of words—or we might put the matter the other way and say that a modern lawsuit is a contest with tongues instead of with fists.

But the most striking custom of all is the custom of blood revenge. If a man in one tribe or clan injures or kills a man in another, every kinsman of the victim is bound to revenge the wrong. If he cannot kill the murderer he kills some one else in the murderer's clan. Sometimes a payment of money is made to satisfy the relatives of the man who was killed. In this case every member of the kin is bound to contribute. This cus-

tom of family feuds survives even yet in many countries of Europe, and in some parts of the United States.

Taboos

As already suggested, one large set of customs is with reference to acts that must *not* be done or with reference to food that must *not* be eaten. We might call these negative customs. They are often called *taboos*. Taboo means nearly "mustn't touch." Most savage peoples regard certain plants or animals as taboo; they will not eat them. In some of these cases the plants may be poisonous but in many cases no good reason is known for not eating the plant or animal. Possibly some one was once taken ill or had some bad luck after eating the plant, and this would make it appear dangerous. Other taboos refer to conduct that it is feared will bring bad luck upon the group; marrying a woman from the wrong group is of this sort. A taboo is also a very convenient way to keep certain things for the priest or chief. If he says that the young cocoanuts are taboo, none will dare to pick them.

Why
customs
are
obeyed

Why did the members of the clan observe these customs and taboos? For very much the same reasons that we conform to customs now. Three reasons are: (1) All of our group do it this way; (2) it always has been done this way; (3) it would bring trouble or bad luck if we didn't do it this way. (1) All our group do it this way. We all like to be "with the crowd." We don't like to be thought queer or different. We are all somewhat like birds or sheep that are lonesome if they are not with the flock, and follow wherever the flock goes. (2) It always has been done in this way. Habit is a strong master with all of us. It is easier to follow an old pattern in making a tool or a weapon or a jar or a blanket. And the more times

we do anything in a certain way the harder it is to change. It seems to be the right way. If husband and wife have always been from different clans it seems as if they ought to be so. If the son has always avenged his father's murder then it seems to be the only thing to do. (3) It is liable to bring trouble or bad luck to break a custom or taboo. Some people today fear to begin a journey on Friday. Passenger steamers do not often sail on that day. Early men did not know so much about nature as we do. They sometimes were made sick by poisonous plants. They sometimes found no game, they sometimes could get no water. It was not strange that they believed that there was a right way to prepare food, to hunt, to fight, to receive guests, to marry, and that a wrong way would bring bad luck.

The early group had several ways to make any member conform to its customs.

First, it actually trained him how to do certain acts. Parents now train children how to use knife and fork, how to bow, how to speak correctly. Music teachers train pupils to sing. Athletic coaches train boys to play games. Soldiers are trained. The early group trained its children in dancing, in singing, in hunting, in religious ceremonies.

How the
clan
made its
members
conform

In the second place, a group was "down on" any member that did not conform, and no one liked to have a group "down on" him. They might make fun of him, or cut him, or in different ways make it so uncomfortable that he was glad to get back into favor.

Third, if this public opinion or ridicule was not enough the group might take more severe measures. If a man were suspected of practising witchcraft or if

he should marry a near relative, the Australians might form a war party to go and spear him.

Fourth, the greatest influence of all among savage peoples has always been the same, the fear that something mysterious will happen if a taboo is broken. Formerly among the Hawaiian Islanders there was an extraordinary degree of such fear. It was known that certain men who had violated a taboo disappeared. No one saw them taken off or killed, but they never failed to disappear. As a matter of fact they were captured by secret agents who were always to seize them when alone, waiting if need be for a year, in order to carry out their plan secretly. But the mystery was a dreadful feature. In some cases a man would fall sick or die after violating some custom; he would be literally frightened to death when he found out what he had done. Of course, this would be regarded by the others as a sign that some mysterious power was angry with any one who violated a taboo. Indeed one doesn't need to go to savages to find people who are afraid that certain acts will bring bad luck. Very likely we have all known persons who do not like to be one of thirteen at the table, or to wear opals, or to see the moon over the left shoulder, or to break a looking-glass, or to pass a graveyard at night. We perhaps smile at such fears; but savage people take all their taboos and customs very seriously.

How far had early man in clan life succeeded in laying the foundations for what has developed since? How far did he advance in getting a living? How far in uniting with his fellows? How far in developing the qualities of character which lie at the basis of citizenship?

In getting a living he showed great cleverness and ingenuity. The inventions he made were remarkable. But far fewer than among civilized people could get a living. When people are comfortable and have plenty of food their numbers usually increase. If their numbers remain small it usually shows that food is not plenty, or else that they suffer from war or disease.

Success in getting a living

The great lack among early men seems to have been that they had not yet learned how to coöperate in a large way. Especially they had not learned how to divide up within the clan into different crafts and trades nor to exchange goods with each other. And as for trade and exchange between clans, fear and distrust made that very difficult. Each clan was a sort of we-group that thought of other people not as customers or as friends but as an others-group.

Limits of early coöperation

There are two ways in which men can coöperate to help each other in getting a living. The first and simplest way is by uniting their strength. Two men can lift a heavy log, or catch a big fish, or bring down a large buffalo better than one can. Savages coöperate in this way very well. The second way is by dividing up into different occupations and then exchanging products. The farmer, blacksmith, shoemaker, and weaver help each other far more than if they should all four try to work together on the farm, then at the forge, then at the bench, and finally at the loom. Or by a slightly different kind of division of labor men may divide up the parts of one task, as is done today in making shoes, and then put together the parts into complete products. The early men in savage or barbarous life did little of this second kind of coöperating. This made life hard, and kept them from getting on very far. For if one man has to do all

kinds of work, or all parts of a task, he never can be as quick and expert as though he could specialize on one kind of work.

Wastes
of clan
warfare

A second great lack in clan life was shown by the waste of time and energy in quarreling or war. Not such great wars as came later but more or less constant danger. This again was because man had not learned how to live in large groups. He had to spend much of his time watching the other fellow, that is, the other clans; and even so, he was liable to be raided, his house pulled down or burned, and his crops destroyed. If one of his clansmen had injured some one of another tribe he might suffer for it although he had been quite innocent. It was only after man had found a way to keep peace, and had begun to make friends with other groups that he could make great progress in securing a comfortable living.

Mutual
aid

Yet although the clan was too small a group for the best protection and prosperity, we must not forget that it cared well for its members up to the limit of its ability. No one in the clan or tribe was allowed to suffer as long as there was enough food or clothing in the tribe. Among civilized people a family may starve while the man next door wastes enough daily to feed the first family for a month. We aim through our government and through charitable societies to relieve those who are in want; but in every great city there is much suffering in winter. To ask for help is regarded as a sort of confession of failure, and some prefer going without food or fuel to the humiliation of asking aid. The savage doesn't feel that he is begging for a favor; he has a right to his share so long as the supply lasts. Unfortunately if there were drought or failure of game or of a crop, the early group could not usually count

on the help of other tribes. Civilized men can bring grain from all over the world in case a crop fails in one country.

(1) In the small group, like the clan or tribe, the members tended to unite firmly and to have a strong group spirit. They were in some ways more loyal to their group than people today are to their city or country. They might be said to have more "public spirit" than persons in civilized society. The reasons for this come out if we ask what makes school spirit, or team spirit, or club spirit, in fact, group spirit of any kind. We usually find that when we (1) work or play in company, (2) coöperate in behalf of some common object, (3) celebrate in common victories and mourn in common experiences of trouble, we have group spirit. The tribes and clans do all these things. They fight for the clan; they hunt and fish together; they dance and sing together over their success in war or the chase; they mourn together in funeral ceremonies when one of their members dies. And besides all this they do not have so many private interests and so much private property. A civilized man can get on better in his private business if he does not give much time to the public. Sometimes he can make money by driving a sharp bargain with his city or his state. He may be in business partnership with men living in another city. So he is quite likely to find himself drawn in two different directions. The savage is much more bound up with the success and welfare of the clan.

Success in
uniting
with his
fellows

(2) There were no such class divisions in the early group as we find later between kings and subjects, or between nobles and common folk; or as today, between rich and poor, employers and employed. The tribe might make slaves from other tribes, but slavery was

No
class
divisions

not common until man got farther along. The chief division was usually that between older and younger, but this was, of course, constantly shifting, and so did not make fixed classes. Fixed classes, which developed later, by their contrasts make much unhappiness and envy that are escaped by the savage. We do not mind doing without things so much if all share alike.

Group
unity

(3) The group customs and taboos held the members together. The customs seemed more sacred to them than many of our laws seem to us. In some tribes today there is much less crime, less murder, less stealing, less violence than in our great cities. The Hopi Indians live quietly in their villages and manage their members with far less annoyance to their neighbors than do cities of white folk.

Over against these great achievements we must set some of the defects.

Bound by
custom

The great defect of custom was that while it held people together and restrained unruly members it tended to hold every one back. If we do things just as others do, and if we do things just as they have always been done, we certainly shall not get ahead. The savage today who is bound by customs does not make progress. It is likely that our ancestors for a long time suffered from rigid habits of thinking and acting. The phrase "the cake of custom" has been used to denote this condition. It was as though customs hardened into a stiff cake which helped to hold people firmly together and kept them from going to pieces, but also kept them from going ahead.

Too
much
alike

A second defect was that people in such a clan were too much alike. Just as we need to exchange work with one another in order to prosper, so we need to exchange

ideas with one another in order to grow wiser. It stirs us to think when we meet a man from another country, or another line of business, or another political party. When people all did the same thing, and could not mix with strangers, they did not have so much to rouse their minds.

A third defect was that when all in the clan did the same thing there was little chance for any one to develop any special gift or talent; he was obliged to hunt, or make axes or bows or arrows, whether he had any talent for it or not. If a Newton had been born in such a tribe he would not have had a chance to study the movements and laws of the earth and moon. Beethoven could not have had a good opportunity to study music. John Marshall could not have studied law nor Henry Ford made automobiles. There was not much to appeal to a boy's ambition except success in hunting or in fighting. There was still less to appeal to a girl's ambition. There were not many windows through which to look out toward the future.

Little
oppor-
tunity

Because custom was strong and because all did the same things there was not much choice and hence not much liberty. We often speak of savage life as free, because there is no king and no policeman. But this is only one kind of freedom. The most important kind of freedom is to be able to choose among many good opportunities. If I am governed by custom, or habit, or instinct, I have little choice. And if there is only one kind of occupation, one place where I can live, one group that I can belong to, then I have little choice and little freedom.

Little
freedom

One other respect in which the early savage was not free was in his lack of knowledge. He was ignorant about the true causes of things that were going on—

day and night, the change of seasons, rain, snow, disease. This made him fearful of the unseen. He was superstitious. When a man was sick he was supposed to be attacked by evil spirits; when things went wrong it was due to bad luck or "bad medicine" of some kind. This made him timid about trying new ways of doing things, and set him on the wrong track when he tried to cure disease. He was likely to pound on a drum to drive away the bad spirit instead of discovering the true cause.

Character
in clan
life

What qualities of character had the man of the clan developed? Evidently there would not be much chance to practise honesty, for there was little trading and no one had much property. But there were other good qualities which we prize today.

Kindness

First was kindness. This word means treating man as though he belonged to your kind, or your kin. The clansman shared with his kin. He protected his kin. He helped his kind. He stood by them. In our present-day life, when we compete with men in business, or live in such great cities that we often do not know our own neighbors, we sometimes forget to be kind. The man of the clan could not forget this. The defect was that he was not kind to people of other groups. Indeed it would have seemed to him quite absurd that he should be. What was needed was that men should learn to show kindness not only to their own kin—Greeks, Jews, Celts, white men—but to all.

Loyalty
to the
group

Close to kindness came loyalty—loyalty to the group. The man of the clan felt that the clan was more important than he was. He must follow its traditions; he must fight for it. Now it is a great thing for any of us to belong to something greater than ourselves. It

makes us larger men and women. For if we are thinking of the group as *our* group, if we make its causes our own, then we somehow for the moment widen out our thought and our sympathy. The early man's group was not a large one, and sometimes the main service it asked of its members was to make a raid upon some other tribe. But it was a school in which man learned to stand by his group.

Third might be mentioned courage. For the clan Courage
praised the brave man and ridiculed the coward.

Fourth was respect for the elders. This was very Respect
strong in the clan, and many of the customs, such as initiations, were well adapted to cultivate this trait.

These traits belong to what we sometimes call group morals. They represent a great deal that is necessary in the good citizen, but they leave much to be done. For there were three lacks in the life of the man of the clan: First, he lacked knowledge about nature, and especially knowledge how to use the great forces of Lack of
fire, steam, electricity. Science and invention must knowledge
come to supply this lack.

Second, he lived in too small a group, and did not co- The clan
operate enough with his fellows. "Union is strength," too small
is an old proverb. It was proved at first in war; it is a group
only recently that men have come to realize what it means in peace. Now the clan or tribe is an association which is strong as far as it goes, but in one respect it does not go far enough; in other respects it goes too far, that is, it is too intense. Both faults seem to be due to belonging to too small a group and to too few groups.

His group was too small. The people in one clan are Hence
suspicious of those in another. They do not trade clannish-
freely with them. They do not have a common judge ness

to settle quarrels, and so they keep up feuds. The tribe is not strong enough to protect its members or to keep order and make the future secure. We have a word, "clannish," which brings out precisely this defect. Clannish people keep too closely together; they do not mix with others and get the stimulus that comes from rubbing shoulders with all sorts of people. Modern business, and modern protection of life and property, extend widely. For many purposes the whole civilized world is one great group.

Too few
groups

He belonged to too few groups. His clan was his family, business partnership, church, and political party all in one. It tied him up too tight. The "cake of custom" is likely to become too hard. A modern man by meeting a different set of people in the different groups is continually stimulated. His habits are more likely to get loosened up. He may be "bossed" in his business by a superior, but in his political party he may be a "boss" himself. A woman or man may be under some subjection in the home, but a leader in the church. The greater freedom of today does not come from not being in any group; this leaves any one weak. It comes from belonging to larger and more groups so that one gets help on more sides.

Lack of
independ-
ence

Third, he followed custom and so did not think for himself. The democracy in which we live today requires us to think and judge for ourselves.

Tasks of
progress

The great tasks of progress we can already see dimly will be along three lines: First, discovery and use of the forces of *nature*. This means *science* and *invention*. Second, discovery and use of the forces and values of *human* nature, especially of association,—working together. This also means science and invention, but of a different kind. It means building up

cities and states. Third, the forming of laws and governments which shall maintain liberty, peace, good order, and justice, which shall promote education, intercourse, and communication, and at the same time be the free choice of the people who live under them.

CHAPTER IV

THE NEW GROUPS—SOCIAL CLASSES AND THE GREAT STATE

THE first step above the life of the clan or tribe, which hunted or fished, or fed its flocks, or gathered wild rice or grain wherever it could, was twofold:

(1) Agri-
culture

(1) Instead of roaming or moving restlessly on where there was game, or where they could escape enemies, clans settled down, and built houses instead of huts or wigwams. They usually settled in villages.

(2) Social
classes
and the
State

(2) Men began to break over the clan boundaries and form larger groups. They did this in two ways: they conquered other groups and made slaves or serfs; they united in larger groups for fighting. These larger groups were not made up on the basis of kinship; they were bands of warriors from several clans. These warriors had to have a leader or king. And out of such bands of warriors and their king came a new kind of grouping of men which we call the State.

Both slavery and states came largely from fighting. It may seem then that it was war that pushed mankind up this next step. It is true that it was by war that men enlarged the clan and made the nation, at the same time making slaves and serfs of those whom they conquered. But the real gain was not due to war. War was a very wasteful way of doing what men might have done more easily by trade and agreement if they had only been wise enough. The real gain was

that *men learned to form larger groups, and to cooperate on a larger scale.*

Let us look further, first at the village group or village community, then at the making of slaves and the making of the state.

When we think of a farm in America we usually think of the farmhouse with its barn, standing alone with no neighbors very near, or at most there may be three or four houses at a cross-roads. But this was not the way those of our American Indians lived who had begun to raise Indian corn. It was not the early plan, and in many parts of Europe it still is not the plan. When in early Europe, Teutons, or Slavs, or Celts, and perhaps before the Celts, still earlier dwellers in Britain began to cultivate the soil, it was probably as kin-groups or clans. In Scotland, Wales, and Ireland the clan life survived long, and Walter Scott tells us of the Highland clans each living in its own glen. Sometimes a clan of English seems to have settled in a neighborhood group. If the clan of Buckings or Birmings or Billings settled in a spot or "home," this would be called Buckingham or Birmingham or Billingham. And the tie of kinship would lead them to build their cottages or houses close together. Then instead of dividing off the land into complete farms, entirely separate, with all of a man's land together, they followed a plan which in many ways was better for pioneers. They set apart one kind of land for plow land, another for grass, and left the rest, "the waste," for pasture. Each man had a share of plow land, a share of grass land, and could pasture his cattle upon the common pasture land. Hence a man's plow land might be in one part of the community's

Village
community

Common
fields

land, and his grass land some distance away. There are still some signs of the old "common fields" in England with the ridges which marked the borders between the plow lands of the different cottagers. Early settlers in New England brought over some of this community plan. They frequently laid out a "common" like Boston Common, and when they settled a new town, they did not attempt at first to keep their cattle in private pastures. They had brands by which to distinguish their cattle, and then turned them into common pasture or "waste." The village community is still found in Russia. A man does not own his own land; the group owns it and allots shares from time to time to the members to cultivate.

But there would be all sorts of forces at work to bring in neighbors who did not originally belong to the clan. Especially when, as was the case in England, fighting men settled down in a region, there would be more or less mixing of different clans and of the older dwellers in the region. Neighborhood came to be more important than kinship.

If each clan had settled down peacefully in a village by itself, not disturbing its neighbors and not interfered with by other clans, history would have been very different. We can easily see what happened if we look at early settlements in this country. A group of families would settle in a town and stay until their children grew up. If there were two or more sons, either the parents or some of the sons would then push on to a new location farther west. In this country there was plenty of land and this could be done without fighting. Or if the pioneers encountered Indians, the Indians could move back.

In Europe there was no such room. A clan would

soon grow to be too numerous for its land and would begin to crowd upon others. Some, like the Norsemen, would seek room by sailing away in ships, plundering, capturing men for slaves, or settling down in a colony as chance offered. But the greatest tendency was for several clans or tribes to unite, make a combined raid, and thus find new homes. The people whom they conquered might either be killed, or taken and sold for slaves, or kept on the land to do the hard work. This happened when Israel invaded Palestine, when the Saxons invaded Britain, and once more when the Normans invaded England. Even among the conquering clans there would come to be leaders more powerful than common men. For it seems to be only in rather small and peaceful clans that there are no classes. To get a definite picture of how this process of conquering, and serf or slave making worked out, let us imagine ourselves in England seven or eight hundred years ago.

How
clans
sought
room

If you were to go into a village or hamlet in early England, you would find most of the dwellings small cottages. But there would be one called the Hall, which with its barn and other subordinate buildings would be much more spacious, even if it were far from elegant according to modern standards. Here would live some one called the lord. Further scattered over the country would be found castles, still larger and built for military purposes as well as dwellings. Here is evidently a class of men set apart on some basis. You might see in a village in America the same contrast in the size of houses, but it would not mean the same thing. Today it would mean usually that the man in the larger house had gained more wealth, by manufacturing or trading, and had chosen to buy or build the larger dwelling. In the eleventh century, it would

The
Hall
and the
Lord

usually mean that the man in the hall or castle had been a successful soldier, who had helped the king, and had been rewarded by being made a lord with important rights over the village and all the land near by. The modern owner of a large house may own much land, or he may own only a small lot. He may chance to be a judge in his town or county, but the chances are he is not. He may happen to be chosen chairman of the town-meeting if he attends, but the court and town-meeting are not likely to be held in his house, and if he is chairman it is because he is chosen, not because he has a right to be always chairman. Suppose now there is an alarm of war. The dweller in the large house is no more likely than any other to enlist in the army, and if the government should make a "draft," as it is called, of troops, he would be just as likely as any other, but no more likely, to be selected.

The Lord
of the
Manor

In the early English hall or castle the lord was a judge and held the court in his Hall. He presided at the village meetings, for the court was a sort of village meeting rather than what we understand by a court of law. If there was war he was expected to march to the support of the king and to take with him a large number of his "vassals" or servants, all armed and equipped. Finally, although the king was supposed to be the supreme lord or owner of all the land, the lesser lords, who lived in the halls and castles, had rights over the land of their "Manor" or district, and were thus like the king, lords of the land, who later came to be landlords. The dweller in the Hall was therefore a judge, a leader of the military forces, and a landlord.

If you should go into the cottages instead of the hall, you would find that almost all the dwellers had shares

of land. But you would find that whereas they worked for themselves on this land about half the time, they worked the other three days of the week for the lord and received no wages. The women also worked a part of the time at the hall and received no wages. Also, if you suggested to them to give up their farms and move away, you would be surprised to learn that they had no right to do this. And if you saw a bright-looking boy and told him that he ought to study and become a scholar, you would be told that he had no right to do this without the permission of the lord who lived in the hall. People of this sort who were "bound to the land" were called "villeins." They were half-free, for they worked in part for themselves and had rights in the land; they were seldom sold. But they were not free to leave the Manor, and must work certain days for the lord. In the twelfth and thirteenth centuries the law came to treat them almost as slaves. They made up by far the largest number of the people of England eight hundred years ago. If your ancestors were English, they were probably most of them villeins.

Villeins

Were there no free men in England except the lords? There were a few, but only a few when William the Conqueror took a kind of census of England in 1086. There were a few of the clergy who as a social class stood close to the gentry. There were a few men who tilled land but could sell it and go where they pleased. There were indeed nearly as many slaves as there were "freemen." The slaves differed from the serfs or villeins in that they did not belong to the land, and might be sold.

The exact numbers of these different classes in England in 1086 can be estimated from the survey which William the Conqueror had made of the land and its

various kinds of tenants. The book of this survey is called *Domesday Book*. It shows the following classes:

1. Gentry and Clergy		9,300
Made up of	{ Tenants in chief	1,400
	{ Under tenants	7,900
2. Free holders and Yeomen		35,000
Made up of	{ Freemen	12,000
	{ Socmen	23,000
3. Half-free or Unfree		259,000
Made up of	{ Villeins	169,000
	{ Cottars and Bordars	90,000
4. Slaves		25,000

Altogether there were then 284,000 more or less unfree to 44,300 free—about 7 to 1.

The striking thing is that the great majority of the people were villeins, bordars (who had smaller plots than the villeins), and cottars (cottagers). The two main classes were the gentry, who ruled and came more and more to own the land, and the villeins, who were obliged to do the farm work. How can we explain this difference in classes? There was nothing like this in the simple kinship group of the savage.

The
band of
warriors

The great explanation for the difference in classes, and for the fact that a few men were found ruling over a great number of men, is that *a new force had been discovered*. We think of steam and electricity as extraordinary forces; and they have worked a great change in modern life. But probably they have had far less influence than the force of association or coöperation. The early kin group had a certain degree of coöperation, but the Band of Warriors made a new and more powerful kind of group. A small number of trained fighters acting as a compact band could conquer

a far greater number, less united and less well trained. In the ancient world Alexander and his Greeks gave a famous example of what such a band could do under a brilliant leader. Cæsar and his Romans gave another example.

England was conquered several times by successive bands of warriors. The Celts conquered a dark, squat race of earlier people; the Angles and Saxons conquered the Celts; the Danes conquered a considerable part of the Anglo-Saxons; and finally the Normans, who were a sort of high-grade military specialists, made the most thorough conquest of all. What effect would conquest have upon the conquerors and what upon the conquered?

In savage life practically all the men have two occupations: they help get a living by hunting; they protect the group by fighting. A group which has begun to farm and also become somewhat more warlike may still combine getting a living with fighting. Of one German tribe, we read, in Cæsar, that each year half the men cultivated the fields, while the other half was under arms; the next year these groups would change tasks. But history shows that this is not usual. The tendency is for the fighting men to form a separate class and leave most other kinds of work to another class. This was so common in the Old World that when Plato was planning an ideal state he thought the natural main division of classes should be into warriors or defenders, on the one hand, and farmers, mechanics, and traders, on the other. In savage society men usually had the rather exciting work of hunting and fighting; whereas safer, and also, it must be said, less exciting tasks, were left to women. It is highly probable that a specialist in fighting will want to leave such monotonous

The warrior class and the working class

and tedious tasks as plowing, and cultivating, and gathering crops to some one else. How can he manage this? The way is simple.

The conquering band of warriors makes slaves or serfs of the conquered and requires them to do the steady, monotonous work. In Africa, Egypt, Babylon, Israel, Greece, Rome, and Western Europe, the story has been similar. For example, in Egypt:

“ The stone-cutter, who seeks his living by working in all kinds of durable stone, when at last he has earned something, and his two arms are worn out, he stops; but if at sunrise he remain sitting, his legs are tied to his back. When the (mason's) work is quite finished, if he has bread, he returns home, and his children have been beaten unmercifully (during his absence). The weaver within doors is worse off there than a woman; squatting, his knees against his chest, he does not breathe. If during the day he slackens weaving, he is bound fast as the lotuses of the lake; and it is by giving bread to the doorkeeper that the latter permits him to see the light.”*

Villeins

But apparently slavery of the extreme type was not the rule in England at the time of the Norman conquest. The more common condition of the conquered Englishmen was that of serfs or villeins, as we have seen in the Domesday Book records. The word commonly used for them was “ Native,” which would go to show that any “ native ” Englishman, as distinct from the Norman conqueror, was regarded as unfree. In one respect the life of the villein was not so hard as that of some free persons today, for he had a plot of ground, sometimes as much as thirty acres of plow land, and so was reasonably sure of enough to eat. But, on the other hand, he had not only to work for the lord about half

* Hobhouse, *Morals in Evolution*, p. 284.

his time, but he had also to contribute in various other ways to the lord's property. Moreover he had to attend his lord's courts and if he had any quarrel with his lord, was likely to get the worst of the decision. The fine-sounding provisions of the Magna Carta which guaranteed certain rights to the "free" man were of no help to the villein. He was not free.

The Band of Warriors has thus proved to be a power to make some men lords and others serfs.

CHAPTER V

THE BAND OF WARRIORS AND THE STATE

THE band of warriors did more than make lords and serfs; it made a king, and a state or nation. For in order to succeed the band must act as a team, as one man. And this means that it must be directed by one man who has a plan, and has also the necessary power to have his orders obeyed. When a country has been conquered the leader and his band continue to rule. Together they make up a new kind of group called the *state*. As head of the state the leader is called a *king*.

The
ruling
group

The state with the king at its head is called a "political" society. It is different from the early kinship group with the old men at the head; it is different from the neighborhood group. It is, or rather was, at first a military group; then it undertook to govern. It made governing a business, just as merchants made trading a business or weavers made weaving a business. It did not destroy other groups unless they resisted. It allowed the village to carry on its affairs much as its old customs prescribed; it allowed the villagers to till their lands on the old plan of common fields, provided they also worked for the lord a certain part of the time. And for a long time there was dispute as to just what were its powers and rights with reference to the other great organization of the Middle Ages—the Church.

Because it was at first a ruling group it did not treat all people in the country as citizens. It did not give all people equal rights before the law; far less did it give all people over twenty-one years of age, or even all males over twenty-one, a share in the government. In these respects it was very different from a democratic state of the present time in which the ideal is that all who live in a country (unless citizens of some foreign nation) should have the rights and privileges of citizens. The early state included only a part of the people; later it took in more and more from those groups which were at first outside.

In particular, there were three classes which at first were only partially in the state: the villeins, the clergy, and the merchants. And of course women, with certain very interesting exceptions, were left quite out. They had few rights, and again with interesting exceptions, no share in the government.

(1) The villeins were in one respect directly under the control of the state: if they committed a crime they could be punished by the king's courts. But it did not work both ways. The king would not protect them against wrongs unless these amounted to injuries against life or limb. In fact they were not regarded by the lawyers as having any right to own property. There might, however, often be disputes between a villein and his lord as to the amount of service the villein should give, or as to his right to pasture cattle and sheep upon the "commons" or common ground of the manor. Suppose, then, that you are living on a manor as a villein and have such a dispute. Suppose that the lord takes away one of your cows. Or, if you have provoked him, suppose you find yourself even shut out from your house and a servant of the lord

Villeins
and the
state

occupying it. What can you do? You might complain at the lord's court; but if the lord himself has put the other man in you will receive little attention. You cannot go to the king's court unless the lord or his man actually has struck you. Much less, of course, will you receive any protection if you are a slave.

Clergy

(2) The priests and "clerks" were in the church, and the church had its own law and own head. It was for a long time a matter of dispute whether the king and his courts had authority over priests in certain cases. For a long time the church had control over wills, marriages, and morals, as well as over heresy, and thus had a certain sphere reserved from the power of the state.

Merchants

(3) Merchants and traders were usually in early times strangers or foreigners. In Athens they were not made citizens, but formed a sort of middle class, neither citizens nor slaves. In England merchants for a long time had laws of their own, distinct from the laws of the land. These laws of the merchants were the customs which had come to be observed by merchants of certain ports. After a time these came to be adopted as a part of the regular laws of the state, but as merchants were often foreigners it was natural to treat them as a different class.

Women

(4) It is scarcely necessary to say that women had little relation to a military state. A wife was supposed to be not under the king's protection, but under the protection of her husband, and a daughter under that of her father. If a vassal died leaving an unmarried daughter she became the ward of his over-lord, or of the king if her father had held his land directly from the king. A married woman for a long time could not own property while her husband was living, though a

widow might manage property. The Abbess of a convent might manage property and send vassals to the king, and thus become a more active member of the state.

Although the state was thus at first a band of warriors with its king, which cared little for villeins and merchants except to squeeze labor or money out of them, and even looked with contempt upon priests as being of no use as fighters, it soon began to change. As we have said, this group made it its business to rule, and the business expanded. The king and his helpers kept doing more and more things and in this way came to have more and more to do with all classes of people. They sometimes put other groups out of business, and sometimes took them into partnership. Little by little the people who at first merely dreaded the king and his court—particularly when these spoke a different language, as the Norman kings did in England—came to look to the king for protection. At first only the warriors were loyal; merchants and villeins had no such feeling and so no such duty. Later, when the villeins gained the stand of freemen and so had more rights, they too could feel loyalty. When merchants were granted favors by the king they were willing to help him with money; they also could be loyal. The boldest step taken in England toward bringing other groups under the state was the act of Henry VIII in putting himself at the head of the Church as well as of the State. The church had come to own a great deal of land. The king took this away and gave it to his supporters.

The state expands

In this country, except for a short period in some of the first colonies, the state and the churches have

kept fairly separate. The Constitution says that Congress shall have no power to establish a religion. Our fathers knew by experience that it might be dangerous to religious liberty to give the state power of that sort. But in earlier times in Europe the state was eager to control men in every way possible.

But aside from such a great and sudden expanding of the state as taking in the whole church and making a national church out of it, the state kept growing in many ways. The king's courts gained at the expense of other courts; the king received taxes from more people; the king had dealings with the traders; and, most important, the king got together a great meeting of the lords, the clergy, and representatives from the principal communities (shires or counties and boroughs or towns). This last was called a Parliament and came to be, in time, the great governing body of the state in England. Our Congress and state legislatures are, in many respects, copied from it.

The
king's
courts

The way in which the king at the head of his warriors gradually came to control more and more the affairs of all sorts of men is at first surprising. Apparently it was not for the most part because the king or his advisers thought it was right; it seems to have been very largely, first, because it increased the king's power and, second, because it paid. Take, for example, the courts. Besides the king's courts there were also church courts, merchants' courts, and manor courts presided over by the lord of the manor. Fees were collected for hearing cases, and in the case of felonies, such as murder, there was not only damage to be paid to the relatives of the man killed, but a fine to the king. The king constantly endeavored to get as much of all this business as possible because the fees

and fines were profitable. But to hear all the cases would tend to bring more and more people under the king's direct power, and also under the king's protection. More and more people would look to the king as the defender of their rights.

The king took a great interest in promoting trade, and partly for the same reasons that he tried to extend the range of his courts. He wanted to get more money. He got money from both the English and the foreign merchants. The English merchants wanted to have the exclusive right to sell at retail in their own towns. That is, they wanted a monopoly. When the merchants of London or of Bristol or Yarmouth wanted this privilege, they were willing to pay the king money for a charter which would give them a monopoly, except at fairs or with other special limits.

The king promoted trade

On the other hand, the king liked to have foreign trade coming into the country for several reasons. For one thing, he collected a heavy revenue from it, called the customs (and this name is still used for tax on imports). Again, it was thought a good thing for the king and the state to have ships and sailors. One way to encourage shipping was to increase the demand for fish. To bring this about a curious law was passed which ordered all persons to fast on Friday, Saturday, Ember Days, and in Lent—that is, to eat fish instead of meat—under penalty of a fine of ten shillings and ten days' imprisonment. This was declared to be for two reasons: "considering that due and godly abstinence is a means to virtue" and considering also especially that "fishers and men using the trade of living by fishing in the sea may thereby the rather be set on work."

Besides regulating commerce with other countries,

the king tried to regulate industry inside the country. Some kings brought into the country weavers from other lands who were skilled workers, and thus promoted the development of weaving much faster than the town guilds would have allowed. Gradually, indeed, the old guilds, which were at first chartered by the king and which controlled their own members, were dissolved, and the state itself undertook to regulate the trading, on the one hand, and the workmen on the other. As the state was at first limited to the upper classes, we should expect this regulation of wages to be in the interest of landlords. But the general tendency of the state has been to discourage any intermediate groups which it does not control. And many of the present problems of the state law in relation to corporations and trade unions are affected by this.

Coinage

Closely connected with trade was the king's activity in providing coins. For a time this, too, was regarded as a way by which the king might make a profit, and some kings thought it a shrewd scheme to make coins of less than standard weight and pocket the difference in value. Henry VIII was perhaps the worst offender. But it came to be held that to debase the coinage in this way was bad policy. A national system of coins of uniform weight was much better for trade than a system in which each town or district had its own coins. It made for easier coöperation and therefore was a gain when it was finally established.

Taxing

Taxing was another way in which the king came to deal with more and more people, and gradually to get the help of more people in governing. At first the king did not raise money by a general tax, as our government raises funds now. The king had a great deal of land, for, of course, when he conquered a country he would

take a large share for himself, or grant it to his followers on condition that they pay him rent or "aids." When the Domesday Book was made, the king of England had over 1,400 manors. And when he went from one of these to another, as he did frequently, it was expected that the people along the route would provide entertainment. As he traveled with a large company, this entertainment was not exactly a pleasure to the hosts. "At the king's approach," wrote an Archbishop, "thanks to this accursed prerogative, there is general consternation; men fly to hide their fowls and eggs; I myself shudder for the people's sake."

Then, too, like every feudal lord, the king collected "aids" from his tenants when the tenant's son was made a knight or his daughter was married. Wedding presents are nowadays sometimes expensive, but if an officer could collect, as the law then fixed it, "twenty shillings from each knight's fee," which would amount to something like one twentieth of the value of all the land, it can be seen that a good haul would result.

Because the king owned so much land, and had these claims to "purveyance" or hospitality, and "aids," it was thought he ought not to demand further taxes. In England it was urged that "the king should live of his own." If the king had been able to do this it might have been very unfortunate. For, although the people objected strongly at times to paying taxes, it was because the king needed more money than his own lands would bring, and was willing to grant privileges in exchange for money that the people were able to gain more and more rights. As it was usually the merchants and town dwellers who had the most money, the king had to consult more and more with these men who had not at first had anything to say about the government

How
taxing
enlarged
the state

of the state. He summoned representatives of the towns as well as of the counties to meet him. He urged them to grant money; they petitioned for relief from various grievances. If the king wanted to get their money he must listen to their petitions. When these petitions were granted, they became laws. In this way the "Parliament," as the gathering of representatives was called, came to have a share in making laws. The state came to include merchants as well as warriors.

CHAPTER VI

THE STATE AS SOURCE OF ORDER, A COMMON LAW, AND PRIVATE PROPERTY IN LAND

TODAY most of us live without fear of being attacked by raiders from the neighborhood; we do not expect to be robbed when we go on a journey nor to have our homes broken into while we are asleep. We do not carry weapons when we go to our work, and perhaps have two or three armed guards to protect us; nor do we build our houses in such a way that we can command the entrance with a gun. We make windows large enough to let in light instead of making narrow slits in the wall. If we sell goods to a man who refuses to pay, or if we work for a man who does not give us our wages, we can sue him, and if we can make it clear to the judge and jury that the man is attempting to defraud us we may expect that the court will compel him to pay his debt.

All this is part of what we mean by peace and order. It is now so common that we take it as a matter of course. But it has not always been so. It was the state which undertook first to defend the country against foes and raids from without and then to keep peace and maintain good order within. In tracing the progress of the state in performing these tasks, illustrations will be taken chiefly from early England, because our own institutions—our laws and government—came to us largely from that country.

(1) The state gave to its members greater security

Protection
from
foreign
enemies

from outside enemies. The early clan, as we have seen, tried to protect its members by revenging injuries, and it had customs which kept order among its members. But there was more or less constant quarreling between clans. There was no certainty that a man could harvest his crop. His hut might be burned any night. He dared not go beyond the bounds of his own clan, for then he had no protection. It might seem at first that it would not make things any better to have a king and army, for the king and army were at first really plunderers on a grand scale. Yet, as matters worked out, there was a decided gain. There was still fighting, but the state substituted wars between the fighting specialists for petty feuds. The wars did not discourage all farming nor break up the life of the common man so seriously as did feuds. Trade and travel over a large area would be kept open, even if England was at war with France or Scotland. The king and his band would protect their own country, and they were strong enough to keep out foreign raids and keep down robbers, thieves, and murderers.

The question might indeed be raised: Did it, after all, matter much to the common people whether the king who ruled them called himself king of England or king of France? Was it not as bad to be squeezed by one as to be plundered by the other? When we look back and note how men could get only a little more than they needed for food and shelter; when we consider how little they have had to spend for comforts or for education, and then think what an enormous sum has been used in fighting and in preparation for fighting—it seems as though common men had paid a high price for defense from foreign powers. Indeed, the common people often took little interest in the king's wars. Nevertheless

there is one great difference between being ruled by the king of the country and being raided by a foreign king. Foreigners would come, kill, plunder, and go away with no idea of sparing any one for another raid. The king of the country would wish his people to be at least prosperous enough to increase his power against other kings. And, as a matter of fact, the king came to feel pride in his country. So, although supporting a king was an expensive business, it was apparently the only way to provide security when men were roaming about, looking for plunder, and thinking no more of robbing and killing other groups than of hunting deer or bears.

(2) The state kept order among its subjects and protected them from robbery and violence. In early times in England there was no government strong enough to protect innocent people from being robbed or killed if they went from home or from their town. When the Norman kings conquered England, and began to rule the country far more strictly than any English or Danish king had ruled, one of the first steps was to make order. "The good order that King William made must not be forgotten," said the *Peterborough Chronicle*. "It was such that any man who was himself aught might travel from end to end of the land unharmed; and no man durst kill another, however great the injury which he had received." Order was the first thing to be secured; men could not trade or travel unless they could be safe and keep their goods safe while going from place to place.

The way in which it came about that to kill or rob was thought of as not merely an injury to the victim or his family but also a wrong to the public is very curious. There was an old doctrine that a man had a right to be free from attack in his own house. To

Keeping
order

The
King's
Peace

assault him there, was a breach of his peace. The origin of the feeling about this may go clear back to the animal world. A dog, or even so timid a beast as a rabbit, will fight better on his own ground. The aggressor frequently acts as if he knew that he was out of his own bounds.

So the king would have an especial right to have peace in his own house. It was an easy step from this to extend the house that the king lived in to the house or precincts of the king's court; then to the king's highway, to the king's servants, and to the markets held under his protection. Finally, what was a privilege of the few, and of a small region, was held to cover all men and all places in the kingdom. If a man wanted to get the powerful help of the king's courts, he could claim that the king's peace had been broken. This made it far more dangerous to rob and kill. At first this "peace" of the king was supposed to hold only while the king was alive. When a king died there was no king's peace until the new king was crowned. Hence, there was sometimes a sort of "open period" as we say now with reference to shooting game. When Henry I died in 1135 "there was tribulation in the land, for every man that could forthwith robbed another."

Curfew
and
frank-
pledge

Besides punishing crime, the state aimed also in many ways to prevent crime. A curfew law compelled all to cover up their fires and stay in after eight o'clock in the evening. One of the chief means of keeping order was a system of small responsible groups. By an ingenious change of the old principle that a man's kin were responsible, the state required every man, with a few exceptions, to belong to a small group called "frankpledge," or sometimes "tithing," which could be held responsible. When any man was accused of a

crime and did not appear for trial his tithing had to pay a fine. It can be imagined that the "tithingman," the head of this group of ten or twelve, would keep a close watch over the group. It is interesting that the early New England towns always elected a tithingman whose chief duty seems to have been to keep order in the meeting-house.

(3) The state brought about a Common Law. How did it come about that one system of law held for the whole country? In early days there were a great many different "customs" of different places or groups, but no single law of the land. A "court" was a sort of town meeting or county meeting. There were no lawyers, no judges, no jury, no witnesses. The meeting voted what should be done. Now the king was a great landholder and also had a great many officers. He, then, held a court just as a lord or sheriff held a court.

If the king could not always hold court himself he had representatives to preside for him. The next step was to send these justices around the country to hold court. So long as each village or county held its own court, it would keep its own customs. The northern part where the Danes settled had a Dane law, the county of Kent had its customs, the West had its customs. Some towns would have special tolls and rules. But when the king's justices judged cases they decided by what they called the custom of England. They followed the same rules, no matter where they were holding court. These rules or customs which were *common* to the whole country were called "common law." The king's courts which worked out this common law had a reason for hearing as many cases as they could. It was so poor a reason that it seems quite un-

dignified, not to say disgraceful. The reason was that it paid. If a man wanted to bring a suit he had to pay a fine, and if a man was found to have broken the peace he had to pay a fine. So the king's court was eager to do a large business.

The
king's
court

But if you do not have a monopoly, you cannot have a large business unless you sell what people want. The king's court did not at first have a monopoly even of murder trials. There were other courts. But it was often the case that a man could not get justice in the other courts. Then he would try the king's court, which was often more satisfactory than others. In time it came to be held that any one might purchase a "writ" of the king's court, and by it try to get justice done. Though if a man was not exactly sure what to call the injury that had been done him, he ran a risk of buying the wrong document. It was something like buying shoes for another person without knowing what size would fit. We might think justice should proceed by asking both sides simply to tell their stories, and then having the judge ask questions and decide what is fair. This was not the way the courts got at it. The man who brought the case had to charge the other with some specific kind of wrong, and then prove this. But the important thing was that all the king's subjects had a right to claim his justice.

Majesty
of the
law

Why was the common law better than the old customs? There is more *authority* in law. It comes to us now as the command of the whole people. In early times it came as the command of the king. And because the king was usually believed to be appointed by God to rule, his commands were regarded as sacred. This made men more afraid to break the law. With the king's authority back of it, the common law was thus better

adapted to the larger group. Custom could control small groups who spoke the same language, and were all kin or neighbors. It would not have been equal to the task of controlling large groups made up of different races or tribes, speaking different dialects, not knowing each other, and not having common ancestors or common traditions.

The common law was thus stronger than custom. It was of course likely to favor the king and the ruling class. But there were two forces at work to make it fairer than the customs of smaller groups.

Law
fairer
than
custom

The very fact that it was national helped to make it fairer. If a law is going to affect a whole realm, people will be more careful in making and executing it, and judges under such a law will also be less likely to be influenced by prejudice against enemies, or by favor for their friends.

And another thing that helped was that judges were appointed to give their time and thought to hearing cases and declaring the law. These judges were at first churchmen,—bishops or clerks (as the clergy were then called). They studied not only the customs of England, but the law which the church used. They studied, many of them, the old Roman law which grew up when Rome ruled the civilized world. And they got from this the idea that cases should be decided not only by custom but by what was reasonable as well. So there was a little element of progress along with the idea that the old customs ought not to be changed. Men are so fond of what is old and so fearful of the new that it is very hard to introduce a change in law, even when it is known that the old way began in savage and barbarous days.

The common law became also a defense of liberty.

Law
and
liberty

It might be supposed that the judges who were appointed by the king would always be on his side, if there was a contest between the king and other parties. But strangely enough they came to think much more of following the rules and customs of the realm than of doing what the king wished. The very fact that the law was common to the whole country made it a stronger defense when men relied upon it to aid them in resisting the king, just as at first it was a stronger instrument for enforcing order. The way in which the jury system came to be introduced will be described in a later chapter. But it may be mentioned here as one of the ways in which the king and the state helped on the cause of liberty, although it was not intended for this purpose and was at first stoutly resisted.

Land-
owning

The state had a great deal to do with changing the plan of holding land. The early idea was that of holding land in common by a clan or village. Our present plan is what we call private ownership. Except in such cases as parks, public forests, school grounds, and a few other public plots, all land in this country is privately owned. By the old plan it seemed that no one really had a right to sell land, for this would be depriving the children of the clan of their rights. Today we buy and sell land freely; and this is in many ways an advantage. For it certainly stimulates a man to improve land if he knows that he himself will gain by draining, fencing, and enriching it. Moreover, when land is bought and sold freely it is more likely to get into the hands of men who will make some use of it and will not let it lie idle. How has it come about that we now *own* land? We

do not talk of owning the air, and a private individual cannot own a navigable river, or a plot on the high seas.

When people lived in kindred groups or clans, especially if they lived a hunting or pastoral life, each group might have a district where it hunted, or gathered fruits, or pastured its flocks. It would keep others out of this district if possible, and feel that it was on its own ground. But the individual members of the clan would not have their separate plots. Clan

When groups settled down to cultivate the land it was, as we have seen, the custom to have the plow land in open fields with strips of grass between the holdings of the different dwellers. There was besides this a large area of "waste" which was a common pasture. There was then much land which was simply in common, and some which was "held" by the dwellers in the village community in the sense that they plowed it and harvested it. But they could not have sold it. Village

When the king and his warriors conquered a country, the king considered that it was his. He appointed his men to rule districts, just as the President of the United States appoints a governor of Alaska. There were two important differences, however. First the duke or baron collected his own pay from those under him. The amount which his tenants were to pay was largely fixed by custom, but he was not limited to a fixed sum. He got what he could, paid over a fixed sum to the king, and kept the rest. It was not the idea at first that he owned the land; he "held" it from the king or from some one superior to himself. In some offices called "fee offices" we still have a survival of the old days when a govern- Lords
of the
land

ment office was a means of making an indefinite amount of money out of people. In most offices today, however, the officer is paid a fixed salary.

Landlords

The second important difference is that when an American governor or judge dies he is not usually succeeded by his son. Even if the governor has lived in an executive mansion, as the old baron lived in a castle, his family expects to leave it when his term of office expires. On the other hand, the king's officer would in some cases be an old clan chief, and this office was hereditary. Or even if this were not the case, the strong chief would want to hand his power, his castle, and all his possessions down to his son, and as the king himself exercised this right, it was the natural thing for the lords to seek to exercise it also. When the son was already in possession of the castle he would have a decided advantage against other claimants. If the son or heir of the lord should always succeed him it might easily come to be thought that the county in some sense *belonged* to them. When the office of governor or judge is not passed down in this way there is little chance for such an idea. Hence out of these two ideas of being *lord* over the land and of being the *hereditary* lord came the idea that the landlord "owned" the land.

In the earlier years of Norman rule there was a difference between the lord's own "demesneland," from which he had the whole produce, and the parts of the manor which were cultivated by free tenants or by villeins. And there was the "waste" on which both lord and tenants pastured cattle. In one way or another, sometimes by mutual agreement with tenants, sometimes by sheer "grab," the common fields and the "waste" were inclosed. Instead of

being ruler, the landlord became the private owner. Some land, of course, came into the hands of small owners, but the larger part came under the ownership of the great landlords. In England this has survived in great measure to the present day.

In America we began, for the most part, with private ownership of land, and various laws have since been passed to encourage this. Indeed, it is only recently that we have come to realize that some kinds of land, especially forests, ought to be kept by the public. But we have one reminder of the fact that this owning of land is not absolute. For if the city or town or state or nation needs land for public purposes, such as a school, or street, or park, or post office, the land may be taken, even if the owner does not wish to sell. In such case the owner of course must be paid a fair price, but he has to give up the land.

The state which began in such an unpromising fashion as a band of warriors, who were often in plain language robbers or pirates, came thus to be the defender of people against violence, their protector through the common law, and the means of fixing private property in land. The great power of organization and coöperation proved that it could be a benefit to the whole country although it was at first used in the interests of a few.

Private
ownership
not
absolute

CHAPTER VII

IDEALS OF THE WARRIOR CLASS, OF KNIGHT AND GENTLEMAN

Ideals
of the
warrior
class

IT is evident that in such a society of warriors the principal business of life would seem to be fighting. It was not raising grain or breeding sheep or cattle; nor was it trading or manufacturing; nor was it the advance of knowledge or invention. The warriors who made slaves or serfs had found out how to make others work for them. It was far more exciting and interesting to fight or hunt than to plow or tend sheep. It was natural that a band of warriors united closely together, and forming an upper class group should have strong ideas about what a warrior should be and do. It was natural also that they should look down upon common people and slaves. It was natural that men whose chief business was to fight for the king and the state should think that this was the most important thing in the world, and should begrudge any rights or privileges to those who were not in their set. The ideals that such men built up for themselves and passed on to us show a mixture of good and evil. They were good in so far as they really embodied the new power of uniting men with their fellows. They were evil in so far as they went only halfway, relied upon force instead of upon mutual confidence and benefit, and in so far as they were the ideal of a small class only.

These ideals of the warriors were honor, courage,

loyalty, and chivalry. Fine and noble words surely, yet they need scrutiny.

Honor is a word which, in the first place, means, "to esteem" or "to have high regard for." If we choose a man to some high office or trust him as our leader, we do so because we honor him. Then the word comes to mean the qualities for which we esteem or admire any one. What sort of qualities we respect or honor in this way will depend upon who we are. A group of scholars honor a man like Newton or Darwin or Pasteur who shows genius in discovering truth. A group of hunters honor the best shot. A group of foot-ball players honor the quickest, coolest, steadiest, and boldest player. A group of thieves honor the cleverest thief. A group of fighters honor the best fighters. Honor then means excellence in some quality which is admired by some group. The important group at the stage we are now considering was the warrior group—the group of gentry, of knights and ladies. The honor that counted in this group was the honor of a warrior, of a knight, a gentleman, or lady, for the lady though not herself a warrior belonged to the group of warriors and like them looked down upon men and women of lower classes. To understand "honor" we need to know what a group of warriors, knights, and gentlemen would prize most.

First, of course, would come *courage*. The good warrior must fear no foe and shrink from no danger. He would not take a "dare." But, it may be asked, why speak of courage as though it were a new thing. Surely it was not invented by warriors. The cavemen who hunted the mammoth and tiger with nothing but stone weapons had courage. The Eskimos who went out upon arctic seas in their canoes to catch seals had courage. Yes, they certainly had. But they did not make this

the one great thing in life. They did not have such a strong group feeling as warriors had, against any act of cowardice or fear. A few men are naturally reckless of any danger. They like risks. But most of us are braver when in company. And when men are trained especially to fight, it becomes second nature to stand up to the enemy, for the very reason that it is hard for any one to break away from his group. By thinking and talking about brave deeds, by praising the heroes and condemning the timid, courage is built up.

We must place it to the credit of the warrior that he trained men to be brave and led a great group of men to praise courage and heroism.

Defects in
the
warrior's
courage

But there were two flaws in the warrior's kind of courage. These were due to the fact that it was the courage of a class. The first was that the warrior's courage was shown in going *with* his group. It usually is far easier to go with our class, our party, our army, than to stand up alone for a cause which is not popular. Yet this kind of courage is often most needed. For, while it is more likely that I am wrong than that a large class or group is wrong, it is to be remembered that practically every reform, every protest against oppression, every struggle for liberty and justice, has begun with one, or with a few who were standing up against the general practice or against the majority of their class. Further, the fact that the warrior always was obeying orders prevented him from thinking for himself:

“Theirs not to reason why,
Theirs not to make reply,
Theirs but to do and die.”

The world needs a good many kinds of men. Sometimes it needs just the soldier's courage. But at other

times it needs men who do "reason why" and, if need be, will have courage to "make reply" to wrong commands. Our ancestors, in protesting against the king both in England and in America, showed this kind of courage, and it is interesting to note that those who protested were usually not soldiers by profession.

Another defect due to the warrior's class ideal of courage was that it allowed him to be cruel to those of other groups. He often treated them as though they had no rights; and he liked to show his power by torturing as well as killing the conquered. The ancient Assyrians did not feel ashamed, in fact they were proud to tell, of their cruelty to the conquered:

"To the city of Kinabu," says Assur-nasir-pal (883-885 B.C.), "I approached . . . I captured it. Six hundred of their fighting men I slew with the sword, 3000 of their captives I burned with fire. . . . The people of the country of Nirbu encouraged one another . . . the city of Tela was very strong. . . . 3000 of their fighting men I slew with the sword; their spoil, their goods, their oxen and their sheep I carried away; their numerous captives I burned with fire. I captured many of the soldiers alive with the hand. I cut off the hands and feet of some; I cut off the noses, the ears and the fingers of others; the eyes of numerous soldiers I put out."*

The Hebrew, the Greek, the Roman in the ancient world would kill the males and make slaves of the women and children. The English warriors who conquered Britain had no mercy. They killed priests as well as warriors. They were called "seawolves that live on the pillage of the world." The Northmen were among the bravest of warriors, but they were pirates and rob-

* Sayce, *Records of the Past*, II, pp. 145, 159, etc. Quoted in Hobhouse, *Morals in Evolution*, p. 249.

bers as well who raided the coasts and killed or enslaved peaceful dwellers whom they surprised. Our ancestors learned courage in the school of war, but they learned fierceness and cruelty also.

Loyalty

Next to courage, Loyalty. To be loyal is to be true to some superior. Or we sometimes speak of being loyal to a party, or to our country, or to a cause. The early men of the clans were loyal to their kinsmen. But, as with courage, so with loyalty; the band of warriors staked everything on this. The great business was fighting, and to fight successfully it was absolutely necessary to obey the leader and to follow him to death, if need be. The whole body of fighting men—the upper class, as contrasted with the serfs or workers—were trained from early years to be loyal to some superior. The plain soldier was a “vassal” of some “lord.” There was a solemn public ceremony in which the vassal did *homage*, as it was called; that is, acknowledged that he was the “man” (homage, i.e., from the Latin word meaning “man”) of the one whom he called his lord. He also swore a solemn oath of *fealty*, that is fidelity. The lord undertook to protect the vassal. It was on this basis that the land was largely held. The lord would let a piece of land to a tenant on condition that the tenant should do homage and swear fealty, that is, be his loyal vassal.

“The tenant stands up with his hands on the gospels and says: ‘Hear this, my lord: I will be faithful to you of life and member, goods, chattels, and earthly worship, so help me God and these holy gospels of God.’”

Loyalty to a lord was often stronger than the tie of blood or kindred. An old story in the English Chronicle illustrates this. Cynewulf, king of the West

Saxons, when with a small company, was beset by a band of his enemies under Cyneheard and wounded to death. His thanes refused any reparation or quarter, but fought over his body till all were slain but one. The next day a large force gathered to avenge the dead king, and rode to where Cyneheard was. Cyneheard offered them great inducements to have him as king, and told them that kinsmen of theirs were with him that would never leave him. "But they declared that none of their kinsmen could be dearer to them than their lord, and that they would never follow their lord's slayer. And they offered their kinsmen to let them go safe. But the men with Cyneheard said that they would not do otherwise than those that had fallen with the king. So they fought about the gate till the avengers broke in and slew Cyneheard and all with him save one who was Osric's godson and he had many swords."

Loyalty, as a warrior ideal, like courage, had its Defects in
loyalty flaws. For it was the loyalty of a class, and loyalty to a person, not to a cause. It did not aim to unite men under a cause that all could follow. To be loyal to the lord meant sometimes to help the lord oppress his villeins. To be loyal to the king meant to fight against other men just because the king had a quarrel. Gradually men changed the object of devotion from the king or the lord to the country, or to some cause like liberty or justice or truth. When we can be loyal to some one who leads us in the right direction, so as to secure good things that we could not secure without following a leader and working under him, then it is a splendid quality. But we need first to make sure of our cause. The colonists who remained faithful to King George III at the time of the American Revolu-

tion were called loyalists. Most of us now think that the king in this case was opposing liberty and that those who were disloyal to him were in the right.

Chivalry
and
knight-
hood

Chivalry combined the courage of the warrior and the loyalty of the vassal with something finer and broader. The knight was brought up to be faithful to his superior; he was also to be a brave warrior. But he was not loyal just to his superior, nor did he fight with the single idea of conquering, no matter how. The true knight must protect the weak. He must be especially courteous to ladies and help them in distress. If a woman were ill treated it was the part of the knight to right her wrongs. Walter Scott represented the knight Ivanhoe as undertaking the cause of the Jewess Rebecca who had been accused of witchcraft. When a knight fought he must fight fair. He must be generous to his defeated foe, not kill him after he had yielded. To make a slave of his prisoners or of ladies whom he might capture would be contrary to his ideals. The knight indeed took vows, much as the priest took vows. When he was made a knight he handed over his sword to a priest who blessed it and gave it back. Chaucer describes a knight who "loved chivalrie, truthe and honour, freedom and curtoisie." He was a valiant fighter and yet he did not boast or abuse.

"He nevere yet no vileyne ne sayd:

In all his lyf, unto no manner wight."

Chevalier Bayard was a French type of the perfect knight, a gallant fighter for country, a passionate admirer of justice, "*sans peur et sans reproche*,"—without fear and without reproach. Later changes in the social order made the outer forms of chivalry as empty and meaningless as Don Quixote's charging the wind-mill.

While the institution of knighthood passed away except as a form, generosity to the unfortunate, an ideal which knighthood had taught, survived as a fine tradition. Sir Philip Sidney, dying on the field of Zutphen in 1586, declined the offered drink of water, and passed the flask to a soldier lying mortally wounded beside him, saying "Thy necessity is greater than mine." In the battle of Santiago, when a Spanish battleship was burning and sinking, the American sailors began to cheer in victory, but Captain Philip saw Spanish sailors wounded, struggling in the waters, and called to his men, "Don't cheer, boys, the poor fellows are dying." This was the finest chivalry.

Finally we notice the ideal of the gentleman. Today The no one likes to be told, "you are no gentleman." Yet gentleman it is not long since only a few were regarded as gentlemen. It is one of the words that at first applied to a select class. Then it came to stand for the qualities which that class had or ought to have. Finally when men became more democratic, they began to think that any one might be a gentleman if he had the right qualities. In this respect it is something like the word "kind" which we saw at first was applied only to the way in which a man treated his own kin. Then it came to be thought right to be kind to all. The word gentleman was at first an exclusive word, a word meaning "upper class," and especially "military upper class." The word "lady" corresponded to the word "gentleman," but in recent times it has not succeeded as well in taking on new meaning. It is largely a polite term.

The word gentleman is from the Latin word "*gens*," which means "family" or "stock." In Rome the

Meaning
of the
word

Two
classes
of men

prominent men all belonged to certain great families or clans which had been the nucleus of the city. Julius Cæsar belonged to the Julian gens. Those who did not belong to any of these families were plebeians, and were regarded as inferior. The "first families," or *gentes*, doubtless owed their position in the first place to the fact that they were the best fighters. In the Middle Ages there was, as we have seen, a great division into two classes: the warriors and their families were in one class and were called "noble," or *nobiles* in Latin; the villeins, citizens of towns, traders, craftsmen, and laborers were in the other class and were called "ignoble," or *ignobiles*. A warrior in battle wore a special sign upon his armor to show who he was, and it later came to be regarded as necessary for a gentleman to have a coat of arms. Certain men who did not originally belong to the class of gentry might enter it. In Shakespeare's time a student of law, or liberal sciences, a captain in war, or good adviser of the state who could afford to live without manual labor and keep up a good appearance might have a coat of arms granted him, "be called master, which is the title that men give to esquires and gentlemen, and be reputed for a gentleman ever after." Shakespeare became a gentleman instead of a "vagabond" in this way. A little later Daniel Defoe, who wrote *Robinson Crusoe*, tells us that although a tradesman could not be a gentleman, he might buy land and then his sons could be gentlemen. The title of "master" referred to above has now come to be pronounced "mister" and used to address almost any man. But among the early settlers in this country it was not so generally applied. The writer's great-grandfather at the time of the Revolution signed his name, "William Tufts, gentleman," while his brother

signed his, "John Tufts, yeoman." As both brothers were farmers, it seems likely that William signed himself "gentleman" because he was an officer in the army.

It was natural that the gentry should expect a certain standard of their class. Every group tends to do this, and we have seen how chivalry or knighthood set up a very definite ideal for all its members. The gentleman was expected to act like a member of his class. He was expected, as becomes a military class, to be brave. His word of honor always had to be taken as true. If his word was doubted, he was expected to fight to prove that he was right. He was expected to be ready to fight a duel if any one of his own class challenged him, because this was the way to maintain his "honor," that is, his reputation as belonging to the upper class of fighters. He dared not do manual labor, for this was the sign of the lower class of villeins or slaves who were not fighters. To "spend money like a gentleman" implied that you did not think of money or care for it—as perhaps a merchant or a poor man would care for it. A gentleman was expected to pay gambling debts to those of his own class, for these were debts of honor, but he did not need to be so particular about paying his landlady, or his washerwoman, or his tailor, for these belonged to a lower class. He must treat a "lady" with respect and politeness, for she was of his class. He might deceive a girl of lower rank or treat her outrageously without feeling that he had done anything unworthy of a gentleman.

A lady of course was not expected to be brave; indeed it was unladylike to be strong minded or independent. She was expected to be scrupulously dignified, careful in her manners, not too free with men; and like the gentleman, she dared not do servile labor,

The
standard
of the
gentleman

The
lady

though certain kinds of fine needlework and housework were not disgraceful.

“Gentleman” and “lady” have then their good and their bad elements, which are due to their origin as class words. Part of the good and bad points go with belonging to any kind of group or class; part of them are due to the particular kind of class which was made up of gentlemen and ladies.

Group
standards

To belong to any group means that we must conform to what the group stands for. If we belong to a club we must keep the rules. If we belong to a church we know that this ought to make a difference in our conduct. A member of a school cannot behave exactly as though he were not a member of it. As members of any group we cannot do just exactly as we may fancy, or just as our first impulse may prompt us; we must stop and think. We saw how the clan had customs for its members which they had to follow. And we saw that they were chiefly customs that prescribed how to behave toward other members of the clan; we saw that the important custom for dealing with outsiders was blood revenge. In the case of such a group as the gentry which lived among other people they would be more constantly reminded of their own standards by contrast with the common people. They felt so proud to belong to the gentry class that its rules had a very strong hold upon them. The French had a phrase for this, *noblesse oblige*, to belong to the nobility has its obligations. The rules of this class became what we call a code, that is, a system of rules or standards that all in the class should obey.

*Noblesse
oblige*

Besides this feeling of obligation is the feeling that *in your group* all are equal or nearly so. You are but

one; you must consider the rest. One of the marks of what we now call a true gentleman is his consideration of others. It is a mark of good manners neither to cringe or be embarrassed before others, nor to put on airs of superiority. We can show respect to age or learning or genuine ability of any sort without losing our self-respect. This trait of the gentleman was at first shown only toward his own class; with the growth of democracy we have learned that it need not be so limited. We believe him to be the finest type of gentleman who treats all men with respect for their good qualities, and (perhaps this is the finest touch of all) treats men as though he assumed them to be worthy of respect even when they forget themselves and do not treat themselves with respect. A true gentleman will not treat a woman with disrespect.

Gentlemen
are
equal

More particularly, membership in an upper class based not on wealth but on military or political power has given rise to three traits. The first is a certain dignity and sense of balance or fitness. A gentleman would not make his clothes showy, for this would look as though the clothes were more important than the man who wears them. He would not make his house or its furnishings impressive by their costliness so much as by their fitness, for he does not value money as highly as skill. He would not boast, or speak loudly, for such conduct seems to indicate that he is not sure of himself, or is not sure that others will appreciate him unless he calls attention to himself. He would not break his word, for this would seem to show either that he did not know what he was doing when he gave it or else was too weak or fearful to carry out what he promised.

Dignity

The second trait was not so fine. As a member of

Duelling

a superior fighting class he scorned to submit to those laws which he considered were meant for common people. He insisted on fighting duels if he conceived that his honor had been insulted, and this is still regarded in some countries of Europe as the only course open for a gentleman. In the early years of this country duelling was not uncommon, but when Alexander Hamilton, who had been one of our most prominent statesmen, was killed in a duel by Aaron Burr, there was a great outburst of condemnation for the practice.

Contempt
for
labor

A third trait already mentioned was that the gentleman despised manual labor because this was done by peasants; he also despised trade because shop keeping or bargaining was a lower class occupation. This contempt naturally called out angry feeling in the despised classes. An early rhyme runs:

“When Adam delved and Eve span,
Who was then the gentleman?”

Gentleman
and
pioneer

But it was the life of the emigrants and pioneers in America that did most to break down the idea in this country that the gentleman must do no work with his hands. Few indeed of the colonists were of the gentry, though there were more in Virginia and South Carolina than in the other colonies. But life in the new country—clearing forests, building houses, plowing and harvesting—was not fitted to keep up a separate class. All worked with axe and hoe and scythe, and then all met in town meeting—at least in some of the colonies—to govern. The real business of living had then little place for the man who despised work. The gentleman had to prove his title in other ways.

This description of the ideals and traits of the warriors, knight and gentleman, has been drawn chiefly

from Western Europe, for that is where most of our ancestors lived, and it was from England that our early settlers in America brought not only their language but their laws and ideals. Yet it is of interest to note that Greece and Japan have had very similar classes with similar ideals. The Japanese in fact have a word, *Bushido*, which, like chivalry, means the code or standard of those who ride on horses. It emphasized loyalty above everything else. Indeed, a Japanese knight regarded it as a fine example of devotion to put himself to death when his lord died.

Courage, loyalty, protection for the weak, chivalry toward women, courtesy, a sense of honor, consideration for others—these are the ideals which we owe largely to the Middle Ages, ideals which we ought not to forget, any more than we should forget its wonderful cathedrals, or its beginnings of law and justice. On the other hand, class pride, exclusiveness, contempt for labor, and for those not in our set, have no place in a democracy.

A final word on the influence of class is suggested by some of our words of reproach. One of the worst things to say of a man is to call him a "villain," which originally meant the unfree tenant on the manor. We now spell the word in one meaning "villain," and in the other "villein," but there used to be no difference. A "knave" meant just a servant, a "blackguard" meant one who guarded kettles, a "rascal" one of the common herd, and "vulgar" what was characteristic of common people. No doubt the common people were in many respects inferior to the gentry. In some cases they may have been naturally slower and less alert. Their hard work and meager opportunities would keep them down. But to lump them all as a

class and think of a man as a "villain" or a "wretch" just because the gentleman or his ancestor had conquered him and shoved him down shows the bad effects of class pride.

Gentleman
and
labor

It is class which more than anything else makes the difference in our standards about work and wealth. No one feels it a disgrace to work if all work. No one feels it a disgrace to be poor if all are poor. This has been the case over and over in American life in frontier communities. But when one class feels that the only worthy business is to fight, govern, and hunt, then labor becomes a mark of an inferior class. When one is rich and on that account has the right to the service of the other, then the upper class feels proud and the lower feels oppressed. At first the difference may be accepted as the outcome of a war in which the weaker has been beaten. But after several generations, it seems to be purely the accident of birth, and then, if possible, it becomes worse than at first. At least it seems more difficult to justify, for the warrior at least had to have some energy and take some risks. The man who belongs to a class merely because he inherits money or a title does not necessarily have either brains or courage. The spirit of democracy is opposed to this kind of class distinction.

CHAPTER VIII

THE NEW COÖPERATION: TOWN LIFE, TRADE, CRAFTS

AFTER agriculture, the next great step in the way of getting a living was by trade and handicrafts. Trade and handicrafts flourish best in towns and cities. Here then are three new things which go together: trade, handicraft, town life.

These three things made two great social changes. Before the rise of towns, and of trade, and of handicraft, there were chiefly two great classes: warriors and farm laborers, or gentry and peasants. The merchants and craftsmen—tailors, weavers, smiths, carpenters—belonged to neither of the two old classes. They made a new *middle class*. This was a step toward democracy. And another social change was that living together in towns meant a new kind of *union* or *society*.

One way of looking at these changes is to think of them as coming from a new kind of coöperation—coöperation by exchanging goods. The clan would not have a variety of products to exchange, as would merchants coming from different places. Exchange of goods means that some merchants and craftsmen travel or send their products from town to town, or country to country; at the same time it means that some set up their shops and live together in towns. Coöperation by exchange of goods, and the living together in towns and cities which goes with the coöperation, bring about exchange of ideas as well as of goods. They

The new
coöpera-
tion

waken new wants and kindle ambitions, for people like to have what they see others have; they call out skill in various arts to supply the new desires; they create a new power of wealth and a new social class; they give rise to demands for liberty, and afford the means for backing up the demands. Finally coöperation by exchange leads men to think of what is honest and fair, for in exchange men do not, as in war, simply seize and rob; they expect to give in return.

The early clan gave a kind of coöperation, but we saw that it tied men together too tightly, in some respects, and made too small a group. The king and his warriors had shown the power of coöperation for fighting. The great bands of English and Danes had been too strong for the Britons scattered about as they were. William the Conqueror had been too strong for the English because he had his Normans better organized, and after he had won the first battle the English could not get together a large enough force to oppose him. How could one lord keep a great number of peasants and serfs in subjection? Simply because he had a few trained warriors and could at short notice get the help of other lords or the king, whereas the peasants in one little village had no way of planning with peasants in another village so as to get together a large force. The towns showed what those who were not mainly soldiers could do by planning and acting together. Of course the towns-people sometimes had fighting to do, but this was not their main business. In the long run their wealth proved a better defense than their walls.

The king and his warriors had helped to prepare the way for these benefits. For the king and his warriors made a state. The state with its officers and

courts brought order and safety, and broke down the barriers between clans and neighborhood communities. This paved the way for trade and various kinds of handicrafts. Moreover, the king usually favored the towns directly, for we have seen that it was to the advantage of the state to have trade and towns flourish.

But, on the other hand, the king did not like to have the towns become too strong. He wanted them to remain in subjection to him. And what was true of the king was likely to be still more true of the baron or bishop, who might be the immediate lord over the town. There were frequent contests between towns and lords, in which the towns struggled to secure greater liberties. It was a struggle of the new societies built up by trade and wealth against the old unions built up by fighters.

We begin to see, then, that town life was a great advance, not only in getting a living, but in affording the opportunity for living well, inasmuch as it taught men how to unite for peace and for liberty, and stimulated them to greater skill in art.

What was the chief factor in the founding and growth of towns? Did trade start the town or did people get together for some other reason and the trade spring up because the people were there? It seems probable that different towns began in different ways. A few like Chester, or Manchester, or Leicester, seem to have begun as Roman "camps" (*castra*). Some apparently grew up about markets, or fairs. Some were fishing towns, like Sandwich or Norwich. But practically all combined two features—defense and trade. They were commonly called boroughs or burgs (Peterborough, Edinburg, Canterbury), and a "burg" means originally a fortified place. A few cities, such

as Chester in England and Nuremburg in Germany, still have the old walls that were built for defense. The walls might be strengthened by towers and a moat outside. Most of the dwellers at first cultivated their strip of land outside of the walls, just as peasants. And the towns, like the villages, were subject to some lord. If the lord lived within the town his castle was likely to be on a rock or hill if there was one, as in Edinburg. The dwellers in the burg—or burghers, as they were called—had of course to defend the walls if attacked, and some who did not live within the walls had the right to come in when there was danger. Hence burghers had to keep arms and learn how to use them.

Trade

But besides the wall which served for the military aid of the town there was usually the market place—a large open space where wares of all kinds could be taken for exchange or sale. These wares would be partly farm products, such as butter, eggs, cheese, poultry, partly articles made by craftsmen, as linen or bread. But in time it was natural that craftsmen should more and more settle in the towns. For one thing, it was the custom to give the craftsmen of a town the exclusive right to sell in that town. A weaver or saddler from another town would not be allowed to sell if there was a man of that trade living in the place.

The trade was largely direct, from producer to consumer. That is, the farmer did not usually sell to a grocer or butcher and he in turn to customers. The farmer brought his butter or poultry to the market place and the housewife went there to buy. It was even at times forbidden by law to buy provisions before they came into the market, or to buy and sell them again at a profit. It was thought that such practices would make them dearer. But there were of course

some articles not produced in the region. Foreign merchants would bring many goods. The more common kinds would be (1) spices and southern fruits, (2) dried and salted fish, (3) furs, (4) fine cloths, (5) wines. The rich people would buy a year's supply at a time. The poor could not afford this, and a retail trade to accommodate them with small amounts existed before there was wholesale trade—grocers, peddlers, and cloth dealers were among the earliest of retail traders. Traders, then, were the first important group in the towns.

The second important group in the towns were the Crafts craftsmen. There were of course, on the larger manors, carpenters, smiths, and other men who could make shoes and perform the various tasks needed wherever there is a considerable number of people; but in the towns the craftsmen had the chance to develop greater skill and form an important group by themselves. They developed a plan of work which is called the "method of handicraft," which largely took the place of the older method of domestic work and to some extent also of wage work. In domestic work the farmers or housewives made tools, wagons, shoes, and cloths in their own houses. There was no "capital," no "wages," no "laborer," no "exchange." In wage work, the ordinary plan was for the craftsman, carpenter, shoemaker, tailor, to go to the house of the customer who provided the raw material and hired the worker by the day. In this stage no risk was taken by any one and no corresponding profit gained by buying and selling. The raw material was owned by the same man all the time until it was ready for his use. In the method of handicraft the craftsman, instead of going to the customer's house and using the customer's lumber or

cloth or leather, had his own shop, bought his own materials, and either made articles to order or carried them to market for sale. Custom tailors, small bake shops, and milliners follow this plan today. By it the workman gets both a return for his labor and also a return for his skill in buying material and using it in the best way. He gets both a wage and a profit. This kind of work flourished until the great discoveries of steam power and machinery.

Evidently this method of handicraft tended to make a new class of fairly independent people. By the house-work plan, only the landowner was independent. He produced the raw material, and kept control of it until he used it, getting it worked up by slaves, or by serfs, or by hired workmen. With the handicraft plan a new independent class was formed, namely, those who buy the raw material, work it up, and sell to customers or at markets. This became a third great factor in building up town life and free citizens.

Gilda

Besides the union of the towns-people in a "borough," the merchants and craftsmen of most towns united in societies called "gilda." Much about the origin of these gilda is obscure. In early times in England, before the Norman Conquest, there had been brotherhoods called gilda which had various purposes, such as helping to pay the *wergeld* or blood money that would be assessed upon a man for killing some one, or helping to pay for losses, or to bury the dead, or to aid in distress of any kind. They had gild halls for meetings, held periodical banquets, and provided for prayers to be offered for dead members.

Later, when traders and craftsmen began to increase in towns, it was natural that they, too, should form such brotherhoods. The earliest of these traders' and

craftsmen's guilds was called the gild merchant. It included both merchants and craftsmen. It was granted a charter from the king which gave it a virtual monopoly of the trade of the town. The members of the gild could buy and sell freely, whereas other traders had to pay for the privilege of buying and selling, and even then were under close restrictions.

"Being asked what liberties they claim to have pertaining to the aforesaid Gild (of Newcastle) they say that no one unless he should be of the liberty of the Gild can cut cloth to sell in the town, nor cut up meat and fish, nor buy fresh leather, nor purchase wool by the fleece, except by great weight (wholesale)." So too at Chester the member of the Gild "can buy within the liberty of the said city, all kinds of wares coming to that city by sea or land, without paying any fine thereon; and that no one who is not admitted into the said Gild can buy anything within the liberty of the said city without the license and assent of the said stewards."

On the other hand, gild members had to pay assessments, "to be in scot and lot" as it was termed, and they had a fine system of mutual help. Among the rules of a gild at Lynn were the following:

If any of the brethren shall fall into poverty, or misery, all the brethren are to assist him by common consent out of the chattels of the house, or fraternity, or of their proper own.

If any brother should be impleaded, either within Lenne or without, the brethren there present ought to assist him in their council, if they are called, to stand with him and counsel him without any costs; and if they do not, they are to forfeit 32 pence.

If any one should sleep at the gild, either at the general meeting or at their feasts and drinking, he is to forfeit 4 pence.

If any one turns him rudely to his brother, or calls him by any rude name, (he is) to be amerced 4 pence.

If any poor brother shall dye, the alderman and brethren shall see that his body be honourably buried, of the goods, or chattels of the house, or out of alms, if he has not wherewith to bury himself.*

It will be noticed that the gild, like the old clan, or the state, was good to those within, but quite indifferent or hostile to those without. But at least it made a new kind of a "we-group." And it secured many privileges for its members which for a time, at least, helped the members, although it was often so selfish as to be shortsighted.

Later, besides the gild merchant, which included both merchants and craftsmen, separate gilds or "companies" were formed by those belonging to special crafts. Thus at Andover sixty-one particular trades are enumerated. In some countries of Europe these craft gilds had violent struggles with the rich rulers of the towns. And still later there were, in Germany especially, divisions in the craft gilds between the "masters," or employing members, and journeymen, or workers. All classes were thus finding out the power of union. They were in training for democracy.

* Groos, *The Gild Merchant*, vol. II, pp. 161-162.

CHAPTER IX

EFFECTS OF THE NEW COÖPERATION: WEALTH, SKILL, A MIDDLE CLASS, A NEW IDEAL

OUT of town life with its trade, its crafts, its middle class, and its new powers of united action came three kinds of gains: *wealth and comfort; knowledge and skill; liberty*, and ideals of *honesty* and of the *dignity of labor*.

It is easy for us to see why trade and exchange of wares produces wealth, and usually means a gain for all concerned. For it makes it possible for men to do different kinds of work, according to their various abilities. In this way, if each man does what he can do best, there ought to be more grain grown, better houses built, better clothes made. It also gives a chance for people in one place to get the advantage of metals, clothes, foods, and all sorts of articles produced in other places, and thus to exchange what they have a surplus of for what they lack.

Exchanges were at first made largely at fairs and markets. The towns were a sort of continuous market where buyers and sellers could always find each other. Wealth tended to accumulate in towns not only because merchants often made large profits on trade with distant countries, but also because in towns were made the fine cloth, the jewels, the other luxuries, which the rich lords and their ladies sought. The lords exacted rent and labor and dues of various sorts from their villeins.

Increase
of
wealth

They had all the necessaries of life produced or made on their own estates. Their surplus of cattle or wheat or salt they could exchange for fine clothing and ornaments. The substantial houses, and especially the beautiful gild houses of many of the towns, showed that in this exchange the burghers got their share of gain. Increase of wealth, like increase of power through military coöperation, may be misused, but it is none the less a great gain for more men to have the power to live comfortably and independently.

Increase
in skill

Men in towns had a better chance to become skilful. In a village or on a manor there would be one smith or carpenter, and perhaps several who could do weaving or shoe-making, but there would not be the chance for one man to get ideas from others that there would be in a town where there could be several men plying each kind of trade. And in a village it would be seldom the case that a man could work at one trade steadily; there would not be demand enough to keep him busy. So he would not have a chance to become so expert as the town mechanic who would be in demand all the time. The town then *avored division of labor and tended to make expert craftsmen.*

The increase of wealth in towns and of skill among craftsmen together made possible beautiful buildings, paintings, and sculpture. The *motives* for building great or fine buildings or making various beautiful and useful articles might have nothing to do with trade or town life, but the skilled workmen were almost sure to be found in the towns and the wealth with which to employ them was likely to be there also. Thus it was religion which prompted Solomon to build his temple, but he had to send to Tyre for skilled masons and carpenters. So the beautiful cathedrals which were

built during the Middle Ages were built for religion, but they were built in towns of some importance. The very numbers of people made a difference in the size and grandeur of the building. So the beautiful temples and statues of the Greeks were largely for their cities.

Growth of towns and growth of trade favored knowledge directly. Any one who lives entirely by himself is usually satisfied to remain at about the same stage of knowledge. So any small group or even a whole people, if cut off from intercourse with other people, is apt to settle down in its own ways of thinking and living, and regard these as best. We fall into a rut, as the phrase goes, unless we in some way meet other people, or learn about their ideas and ways of living. Nowadays, books, magazines, and newspapers keep us informed of what goes on elsewhere. But before printing was known people were generally dependent upon traders, soldiers from foreign wars, or wayfarers to carry news. And of these, traders were probably the most important. More than the others, they helped to give people new wants, and so to raise their standards of living. As compared with soldiers, they tended to break down the old suspicions which in the tribal life always made a wall between people. And town life, where people from different places meet, tends also to break down old traditions which are a sort of weight on progress. If today you want to find traces of old customs and beliefs you look in country places.

It is interesting, too, to see how some of our branches of science grew out of the needs of trade. Geography was of course necessary. Arithmetic was closely connected with trade and industry. Some of the "measures" in arithmetic—furlongs, acres, roods,

Increase
in
knowledge

rods—grew up with farming, but various kinds of weights—Avoirdupois and Troy—and liquid measures, the processes of measuring lumber and computing percentage and interest, were due to the needs of buyers and sellers, borrowers and lenders. Indeed, arithmetic was in early days in this country regarded as so “commercial” a subject that it was not taught in the “grammar schools” which fitted boys for college. Further, it was necessary for the trader in ships to study the sky; and although astronomy began earlier, it was among such a trading people as the Greeks that it made its greatest advance in early times. It is interesting, too, that our alphabet came from the great traders, the Phœnicians, and it was from them that the Greeks learned it and passed it on to Rome and through Rome to us.

It was indeed in the trading cities of Greece that science had its greatest growth in the Old World, and while we cannot say that trade deserved the credit for the wonderful genius of such men as Euclid, the geometer, or Democritus, Socrates, Plato and Aristotle, the philosophers, or Thales, who foretold an eclipse, yet the general exchange of thought and knowledge which trade favored had much to do with giving opportunity for science to develop.

Defects
in
knowledge

It is in some respects surprising that there was so much ignorance in some matters in the mediæval towns where there was such knowledge, taste, and skill in other matters. The cathedrals, the castles, the furnishings and carvings, the glass of early times were wonderful. On the other hand, men believed in magic and astrology. In medicine their remedies were often more dangerous than the disease; and they had almost no knowledge of chemistry which is so important today. One great

discovery was indeed made which helped to upset the whole scheme of castles, walls, and armor. This was gunpowder. It helped to put the common man on a level in war with the armed knight, and so to break down the power of the fighting class.

Town life, trade, and handicraft made a great change in social classes. The earlier division had been into Fighters and Workers, or into Free and Unfree, or into Gentry and Peasant. This growth of towns with their traders and craftsmen made a new class who were neither gentry nor peasants. They were free, but their strength was not in their land as with some of the free yeomen; it was in the wealth they gained through trade or skill, and in their union in town or gild. The wealth of the gentry was in land and was largely due to conquest or birth. The wealth of the burghers or town dwellers was due chiefly to their labor or shrewdness. This gave a field for a new kind of ability to show itself. Before this the chief rewards had been for brave fighters or capable rulers. In the church there had also been an opportunity for scholars, and administrators as well as preachers. But now there was an opportunity for the capable merchant and skilled craftsman. In Italy, in Germany, in France, in the Netherlands, and in England this *Middle Class* arose.

Rise
of the
middle
class

But we must not think that every one could enter this class. In the first place, no one from the gentry could enter it, for trade or any kind of manual labor was looked upon as a disgrace for a gentleman. Nevertheless from our present point of view we can see why to be kept out of trade was really a limitation for the gentleman, even though he did not think of it as such.

For many who made very poor fighters or priests might have made good traders or craftsmen. The great means of developing a man is to give him a chance to do what he can do best.

But the middle class itself made the greatest restrictions. As we have seen, the guilds were strict in their rules, and tended to become exclusive. They bought their privileges at a high price. They did not propose to give them away, especially if giving them away was liable to reduce their value. They did not believe in "open shops." Hence the system was a comfortable one for those who were in it, but only a limited number could share its benefits.

Towns were able to secure greater liberty for their citizens than the peasants or villagers had enjoyed. This was due largely to two facts. First the town dwellers became used to acting together. They defended their walls, they made rules for markets and trading, and hence they were able to stand together against baron or king. In the second place, they had more wealth than peasants or villagers had, and so when they wanted a new privilege they could pay for it. It may seem disgraceful to us that liberty should have to be bought. If we wanted a just law or fair treatment we should think it shameful if we had to pay a legislature or a judge to grant this to us. But the liberties which the towns got in return for grants of money were not thought of as *rights*, which any one might feel justly belonged to him. They were rather *privileges*, special privileges, which had to be secured by a bargain. The course of progress has frequently been that some class or group or place would get a privilege for itself alone; then others would claim the same until it became at last a right for all. This has been conspicu-

ously the case with education; for universities, colleges, and even more elementary schools have usually been established at first for special classes or groups; later they have been open to all.

CHAPTER X

NEW IDEALS AND STANDARDS: DIGNITY OF LABOR; HONESTY AND FAIRNESS

WE saw that the ideals of the military state were those of the gentleman, and that in early times it was not the thing for a gentleman to engage in trade or in manual labor. Town life did much to set up a new standard on this point; it did much to make work of any kind respected and even honorable.

Why
labor and
trade
were not
honored

To appreciate the full meaning of the change in men's ideas about work we must recall, first, that in savage life a large number of the crafts were carried on largely by women, and that at a later stage these and many of the new kinds of manual labor were allotted to slaves. We must recall, secondly, that in the ancient world trading was often done by foreigners who were not admitted to citizenship but formed a separate class. The citizens were warriors or descendants of warriors; merchants were neither.

In the Middle Ages the church had many communities of monks who were very industrious. They tilled the fields and set an example of regular employment at manual labor. This counted a little as against the attitude of the gentry. But it may be doubted whether the example of the monks would ever have been very successful in persuading men that work was honorable for those outside the cloister as well as for those inside. It needed a new class of men who should be workers,

and who at the same time should have power enough to make themselves respected. The rise of the middle class in the towns met this need.

If lords and gentlemen had been the sole rulers in the mediæval towns, as they were in the towns of Greece, then traders and craftsmen might have looked up to them as the only respectable people and have looked on their own trade and labor as disgraceful. For people are very likely to look on even their own work through the spectacles of those who seem to be higher in the social scale. But many of the mediæval towns were founded by traders, and in others the traders and craftsmen gained strength enough to get control of the government. The guilds aided the craftsmen by the power through coöperation which they afforded. And when merchants and craftsmen became wealthy and wrested or bought privileges from king or lord they began to have a new feeling of respect for themselves. They built beautiful and stately guild halls. They built for themselves private houses as splendid as the palaces of bishops or dukes.

It may seem as though this explanation takes away something from the real value that men now put upon work. Is not the true reason why we respect labor to be found in the simple fact that it is necessary to life, and useful for providing what gives comfort and joy to others as well as to ourselves? And if we want another good reason, shall we not find it in the fact that the skilled worker is educating himself, and becoming a more capable and effective man by doing things well? Doubtless these are the best two reasons, but the best reasons are not always the reasons which actually move men. And when we ask why anything is regarded as honorable, we have to answer that it is

How the
new
middle
class
changed
this

usually because some group or class agree in so regarding it. If the view of this class is to become widespread, then the class must be a strong one. "Honor" is, as we have said before, a class or group way of thinking and feeling. The gentleman class regarded petty trade and manual labor as dishonorable. The only way to change this situation was through the rise of a class which should count them as honorable. Towns did not do the whole work of making labor honorable. A class of free "yeomen" or farmers later arose in England who had the same view about their work. Many of them came to America, where the influence of frontier life added strength to their opinion and helped them form new community standards. But the towns and the guilds, with their wealth and their power of union and brotherhood, made the new social class which did most for the new ideal.

Honesty

Honesty and Fairness—Honesty and fair dealing were not always prized as highly as they are now. One reason for this was that traders and those with whom they traded belonged to different groups. Traders were outsiders. Hence it was quite in accord with early group morals to drive very sharp bargains with them. And the traders, on their side, had no scruple about getting the better of the bargain if they could. In one language the word for "trader" came to mean a cheater or defrauder.

And, quite apart from the old notion that a man from without the group had no rights, bargaining is in one respect like war: it calls out strategy; it is a game of wits. In this respect it is like playing a game of ball or chess. One likes to win, even if there is not much at stake. Some persons thus find the same pleas-

ure in bargaining that others find in sport. In some parts of the country, trading horses is regarded not so much as a way of making money as an agreeable and somewhat exciting pastime. And the neighbors watch the trade as they would a game of checkers. For both these reasons the morals of trade have been backward. The old maxim of Roman law was *caveat emptor*—"let the buyer beware." But when merchants began to enlarge their operations, to have steady customers, to settle down in towns, they felt the necessity of having standards of honest work and of fair dealing. The guilds punished members who cheated. Thus in the records of the Leicester Gild in the year 1254 we read that

Roger Alditch was charged with offending the laws of the Gild, having made a blanket in one part of which was a good woof, but elsewhere in many places weak stuff. He also caused a piece of weak and inferior vermilion cloth to be attached to a good piece of the same kind of cloth. It was adjudged that he should pay a fine of 6s. 8d. and, if he should commit another offence against the Gild, he should be expelled.*

Also, the guilds attempted to prevent their members from taking advantage of fellow members. If one guildsman bought a quantity of some article like tallow or wine, any other guildsman could claim a portion at the original price. This was to keep out middlemen's profits, so far as fellow members were concerned. Before the days of "one price to all" it was an important check.

Although the merchants were exempted from the common law of the land, they had a Law-Merchant of their own. This had been built up out of the "cus-
Customs
of
merchants

* Gross, *The Gild Merchant*, vol. II, p. 143.

toms " which prevailed in important ports. It dealt especially with such matters as contracts and debts, and was administered by special courts. One such court declared in 1477: "it hath been at all times accustomed, that every person coming to the said fairs should have lawful remedy of all manner of contracts, trespasses, covenants, debts, and other deeds made or done within any of the same fairs, during the time of the said fair, and within the jurisdiction of the same, and to be tried by the merchants being of the same fair."

As the ideals and morals of the gentleman come from the days of the early state and of chivalry, the ideals and standards of business honesty come from the "customs of merchants" and the life of towns.

CHAPTER XI

FIRST STEPS IN LIBERTY

THUS far we have dwelt chiefly upon early co-operation. We turn now to the other great idea in our democracy, liberty, and look at its beginnings. It is certainly one of the great values in life. Men and nations have been willing to struggle and even to die in defense of it. America has prized liberty as one of its great aims and men have loved America because they have found liberty here. Indeed the early settlers, many of them, came to this country to find here the liberty that they could not find in the Old World. But the first steps toward liberty were taken long before our fathers came to this country. We have already referred to the fact that the towns helped their citizens to gain liberties; but the extraordinary thing is that the state, which began by conquering people and so taking away their liberty, came in time to be the great protector of liberty. It is worth while to understand how this came about, because certain things in the Constitution of the United States and in our ideas about law and government cannot be understood save as we keep in mind the way in which liberty was gained.

First of all, however, we have to notice that there are several different kinds of liberty. The word is used in several different senses. Of these the principal are the following:

Six
meanings
of
liberty

1. Freedom contrasted with slavery, or serfdom. This is the simplest kind of liberty. (*Personal liberty*)

2. National liberty, or national independence—freedom from control by a foreign power.

3. Special privilege, as when a city gained by a charter special rights of trade with freedom from tolls. To belong to a city gave one the privilege or, as it was called, the "freedom" of the city.

4. Civil liberty. This means protection especially from violence or from any arbitrary taking of property even by the government itself. The principal rights that are included under civil liberty are freedom of person, freedom of religion, freedom of opinion and speech, and security of property.

5. Political liberty. This is the right to have a share in the government by voting or otherwise. Very few Englishmen had this right until the year 1832, although civil liberty had been secured very much earlier.

6. Liberty or freedom, which is in contrast with *any* kind of constraint or bondage. If a person is a slave to a habit, or a passion, he is not free. If he is ignorant or sick, he is not free. If he is in fear of violence, or of starvation, he has very little liberty. For the most part, these last kinds of bondage and freedom depend largely on the man himself. They cannot be so easily changed by law. It is only recently that we have begun to see that by public education and public care of health much can be done to give men an opportunity to be free.

1. Freedom
vs.
slavery

The first kind of liberty does not need much explanation. We all understand the difference between a slave and a free man. What may seem curious to us is that

for so long a time slavery or serfdom was the rule, and freedom the exception. Few of us can say that our ancestors were neither slaves (or serfs) nor slave masters. Indeed, one of the greatest men of all history, Aristotle, argued that some men are naturally incapable of directing themselves and so that it is better for them to be controlled by others, that is, to be slaves. Saint Paul cared so much about being free from the slavery of sin and passion and free from the older ceremonials of religion that he thought any other slavery of slight importance. In modern times, however, liberty has often been called a natural right or a God-given right, that is, a right which belongs to man by his very nature, or by the gift of God. The two great reasons for freedom seem to be: first, that, as Julius Cæsar long ago remarked, all men love liberty. It is cruel to thwart a deep desire of human nature unless this is necessary to secure some more important end. Second, that it is only as a man is free that he can really decide matters for himself; and it is only as he can decide matters for himself that he can be responsible, or indeed be a real person. Many people would perhaps be more comfortable if owned by kind masters than if forced to struggle for themselves. The serfs were probably better off so far as getting food and shelter went than a great many laboring people today. Nevertheless few of these people would exchange lots with the serf. Freedom is in some ways a hard school, but it is the only school in which a man can learn to be fully a man.

The second kind of liberty, national independence, is of course the direct affair of the state. A nation likes to govern itself, just as a man likes to be his own master. It feels humiliated at the thought of being

2. National
independ-
ence

ruled. This desire for national independence was the chief concern of our fathers when they thought of liberty at the time of the American Revolution. So we speak of the long war of the Low Countries (Holland and Belgium) against foreign rulers—Burgundy and Spain—as a struggle for liberty. What is the importance of this kind of liberty? Is a country or a part of a country better off if it is ruled by its own people, and is it true to say that a people is not free if it is not independent?

Consider Canada. Canada, like the United States before the Revolution, was a part of the British Empire, and still remains such, but its citizens consider that they enjoy liberty as truly as the people of the United States. They do not regard themselves as being ruled by a foreign power. They consider Great Britain as the Mother Country, and in turn Great Britain leaves them practically a free hand.

In the case of Scotland there was long a party which believed it better to be independent of England. When we read Robert Burns's stirring poem called "Scots wha hae wi' Wallace bled," we think it was a fine thing to fight for the "freedom" of Scotland, and that "proud Edward's power" meant "chains and slavery." Yet if we look back and ask whether Scotland was better off when it was independent, or after it became a part of the one nation of Great Britain, we can have no doubt that there has been more prosperity, and even more liberty, in most senses of the word, for Scotchmen since their country has united with England.

But contrast with this the case of Ireland. The country has been conquered several times, and has had various plans of government, but it has never prospered

as has Scotland. Its people have considered themselves cruelly oppressed, and have sought "home rule" as the nearest practicable substitute for independence. They have felt much as the American colonists felt toward England in 1776.

At the time of the Civil War in the United States, many people in the Southern States believed that the interests of their states were so different from those of the North that it would be better to form an independent nation. A few in the North thought the same, though the majority believed that to have two nations would lead to constant conflicts and that the reasons for union were stronger than those for separation.

It is evident that national freedom is sometimes highly prized, and that sometimes, on the contrary, a people prefers to be part of a larger whole rather than to be independent. It seems to depend upon whether people of the two countries are so alike in race, language, traditions, and feelings that they can understand and sympathize with each other, and upon whether they have common interests.

Suppose, however, a country which is so distinct from others in these respects that its people desire to be independent. What is the advantage of being independent as compared with being governed by another people, which perhaps seems to be more capable of ruling? This is a good deal like asking: What is the advantage to a boy of becoming independent when he is twenty-one years old, instead of remaining subject to his father as he does in China? We answer: If he is his own master a young man may make mistakes, but to give him his freedom is, on the whole, the best way to make him careful and responsible; if he is his own master he feels greater ambition and pride in doing

well—he is more of a man—than if he is directed by another. In the case of a nation, both these reasons hold good, unless a people is so very ignorant as to be like a child instead of like a grown man. And there is also a third reason. Two peoples may in many respects have like interests, but the more widely separated they are in soil or climate, or by barriers like mountains, the more probable it is that what one nation wants may not be good for the other. In this case the people which is ruled by the other is likely to be oppressed.

To sum up then, we may say that national liberty is in most cases the first step toward other kinds of liberty. It is the source of ambition and patriotism. It teaches responsibility and is most likely to lead to national prosperity.

3. Special privilege

We need not dwell long upon the third kind of liberty, namely special privilege, as we have already given illustrations of it in speaking of the towns and guilds. But the most famous example is found in the liberties granted by Magna Carta. The Great Charter was not, as is often assumed, a general guarantee of liberty for the English people. It was a special treaty made by King John with the barons, and granted them certain special privileges which the people in general did not have. One such special privilege was that of being judged by their "peers." This meant that they need not be judged by the regular royal judges whom the barons would not admit to be their peers. The Charter made likewise an important grant to freemen:

No freeman may be taken or imprisoned or dis-seized (put out of his house or lands) or outlawed or exiled or in any other way destroyed, injured, nor will we go or

send against him, except by the lawful judgment of his peers, or by the law of the land.

This was a "special privilege" which later became of great value for more and more of the people as they came to be free men and so could claim the protection of the law of the land. It was thus an example of what we shall speak of in the next chapter as one of the ways in which a special privilege of a small group becomes a means of liberty for a large number.

Civil liberty was secured by a series of steps. The state very early established far better order than there had been under tribal society. This was a great step toward real freedom, for if a man is afraid of being murdered, or beaten, or robbed, or of having his house burned, he has not much liberty. A town might keep order inside its walls, but it could not well protect its merchants when on their journeys. The robber barons built castles from which they would pounce upon the merchants. Or the outlaws in the forest would waylay the traveler. The church did what it could to keep peace, for it forbade men to fight on certain days of the week. Yet it was the king who was most successful in keeping peace, and so in protecting the liberties of people from general violence. 4. Civil liberty

But the subjects of the king would be far from free if the king himself might at any time seize their persons and hold them in prison, or take away their property. In a republic a man would not be free if the legislature could vote at any time to put him to death or banish him or confiscate his property, without showing that he had violated any law. It was then a great gain when a citizen could claim the right to be heard in court, and to be treated the same as all others, that

is, to be judged by the law and not made a special victim of the malice or greed of the king or any other powerful lord. The common law and the courts thus came to defend the rights of citizens against arbitrary acts of the king himself. This seems to have been the origin of an idea which is fundamental in this country. Our fathers, when they organized the various states, determined to protect themselves from arbitrary acts by their rulers. So they framed constitutions in which they included a "bill of rights." These constitutions were to be the supreme law, and they guaranteed to all the citizens certain rights. If the legislature passed a measure in violation of these rights the courts refused to enforce it. In fact they went further; it became a settled principle that the courts might declare such a law unconstitutional and therefore not a law at all. Of course if the state needed money, or needed a particular piece of land it could get it. But it must get the money by the regular way of taxation, not by demanding a special sum of John Doe. It must pay compensation if it took land for public use. And equally of course if a man did wrong the state could punish him. But it must prove that he had broken a law.

One of these rights specified in our Constitution is the right to a writ of *habeas corpus*. In former times a man might sometimes be seized and kept in prison indefinitely without a trial. But now if a police officer takes a man to prison without accusing him of any definite offense, the man or his lawyer may apply for a writ of *habeas corpus*, which means "you may have the body." This commands the jailer, or whoever is holding the man prisoner, to bring him before the court in order that it may be learned whether he is being lawfully confined.

Among all the rights which men have gained, none is more interesting than the right of trial by jury. At present this is regarded as a safeguard against unfair laws, or against attempts to execute or imprison men because of prejudice. But the jury was not at first a "right." It was a new way of deciding whether a man was guilty or not, and for a long time people were afraid of it.

The old courts of the English had no jury. If a man was caught by some of the men who made up a court in the act of killing or stealing, then he was forthwith condemned and hanged. "He cannot gainsay it, so let him be hanged," was the rule. Failing this, the accused man might try to prove his innocence by ordeal or in some kinds of cases by battle. When these went out of use, trial by jury came in. This arose as follows: When the king had a controversy about land or other matter he could not be expected to go into wager of battle. He used the highly sensible plan of having the best and oldest men of the neighborhood called together to tell what they knew. They might be asked what land the king had, or who was suspected of murder or crime. This was called an "inquest," and we have a survival of it in the "coroner's inquest," an inquiry into the cause of some sudden or violent death. As the king's court came to offer to people more and more widely the opportunity to bring their cases before the king's judges, they allowed other persons as well as the king to use the same test. The old way of settling who owned a piece of land was often by a challenge to fight. Under this new plan a man who was challenged might get the case transferred to the king's court; and twelve men from the neighborhood—knights, if it was about so important

a matter as ownership of land, or ordinary freemen if it was about a less important issue—would be called upon to say which had the better right. The twelve men were not, like a modern jury, supposed to hear witnesses. They were rather chosen as the men that would know most about the case already. In those days, just as now in country districts, neighbors knew best whether a piece of ground had always belonged to a certain farm, or whether this cow belongs to A or to B. This use of a jury was what is called a *civil* as contrasted with a *criminal* procedure. Such a jury was a sort of umpire or referee.

In criminal trials the use of a jury came in more slowly. The king or sheriff might, as we have seen, call an inquest to learn who, if any one, was suspected of stealing. If twelve men said that John Doe was suspected, then John Doe must stand trial. But the trial at first would be by the old test. Doe must try the ordeal of fire or water. Unless he was caught in the act, his neighbors would not dare to hang him on suspicion; they left it to God to show whether he was guilty or innocent. But suppose Doe were *willing* to leave it to his neighbors to say whether he were guilty or not. Then it was thought fair to take him at his word. Either the jury which first charged him with being a suspicious character, or a new twelve called in to give an independent opinion, might say whether he was guilty. The clergy were in 1215 forbidden to take any part in the old superstitious ordeals. Hence this jury plan was really the only one left except trial by battle, and the courts favored the plan of trial by jury. Still they did not dare to condemn a man by a jury unless he consented to this way of trial. To take away a man's life without his having a chance to

appeal to God was too much of a responsibility. Hence a man was asked to consent to the trial by jury and they could not try him without his consent.

This belief that a man could not be tried by a jury unless he consented might seem to leave an easy way of escape for wrongdoers, or even for an innocent man who feared the prejudice of his neighbors. But in order to avoid this very thing the law adopted a rather stupid and cruel scheme to keep up the fiction that a man must consent to trial. If a man would not consent he might be starved, or he might have weights piled upon his naked chest until he yielded or died. It is a painful instance of how long a barbarous custom may survive that one man in America was pressed to death in this way. It was fitting that the crime of which he was accused was witchcraft, for this showed that old superstitions and old legal customs are both very persistent.

Political liberty means having a share in govern-
ment. In a small town this may take the form of a
general town meeting where the voters decide directly
on what they will expend for roads, schools, and other
objects. Greek cities managed their own affairs in this
way and it was thought a city ought not to be larger
than could be governed by such a meeting. But the
modern method is usually by choosing "representa-
tives" to make laws and to perform other duties.

5. Political
liberty

We now believe that political liberty, or self-govern-
ment, is important for two reasons: first, as being the
surest guarantee of the civil liberties already described;
second, as being in itself a power which gives dignity
and worth to men and trains them to responsibility.

Who had a share in the national government at the

beginning? As we have already seen, it was first of all the king and the leading warriors, although the king employed also a number of churchmen to be his advisers and helpers in administering justice and keeping accounts. The great multitude of the men of the kingdom, to say nothing of the women, had no share whatever in the national government, except as *servants or officers of the king*. The king, with his council of chief men, "magnates" as they were sometimes called, was the authority. The sheriff was appointed as the king's servant to keep order and collect taxes. The judges were the king's servants to collect his fines and hang those who disturbed his peace. The chancellor of the exchequer was his treasurer and bookkeeper; but none of these had any authority of his own.

The first great enlargement in the government we have already hinted at in Chapter V. The king summoned burgesses of the towns and knights of the shires to meet him. At first, he had no intention of giving them a share in governing. He got them together merely to tax them. Parliament was not anything that the people wanted. It was forced upon the people by the king. The clergy who were at first called to sit in Parliament managed to evade the duty and to sit by themselves and vote their supplies independently. Then men of high rank, the large landholders, tried to avoid going and preferred to pay a fine rather than to become a knight and so be liable for duty. In order to get these men to attend, the king's writs which summoned representatives of the shires demanded "belted knights," and a statute was passed that the representatives must be "gentlemen born," which implies that the "gentlemen" were more than willing to allow their inferiors all the "honor" of attending the

nation's assembly. In the boroughs men bribed the sheriff to let them off. In short, as Professor Jenks puts the matter,

“The counties hated it because they had to pay the wages of their members. The boroughs hated it because (in England at least) the parliamentary boroughs (those which were summoned to send members to Parliament) paid a higher scale of taxation than their humbler sisters. And all hated it because a Parliament invariably meant ‘taxation.’”

But by and by it was discovered that to grant money gave a good chance to petition for redress of wrong or for privileges. It also in time gave a chance to get favors for the towns which were represented. And when at times it came about that there were rivals for the throne, then Parliament sometimes found that it had real power in aiding one rather than another. In these ways the House of Commons came to take the lead which at first the greater barons had held, and to exercise more and more control over the king.

It was significant, however, that when the Parliament came to have real power the people of social rank became anxious to attend themselves, and proceeded to limit the persons who should have any choice in electing them. A law was passed limiting the right to vote to those “freeholders” (a certain class of landowners) who owned land renting for forty shillings or more. As this would be the rental for eighty acres it would include only a small part of the people; but this law remained unchanged for four hundred years in England. In the eighteenth century there were only about 160,000 voters in a population of 8,000,000. This would be about one in ten of the grown men, or less than one in twenty men and women. Until 1832, then, the part

of the nation which had anything to say about government was less than one in twenty of the people over twenty-one years of age.

In the boroughs the case was worse. The representatives were sometimes chosen by the town officers, sometimes by those who had the "freedom of the town" (gained by membership in the merchants' guild), sometimes by those who owned certain houses or lots (the voting right was transferred to the new owner if the property changed hands). So it was often a very small group that named the representatives, and sometimes the vote was "owned" or controlled entirely by the large landlord, or by the king.

When we consider how small a proportion of the people had any actual share in the government, we wonder that the English people secured as many rights as they had. On the other hand, we are not surprised that the common law for many years treated the villeins as having no property rights, and that Parliament passed a series of laws of a kind which we should call "class-legislation." Such was the act forbidding children to learn any craft if they had followed the plow to the age of twelve years; the act forbidding the tenant to send his boy to school except by consent of the lord; the acts fixing wages and compelling laborers to work at the wages fixed; the provision that unmarried persons under thirty not having any trade and not belonging to a nobleman's household might be compelled to labor at the request of any person using an art or mystery (a trade); and that persons between twelve and sixty, not otherwise employed, might be compelled to serve by the year in husbandry, and that unmarried women between twelve and forty might be compelled to serve likewise. It was also prescribed that

persons of certain classes must not leave the parish boundaries under penalty of a heavy fine, and in order that boys might remember where these limits were they were sometimes taken round the boundaries and there publicly whipped.

It is surprising, on the whole, that when the colonists came to America they were as liberal as they were in the matter of suffrage. The main reasons are perhaps two. First, the colonists were themselves very largely of one class; very few of the gentry emigrated. The other factor which soon began its work was the influence of the frontier, of which more will be said later.

The liberty, which depends upon education and self-control, was for a long time left either to the church or to individuals to work out for themselves. Early schools and universities were largely established by the church. The great universities, Paris, Oxford, and Cambridge, date back to the twelfth century. The cloisters and abbeys maintained schools for training monks. The gentry had private tutors. The common people had very little opportunity. When the Bible was translated into English and men came to believe that they ought to study it for themselves, a new motive came in to stimulate the desire of the common man to read. Another influence which aided education was the growth of trade, for some knowledge of arithmetic and reading was very convenient for keeping accounts and carrying on business.

The growth of science and discovery as distinct from education was largely due to individual men who had the passion for understanding the world. When the telescope enabled man to see the moon and other heavenly bodies more clearly he began to realize that the

6. Freedom
from
habit
and fear

sky which used to be regarded as the dwelling place of all kinds of evil and dangerous spirits, was really the same kind of place as the earth. A great load of superstitious fear was thus taken off the minds of men. And when Newton discovered the laws of gravitation men felt that they could really count upon the moon and planets to move in a regular and uniform way. By this means, man was becoming free of his world, that is, he felt that he understood it better, and was not so fearful.

But in this progress of education and science the state at first had little part. Not until recently has the state undertaken to establish universities and public schools of all kinds, which are now so important for the maintenance of this sixth kind of liberty.

In conclusion, then, of this sketch of how the membership of the state has grown, we may say that up to the time when the early American colonists left England, the national state *governed* all the people, but only a small part of the people were full members of it. Beginning with the king and his warriors and advisers, the governing class had come to include the larger landholders, and the more prosperous merchants and craftsmen. The great bulk of those who rented farms or worked on them, and of those who lived in towns, had no share in making their laws or carrying on the state. Under a good king there was sometimes a degree of government *for* the people; there was no government *by* the people. Before there could be democracy the state must include all.

CHAPTER XII

PROGRESS OF LIBERTY: FROM SPECIAL PRIVILEGES TO EQUAL RIGHTS

HOW have men gained these various kinds of liberty which we have sketched in the preceding chapter? We may say broadly that they have gained them: (1) By fighting for them; (2) by bargaining for them; (3) by appeals to reason and sympathy as voiced by prophets, poets, and philosophers. Both the first two methods have usually secured "liberties" or privileges for certain groups—barons, or "freemen," or white men, or men as contrasted with women. Hence we shall have to trace also how liberties won for the few have been extended to larger and larger numbers, and it will be convenient to speak of the influence of prophets, poets, and philosophers last of all. We consider in this chapter the methods of fighting and bargaining.

How
liberty
has been
gained

It is natural to think first of the method of gaining liberty by fighting, and to suppose that it has been the most important method. It is, however, only under certain conditions that fighting has accomplished much for any of the kinds of liberty except national independence. It is easy to exaggerate its importance because our histories tell so much more about wars than about bargains, or the work of the courts, or the growth of new ideas about men's rights. It is no doubt true also that a war is so dramatic that it appeals to our

1. Gaining
liberty
by
fighting

imagination and feeling and is more vividly realized than the conflicts between ideas. We read how the English barons at Runnymede compelled King John to grant them the privileges which are set down in the Great Charter. Or we think of the Peasant Revolt when the peasants of England, who were then mainly serfs, suddenly marched to London and demanded emancipation. Or of the war in England between King Charles I and the Parliament, as the result of which the king was beheaded. Or of the American Revolution or French Revolution. Some of these did accomplish something; some of them, like the Peasant Revolt, failed. Another Peasant Revolt, which took place in Germany in 1525, seemed for a time likely to succeed, but it ended in the triumph of the lords, who put to death 100,000 or more of the peasants, and left them worse off than ever, so that they remained serfs for more than two hundred years after it.

Why
revolts
fail

Why has a fight for freedom so often failed? The case of the Peasants' Revolt in England in 1381 is instructive. A great body of peasants, who at that time were villeins, marched to London and demanded of the king, "We will that you free us forever, us and our lands, and that we be nevermore named or held for serfs." They were promised this by the king and even given charters of freedom, but (1) they had no friend in the actual government and they were not themselves ready to upset the whole state and rule themselves. They had, therefore, no security except the king's word. As soon as they had scattered and the king was no longer afraid of them, he refused to keep his promise, and when shown his own charters, answered scornfully: "Villeins you were and villeins you are. In bondage you shall abide, and that not your old bondage but a

worse." Parliament likewise, made up as it was of landlords or townsmen, had no sympathy for the peasants, and when the question of freeing the villeins was submitted to them, they said that they would never consent "were they all to die in one day." Promises of a ruling class cannot be relied upon to secure freedom.

(2) The peasants committed acts of violence, burned buildings, pillaged houses, and thus made the townsmen turn against them.

If now we ask, "Why did not the peasants keep control of the government when they had frightened the king into yielding?" and, "Why did they not keep order in their own uprising so as to keep the sympathy of neutrals?" the answer is that they were not well enough educated to think out all these things. When the king and his band of warriors originally established the beginnings of a state, they killed off their enemies, but kept a strict discipline. When they had thus kept order for a long period there would be many people who would prefer order even if a great body of villeins were unfairly treated, and so would side with the king and the law. The Peasants' War in Germany in 1525 failed for about the same reasons.

Consider now the revolutions which succeeded, such as that against King Charles. (1) The rebels in this case were as well educated as the king's party. (2) They had control of Parliament, and so had a regular way of carrying on government and keeping order. This kept the favor of the business people in the towns. (3) Besides, they were fortunate enough to have a general of great ability, Oliver Cromwell, who so organized his troops that they were more than a match for professionals.

The American Revolution was carried on by men who had practice in governing and were intelligent and able to keep order. The French Revolution was also begun by those who had a place in the French Parliament. And, although the people of Paris rose as a mob when things did not move fast enough to suit them; although this mob stormed the Bastille—the prison—and compelled the execution of the king and queen, it was, after all, because there were men in the government able to carry out plans for reform that any permanent gain was made.

The fighting which has most helped the cause of liberty has been the fighting between leaders, not the fighting of common people against rulers. In England, France, and Germany the king and the lords struggled against each other and each side kept the other from being strong enough to do as it pleased. The party that felt weaker would appeal to the towns or common people for help. Out of the struggles between these parties and the need of getting the common people on one side or the other, great gains for liberty have since been made. History shows that fighting has won little directly for freedom unless the fighters have first been sufficiently well-educated to organize and submit to discipline, and second, have had training in government.

2. Gaining
liberty
by
bargaining

To gain rights by buying them may seem a strange way, but as regards civil rights—protection from oppression by some ruling class or by the government—men have gained more by bargaining than by fighting. These bargains have nearly always been made by some group or class for itself. Then later on the class might be enlarged so that more would share in it. Many illustrations of this are found in English history,

but three of the most striking are (1) the rights of "freemen" secured in Magna Carta, (2) the rights of towns secured by special charters, (3) the rights of petition and at last to have a share in making laws, which were secured by bargains with the king in exchange for grants of money.

Magna Carta is frequently spoken of as if it granted liberty. It really granted "liberties," that is, special privileges to certain groups. We have already quoted one of its provisions as to freemen. At first this did not help most Englishmen at all. It granted "liberty" to those who already were "free," that is, to a small part of the people. Yet when in later times the serfs gained their freedom they could then enjoy the benefits of the law for freemen.

The towns gained privileges or "liberties" from the king by giving him money. These privileges included the right to trade, and indeed the monopoly, with certain exceptions, of trading within the bounds of the town. They included also the right to be free from certain taxes and duties which others had to pay. To have the "freedom" of the town thus meant a great deal. But this "liberty" did not belong to every one living in the town. It belonged only to those who were members of "the corporation" or of the gild. And later on, when craft gilds arose, they also had certain privileges for their members. Yet this right, which was at first for the few, became extended to many as the towns multiplied and other groups in them came to have a share in citizenship.

But the most striking case of liberty gained by bargaining is seen in the origin of political liberty, that is—right to share in governing. So far as governing means lawmaking, no one in early times really thought

of *making* laws. The customs of the old tribes and villages were not thought of as made by any one. They had simply been the customs as far back as any one knew. When the people came together in the court of the hundred or the shire they declared what the customs were, but did not think of making new ones. The first laws of the king, for example, the laws of King Ine before the Norman Conquest, were a sort of summary of the customs.

How
Parliament
gained
power

The Norman kings were in theory the absolute rulers. They had a council of their chief men, including bishops and abbots, as well as earls and barons. The chief business of this council was to act as a sort of court to decide cases, although when the king issued an edict he did it "with the advice" of his great men. However, this advising of the great men with the king would probably never have led to liberty. It was because the king needed more and more money, especially for wars, that he was led to enlarge his council and to grant it more powers. For though the king had much land, and besides could take fines and "aids" of his tenants which would enable him to get on fairly well in time of peace, he wanted more than this for war. And besides, some of the towns were now so prosperous that it seemed a pity not to squeeze more money from them. The church, too, had much land. So King Edward called together not only his tenants and the clergy, but representatives from the towns and shires to ask them for grants of money. As has been stated, no one was anxious to go. It was like receiving an invitation to attend a meeting at which a church debt is to be raised, or like a summons from a sheriff today to attend court in order to pay a fine.

But when the king sent a summons, men did not

dare stay away. And when they were in his royal palace they did not like to refuse the king's demands, even though they knew they would be unpopular at home if they promised him a generous grant. The best they could do was to make as good a bargain as possible. If they granted the king money, would he not listen to their petitions and redress certain wrongs? By and by they succeeded in making it the regular order of procedure that petitions should be heard first before taxes were granted. Petitions were put into the form of bills to which the king had to answer yes or no, and thus the right of lawmaking and sharing in the government was secured by landowners and towns, through bargains rather than through battles. Here again liberties were first bought for certain small groups, and then gradually extended when villeins and artisans came to share in freedom.

When liberties had been obtained for special groups, the next step was to extend these liberties to all men, so that there came to be equal rights.

Two methods have been common. The first way is that by which most of the villeins became "free," namely, when men get education or wealth, they *make their way one by one into a privileged class*. The other way is by *the help of the law*; for the law tends to break down bounds between classes, to treat all according to a general rule, and to oppose special privileges and monopolies. We shall consider each of these in turn.

The value of education in helping a man to gain freedom was shown especially in the church. The old idea of "noble" birth was against any change in condition from father to son. In one way, military life

From
special
liberties
to equal
rights

By
education

tended to break down the old barriers and introduce competition, just as the desire of a college for success in athletics leads it to give every man a chance to try for the team, and thus to get teams made up of men with ability rather than merely of men whose brothers were football stars or whose fathers are distinguished men. Still, when one race conquers another the military chiefs themselves are apt to begin a new line of families. So "dukes" are called from "dux," a leader, "counts" from "comites," companions of the king—and the idea of noble blood takes a new lease of life. The conquered race would be regarded as base-born, and its occupations, such as plowing or weaving, as not fit for gentlemen. The church was not controlled by the idea of birth so far as its own ranks were concerned. It took peasant boys or town boys or sons of gentle folk, and if they were bright enough they might aspire to any rank. Funds were established to enable poor boys to study at Oxford and Cambridge. The paths to law and to the service of the king as ministers, judges, or chancellor likewise lay open, for all these officers were "clerks," that is, "clerics." If they could read they could have the "benefit of clergy."

By
property

The path to freedom by gaining wealth was that followed by many. The Danes, who had much influence in early customs of northeastern England, honored the successful trader and merchant. In the early days of Saxon England a "ceorl" (a member of the lower class) might become a "thegn" if he had five or six hundred acres of land; "and if a merchant throve so that he fared thrice over the wide sea by his own means, then was he thenceforth by thegn-right worthy" (Laws of Wessex, 920 A.D.). Later it was a question of how the villein might become "free," that is, free to leave

his native place, and to work for wages instead of giving so many days in the week to his lord. It seems to have been partly a matter of individual bargaining. It was often more profitable to the lord to have the villein "commute" his services by money, that is, pay a certain rent in money instead of working several days in the week. If then the villein could earn good wages he would become free.

To get the "freedom of a town," the direct way was to become a merchant and belong to the merchant gild. As most merchants were also "masters" of some craft, this usually meant serving as an apprentice. But the villein who ran away and lived for a year and a day within a free town became in this way free also.

It is as true now as ever that the individual who wants to gain real freedom must in some way gain education or property in order to secure opportunities.

It may seem that in these ways of gaining freedom and rights—by fighting and bargaining, by gaining education and property—the nation was not of any use. This would be to forget that in the first place the nation has made order possible, has made it possible to have trade and property, and to make contracts, and thus laid the foundation for securing the various liberties. Yet these are, after all, *indirect*. In modern times the state works more directly for liberty by conducting schools, by affording opportunities through public lands for people to secure homes of their own, by protecting them from accident and disease. The indirect ways came first because, as we have so often noted, the nation was in the first place a band of warriors and cared little for equal rights.

But there was one part of the national government which from the first was working more directly to make By law

rights equal. This was the system of the king's courts which built up the common law. We are speaking, it is to be kept in mind, of such rights as the right to go and come, to be free from the danger of being seized and placed in some prison, whether of king, or duke, or bishop, and to be safe from having one's property seized. Who would want to do these things, and why? The king might want to put a man in prison to get money from him, or in order to get him out of the way, if he criticised the king's acts. It might be thought that a large body like Parliament would have no grudge against any individual, yet Parliament was quite willing at times to condemn a man unheard by simply passing an "Act of Attainder" against him—a procedure which is forbidden by the Constitution in this country. Why would the judges be any better than the king or Parliament? Some judges have doubtless been as brutal as any king, and we cannot say that they have cared any more for the particular men who have come before them than either king or Parliament. The difference has been that judges adopted the plan of following *general rules*.

One circumstance which may have had some part in the change from decisions based on local customs to decisions based on general rules was that under King Henry II the judges were sent about the kingdom from shire to shire to hear complaints of various sorts. If any one is doing such work as this he almost necessarily begins to follow a general rule. He does not know the different people who come before him, and so is more and more inclined to think of his rules and less and less of the particular case. Add to this that after a time the judges were prepared for their work by reading the decisions that others had made, or even

the rules which had come down from the laws of Rome and you have another reason why judges tried to act by rules.

But suppose the rules themselves are hard or cruel, will not this make a government by law worse than a government by kings or town meetings without any laws? This is a question to which there are two sides. It is true that a law which is oppressive, like the laws on the subject of slavery, or villenage, or witchcraft, could be much harder than men would be in dealing with their personal acquaintances; and a judge who was acting under such a law might be obliged to be more severe than if he followed his own feeling as to what would be right in the particular case. In slavery days a master who knew his slaves and had sympathy would be much more humane than the law. The great philosopher Plato discussed this question whether a government by laws or a government by men without laws is better. He decided that if you could have a ruler who was both wise and just he would give a better government without being constrained by laws, but that *taking men as we find them*, a government by laws is safer.

Why a government by laws is a democratic force

Why safer? The chief reasons why, on the whole, a government by laws is safer are perhaps two: (a) Laws represent the wisdom of several men, not of one man. One man may sometimes have a better idea than is likely to be adopted by a group and be made law, but ordinarily no one man is likely to think of all the interests to be affected and so his ideas are liable to be one-sided.

(b) More important is this: If any rule is followed strictly and impartially in all cases, it is soon perceived whether it is a good rule or a bad one. If it

is a cruel or one-sided law, then the more strictly it is enforced the more people will be injured and the more enemies it will make. And this will tend to get it changed. A king might pull out one by one the teeth of a Jew from whom he wished to squeeze money, and this would not necessarily excite any fear among other rich men. But suppose it were made a law that all men must contribute to the king as much money as he asks for at any time, under penalty of having their teeth drawn one by one each day; then there would soon be powerful opposition. Equality before the law *compels men* to make common cause with all others affected as they are, whereas without this men tend to want special favors and to let others shift for themselves. It is thus a strong democratic force.

CHAPTER XIII

INFLUENCE OF IDEAS UPON THE PROGRESS OF LIBERTY AND DEMOCRACY

IF we wish to tell at all completely the story of liberty, we shall have to add to all these forces which have been at work in the national state the influence of great men, men who have had ideas of a better and juster society, and have put these into the minds of rulers and judges, or into the general sentiment of their peoples. We may note three classes of such great men.

The first type is those whom we call prophets or religious teachers. Ancient Israel had many of this type. Amos, Isaiah, and many others pleaded powerfully for the cause of the poor, and the laws of Israel were made more humane by their teachings. Christianity held that all men are equal before God. It dwelt a great deal in the Middle Ages upon God as a judge. It held, however, that He was so great and just a being that to Him human ranks and titles were of no account. He judged men according to their hearts, not according to their birth or wealth. This was in flat contradiction to the earlier laws of the Saxons, according to which a higher fine had to be paid for killing a man of good birth than for killing a man of low birth, and a man of low birth had to pay a heavier fine than a man well-born. The belief that men are equal before God did not at once do away with slavery nor with class privileges; but the tendency was in that direction. The Peasants' Revolt of the fifteenth cen-

Religious
teachers
and
liberty

tury was largely aroused by a priest, John Ball, who put his doctrines into rhymes.

“When Adam delved and Eve span,
Who was then the gentleman?”

Equity

Another way in which religious influence directly affected English law was through that particular part of the law which is called “Equity.” Equity was a plan to provide remedies for wrongs which the law courts did not set right. Men went to the king’s chancellor, who was usually a bishop, and complained they could not get redress through the king’s other courts. They “urged that they were poor while their adversaries were mighty, too mighty for the common law, with its long delays and purchasable juries.” Or they had made certain agreements with neighbors or friends which the common law would not undertake to enforce because it had no rules which applied. Would not the chancellor enforce these honorable understandings, these “uses, trusts, or confidences”? The chancellor in deciding these cases was at liberty to follow his conscience. He could ask what was fair, or equitable, or what belonged to good faith. This saved the law from becoming utterly rigid. It brought a new element of conscience into it.

Philosophers and liberty

The second type of great men who have helped liberty and democracy we call philosophers. Stoic philosophers in Greece argued against slavery. Cicero urges that men are equal. “There is no one thing so like or so equal to another as in every instance is man to man.” All share in the common gift of reason. Now law is merely what right reason requires; hence in giving us reason, nature gives us law. “And if nature has given us law she hath also given us right. But she has bestowed reason on all, therefore right has

been bestowed on all." A Roman lawyer who lived later than Cicero wrote, "By the law of nature men were born free." This fine thought did not lead men at once to abolish slavery; but it was later to become a watchword of freedom in England and America and France.

Four modern writers who aided greatly in advancing the cause of human rights were Milton, Locke, Rousseau, and Jefferson. Milton was the great Puritan writer and the early settlers of New England were Puritans. Milton and Locke had great influence upon the ideas of our forefathers in America. John Locke was read in all parts of the United States, and probably did more to influence the thoughts of men at the time of the American Revolution than any other writer.

Milton was writing to defend those who had over-Miltonthrown and beheaded Charles I. This rebellion and execution seemed to many people the greatest of crimes. Some had believed that the king could do no wrong, and that whatever evils his people might suffer, they could never under any circumstances be justified in rebelling against him. Milton wished to show that men are not bound to obey a wicked king. The title of his first book runs:

"The Tenure of Kings and Magistrates: Proving That it is Lawfull and hath been held so through all Ages, for any who have the Power, to call to account a Tyrant, or wicked KING, and after due conviction, to depose and put him to death if the ordinary magistrate have neglected or denied to do it."

Milton wanted to prove that the rights of people are older than the rights of kings. He claimed therefore that men were born free and that kings and other rulers were appointed to prevent violence:

“No man who knows ought, can be so stupid to deny that all men naturally were borne free, being the image and resemblance of God himselfe, and were by privilege above all creatures, borne to command and not to obey.”

In a later book, entitled “Second Defense of the People of England,” Milton declares the right for kings of “doing what they please is not justice but injustice, ruin, and despair,” and addressing Cromwell, he continues:

“You cannot be truly free unless we are free too; for such is the nature of things, that he, who entrenches on the liberty of others, is the first to lose his own and become a slave.”

The power of kings and magistrates is held in trust by them from the people “to the common good of them all.” To say, “The King hath as good right to his crown and dignitie, as any man to his inheritance is to make the subject no better than the King’s slave, his chattel, or his possession that may be bought and sould.”

John
Locke

John Locke is less passionate than Milton, but for that very reason he appeals especially to lawyers and statesmen. He dwells upon the state of nature, in which he supposes men to have lived at first:

“To understand political power aright, and derive it from its original [origin], we must consider what estate all men are naturally in, and that is, a state of perfect freedom to order their actions, and dispose of their possessions and persons as they think fit, within the bounds of the law of Nature, without asking leave or depending upon the will of any other man. A state also of equality, wherein all the power and jurisdiction is reciprocal, no one having more than another.”

Or again, in another passage, which you will see reads like the Declaration of Independence, he proclaims essentially democratic doctrines—freedom, equality, self-government:

“Men being by nature all free, equal, and independent, no one can be put out of this estate and subjected to the political power of another without his own consent.”

Men form governments, he continues, by agreeing with others to join and unite into a community. They make a compact or contract. The purpose of this is the “preservation of their lives, liberties, and estates. If governments act contrary to the trust that is placed in them the right of the rulers is forfeited:

“The people have a right to act as supreme and continue the legislative in themselves or place it in a new form, or new hands as they think good.”

Finally we may mention among the philosophers, Blackstone who did much to express the conviction of freedom and liberty, Blackstone, the famous author of the “Commentaries on the Laws of England,” which were published in 1765. He has been studied by practically all English and American lawyers since his day. We might say that his writings have seemed almost sacred to them. When we remember that in America our legislatures are very largely made up of lawyers, so that our laws are made as well as applied by Blackstone’s disciples, we can appreciate what a great influence he has exerted. In the first chapter of his book he speaks of the rights of men as “absolute.” He means by this that they come before all laws and all society. It is the same theory which Locke has in mind, but it is stated even more emphatically:

“For the principal aim of society is to protect individuals in the enjoyment of those absolute rights, which were vested in them by the immutable laws of nature, but which could not be preserved in peace without that mutual assistance and intercourse, which is gained by the institution of friendly and social communities. Hence it follows, that the first and primary end of human laws is to maintain and regulate those absolute rights of individuals.”

What, now, are these absolute or natural rights of man?

“The absolute rights of man . . . are usually summed up in one general appellation and denominated the natural liberty of mankind. This natural liberty consists properly in a power of acting as one thinks fit, without any restraint or control, unless by the law of nature: being a right inherent in us by birth, and one of the gifts of God to man at his creation when he endued him with the faculty of free-will.”

Rousseau In France, a famous writer, Rousseau, expressed the ideas of Locke as to men's original liberty in even more eloquent words. He helped kindle a passionate love of freedom in all Western Europe. In America, Thomas Jefferson Jefferson, who read Locke and Blackstone and Rousseau, put these ideas into the great Declaration of Independence, through which they have become a part of American government and American ideas. Sometimes it seems as though writings and ideas of philosophers did not have great weight. But in such a case as this it is easy to see that ideas of liberty and democracy have become the basis of government and laws.

Men of letters and liberty The third type of men who have advanced the cause of liberty includes writers, some in poetry, some in prose, who have voiced the protests of the oppressed and the passion for justice in words that have touched

the heart and stirred the conscience. From ancient Egypt one powerful appeal of such a writer has come down to us called "The Appeal of the Eloquent Peasant." A government official had unjustly seized the donkeys of a poor peasant. The unhappy man whose sole means of livelihood has thus been taken away appeals to Pharaoh's Grand Steward for justice. Other officials ridicule the poor man and his case seems desperate. The steward is entertained by the eloquent words of the peasant, but puts him off from day to day. The symbol of the balances is used to emphasize the demand for fair dealing:

"Ward off the robber, protect the wretched, become not a torrent against him who pleads. Take heed, for eternity draws near. . . . Do the balances err? Does the scale beam swerve to one side? . . . Do justice for the sake of the lord of justice. . . . For justice is for eternity. It descends with him that doeth it into the grave. . . . His name is not effaced on earth; he is remembered because of good."

In England many songs have come down from nearly every reign protesting against oppression. The earlier ones, such as those which praise Simon de Montfort, are in French. In the time of King Edward I we have them in early English, and some of them show, even in translation, the spirit of protest.

"Thus men rob the poor and pick him full clean,
The rich take at will without any right;
Their lands and their people are lying full lean;
Thro orders of bailiffs so sad is their plight." *

* "Thus me lileth the pore and pyketh ful clene,
Te ryche raymeth withouten eny ryht;
Ar londes and ar loedes liggeth fol lene,
Thorh biddying of baylyfs such harm hem hath hiht."

Robin
Hood
ballads

The familiar Robin Hood ballads voiced the accumulated protest of a subject race against the oppression practised by Norman kings, of the lower classes against the brutality and state abuses of King John's day. Robin Hood was living as an outlaw in the Greenwood, waging war against the sheriff and always getting the better of him. He was generous to the poor, and did not harm yeomen and laborers, but one time he slew fourteen out of fifteen foresters who came to arrest him: he slew the sheriff, the judge, the town gate-keeper. He was so popular that in the sixteenth century his commemoration day was observed. Taine quotes from the experience of Bishop Latimer who, on coming to a church where preaching had been announced,

"found the doors closed and waited more than an hour before they brought him the key. At last a man came and said to him, 'Syr, thys ys a busye day with us; we cannot heare you: it is Robyn Hoodes Daye. The parishe are gone abrode to gather for Robyn Hoode. . . . I was fayne there to geve place to Robyn Hoode.'"

Langland, in 1362, pleaded for justice to the humble laborer. Even of the beggars Piers Plowman says, "They are my brethren by blood, for God bought us all." And he urges impressively that in death at least men must leave their distinctions of rank. "In the charnel-house at the church it is hard to know a knight from a knave."

The discovery of America seemed to suggest that a better day might dawn now that a new world had come into view. It called out a famous book by Sir Thomas More called *Utopia* in which he pictured a country with perfect laws and perfect society. This was not a new idea. Prophets, philosophers, and men

More's
Utopia

of letters had alike held up visions of a better day. In ancient Israel, when the kingdom was no longer so glorious as under David and Solomon, when the poor were oppressed and there was great injustice, prophets began to look forward to a new and better kingdom of peace and righteousness. The early Christian writer, John, had a vision of a heavenly city in which God should reign, a city in which there should be no more war. In Greece the philosopher Plato described an ideal city in which rulers would be selected because of their wisdom. Every one should do the work for which he was best fitted, whether it were that of the brave soldier to defend the city, or that of the farmer and laborer to provide food. Women, too, should be educated as well as men and should be given a chance to do whatever they were able to do. In this way harmony and order would prevail. People would be united in the service of the city. It was not the modern ideal of a democratic city, for Plato did not believe in education for all. Neither did he think that the great majority of common people should have anything to do with the government. Nevertheless it was a picture which exercised a tremendous influence over the minds of men and is still full of suggestion for those who are hoping and planning for a better future.

Sir Thomas More lived in the time of Henry VII and Henry VIII, when the "new learning," as it was called, was filling the minds of a few with great enthusiasm. More studied Plato's work and applied it to his own day. He protested against the cruelty with which slight offenses against property were then punished. He urged it would be much better to make some provision for preventing stealing than to use such severity in punishing thieves. "For great and horrible punish-

ments be appointed for thieves, whereas much rather provision should have been made that there were some means whereby they might get their living." If it be said that there are trades and farming, he answers that because of the wars which cripple men and use up the wealth of the country, because of the great numbers of "gentlemen" who live in idleness and extort the last cent from their tenants, because of the luxury which calls for a great many needless servants, and finally because of the monopolies by which rich men oppress the poor, there is no fair chance for the common man. He would do away with class distinctions and have all citizens equal before the law. He would have religious liberty. King Utopus

"made a decree that it should be lawful for every man to favor and follow what religion he would, and that he might do the best he could to bring other to his opinion so that he did it peaceably, gently, quietly and soberly, without hast and contentious rebuking and inveighing against other. . . . And this surely he thought a very unmeet and foolish thing, and a point of arrogant presumption, to compel all others by violence and threatings to agree to the same that thou believest to be true."

In order to have men think of the common good, More desired to do away with private property and have people share their goods. Such a plea as the following must have stirred many to thought of a juster order:

"For what justice is this, that a rich goldsmith, or an usurer, or to be short, any of them which either do nothing at all, or else that which they do is such that it is not very necessary to the commonwealth, should have a pleasant and a wealthy living, either by idleness, or by unnecessary business; when in the meantime poor laborers, carters, iron-

smiths, carpenters and ploughmen, by so great and continual toil, that without it no commonwealth were able to continue and endure one year, should yet get so hard and poor a living, and live so wretched and miserable a life, that the state and condition of the laboring beasts may seem much better and wealthier."

Again, about the time of our own Revolution, men in Europe also were thinking of a better day. Edmund Burke, who was our friend, had as a young man written a powerful indictment of what he called artificial society in contrast with natural society. He claimed that the laws, although designed to protect the poor and the weak had really come to give the advantage to the rich because it had become so expensive a matter to carry on a suit. He claimed that those who labor most enjoy the fewest things and those who labor not at all have the greatest number of enjoyments. He held up a picture of two hundred thousand men in Great Britain employed in mines with poor food, wretched health, laboring at constant drudgery, and asked if this were not more shocking than slavery. Robert Burns, a farmer born in a cottage and growing up with the poor, had both a feeling for the common man and a genius to appeal to all men. The rank, he said, is but the guinea's stamp, "The man's the gowd (gold) for a' that."

At the close of the 18th century

But it was when the great Revolution broke out in France that the men of letters were kindled to a general expression of the passion for liberty which this aroused in Western Europe. Wordsworth, Shelley, Byron, all expressed various aspects of this great movement. With one it was a feeling of brotherhood, with another the sympathy with the small nation struggling for political freedom, with a third it was a desire to be free

from the oppression of law. All helped to strengthen the foundations of freedom and democracy and to point toward the day which we still await

“When man to man, the world o'er
Shall brithers be for a' that.”

CHAPTER XIV

THE NEW MEANING OF LIFE BROUGHT IN BY LIBERTY

THE struggle for liberty was waged by men sometimes to get something for themselves, sometimes to get something for all. But out of it came a great idea about life, namely the idea that every man should be both free and law-abiding.

The great task of law and government had been to control men and make them conform to certain rules. Some of these rules were no doubt made in the interest of the king, and were oppressive; but most of them were made to preserve order, and to protect men in their rights. When the king and the state took the place of the old tribal customs, the lawyers taught that laws of society came from the king. But gradually, as men gained the right to make their own laws, they began to feel a new reason for obedience. They felt that they were not so much obeying some one set over them as obeying themselves. And this made a new responsibility too. For if men made their own laws it was their duty to make good ones. They could not blame others for what was their own fault.

It can readily be seen that something like this goes on with each one of us as we grow up. At first we obey the words and customs of our elders, just as men do in tribal life. Then we find various rules for conduct which seem to have been set up by some one in authority. We must not meddle with others' prop-

Free and
respon-
sible

erty, or the police and courts will interfere; we must obey certain rules of the school; we must keep our promises even if it is very inconvenient to do so; we must work when we'd rather not.

But as we grow older we are more and more left to decide matters for ourselves. We have to reason things out and see why we cannot interfere with others' rights, and why we must not always do as we prefer. When we control ourselves by reason, instead of following the first impulse, when we remember that we are part of society and so must think of others as well as ourselves, then we are "responsible." That is, we respond to the demands of others; we respond to what is reasonable or "right." We do not try to evade or dodge or squirm out of an unpleasant task, or out of our obligations to others; we stand up to them squarely. And we do it not because any one else is making us do it. We do it because somehow we recognize and feel that we ought to.

Now just so far as we do this of our own accord we are free. We are not compelled by any one; we direct ourselves, just as free men make their own laws. Here then is one great idea about life which has come out of the long struggle first to establish order, then to secure liberty.

And the second is that if freedom and responsibility are really just another name for acting conscientiously, then all men ought to be free and responsible. All men ought to have a chance to live a noble life. To help the cause of freedom, then, is not merely to gain a benefit for myself, it is part of the real business of living.

The state began by setting up a king, and making sharp class lines between gentle and simple; it gave us

the idea of the gentleman. The towns taught the dignity of labor and the service of honest trade. The long struggle for liberty gave men an ideal of life as free and responsible—free, “I am the captain of my soul”; responsible, for “no one liveth unto himself”; we are members one of another. Such liberty and responsibility are two of the great factors in democracy.

PART II

**LIBERTY, UNION, DEMOCRACY IN THE NEW
WORLD**

CHAPTER XV

NEW FORCES AND NEW TASKS

THE first steps toward union, freedom, and democracy had been taken, as we have seen, long before America was settled or even discovered. Progress along all these lines continued in Europe. Nevertheless the struggle for liberty in the Old World was hard and often discouraging. Beginning with the Pilgrims who came in the *Mayflower* to Plymouth in 1620, multitudes from all the countries of Europe came to America to find here a land of freedom, a land of opportunity. Sometimes it was religious freedom that they sought. This was the case with many of the first emigrants from England in the years 1620-40. Sometimes it was the opportunity to have land and homes of their own, with greater opportunity to work out their own lives. This seems to have brought many of the Scotch-Irish a century later. Sometimes it was political liberty that was most prominent, as with the Germans who came in 1848. Frequently it has been several motives combined. In the Old World the power of kings and nobility was tenacious; the division between gentry and common folk was firmly fixed and only rarely could a man of lower class break over this division. The land was nearly all owned by the gentry. Laws often favored the ruling class. Religion was controlled in many ways by the government. In England, after the time of Henry VIII, the king was head of the church. At the time when the early settlers

America
spells
oppor-
tunity

began to come to this country religious persecution was not uncommon. Edward Everett Hale in his poem on Columbus represents him as hearing a voice calling for a chance to make a new beginning:

“ ‘Give me white paper!
This which you use is black and rough with smears
Of sweat and grime and fraud and blood and tears,
Crossed with the story of men’s sins and fears,
Of battle and of famine all these years
When all God’s children had forgot their birth,
And drudged and fought and died like beasts of earth.

“ ‘Give me white paper!’
One storm-trained seaman listened to the word;
What no man saw he saw; he heard what no man heard.
In answer he compelled the sea
To eager men to tell
The secret she had kept so well!
Left blood and guilt and tyranny behind,—
Sailing still West the hidden shore to find;
For all mankind that unstained scroll unfurled,
Where God might write anew the story of the World.”

Four
factors
in
American
life

We purpose in this chapter to note briefly the new conditions that have made life in America in many ways freer and more democratic than life in the Old World. In later chapters we shall take up in succession what we may call the spirit of America and its contribution to human life. The four great aspects of this spirit and contribution are (1) Liberty, (2) Union, (3) Democracy, and (4) Free coöperation with other nations.

The great facts which we notice in this chapter are (1) the kind or class of people who came to America, (2) the influence of free land, (3) the influence of the frontier, (4) the influence in more recent years of the Industrial Revolution. This last is not peculiar to

America, but must be noticed in order to understand the recent problems of America.

During the three hundred years since America was first settled by white men many sorts of people have come to its shores, but for our purpose the character of those who came first is particularly important because they did much to shape the institutions of the country, its government, its schools, its religion, its mode of life. Those who came later came very largely because they liked what these first settlers had done, and in most respects the later comers fitted into the system which they found when they arrived, although in some respects they certainly modified it, notably in such matters as the observance of Sunday. The early settlers were for the most part of the middle or lower class. This was particularly true in New England. There were, to be sure, a few landholders and gentry among the Massachusetts Bay Colony, but the great majority were not of this class. None of the nobility came to these colonies. Farther south there were in the Maryland, Virginia, and South Carolina colonies members of the gentry. The Dutch also had some large estates, but with the exception of the coast region in the south the country came to be peopled more and more by those who were not well off in the Old World and sought a place here to better their fortunes. The great landholders of Europe, the lords who were already in conditions of power, of wealth, had nothing to gain by coming here. They naturally stayed at home.

Who came
to
America?

We are not to think that people of the middle and lower classes were necessarily entirely different in their bodies and minds from people of the nobility.

The fact is, however, as we have seen in earlier chapters, that when a conquering band of warriors invade a country they tend to make a distinct class and to reduce the other dwellers to a lower class. Then the children of the first class are brought up to look upon themselves as superior to others. They are constantly reminded of this distinction by their whole training and education. They follow a different kind of occupation. They are either rulers or in the army or in the professions. They do not engage in manual labor. They own practically all the land and get their support largely through this ownership, while the others carry on farming and trading. The son of the farmer or trader expects to be a farmer or trader. He is educated for this. Hence, although the children of the two classes may not be so different at birth, they come to be increasingly different as they grow up. In America, although a few of the gentry came over, and although in certain parts of the country they kept a certain amount of class feeling and class pride, they for the most part did not have any such complete control of land or government as to make a subject-class out of the rest of the people. So many of the other classes came and were enabled because of free land and the influence of the frontier to become prominent in all departments of life that the mixing in all kinds of ways soon began. All settlers went to the same church, to the same town meetings, families intermarried, and in course of time, when common schools were established, children went to the same school.

Free
land

In the Old World property in land was almost always originally gained by what has been called the divine right of grab. The Celts seized upon the land of

Britain and largely took it away from the previous dwellers. The Saxons drove off the Celts or made them laborers on the land. The Normans in turn claimed all the land of England by conquest. The Saxons were mostly reduced to the condition of villeins, who had certain rights as tenants but did not own the land they worked upon. The land in Great Britain has ever since been largely owned by the few rather than by the many.

One of the most important features in the New World was that practically every colonist who settled in America either owned land from the beginning or soon came to own it. Today nearly half the population in the United States live in cities or large villages. But this is a recent condition which is setting new problems for democracy. In all the earlier years when America was shaping its ideas and its government, the people lived largely under rural conditions. The colonists were very largely farmers, and those who were not farmers usually owned at least their own homes. A group of settlers in a town near the coast would live there until their sons grew up and wished to set up their own homes. Then they would petition the authorities of the colony to survey a new tract and open it to settlers, so that the sons could own farms and homes. After the Revolution the public lands in the Middle West, and later the great tracts of prairie and upland still farther West, were open to settlers. Almost any one who was willing to work and to endure the hardships of the pioneer could own a homestead. It required persistence and courage; it meant going without many comforts of civilization; it meant loneliness, and often danger. Many city dwellers of today would prefer to rent a steam-heated, electric-lighted

flat cared for by a janitor, close to street cars, theaters, and offices, rather than to own a piece of land if they must chop their wood, build their fires, plow, sow, harvest, care for cattle and horses, make cheese and butter, clothing and candles. Two hundred, and even one hundred years ago, there was no such choice open. But the men and women did not shrink. They prized the independence and freedom that they gained by owning their own farms. They were willing to pay the price. They were made more sturdy and vigorous upholders of liberty in other ways because they were accustomed to rely upon themselves and to be independent owners of their own homes.

The
influence
of the
frontier

Man has been making inventions for thousands of years. These make living easier and none of us would wish to go back to the days before there was machinery, before steam and electricity did the hard and exhausting labor. We should not like to exchange our railroads for the ox team. Women would not choose to spin and weave all the linen of the household or to make the garments worn by themselves and their families. We should not wish to give up the daily newspaper, the frequent mails, the telegraph and telephone. Yet can we say that in putting all these inventions to work for us we have not lost something, although we may have gained a great deal? We have gained in wealth and comfort, but this wealth and comfort have come very unevenly to different classes. We no longer all live in practically the same kind of houses and do the same kind of work. It was the evil of the conquest by the king and his band of warriors that classes were formed which had different occupations. The fighter and ruler looked down upon the manual worker. At

the present time our differences in wealth and education have something of the same effect in making different classes. The man who is manager, or even the clerk who works in the office, is not in quite the same class with the man who works with his hands, although it may be the latter is earning a higher wage. The girl who works in a store is likely to look down upon the girl who does domestic work. In the frontier conditions of early life in America such differences of occupation were small. Practically the whole people were farmers. All men and all women worked with their hands. The young woman who went to another family to help with the work was not regarded as necessarily inferior in social standing to the family whom she helped. The man who could fell his tree in the most workmanlike fashion or plow the straightest furrow, who was the best shot with his rifle or wisest in the lore of the forest, was respected by his fellows without regard to ancestry. Pews in the meeting-house, to be sure, were allotted to men in the order of their importance in the community, but this was not firmly fixed, and in any case the men all met together within the same meeting-house. Town meetings and the various gatherings for "raising" houses and barns, harvesting crops, and other occasions of coöperation tended toward democracy. Those who remained in the cities on the coast clung to the Old World distinctions far more than those who pushed on in successive migrations into the wilderness. The frontier has been a continual school of democracy in American life.

America in colonial days and for the first years after the Revolutionary War was a nation of farms. But about the time of the Revolution by which the United

The
Industrial
Revolution

States came into existence as an independent nation another great change was in progress which was so important that it, too, is called a revolution—the Industrial Revolution. This was in some ways favorable to the progress of liberty, union, and democracy; at the same time, however, it brought new obstacles and occasioned new struggles. The Civil War in the United States of 1861-65 and the great World War of 1914 grew in large part out of the new forces which the Industrial Revolution introduced into human life. To understand the problems of American life we must see briefly what the Industrial Revolution was and how it has affected us.

The Industrial Revolution had a great many different aspects. Some of the changes came gradually, some more suddenly. Some had to do with the way in which things were made; others had to do with the way in which business was carried on. Some aspects came directly from new inventions that gave men new power over nature; others came from the new kinds of organization and coöperation and the new classes in society that were formed by the revolution.

As regards the revolution in the way of making things, or manufacture, we may notice five points.

From
tools to
machines

(1) First it was a change from tools to machines. Up to this time men had made many tools. The needle, the ax, the saw, the hammer, the knife, are tools. But there were few machines. A sewing machine when compared with a needle is a good illustration of the difference. With the needle the sewer can draw the thread rapidly through the cloth, but every individual stitch is done as a distinct movement which requires direction by the thought of the one who uses the tool. The sewing machine drives the needle up and down in

precisely the same way so that there is no need of making any new adjustment for each stitch. There is nothing then to prevent it from being driven in an automatic or, as we sometimes say, mechanical way as fast as we can make it go. The process of making cloth was the first for which new machines were invented. The three main parts of this process were carding the wool to make the fibers all lie in the same direction, spinning or twisting the fibers into a strong thread, and finally weaving the threads into cloth. Inventions of weaving, spinning, and carding machines were made very nearly at the same time.

(2) These machines were heavy and hard to drive by human strength. Water power had long been used for such work as grinding grain, but water power is not to be had everywhere. Fortunately the great invention of the steam engine had been made and about this same time was brought so far toward perfection that it could be used for driving the new machines. Here, then, were two great kinds of discoveries—machinery and steam power—that could be combined. They multiplied tremendously the ability of man to make cloth. Later on they were extended to all kinds of manufactures. Soon they were applied to ships, which thus became steamboats, and to railways. Both of these latter uses were extremely important in America, for the steamboats made trade with Europe far more convenient and rapid, while the railways opened up the great Middle West and Far West and made it possible for the settlers there to sell their grain and cattle and thus to benefit both the Old World and themselves.

(3) The Industrial Revolution was a change from home work to factory work. For the most part, weav-

From
man-power
to steam

From
home to
factory

ing and other industries were carried on in homes, and when machines which required water or steam power were invented it was necessary to place these in factories. The workers must leave home for their day's work. In a factory town or city today the great multitude of men and a very large number of women are at home only for the night with a little space at the beginning and end of the day. This has had very important effects upon health and upon family and social life. At first factories were very likely to be poorly ventilated and not any too well lighted. In many cases dust and poisonous gases endangered health. In recent years these conditions have been improved so that the factory is now, except for its noise, a more healthful place for work than home would be. On the other hand, this change from home to factory has made a new problem in regard to children. They can no longer learn from their parents the various crafts and trades. This has thrown a new burden upon the school.

Division
of labor

(4) A further aspect of the Industrial Revolution is the division of labor. Under the old system of hand work a shoemaker made a whole shoe. Now the making of the shoe is divided between something over eighty men. The housewife usually knew how to do all processes of making cloth from carding and dyeing on through spinning and weaving, and even cutting and making garments. This work today is divided among a great many, each of whom does some very small part. Each one becomes very expert and rapid in his part of the work but no one knows as much about a whole process as the old-time craftsman. On the other hand, the new system is far more efficient in turning out a great quantity of goods.

(5) Finally it has brought men and women together to work in groups. In some factories thousands of men work in making steel or cloth or preparing food. Great numbers of them who do the same kind of work thus come to know each other. They are very likely to organize in unions. From having the same work and wages and living in the same kind of houses and in the same neighborhood they come to sympathize with each other and thus can cooperate much more readily than could the workers who worked in scattered homes. We thus have the basis for a new class.

Bringing
workers
together

The five points which we have just stated concern especially the changes in the way of making and transporting articles which the Industrial Revolution brought about. Side by side with these changes another great change was going on in the method of managing and financing business. The system under which business is now carried on is called Capitalism. It involves a new power in the world which is in many ways greater than the older political power which we have studied in the bands of warriors and the state. It is a power based upon wealth. Like the power of the king and the band of warriors, it is largely the result of union. But in this case, instead of a union of soldiers, it is a union of men and money, of buildings and machines. The leaders have sometimes been called "captains of industry." The great problems of the present time have, many of them, come from the conflict between this new power of united wealth and the older political power which we call the state or the nation. While we cannot pretend to make any thorough study of this new power we can see how it has

Capitalism

arisen, what its usefulness is, and what are some of the dangers that go along with this power.

What is
capital?

Capital is as old as tools. When a savage took some of his time to make a stock of arrow heads he was accumulating capital: he was putting work and time not directly into food but into tools by which to get a larger supply of food than he could get without them. Taming a horse or an ox to do work was accumulating capital. Getting an education is sometimes spoken of as accumulating capital, for the education will help one to earn a larger income than he could earn if he did not take time to study. In the Middle Ages and down to the time of the Industrial Revolution, the weaver who had a loom had so much capital. The farmer who owned cattle, horses, tools, had this much capital. But to build a large factory and stock it with machinery, and to buy the wool or cotton needed would evidently call for more capital than was required before the invention of the machine. It did not need very much capital in the old days for a man to start a stage route and carry passengers, but to build a railroad and equip it required a large expenditure which must be met before the railroad could be useful. After the factory is once built or the railroad is ready, it is, of course, enormously more efficient, but the construction of it demands that much more time and work be put into tools or machinery. Practically all the iron that is mined is made into machines and tools and represents, therefore, capital, by which we may get a better living. We get some idea of how our capital is increasing if we see how fast the amount of iron used is increasing. In 1800 the world produced 825,000 tons; in 1870, 11,900,000 tons; in 1905, 53,700,000 tons; in 1911, 134,150,000 tons. There are perhaps between three

and four times as many people now in Europe and America as there were one hundred years ago, but more than sixty times as much iron is used.

The increased use of gold and silver has been very convenient in this increase of capital. In the early days a man could not conveniently pile up a great stock of wheat nor could he conveniently accumulate great numbers of tools. If, however, he could exchange his surplus for gold or silver, he could have his accumulation in a convenient form. Gold and silver could be used to pay workmen or to buy raw materials. A man who could accumulate a large amount of gold with which he could employ men to build or to weave or to transport goods could, in this way, unite their energies and their strength just as the king could unite the energies of the men under his command.

But in recent times business men not only use money and in this way get the advantage of combining the strength of many; they use credit. If I wish to build a factory and do not have the money with which to buy lumber and pay workmen, I can still do it provided the man who has lumber to sell and the workmen who have labor to sell will wait for their pay until the factory is running. Of course, they cannot do this unless they themselves have at least a supply of food and clothing sufficient to last until my factory is doing business. Very likely the workmen may not have this. There is still another way out of the difficulty. If my neighbor, or some one else who knows me, has a supply of food, or, what is the same thing, of money, which he will loan me, I can then pay the workmen and build the factory. The great factories and railways and businesses of today are very largely carried on by some form of credit. Men make plans for building automobiles or

some other article for which they believe there will be a demand. They go to banks or other sources and borrow money or arrange for credit. In this way, the earning power of an invention or of a large number of men is organized, or, as we may say, capitalized. The capital required to build a great steel plant is between twenty and thirty million dollars. The United States Steel Company, which owns several mills and a great amount of iron ore, was capitalized at about a billion dollars. The great railways have capitals of hundreds of millions.

The
corporation
as owner
and
manager

In the beginnings of the Industrial Revolution a factory might be built by one man; a small steamship or even a short railway might be owned by one individual; but as larger and larger factories were built, as railroads connecting distant points and costing vast sums were planned, it was soon found to be far safer and more convenient for many persons to unite and form a corporation to own and manage such a great plant. People in early times had sometimes united in partnership. But in a partnership, if the business should not be successful, each partner would usually be liable for all the debts. This would make partnership risky. The corporation is a very convenient plan for limiting the amount to which any single member can be held responsible. If a thousand men subscribe a thousand dollars apiece to form a million-dollar corporation, then no one is liable for more than a thousand dollars. If one member of the corporation dies, his share can be sold to some one else without difficulty and the corporation itself can continue permanently carrying on the business. Practically all our railways and great businesses are now managed in this way. In 1889, although there were more establish-

ments owned by individuals than by corporations, the corporations produced sixty-five per cent. of the product. In 1909 corporations produced seventy-nine per cent. of our manufactures, so that nearly four-fifths of the business of the country was in this latter year done by corporations. This corporation plan is undoubtedly advantageous or it would not have had such an extraordinary growth. It has, however, certain dangers which are very easy to see. A corporation enables a great number of people, sometimes many thousands, to unite their savings in a profitable business. But just because there are so many, no one of them has very much responsibility. They elect directors, but the directors cannot consult all the stockholders, and many things may be done by them which the stockholders would not approve. Many of the conflicts between the corporations and workmen have arisen because the real owners of the property did not know the workmen. To work for a corporation is often said to be like working for a machine.

Another danger in the corporation is that it is formed for one single purpose; that is, for profits. A man may wish to make money, but he is likely also to be a neighbor, a friend, a citizen, and all these relations tend to make him kind, reliable, and public-spirited. The corporation may be reliable, for it can be sued in court if it does not pay its debts or carry out its promises. But no one expects a corporation to be very considerate of people beyond what is required by law, and no one expects the corporation to be public-spirited in the same sense in which we may expect this of a citizen. Of course, the managers of corporations may themselves be considerate and public-spirited. In many cases, they may find it to be good

business policy so to conduct the corporation as to serve the public and make friends. But the primary duty of the managers has usually been regarded as that of so conducting the business as to secure profits for the stockholders. This has frequently brought such great corporations as the railroads into conflict with the public, and now the courts hold that certain corporations, which are, as they say, "affected with a public interest," must consider their duties to the public as well as their duties to their stockholders. In many cases, indeed, the duty to the public is held to be superior.

The
Industrial
Revolution
sets new
problems

We ask now how these great changes in the way of making and transporting goods and carrying on business affect liberty, union, and democracy.

(1) It
created a
new
power

First of all, they have set up a new power in the world. A thousand years ago, if you had come into any town or country of Europe, you would have found two sorts of men who were powerful. One was the warriors with the king at their head. They owned the land, for the most part. The other was the leaders of the church. The beautiful and massive cathedrals which men built during the Middle Ages show how important a power the church was. Men were then much poorer than today and lived in very small and uncomfortable houses, but they built wonderful churches and cloisters; the church itself was a well-organized institution, and the heads of the church had power greater in some respects than the heads of the armies and states. Today, if you were asked who were the most powerful men in the country, you would perhaps name the President of the United States, the judges of the Supreme Court, and a very few

political leaders; you might, perhaps, think of some church leaders who are prominent; but you would be very certain to name some of the wealthy men of the country, the directors of the great railways, banks, insurance companies, and manufacturing establishments. The great power of these men is due, as we have already said, to the fact that they are leaders of a new kind of union or coöperation—coöperation in industry and business as contrasted with military or church coöperation. This new power is in some respects very favorable to liberty and democracy. It gives more chances to boys to develop their abilities and to do the kinds of things that they like. For, of course, not every boy in former times could make a brilliant soldier, even if he liked fighting. This power is also more peaceful in its methods than the old military power, even if it is often very harsh in its competition. It is probably an advantage also to have more than one or two kinds of power. It will be safer for democracy and for the common man than if there is only one. On the other hand, this new power of wealth has made great problems for liberty and democracy. Just as the king at first kept in his own hands the right to say how everything should be done, and was very indignant if any of his subjects questioned his authority, so some of the captains of industry have wished to keep this power entirely in their own hands and have not been willing to share it or to admit that the public has any right to question the way in which they shall use it. This has led to many conflicts between the capitalists and the people acting through legislatures and courts.

When cloth and shoes and other articles were made by the worker in his own house, he owned his tools.

(2) It
made new
class
divisions

He was, thus, in a small way, a capitalist himself, just as the farmer who owns his farm and his cattle is both a capitalist and a worker. But when the invention of machines and of steam power brought in factories, it was clear that most men could not own factories. It took a great deal of money to build and equip a factory. Almost at once it came about that some men built and managed factories while others worked in them for wages. This made a new class division. We now commonly speak of employers and employees, or capitalists and wage-earners. The first great influence of the Industrial Revolution in America in this respect was not in the factories but in the fields which grew cotton for the factories. In the early history of the country, there had been a few slaves, but they were mainly for house-servants or laborers on small plantations. The great demand for cotton after the invention of the new machinery for carding, spinning, and weaving made it very profitable to raise great fields of cotton in the South. This made the use of slaves as farm laborers far more profitable than it had been before. If it had not been for this new demand, it seems very likely that the slaves would have been gradually freed without much opposition, for many of the prominent men of the South were opposed to slavery. We may fairly say that the Civil War, therefore, was in large measure due to the Industrial Revolution.

The present problems of democracy and liberty which are caused by this division between employers and employees are brought before us almost every day. Conflicts over wages are, of course, to be expected, but sometimes we are led to fear that there is bitterness between different classes much greater than would be caused by a difference of opinion about wages. It is

a difference that goes deeper. It comes from the fact that the two classes do such different things that they do not understand each other. The working people tend machines and cannot help being affected to some degree by the nature and environment of machine work. The other class work in offices, they buy and sell, they wear different clothes, and think about different things.

This difference in point of view which often makes it hard for one class to understand the other is increased by the way in which people live in cities. Our modern cities are also a product of the Industrial Revolution. They are built up largely around factories or railway centers, or near harbors. The workmen live near the factory. The business men live in districts out away from the smoke and noise. The children do not attend the same schools. The grown people do not often see each other. Neither half knows how the other lives. They might as well be a thousand miles apart.

Still another division in our country has been brought about partly by the Industrial Revolution. This is the division caused by immigration. At the beginning we all spoke one language and came from Great Britain and Ireland with very few exceptions. Today we are a multitude of races, and we speak and read many languages. In the city of Chicago alone over forty different languages are spoken and in most of these languages newspapers are printed. The people of many of these nationalities naturally tend to live in large groups, so that in the great cities there are really separate sub-cities. A Polish city, a German city, a Bohemian city, a Jewish city, an Italian city, and many others may be found in the great cities of the

country. Here is another problem for liberty and democracy.

(3) It has promoted imperialism

A nation is a group of people with unity of race or tradition or feeling which enables them to live together under a common government. An empire usually means a number of races, peoples, and perhaps nations, under a single government. Frequently in modern times, it means that a number of rather less highly civilized people are ruled by a central power which is more highly civilized. The great example of an empire is the British Empire. This began with the British islands; it grew by the colonies in America, in Australia, in South Africa, but it grew also by the conquest of India and Egypt and many smaller countries. In almost all cases there was first some trade between England and these other countries, which was followed by some method of government designed to protect the traders in their dealings with the natives. The Industrial Revolution began in England and made it possible to manufacture great quantities of cloth and other articles more cheaply than before. It was natural to attempt to trade with peoples all over the world in order to sell them these new goods, and in this way country after country was added to the British Empire. The Dutch, in a similar way, built up an empire over the islands of the East Indies. These empires began before the Industrial Revolution, but in the nineteenth century the British Empire developed very rapidly, and during the latter part of the century the French and German empires also showed rapid expansion. Rivalry between these different empires and between the Balkan states has been a great feature in bringing on the world war. But even before this it made one great problem of

liberty and democracy. For since, in these great empires, certain parts were not of the same language or as highly civilized as other parts, the question became more and more serious, Should they be kept under the government of the more highly civilized power or should they be allowed to govern themselves? Democracy says that all governments derive their just powers from the consent of the governed. How can this be reconciled with imperialism? The United States has had to face that problem in the case of the Philippine Islands, but it is going to be compelled to consider it also in world affairs, if the United States is to be drawn more and more into the great problems of world peace and world coöperation.

CHAPTER XVI

LIBERTY

THE new nation which our fathers brought forth upon this continent was conceived in liberty. And this was natural, for it was the love of liberty in various forms which brought many of the original colonists to America.

The
Pilgrims

Some came to seek religious freedom. Of those who came to Plymouth after first fleeing to Holland, Bradford writes:

They could not long continue in any peaceable condition, but were hunted and persecuted on every side, so as their former afflictions were but as fleabittings in comparison of these which now came upon them. For some were taken and clapt up in prison, others had their houses besett and watcht night and day, and hardly escaped their hands; and y^e most were faine to flye and leave their howses and habitations, and the meanes of their livelehood.

Seeing themselves thus molested, and that ther was no hope of their continuance ther, by a joynte consente they resolved to goe into y^e Low Countries, where they heard was freedom of religion for all men.

Other
colonists

Others of the colonists came largely to find a better opportunity than the Old World afforded them. They did not think especially about civil or political liberty, nor in fact about government at all. But when they found themselves in a wilderness, thousands of miles from the home country, they were soon forced to settle many matters for themselves.

They had to defend themselves against Indians. They had to portion out new lands, build meeting-houses, and keep order. They felt in a sense more independent than they had been in England. But they considered themselves to be still Englishmen and to have all the rights of Englishmen. When the early charters were taken away from certain of the colonies, protests were made; but it was the Stamp Tax which called out united resistance and brought out a statement of some of the important rights. The case was very much like that of a boy who goes a thousand miles from home. He becomes used to managing his own affairs. Perhaps he has been in the habit of sending home part of his earnings from time to time. If now, all of a sudden, he should receive a letter informing him that he must send his father a fixed sum, and that a collector would call upon him for it, and arrest him if he should not pay at once, he would very likely be angry and refuse to pay.

Something of the sort seems to have stirred the Americans when the Stamp Tax was suddenly imposed. They assembled at Albany and, while professing respect for the king and the Parliament, declared:

The
undoubted
rights of
English-
men

“That his majesty’s liege subjects in these colonies are entitled to all the inherent rights and privileges of his natural born subjects within the kingdom of Great Britain.

“That it is inseparably essential to the freedom of a people, and the undoubted rights of Englishmen, that no taxes should be imposed upon them but with their own consent, given personally or by their representatives.

“That the people of these colonies are not, and from their local circumstances, cannot be represented in the House of Commons in Great Britain.

“That the only representatives of the people of these colonies are persons chosen therein by themselves; and

that no taxes ever have been, or can be constitutionally imposed on them, but by their respective legislatures.

“That all supplies to the crown, being free gifts of the people, it is unreasonable and inconsistent with the principles and spirit of the British constitution for the people of Great Britain to grant to his majesty the property of the colonists.

“That trial by jury is the inherent and invaluable right of every British subject of these colonies.” (Declaration of Rights and Grievances of the Colonists in America.)

The reason why they insisted on granting aids through their own bodies instead of having them fixed by Parliament is well put by Benjamin Franklin:

“Their opinion is, that when aids to the crown are wanted, they are to be asked of the several assemblies according to the old established usage, who will, as they always have done, grant them freely. . . . The granting aids to the crown is the only means they have of recommending themselves to their Sovereign, and they think it extremely hard and unjust, that a body of men, in which they have no representatives should make a merit to itself of giving and granting what is not its own, but theirs, and deprive them of a right they esteem of the utmost value and importance, as it is the security of all their other rights.”

James Otis urges that the right “to be free from all taxes but what he consents to in person or by his representative is part of the common law, part of a British subject’s birthright.”

Natural
rights

So far it was the rights of Englishmen, of British subjects, on which the Americans stood. But ten years later, when the Revolution began, a deeper foundation was sought for rights and liberty. These men of '76 found it in the doctrine of natural rights which had been laid down by Locke and Blackstone in England,

and by Rousseau in France. To say that men had certain rights by nature, even before there was any government, seemed to give a stronger foundation for liberty. To say that *God* had created men equal, and had endowed them with rights, made the foundation still stronger and more sacred. Both these ways of stating the doctrine are found in declarations of rights made during the Revolution.

The Virginia Declaration of Rights adopted June 2, 1776, declares:

“That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot by any compact, deprive or divest their posterity, namely the enjoyment of life and liberty with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.”

This was to emphasize the “natural” character of rights. The great Declaration of Independence, adopted July 4, 1776, takes the second way of statement:

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.”

These declarations then go on to give their view of government. Governments are instituted “to secure these rights,” “deriving their just powers from the consent of the governed.” The Virginia Declaration says: Governments are to secure rights

“That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.”

As we have seen, the British government did not actually begin in this way. It began with the strong arm of the king and his warriors. And even if we go back as far as records carry us we do not find any state of nature in which men had such complete rights. So far as England, at least, was concerned, these rights had been gained step by step. But the men of '76 were not really trying to give a history. They were trying to say in the strongest way possible that men *ought* to be free, that governments *ought* to be for the people, and not for their own advantage, and that they *ought* to be responsible to the people and controlled by law.

The
specific
rights
claimed

What were the specific kinds of rights which were claimed by those who fought the Revolutionary War? They were very largely the "civil rights" with which we have already become familiar in Chapter XI. "Life, Liberty, and the pursuit of Happiness" are the three rights which the Great Declaration sets first; the Virginia Declaration adds "the means of acquiring and possessing property." When we go on further in the Virginia Declaration we find several more definite claims which we may regard as the "platform of 1776." The more important may be grouped under:

(1) *The Government.* All power is in the people, the magistrates are trustees. If a government does not act for the common benefit, the majority has a right to reform or abolish it. So far we have the views of Milton and Locke. But now we meet a new point. "The legislative, executive, and judicial powers should be separate and distinct"; their members should at fixed periods retire to private life, and frequent elections should be held.

(2) *Political rights.* All should have the right of

suffrage who have "evidence of permanent common interest with, and attachment to the community."

(3) *Civil rights—Property.* Men cannot be taxed or deprived of their property for public uses without their own consent or that of their representatives.

(4) *Civil rights of those accused of crimes.* "A man hath a right to know the cause of his prosecution, to be confronted with the accusers and witnesses, to call for evidence in his favor, to have a speedy trial by an impartial jury, . . . nor can be compelled to give evidence against himself;" and no man can "be deprived of his liberty, except by the law of the land or the judgment of his peers."

"Excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

"General warrants . . . to search . . . places or to seize any person or persons not named . . ." without evidence of actual facts or offenses committed are oppressive.

(5) *Civil Rights in Private Cases.* "In controversies respecting property and in suits between man and man, the ancient trial by jury of twelve men is preferable. . . ."

(6) *Civil Rights.* "*Freedom of the press* is one of the great bulwarks of liberty."

(7) *Religious liberty.* ". . . All men are equally entitled to the free exercise of religion according to the dictates of conscience. . . ."

The cause of liberty in all these various forms was then the cause for which men were ready to fight, and if need be, to die. Some men of those days doubtless had mixed motives. Some may have believed they would gain financially by independence. Some may have

fought because they liked the excitement, or to gratify a grudge against the tories. But for most it was not a selfish or an exciting experience. It was taking a desperate chance for a cause that they believed in. If we can look back and bring before us vividly the situation which the men gathered in Philadelphia on that 4th of July faced; if we can picture the terrible odds against success, the certain penalties of failure, the inevitable hardships, we begin to realize faintly how much was implied in the concluding words of the Great Declaration:

“And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honour.”

The
meaning
of Liberty
was
freedom
from
oppression
by
govern-
ment

The essential meaning of Liberty in the principles of '76 was evidently freedom from oppression by the government. There is not a word in them about oppression of one class by another. There is not a word about burdens of poverty or unfair contracts. Men felt that if the government would let them alone they could themselves get a living and pursue happiness. It was government that they were afraid of. They wanted to have a government that could not, if it wished, treat any of its subjects unjustly. So they would have it limited by law. To prevent it from being too strong they would divide it into three separate powers, and make each a sort of check upon the others. The best place to study this plan will be when we take up the meaning of the Constitution. We call attention now to the fact that it was incorporated in the Virginia Declaration of 1776.

CHAPTER XVII

DEVELOPMENT AND PRESENT PROBLEMS OF LIBERTY

THE principles which were expressed and fought for in 1776 have remained as an important part of the American spirit ever since. When the Constitution under which our national government was reorganized in 1789 was first framed, many of the rights noted in the Declaration of Independence were not mentioned. It was provided that the writ of *habeas corpus* "shall not be suspended, unless when in Cases of Rebellion or Invasion the Public Safety may require it"; and, further, that "The Trial of all Crimes, except in Cases of Impeachment, shall be by jury." But the other rights expressed in the Virginia Declaration are not explicitly mentioned. Many were fearful that the new government might be tyrannical if no provision was made concerning the rights for which the war had been fought. Thomas Jefferson wrote, "The absence of expressed declaration insuring freedom of religion, freedom of the press, freedom of the person under the uninterrupted protection of the *habeas corpus*, and trial by jury in Civil as well as Criminal cases, excited my jealousy; and the reeligibility of the President for life, I quite disapprove."

Amend-
ments to
the Con-
stitution
as a bill
of rights

This feeling expressed by Jefferson was so general that ten amendments were adopted in the very first year, embodying essentially those rights which Englishmen had stated in the Petition of Right presented

to Charles I in 1628, and again in the Bill of Rights drawn up by the House of Commons in 1689. They have a large place in our legal system.

Liberty
and
slavery

It was because liberty to the men of '76 meant civil and political liberty that when they wrote "All men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty," it never occurred to them that this excluded slavery. It is a good illustration of what so often happens, namely, that we may hold views that are really inconsistent without noticing the fact. Yet almost as soon as the war was over Congress passed the famous ordinance of 1787 for the government of the territory northwest of the Ohio River, which provided

"Article the sixth. There shall be neither slavery nor involuntary servitude in the said territory otherwise than in the punishment of crimes, whereof the party shall have been duly convicted."

and the astonishing thing is that this provision was passed without any opposition from the Southern States, although when the vote was taken there were four Northern and four Southern States present. Had it not been for the great development of cotton plantations it is quite possible that emancipation of negroes throughout the South might have followed peacefully as it did in the Northern States, but with the great demand for cotton that followed the Industrial Revolution slavery became so important to the wealth of the South that it required the terrible struggle of civil war to decide that liberty should belong to all within the nation.

Oppression by the government was what the men

of '76 feared most. But it was not long before they began to see that fighting is not the most important way of securing freedom. A man who is ignorant is not free. He does not know how to protect himself. He does not know how to take advantage of opportunities. He is easily deceived. We have seen how the Peasants' Revolt in England and the similar revolt in Germany failed largely because of the ignorance of the peasants. The colonists had had schools of various kinds, and in spite of their poverty had founded colleges. But these latter were chiefly intended for educating ministers. The ordinance of 1787, however, had a provision almost as significant as its article prohibiting slavery.

Liberty
by
education

“Religion, morality and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.”

In accordance with the spirit of this provision, a generous portion of all the public lands in the Northwestern States was set apart for the support of schools and universities. Usually when a new township was laid out, six miles square and including thirty-six sections, two sections were set apart as school sections. On this foundation great school systems have been built up, in which tuition is free from the elementary school to the university. Their purpose has been well stated by President Angell of the University of Michigan: “It has been my aim that every child in the state might see from his home a path open before him to the University.”

In the East, schools were established more largely by private contributions, but in many cases the states gave aid. In the early part of the nineteenth century

the academy was a favorite type of school and the thought of education as a means of preserving liberty was prominent. In one such academy, founded in 1804, the application for a charter reads:

“Considering the right condition of youths as the greatest security of free states, and the only means by which their independence can be maintained in purity, and there being no academical institution within thirty miles of this place, they believe that it would be of public utility to have an academy erected in the town of Monson.”

In the case of education, as in so many other instances, liberty was at first sought for a part of the community. Girls were not at first admitted to grammar schools. In one case they were allowed to sit on the steps. The writer's grandmother was refused permission to attend school because in the judgment of the clergyman who conducted the school “the female mind is not capable of understanding grammar.”

The academies, however, were mainly co-educational; and in the West co-education has been the rule in elementary and high schools. Opportunities for higher education for women have now been provided in all parts of the country, so that we may properly say free education is a part of the American idea.

Liberation
from
disease

In a still larger sense education is necessary for freedom; only recently has this come to be realized. With the rapid growth of natural science and of invention it has become evident that freedom from disease, freedom from poverty, freedom from fears of many kinds all depend upon education. People die from many diseases which are now known to be entirely unnecessary. Smallpox, which used to be a dreadful scourge, attacking nearly half the people of the country and

killing great numbers of them, has now been almost completely banished. Tuberculosis is kept alive by ignorance of people and might be banished as well. We have learned how to control many of the diseases which threaten the lives of babies. The length of human life has been doubled in the last three and a half centuries. But, whereas during the seventeenth and eighteenth centuries, the increase was about four years per century, during the first half of the nineteenth century it rose in Europe to the rate of nine years per century, and during the latter half of the nineteenth century to the rate of about seventeen years per century. In Germany, where medical and sanitary science has reached very high development, the rate of increase during the last period was twenty-seven years per century.

It is estimated that at any time in the United States about three million persons are seriously ill and that fully half of this illness is preventable. Some of it is due to the ignorance of the victim; he does not know how to take care of himself. Much of it exists because no one can protect himself against the ignorance of others. If persons who have contagious diseases are ignorant or careless, they convey diseases to us, no matter how careful we may be. Much more exists because of the conditions under which people now work. If a workshop is unhealthful, if there is dust in the air, or lead in the materials that the worker handles, he may not be able to protect himself from disease. Such cases as this call for help from society as a whole. All of them call for education.

The great issues of freedom at present are not the same as those of a hundred years ago. We are not now afraid that the government will tyrannize over us.

Present
problems
of
liberty

There is, to be sure, always a danger that the majority may for a time forget the rights of the minority. We shall see in the chapter on Union how our system of government attempts to prevent this. But after all, our chief difficulty at present seems to be entirely the opposite. The majority find it very difficult to do things which they really want to do. In business the problem of freedom has taken the form of a conflict between small business men and large corporations or monopolies. In industry it takes the form of a conflict between the kind of freedom which a workman has who makes his own bargains and the kind of freedom he has if he unites with others to make a collective bargain through a union.

Dangers to liberty may come from sources other than government. This is illustrated by religious liberty. Formerly a man might be compelled to attend or contribute to a church against his will. He might be forbidden by the government to meet with those of his own belief. In Catholic countries Protestants were so forbidden; in Protestant countries Catholics were so forbidden. At present it is not the government which interferes with religion; it is business and industry. Some industries have to be carried on continuously. Blast furnaces cannot be allowed to cool down without great loss. Other industries, such as the street railways, the gas and electric lighting plants in cities, supply some form of public service which is needed every day. Of course it has always been necessary to take care of horses and cows, to cook meals, and to care for the sick, but these were home occupations and they did not necessarily interfere with religious observances. On the other hand, those employed in mills and on railways, or in hotels and restaurants,

have now practically no opportunity whatever for one important aspect of religious liberty, namely, freedom to worship with others.

Freedom of speech and of the press is another liberty which was formerly threatened chiefly by the government. At one time it was forbidden to print books unless they had first been approved by a public censor. Printers or editors of newspapers were liable to be punished for treason or libel if they criticised the government. Then came a time when the newspapers were nearly all controlled by the ideas of some political party. They were called "organs." A Democratic newspaper was supposed to approve the measures of the Democratic Party. A Republican newspaper was supposed to approve the Republican measures. A Democratic newspaper advocated the election of any man whom the party nominated, while the Republican newspaper stood by the Republican, regardless of the fitness of his character. This is no longer so completely the case. We have much more freedom and independence so far as party control is concerned.

Freedom
of
speech

At the present time the freedom of the press has to encounter another power. Newspapers and magazines are now printed and sold at a very low price. In the great cities the daily newspaper is sold for one or two cents; monthly magazines are sold for a price that scarcely pays for the paper used in them; advertising is depended upon as the chief means of support. If now, the newspaper or magazine expresses opinions which are very hostile to any kind of business, the advertising is sure to feel the effects. Or, perhaps, a newspaper or magazine, like any other business enterprise, needs to borrow money at the banks from time to time. If it has been publishing criticisms of

certain kinds of business which have influence with banks, it may find itself unable to get any funds and so be forced into bankruptcy. In the future probably some way will be found to secure freedom from control by business interests. Even now one check operates. For, unless a paper seems to be at least fairly reliable, and unless it prints a fairly full account of important events, its sale will suffer. Further, it is likely that important news will find at least one newspaper ready to print it, and other newspapers will not like to be accused of suppressing what is printed elsewhere.

CHAPTER XVIII

FIRST STEPS TOWARD UNION

WE date our life as a nation from 1776, when the Declaration of Independence was adopted. It may perhaps be held that America was rather a union of states than a nation until after the Civil War. But union and coöperation in various degrees have been present from the early settlements, and the interesting thing is to note the growth both in the idea of union and in the methods by which coöperation has been made effective.

Dangers from the Indians and from the French, and later the quarrel with England, early led the colonists to organize themselves for mutual defense and to promote the general welfare. The first form of union proved unsatisfactory and the Constitution was adopted to "form a more perfect union," but this was only the beginning. As the country has developed, the idea of union has broadened. At first the ideas of mutual defense against foreign powers, of promoting commerce, of establishing a post office and post roads were prominent, for need of these had been strongly felt. As our country has grown new needs have claimed attention. Some needs, such as schools, health, water supplies, maintaining order on the street, protecting property from thieves and burglars, are cared for by smaller unions, such as villages, towns, or cities; others, such as providing for the helpless or criminal members of society, the insane, the blind, the poor—maintaining

Various
reasons
for
union

courts, caring for estates, building roads, maintaining universities, are usually under the care of larger unions, counties, or states. But for certain great enterprises, such as building the Panama Canal, irrigating great tracts of dry land, preserving forests and the great water powers, aiding farmers by investigation of soils, seeds, and insects; for the supervision of banks, railways, and of the great business corporations which extend over the whole country; for the more familiar purposes of carrying on the post office, aiding commerce both in this country and in foreign countries, preserving fisheries and providing for the defense of the country against possible foreign enemies—for all these purposes the still larger union of the nation is necessary.

Liberty
through
union

In the second place, not only has the idea of the ends to be secured expanded; but also the methods for securing common action have undergone a great change since the Constitution was adopted. At first the fear of tyranny by the government or by some class was so great that men chiefly sought to keep the government from doing too much. They were afraid union might interfere with liberty and they wanted to make sure of liberty. The method taken for preventing the government from endangering liberty was called the system of checks and balances. Later it came to be felt that the only way to secure liberty was *through* union. Our demand today is for a government that *can do things*. The rise of political parties, the emphasis upon the "police power" of the government, the movement for conservation of resources and conservation of the lives and health of the people, for state systems of education, are some of the steps forward in methods of union. We shall consider (1) early

steps toward union; (2) the Constitution with its "divided powers," its "checks and balances"; (3) the enlargement in the idea of union; (4) present problems.

As the early comers to America sought a more favorable spot in which to enjoy liberty, so they framed a union which was more democratic than the government which they left behind. One of their early unions is worth dwelling upon, for it had so much of the spirit of the larger union that was to follow.

The little band of Pilgrims who came over on the *Mayflower*, intending to settle in Virginia, were largely members of a church in Leyden, Holland, having gone there from England a few years before. There were, however, on board the ship several who were not members of the Pilgrim church, and it was feared that some of them might make trouble. Governor Bradford speaks of

Early
steps
toward
union

"y^e discontented and mutinous speeches that some of the strangers amongst them had let fall from them in y^e ship— That when they came ashore they would use their owne libertie; for none had power to command them."

To make sure that there should not be quarreling and lawlessness, something had to be done. The Pilgrims had originally intended to settle in Virginia, where there was a government; but in the region of Cape Cod, where they were now about to land, they were outside the jurisdiction of the company from which they had obtained their grants. Belonging as they did to a church community which had separated from the Church of England, they had already signed a church covenant or agreement. It was natural to think of signing an agreement as a company of

colonists. The old guilds were in many respects similar associations formed by a compact. At any rate, this is what the Pilgrims did:

This day before we came to harbour, observing some not well affected to unitie and concord, but gave some appearance of faction, it was thought good there should be an association and agreement, that we should combine together in one body, and to submit to such government and governours as we should by common consent agree to make and chose, and set our hands to this that followes word for word. (Quoted by Dexter in his *The Story of the Pilgrims*.)

Compact
signed

So they drew up and signed the following Constitution, which is famous as the first in the long series of compacts or constitutions that have been formed in this country. It was signed by heads of families and included the names of common sailors and of servants.

In the name of God, Amen. We whose names are under-written the loyall Subjects of our dread soveraigne Lord King James, by the grace of God of Great Britaine, France, and Ireland, Defender of the Faith, &c.

Having under-taken for the glory of God, and advancement of the Christian Faith, and honor of our King and Countrey, a Voyage to plant the first Colony in the Northerne parts of Virginia, doe by these presents solemnly and mutually in the presence of God and one of another, covenant and combine our selves together into a civill body politike, for our better ordering and preservation, and furtherance of the ends aforesaid; and by vertue hereof to enact, constitute and frame such just and equall Lawes, Ordinances, acts, constitutions, offices from time to time, as shall be thought most meet and convenient for the generall good of the Colony: unto which we promise all due submission and obedience. In witness whereof we have here under subscribed our names, Cape Cod, 11. of November, in the yeare of the raigne of our soveraigne

Lord King James, of England, France and Ireland 18. and of Scotland 54. Anno Domini 1620. (Quoted by Dexter.)

We are all familiar with the story of the growing colonies, of their occasional contributions for defense against the Indians, and then of their more important union in the Revolutionary War. We are familiar also with the unsatisfactory character of the Confederation under which the states continued after the close of the war until they were compelled to realize that a closer union was necessary. The result of the dangers and demands of the hour was the Constitution:

We the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

The Con-
stitution

So begins the great document under which, with scarcely any important changes except at the close of the Civil War, our country has been governed. During most of this time it has seemed to the people of our country and to statesmen of other countries a wonderful and beneficent charter of government. To most it has never occurred to question the disinterestedness or the wisdom of those who formed this plan for a "more perfect union." At two periods only has there been criticism. In both cases the root of the criticism has been the feeling that the Constitution is in some respects not in harmony with the need and spirit of the time.

The first period was before the Civil War. Many in the North condemned the Constitution because it

Criticism
of the
Constitu-
tion
(1) as to
slavery

protected slavery to the extent at least of requiring the return of fugitive slaves. On the other hand, the slave-owners of the South believed that they were not sufficiently protected by it and so determined to leave the union which the Constitution provided. After the war the Constitution was changed to make it conform to the changes in the spirit and purpose of the people. The Thirteenth, Fourteenth, and Fifteenth Amendments gave legal form to the abolition of slavery.

(2) as to
other
property
interests

The second period of criticism is the present. It is felt by some that the Constitution prevents people from obtaining certain reforms which are needed. And that it makes it possible for a few to block the will of the majority. It is claimed that instead of being adopted by the whole people, the Constitution was really adopted by a very small majority who formed perhaps only about one-sixth of all male adults. It is claimed that it was not made by men who were thinking first of all of the welfare of the whole country but by men of property who were thinking of their own interests.

We may as well face these questions frankly. It may be we shall find that precisely the same thing was true of the Constitution which we have found true of other institutions. Men "builted better than they knew." In the struggle for liberty and justice, some men have been moved chiefly by their own wrongs or their own advantage. Nevertheless, in securing justice for themselves they have made it possible for others to gain justice. On the other hand, some have always fought the battle of justice and liberty because they loved their fellow-men and believed this to be a cause worthy of their efforts, and if need be of their lives. So in the union which was secured by our Constitution.

It may be that we shall find some working for their own advantage and yet helping the cause of all, while others even at the outset were disinterested.

It undoubtedly is true that many, in fact almost half of the people of the country, did not at first like the new Constitution which was proposed. Votes in many of the states were nearly evenly divided. In Massachusetts the eastern part of the state was for it, the western part against it. In New York at first a large majority of the delegates was opposed to it. In general people of the cities favored it, people in the country opposed it. Those who favored it wanted a closer union and a stronger government; those who opposed it feared that under it they would lose liberty and independence.

Early
division
of
opinion

Why was the need of greater union felt?

First of all, the after-effects of the Revolution bore hard upon the people. War is always expensive. Some one must pay for the losses of life and property. Both the government and the people were poor. Hard times came on. Many were in debt.

Taxes were hard to pay and were very high. It has been estimated that in Massachusetts the burden of taxes and interest on private debt for the average head of a family was about two hundred dollars. In those days most of the farmers never saw so much as fifty dollars in the course of a year. To pay two hundred dollars was clearly impossible. They had secured freedom from taxation to Great Britain, but this did not seem to lighten their burdens.

In Massachusetts, which we now think of as a rather conservative state so far as property is concerned, ideas of a highly radical sort found expression in Shay's Rebellion. The views of the discontented were

Property
owners

stated by General Knox, who was in charge of the forces of the state.

“Their creed is ‘That the property of the United States has been protected from the confiscations of Britain by the joint exertions of all, and therefore ought to be the common property of all. And he that attempts opposition to this creed is an enemy to equity and justice, and ought to be swept from off the face of the earth.’ In a word they are determined to annihilate all debts public and private.”

No wonder that property owners were alarmed and decided that some firmer government must be established if the country was not to be ruined.

Merchants

Merchants and traders were another class who were strongly interested in firmer government. Pirates on the Barbary Coast in the Mediterranean attacked and plundered our ships. There was no national navy and no one state was strong enough to protect its merchants. The British hampered foreign trade by an order that all trade with the West Indies must be in British ships. Moreover, the states set up barriers which hindered trade between the states. New York required boats from Connecticut and New Jersey to pay entrance fees and duties as if they had come from a foreign country. Connecticut business men signed an agreement not to send any goods whatever into New York for a period of twelve months.

Statesmen

Besides these groups of property owners and traders, a third group that supported the demand for a stronger union was made up of statesmen like Washington and Franklin, who were large enough and far-sighted enough to see the necessities of the whole people. Alexander Hamilton mentions these three groups in summing up the interests favorable to the new Constitution.

He named "the very great weight of influence of the persons who framed it, particularly in the universal popularity of General Washington--the good-will of the commercial interest throughout the states which will give all its efforts to the establishment of a government capable of regulating, protecting, and expanding the commerce of the Union--the good-will of most men of property in the several states who wish a government of the Union able to protect them against domestic violence and the depredations which the democratic spirit is apt to make on property . . . a strong belief in the people at large of the insufficiency of the present confederation to preserve the existence of the Union."

CHAPTER XIX

THE MORE PERFECT UNION: THE CONSTITUTION

The Con-
stitution
as
adjustment
of
interests

THERE were, then, in the minds of those who framed the Constitution, the following conflicting claims and needs to be met.

(1) The conflict between local government in the various states and a central government representing the union of all.

(2) A conflict between the mass of the people who at this time were farmers, and on the other hand, the larger property owners and commercial classes.

In general, the commercial classes were the ones who wanted the strong central government. The Constitution as actually framed represents a compromise, or rather a series of compromises, between the two sets of opposing views. It established what was called a federal system. That is, a league or union of states, with a division of powers.

(1) Ad-
justment
between
states and
central
govern-
ment

In certain respects the states were sovereign, that is, for certain purposes the people would act through their state governments without any interference by the federal government. In certain other respects, the newly established central government was to be sovereign.

Powers of
the
federal
govern-
ment

The powers of the federal government relate especially to those matters which are common to the whole nation "either because all the parts of the nation are alike interested in them, or because it is only by the

nation as a whole that they can be satisfactorily undertaken." The chief of them are:

- All matters relating to war and foreign relations;
- Commerce and currency;
- Post office;
- Control of western lands;
- Taxation for the above purposes.

The states, on the other hand, deal with a great multitude of matters which are either peculiar to the people of their own jurisdiction or which at any rate do not necessarily imply control by a national government. Some of the chief of them are:

Control of business carried on within the state.

Maintenance of order and punishment of crimes against persons and property so far as these are not offenses against the laws of the nation.

Education in so far as this is not cared for by towns and cities.

Care for the insane and other classes that need especial treatment.

Adjustment through courts of controversies between citizens as regards property, contracts, and ordinary business.

Care of estates, and of minor children.

When the Constitution was framed the adjustment between the two sets of powers was by no means completely defined. But there is one important difference between them. The powers of the national government are limited by the Constitution. They must either be explicitly stated or else implied in that document. Hence if a law of Congress is questioned the authority for it must be found in some clause of the Constitution. In the states, on the other hand, there is much more freedom in passing new laws. The assumption is that

Matters
dealt with
by states

an act passed by the Legislature is proper unless it is shown to be contrary to the constitution of the state, or else to the Constitution of the United States. This makes it easier for the states to experiment in new fields and is one of the advantages of a federal system of union as compared with such a system as that of France where the central government regulates the whole nation much more completely than with us.

(2) Ad-
justment
between
states and
the people
at large

Aside from the division of powers between the federal and state governments, there were also some compromises in the Constitution itself. For example, Congress is made up of two bodies, the Senate and the House of Representatives. The House of Representatives was supposed to represent the people directly. Its members were to be elected by voters who should have the same qualifications as "Electors of the most numerous branch of the State Legislature." The senators, on the other hand, were not to be chosen directly by the people, but by the legislatures of the states. They were not to be in proportion to the people, but were to be two from each state. That is, in the Senate each state was to count as equal to any other state, no matter how large or how small it might be. Vermont has often been much more influential in the Senate than much larger states, because it has retained the same men in office until they have become thoroughly expert in national affairs.

A compromise is also provided in the method of choosing a president. The President is not voted for directly by the people. A certain number of "Electors" are chosen and these vote for the President. Each state appoints as many electors as it has senators and representatives taken together. This

gives the small states a little larger voice in the election than they would have if they voted directly.

The merits and defects of a federal system have been summed up by Mr. Bryce in his *American Commonwealth* essentially as follows: the faults are:

Defects of
the
federal
system

Weakness in the conduct of foreign affairs.

Weakness in home government.

Liability to dissolution by the secession or rebellion of states.

Liability to division into groups and factions by the formation of separate combinations of the component states.

Want of uniformity among the states' legislation and administration.

Trouble, expense, and delay due to the complexity of a double system of legislation and administration.

Of these faults the first is not often felt at present. The second is sometimes acutely felt, when, for example, the United States makes a treaty with a foreign government but finds itself quite unable to protect the citizens of that government against violence and wrong from a riot in some state where these citizens may be unpopular. There is no doubt that the federal government should have the power to protect citizens of other countries, and thus fulfil the solemn obligations of our treaties.

The danger of separation was illustrated in the great Civil War. Until that war there had always been some at important crises who thought a separation was lawful, and threatened to carry it out. Since the Civil War, it seems very unlikely that separation will be attempted. Our Union has become much stronger in this respect.

The need of uniformity is frequently felt. Business

men who are doing business in several states complain bitterly that it is very difficult to keep up with the various laws of these states. What is lawful in one may be unlawful in another. Another striking case of the evil of different laws is that of marriage and divorce. A person now may be lawfully married in one state, unmarried in another; lawfully divorced in one state, and still married in another. This is serious, not only for the man and woman, but also for their children, because it makes the inheritance of property by the children uncertain.

Merits of
the
federal
system

On the other hand, certain merits in a federal system are:

People unite into one nation without losing enthusiasm and pride in their own local neighborhood and in their own ancestral stocks.

It is more flexible in developing a new country where the needs of new regions are different from those of the older regions.

It prevents the rise of a despotic central government which might threaten the liberties of citizens.

Self-government by small groups stimulates interest in local affairs and secures better administration, since they will be administered by those who know them best.

It enables people to try experiments on a smaller scale and gives the rest of the country an opportunity to see how these experiments work.

It relieves the central government of a great mass of duties which are liable to be too great in number to receive proper attention.

There is little doubt that all these merits are real. The chief point to observe is that while no one in this country would probably question the great advantage

of having the two kinds of union, national union for national affairs, local union in states for local affairs—the division between these two is not fixed. When the Constitution was adopted there were no railroads or telegraphs. Each state was much more separate from the rest than is the case now. Scarcely any one did business in more than a small neighborhood. We were living and thinking on a neighborhood or state basis. Now we are doing business, living, and thinking on a national basis, and hence we are feeling the need in many ways of a different adjustment between the two kinds of union.

More important probably than the balance between local and state governments or between different sections of the country was the balance between the conflicting interests which had already caused anxiety in Shay's Rebellion.

(3) Adjustment between interests of various classes

"All communities," said Hamilton, "divide themselves into the few and the many. The first are the rich and well-born, the other the mass of the people. The voice of the people has been said to be the voice of God; and however generally this maxim has been quoted and believed, it is not true in fact. The people are turbulent and changing; they seldom judge or determine right. Give therefore to the first class a distinct permanent share in the government. They will check the unsteadiness of the second, and as they cannot receive any advantage by the change, they therefore will ever maintain good government."

James Madison, who was one of the leaders in drawing up the new Constitution, makes a similar statement as to government. It must meet the problem of the conflict between the poor and the rich, the debtors and the creditors, the landowners, and the manufac-

turers and merchants. His statement is so instructive as to the purpose of the checks and balances that it deserves to be studied by all who would understand our Constitution.

“But the most common and durable source of factions, has been the various and unequal distributions of property. Those who hold and those who are without property, have ever formed distinct interests in society. Those who are creditors, and those who are debtors, fall under a like discrimination. A landed interest, a manufacturing interest, a mercantile interest, a moneyed interest, with many lesser interests, grow up of necessity in civilized nations, and divide them into different classes actuated by different sentiments and views. The regulation of these various and interfering interests forms the principal task of modern legislation, and involves the spirit of party and faction in the necessary and ordinary operations of the government.”

No one
interest
should
prevail

How was the balance between these various interests effected? Chiefly by making it difficult for any one interest to prevail. That is, in the words of Professor McLaughlin, by framing a government which could not “do things,” as contrasted with one which could “do things.” Before any measure can become a law of the federal government, it must pass the House of Representatives and the Senate, be approved by the President, and finally in case it is challenged as unconstitutional, be passed upon by the courts. This would not necessarily provide for the approval of different interests, but it was evidently the supposition of the Fathers that as a matter of fact these different agencies would represent different interests. The House of Representatives would represent the mass of voters. The Senate, on the other hand, it was supposed, would represent the more conservative, property-owning class. The President, according to the original plan,

would not be chosen directly by the people, but by selected representatives who would, it was thought, naturally be more conservative than the mass of voters. Finally, the judges of the Supreme Court would be appointed by the President. They would therefore be at least as conservative as he. And besides this, the profession of Law has always been, by its very nature, adapted to make men conservative. Judges look for general rules. They study past decisions. They feel bound to decide matters and often to consider matters not in accordance with what they personally believe to be right or desirable, but in accordance with what has been established by some other authority to be the law. Hence it was a fair assumption that the Supreme Court, which would be the final authority in the case of interpreting the Constitution, would be a highly conservative body.

Property owners were given certain direct protection in the Constitution. One great class of property at that time was property in slaves. The Constitution provided that the slave-trade should not be prohibited before 1808. More important than this, it provided that runaway slaves who escaped into another state must be returned by the authorities of that state to their owners. A further protection against taxation of property was the provision that any direct taxes levied by the federal government must be in proportion to the numbers, that is, the great mass of the poor or comfortably situated voters could not lay taxes upon people in proportion to their wealth. Only recently has this injustice been somewhat corrected by the authorizing of an Income Tax. Finally, in an amendment adopted in the first year under the new government, the old provision that no one should be

Protection
to
property

deprived of life, liberty, or property without due process of law" was reaffirmed. It is evident that the rights of the men of property were very carefully guarded.

Protection
for other
interests

Where does protection for the other interests find place? If the Constitution is a system of checks and balances, where does the mass of people who are not property holders come in? It was probably the assumption that the great mass would not need protection against the few; it would be rather the few who would need protection against the great mass. One provision was inserted which gave the House of Representatives a certain seeming advantage. It was provided that "all bills for raising revenue shall originate in the House of Representatives." In England the power to vote supplies to the king had been a highly important power of the House of Commons. It was doubtless thought that this provision of the Constitution would give the House of Representatives an advantage which would counterbalance the greater power of the Senate in other respects, for example, in approving treaties and confirming appointments by the President to important offices. In practice this power has not proved very important, as the Senate has frequently substituted an entirely new revenue bill of its own under the guise of an amendment to the bill prepared by the House of Representatives. Aside from this, there is little if any explicit provision for the direct benefit of the interests which Hamilton regarded as opposed to the interests of property. But here again, as will be shown more clearly in our section under Democracy, the whole thought of the makers of the Constitution was that in a democratic government the danger would always be in hasty and unjust action by the majority. They had no fear that the minority could oppress the ma-

majority. They were afraid that the majority would rob or oppress the minority under the powers of the government. They meant to make it impossible for the government to do anything suddenly. They meant to make it very difficult for the majority to do anything to which a minority objected. Yet they did not make this absolutely impossible. They provided for amendments to the Constitution. They made the process of amending the Constitution so very difficult that it has at times been regarded as practically impossible to secure an amendment. And yet no one can fail to see that in the century and a quarter since 1787 the popular interest has found ways to make itself felt in various lines not directly provided. The balance was not so one-sided as it may seem.

The Union of the Constitution was then a "more perfect union" than our country had known before. It was probably the most perfect union which could have been secured at that time for the conflicting interests. It was a union which has served marvelously well for the interests which at that time came within the vision of the Fathers. If we now once more feel in many ways the need of a more perfect union it is because we are facing new conditions which the men of 1787 did not and could not foresee.

The Union
has served
well

CHAPTER XX

GROWTH IN THE IDEA OF UNION

Early
strains
upon the
Union

FOR many years after the Constitution was adopted no great strain came to test the Union which had been established. To be sure there were different interests in different sections of the country. New England had been a commercial region with a large shipping interest, but it suffered so severely from the hostility of England and France in the beginning of the nineteenth century that this shipping interest declined. When England and France were at war England refused to permit other countries to trade with France, and Napoleon forbade trade with England. New England therefore turned to manufacturing and wanted a protective tariff. A tariff is a duty or tax levied on goods imported from another country. A tax upon woolen clothing imported from England would allow the American manufacturer to obtain a higher price. Other parts of the country, especially the South, did not favor a tariff. Their interest was to raise cotton and sell it to England. They therefore favored freedom of trade. Another issue upon which different parts of the country had different views was that of internal improvements. The people in the newer parts of the country wanted roads and canals built to make it possible for them to travel and to take their products to market. The manufacturing communities also favored this policy. On the other

hand, other parts of the country did not wish to spend money in this way. It seemed to them like taxing one part of the country to help another. It wasn't always easy to see that what helped the new parts of the country would in the long run help the older parts also.

Nevertheless there were many forces at work which were constantly bringing about a greater union between all parts of the country. First of these was the provision of the Constitution for free trade between all the states. No state could lay any tax upon goods brought in from another state. This was the first time in modern history that this method of free trade had been tried on such a large scale. Europe was divided up into a great many states and each had its system of duties or customs levied on all goods brought in from abroad. The amount of the tax might not be so great an obstacle in itself, but it was a great irritation to have to submit to an examination of all luggage and goods of all sorts. From the time of the adoption of the Constitution there has been a steadily increasing development of trade between all parts of our enlarging country. And when we trade with people we are more likely to be friends with them.

The second great agency for promoting union has been the inventions which have made possible better knowledge and easy communication. The Constitution itself provided that Congress should have power to establish a post office. At first the rates of postage were high, and people could not afford to write often nor to have many newspapers. It was the great invention of the steam engine as applied to steamboats, railways, and printing presses that made the post office the great agency which it now is, so well described in the inscription on the Washington Post Office.

Forces
promoting
union

(1) Trade

(2) In-
ventions

INSCRIPTION ON THE WASHINGTON POST OFFICE

*Messenger of Sympathy and Love
 Servant of Parted Friends
 Consoler of the Lonely
 Bond of the Scattered Family
 Enlarger of the Common Life
 Carrier of News and Knowledge
 Instrument of Trade and Industry
 Promoter of Mutual Acquaintance
 of Peace and Good will
 Among Men and Nations.*

When we know people we are far more likely to remain friends. The less we know them the more likely we are to be suspicious. If it had not been for the railroad connecting the Pacific states with the eastern part of the country, it is very doubtful whether we could have remained one nation. In still more recent times the telegraph and telephone have come to strengthen the bonds of union between city and country, and between various sections of the Union.

Slavery
 the great
 strain
 upon the
 Union

But while all these forces were steadily making for greater union, one great cause of division was left in the Constitution. This was slavery. In early colonial times slaves were held in all parts of the country, and in 1790, when the first federal census was taken, slavery existed in all the states and territories except Vermont, Massachusetts, and the district of Maine. There were very few slaves in New England, but there were almost as many in proportion to the population in New York, New Jersey, and Delaware as in Georgia and Kentucky.

Cotton
 became
 king

But in most parts of the country slaves had been chiefly house-servants or personal servants. A new epoch came when great cotton plantations in the lower

South and the Mississippi Valley proved the most profitable enterprise of the time. "The plantation owners increased their exports alone from \$25,000,000 in 1815 to \$250,000,000 in 1860, which gave them almost twice as great an income as all other exporters combined."

Thomas Jefferson was a Virginian, but he was strongly opposed to slavery and hoped to provide in the new government for its abolition. Gradually, however, the great Democratic Party, which was at first largely a party of peasant farmers, came to be more and more identified with the great plantation interest. On the other hand, people in the Northern States became increasingly opposed to slavery. At first there was little disposition to question the right of slavery within the region where it had been established, but there was strong objection raised to its spread into the newer Northwest country acquired in the Louisiana Purchase. Missouri, Kansas, and the neighboring region were the seat of contention. The North was gradually building up industries on a system of free labor. Many believed that the increase of slavery would make it harder for the independent farmer and laborer to prosper. Finally an increasing number of Northern people came to believe that slavery was wrong. The great Presbyterian, Baptist, and Methodist churches divided on this. The Northern churches condemned slavery, the Southern churches upheld it. One of the fairest statements as to the sincerity of both sides in this great issue was that of Lincoln in 1854:

They (the Southerners) are just what we would be in their situation. If slavery did not exist among them they would not introduce it. If it did now exist among us, we should not instantly give it up. I surely will not blame

them for not doing what I should not know how to do myself.

Webster
as
advocate
of the
Union

The great point for our purpose is that it was the question of slavery which was the greatest strain upon the unity of the nation. At first, statesmen like Daniel Webster made great efforts to exalt the sentiment for union without going into the radical causes of separate interest. Webster insisted that the Union was not a mere matter of profit and loss, that it was not to be preserved "while it suits local and temporary purposes to preserve it; and to be sundered whenever it shall be found to thwart such purposes." He believed "that the union of the States is essential to the prosperity and safety of the States." (First Reply to Hayne.)

"It is to that Union that we are chiefly indebted for whatever makes us most proud of our country. That Union we reached only by the discipline of our virtues in the severe school of adversity. It had its origin in the necessities of disordered finance, prostrate commerce, and ruined credit. Under its benign influence, these great interests immediately awoke as from the dead and sprang forth with newness of life. Every year of its duration has teemed with fresh proofs of its utility and its blessings. . . . It has been to us all a copious fountain of national, social, and personal happiness." (Second Reply to Hayne.)

Liberty
and
Union

Some of the Southern leaders had set off liberty against union. They had stood for what seemed to them the liberty of their own part of the country to manage its affairs as it pleased and had regarded the Union as interfering with that liberty. As contrasted with any attempt to calculate the exact profit and loss or to oppose liberty and union, Webster ended his address with words which became classic and stirred a

great depth of feeling for the Union. He prayed that his last look might be upon the flag of the Republic,

“not a stripe erased or polluted, not a single star obscured, bearing for its motto no such miserable interrogatory ‘what is all this worth?’ Nor those other words of delusion and folly, ‘Liberty first and Union afterwards’ but . . . that other sentiment, dear to every true American heart,—Liberty *and* Union, now and forever, one and inseparable!” (Second Reply to Hayne.)

Henry Clay was known as the Great Compromiser because he sought to compromise between the North and South in the division of the new territory which from time to time was being added to the nation. But gradually the conviction increased which was expressed by Lincoln: “‘A house divided against itself cannot stand.’ I believe this government cannot endure permanently, half slave and half free;” and the Civil War was the outcome.

Few in the South would now wish to have two nations instead of one even if this were possible. The fact is that the great interests of trade, of common ancestry, and common purpose, are so strong that the country is naturally adapted for one great nation. The interests of each part are so bound up with the interests of the rest that all gain from union. The tasks which lie before us are tasks which we can only accomplish as a united people. Only through mutual help and coöperation can we do the largest things.

A united
people
can do
great
things

CHAPTER XXI

PRESENT PROBLEMS OF UNION

THE present problems of union arise in part from our inheritance and in part from new tasks with which the country is confronted. These are (1) union between different races, (2) union between different classes, (3) union for the great tasks of conservation of resources, improving health, and protecting the individual. In short, the need of union is to do together what we cannot do separately. In early times this meant chiefly defense against enemies; now it means chiefly control over nature, defense against disease, and finally defense against harsh or unfair treatment of one class by another.

(1) Race
problems

It is hard to say whether the most difficult problem of our country today is the race problem or the labor problem. The race problem is probably as old as the human race itself. At any rate, as far back as we can go in history we find people of different tribes and races fighting with one another. We have seen that in savage society all of the same tribe or group stood closely by one another and practised blood revenge upon any other group in case of injury by some one of that group. When certain tribes or races, such as the Assyrians or Romans, grew strong, they set out to conquer all other peoples. In some cases they even exterminated those whom they conquered. In other cases they made slaves. In our country it was the desire of men to gain wealth and property which led

In the
South

to the bringing in of negroes for slaves. So long as the negroes were in slavery there does not seem to have been so much race feeling against them. They acted as nurses, and housekeepers, and personal servants. In many cases they were greatly attached to those whom they served and, on the other hand, the whites felt strong affection for them. Many illustrations have been given of the devotion of each to the other. It has frequently been noted that during the Civil War the men of the South were almost as a rule away from their homes. The negro servants were left in charge of property and families, and were faithful to the trust. Moreover, it is an interesting fact that the negroes themselves owned slaves. No less than eighteen thousand slaves were the property of negro masters. There was no competition between white and black. Each had his separate sphere and remained within it. After emancipation the whole situation was changed. By the Fourteenth Amendment to the Constitution the negro was granted civil rights; then, by the Fifteenth Amendment, the right to vote. In many states there were more negro voters than white voters. Governments elected by the negro majorities were often extravagant and plunged the states into debt. Naturally those who had been for centuries slaves and without any training or education in self-government could not be expected to become at once intelligent citizens. Various other occasions for conflict arose. The habit of steady labor has been acquired by the white races through long development and under the influence of many motives—gain, reputation for thrift, and industry. The white man of today has very largely come to feel that labor is honorable, although large numbers of white men still regard any kind of manual labor as dishonorable and

beneath a gentleman. The negro associated work with slavery just as the earlier gentlemen of the white race had associated manual work with slavery. Hence when he was freed, he in many cases thought it would be a disgrace to work as he had done. This made it very difficult for the Southern farmers to obtain help. Or again, the colored man might work for a time but leave just as the crop needed his attention, and thus cause great loss. For these and various other reasons there has been an unhappy condition of discord.

In the
North

In the North the race problems have been of another kind. The early settlers in the country were very largely English. A considerable number of Scotch and Irish settled in the interior of Pennsylvania and along the upland and mountainous ridges extending southwest through Virginia and the Carolinas. There was also a German population in Pennsylvania which for many years used the German language and had little to do with the English-speaking neighbors. But the British stock in 1790 composed a little more than ninety per cent. of all the white population, the Germans less than six per cent., and the Dutch two per cent. English and Dutch had some race feeling. The New England phrase for something very outlandish or extraordinary was "That beats the Dutch." Better acquaintance soon overcame the trivial differences between these races. The great streams of immigration which have come to the country since 1840 have raised problems not so much of social unity as of industrial competition or political organization. The Irish began the great movement, driven from home by famine. A great German immigration was caused by efforts at revolution in Germany which were severely put down by the government. In recent years immigration has largely ceased

from Northern Europe, and great numbers are coming from Italy, from Greece, and from the Slavic races in the southeast of Europe. Numerous Jews have come from Germany and more recently from Russia. The earlier immigrants scattered widely through the country, the Germans, Scandinavians, and British very largely taking up farming land. The Slavs, Italians, Greeks, and Jews stay much more largely in the cities, except that the Slavs have gone in great numbers to the mining regions.

The following table of the nationalities in New York City, in 1910, shows from how many strains our immigrants now come. The wonder is that so many different races and groups can get on together at all.

THIRTEENTH CENSUS. POPULATION 1910

Nationalities in New York City, 1910

Foreign-Born White:

Born in	Born in
Austria	Roumania
Denmark	Russia
England	Scotland
Finland	Sweden
France	Switzerland
Germany	Turkey in Asia
Greece	" in Europe
Holland	Other foreign countries
Hungary	Canada—French
Ireland	Canada—other
Italy	Cuba and the West
Norway	Indies

Other Races than White:

Negro	Japanese
Indian	All other
Chinese	

On the Pacific coast there has been little immigration from Europe, but after Chinese laborers had been brought over to aid in building the railroads, vio-

On the
Pacific
coast

Different
standards
of living

lent agitation arose against further coming of the Chinese. In recent years Japanese have come in considerable numbers, but at present, by agreement with Japan, Japanese laborers are not permitted to come to the country.

The present problems which are created by immigrants are very largely those of the standard of living. Most of those who have come in recent years have been accustomed to very meager expenditure. The Chinese who lives upon simple, inexpensive food is willing to do work for very low wages. The same is true of the newly arrived Italian, or Greek, or Pole. In the cotton mills of New England the native Americans were succeeded first by Irish, then by French, and still later by Poles, Syrians, and others. In New York and some other large cities, great numbers of Jews have found employment in the garment trades. The fact that many recent immigrants do not speak English makes it more difficult to organize them into labor unions. They tend to crowd together in their houses and thus lower their expense for rent. All this keeps wages down.

Politically the different nationalities have naturally tended to keep together. Men of the same nationality are very apt to vote for the same candidates and to belong to the same political party. The Irish have very largely belonged to the Democratic Party, the Germans and Scandinavians to the Republican Party. As newcomers in a strange country, they are often influenced much more by their feelings of sympathy with others of the same race than by the principles of the party, or by the question of which is the best man for the position.

What is likely to be the future of these race con-

flicts in North and South? The race conflicts in the North are the easier of solution. In the first place, immigrants rapidly learn the language and standards of the country. Children are ambitious for education. Young people imitate not only styles of dress but manners and customs. Workmen soon wish to have higher wages. Some think that this solution is sufficient. Others have believed that in order to preserve American standards of living and prevent such riots and violence as we have often seen in Pennsylvania, in West Virginia, and in New England, where large groups of foreign-speaking people have come into conflict with employers and sometimes with the officers of government, it is necessary to limit immigration or to establish a "minimum wage." It is urged that it is unfair to workingmen to have their wages continually depressed by newcomers. Measures have repeatedly passed Congress providing for limiting immigration by excluding those who cannot read and write in some language. Two such bills were vetoed by Presidents Cleveland and Taft. A third bill was enacted into law in 1917, despite the veto of President Wilson. Measures for fixing a minimum wage for women have been adopted in several states.

Proposed solutions in the North

The problem in the South is undoubtedly more difficult. Difference in color adds to all the other reasons for separation. Yet there is much evidence that the worst period has passed. At any rate, certain lines of improvement appear. Under the influence and leadership of General Armstrong, Booker T. Washington, and their pupils, a different view of work has been gaining ground among the colored people. They have been made to see that the capable farmer or carpenter is respected. There has been an extraordinary increase

Improvement in the South

in the value of farms and other property owned by negroes. Property is, on the whole, a greater source of strength to the negro than the ballot. It promotes in the negro, as it has in the white man, sobriety, reliability, regard for the opinions of others. The great ideal which Doctor Washington tried to set before his people was that of pride in their own race and in its possibilities rather than an ideal of imitating the white man and measuring themselves entirely by his standards. There can be little doubt that such an ideal tends not only to self-respect but to harmony. Two persons get on very much better if each is content to be himself. The two races are different in many respects. It is not wise to ignore this. Differences between races may be compared with differences between sexes: men and women are different, but this does not mean that a man is inferior to a woman or a woman is inferior to a man. If colored people can come to take pride in their own achievements and institutions, this would seem one of the most hopeful first steps toward mutual respect.

(2) Capital and labor

In earlier times the difference between the interests of different parts of the country and then the difference between the interests of slave production and free production were the greatest obstacles to union; at present the differences between Capital and Labor are our most serious divisions. In the early life of this country employers and workmen knew each other well. They were of the same race, spoke the same language, grew up side by side in the same schools, and when industry and business were on a very small scale no very sharp separations appeared. The farmer and his "help" worked side by side. The foreman in the small factory might expect to become the mill-owner. There

were no such enormous fortunes as those of today. No one was very rich. Some might be poor, but there was no such thing as a "wage-earning" class.

At present there is a "wage-earning" class. In the great cities this class lives in a separate part of the city. Its children attend different schools from those attended by children of the employers. The Industrial Revolution is responsible for this separation. Politically it has not as yet been true that the "wage-earning" class has voted as a body. It has usually divided much more along race lines than by Capital and Labor groups. Yet it is not unlikely that in the future lines will be drawn more frequently between the interests of employers and those of wage-earners. The Socialist Party arose in Germany to represent especially the interest of the working class. In this country workingmen have as yet preferred to improve their condition by trade-unions rather than through a political party. It is worth while to see clearly what the two methods stand for.

The reason for some kind of union on the part of the laborers is evident. Capital is organized in great bodies. The individual laborer alone is in no position to secure any advancement in wages, unless in times of great scarcity of labor, nor to secure any adequate protection from the risks of modern machines and from industrial disease unless the employer chances to be unusually farsighted or humane. The very organization of our business and industry in great corporations separates the owner from the workman and thus cuts off the natural ties of union which used to hold them together. There are two ways in which workmen have tried to even up their conditions. (a) By forming labor unions. (b) By forming a political party.

"Wage-earning" class

The two resources of working people

(a) Trade unions

The trade-unions are made up, for the most part, of the more skilled workmen. They aim to secure better wages, shorter hours, and better conditions for working, by making "collective bargains." A collective bargain is one in which a representative of the union agrees with the employer on a general rate of wages for all the men who do the same kind of work, instead of allowing each workman to make the best terms he can. In case the union has not been able to agree with the employer the chief reliance has frequently been a strike. When the employer has attempted to secure other workmen and go on with the business, there has frequently been violence. The root of the matter is, of course, that the workman cannot live very long without wages and often cannot turn to any other employment. Hence he becomes desperate when he sees himself in danger of losing not only his chance of increased pay, but his only means of livelihood, his "job," as well.

On the other hand, as unions become better organized and include more nearly all the workmen of a given trade, there is much less likely to be violence. Nevertheless within the past twenty-five years there have been many collisions between employers and workmen so serious as to cause great anxiety in the minds of thoughtful men.

(b) The political party

The other form of union which workingmen have adopted is the political party. This is not limited to skilled workmen but seeks to include all classes. Those who favor this plan claim that when Capital is fully organized in the great corporations, workingmen cannot hope to secure good conditions by bargaining. They claim that the capitalist always has an advantage because he is in no hurry to make a bargain, while the

workman cannot wait long. They claim further that strikes are less and less likely to succeed as Capital becomes more strongly organized. Hence they urge that the only way for the workingman to secure better conditions is through laws. And the only way to secure laws is through uniting in a political party. Some who hold this believe that there will never be a fair and just basis of work until the public manages all the great industries such as the telegraph, telephone, railroads, banks, and factories which make the necessities of life. This has been the view of some in the Socialist Party. Many not in the Socialist Party do not think it is necessary for the state to own and manage all these industries but do believe that the state must regulate them.

The capitalist, on his side, was at first very reluctant to recognize the right of men to combine at all. He often refused to deal with the unions and said he would deal with the men as individuals only. Some employers who took this position were sincere in thinking that this was a fair method. They wished to do what was right by the men. They simply did not realize that they had an enormous advantage. They did not appreciate that even if they wished to be fair, the workman might reasonably fear to complain of dangerous machinery, of long hours, or of low wages lest he be dismissed. The capitalist was apt to forget all this. Other employers might be less sincere. Many took the view that their business was their own and they might manage it as they pleased. They did not want any outsider coming in to tell them how they should conduct it.

Opposition
of
capitalist

It must be said also that some of the demands of unions have been irritating. In some unions there

is a definite rule as to how much work can be done in a day. A good workman is not allowed to do more than this even if he can easily do so. Unions have also sometimes resisted the use of machinery. On railroads it is claimed that the unions have often interfered with rules intended to make travel safe. If a man was careless, a railroad manager might think it necessary to discharge him in order to prevent accidents. It is claimed that unions have often interfered to prevent careless men from being discharged. The chief objections, then, to unions are that they are in some cases violent, that they have sometimes resisted improvements in machinery, that they have limited the amount of work that men should be allowed to do, and finally that they have sometimes caused strikes, to worry or harass employers when there was no just ground.

We are not attempting just here to say how far either side is right or wrong in all these points. We are simply noticing the reasons for the separation between classes. These differences will not be settled at once. Every American is likely to have opportunity to do something toward helping to settle them, but there is one principle which we can see clearly must be observed if we are to preserve unity and be one people. First, no one has the right to think only of his own interest or of the interest of his own class or group. We all have an interest in the great Union, the common life, the union which is more important than the private interest of any of us. For it is only through the Union—through the nation—that we have order, safety, peace, and liberty. May not a man conduct his own business as he pleases? Perhaps the best way to answer this is by asking another question. What is “his own business”? Of certain kinds of business, such

The
common
interest
greater
than the
private
interest
of capital

as railroads and warehouses, the Supreme Court has said that they are "affected with a public interest." They are so important for the general welfare that the public properly controls them. But is it not true that every business affects some one else than the owner? Certainly if a man has a machine shop which is dangerous to workmen, or if he conducts a hazardous business such as that of making powder, or white lead for paint, which is the occasion of accident and disease, he is affecting others. If men are maimed, or rendered ill, public charity may have to step in. If wages are too low to support men and their families in health and efficiency, the whole nation suffers. For an employer to take the position that he will not allow workmen to unite in order to deal with him on terms of equality, that he will have nothing to do with unions, and that he will resist any effort of the public to regulate his business, is to forget the larger public interest. It is not good citizenship.

On the other hand, the labor unionist has likewise or of labor at times forgotten his citizenship. It is, of course, very hard for the under dog in a fight to remember the rules of the game. The workingman has usually been the under dog. When he has resorted to violence, when he has beaten or killed non-union men, when he has dynamited buildings or bridges that were being built by non-union men, he has not been a good citizen. Despite bad conditions in our factories and on our railways, despite the fact that it has often been hard to get protection by law for the lives and health of workingmen, despite the backwardness of our government, in many ways, as compared with the governments of Europe, it is nevertheless true that our country has been on the whole the best which the workingman has known.

It is also true, as all the most thoughtful leaders of the trade-unions profess, that the workingman can gain only through public sentiment. He must have the help of all. In other words, it is only through the power of the nation that he can receive just wages and proper protection to life and health. Of all classes in the community he has the strongest interest in the Union. The employer needs the state and nation and their law to protect his property; the workingman needs the state and nation and their law to protect his very life and liberty.

CHAPTER XXII

DEMOCRACY AS SELF-GOVERNMENT

DEMOCRACY is used in this discussion in two senses: democracy meaning self-government and democracy meaning equality. We do not intend to use the word "Democracy" in the sense which is so common among us,—the name of a particular political party, as when we say that Woodrow Wilson was the candidate of the Democratic Party. In Greece, where the word was first used, it meant rule by the common people, the free citizens, as distinguished from rule by a king or by a few. Rule by a few was called oligarchy or aristocracy. Growing out of this usage is the meaning of democracy as self-government. But at the same time, besides its meaning of self-government or government by the people, it included also the second meaning, equality. Our Declaration of Independence was a great democratic document in both of these senses. It affirmed that all governments derive their just powers from the consent of the governed. This was democracy in the first sense. It also declared that "all men are created equal." The words of Abraham Lincoln at Gettysburg are often quoted as expressing both these aspects of democracy—"a government of the people, for the people, and by the people." For although the word "equality" is not used, the words "for the people" evidently mean, for the whole people, and not for some special class of the people. "For the people" implies, then, that all men

Two meanings of democracy

(1) Self-government

(2) Equality

have an equal right to be considered, although, of course, it may not mean that all men are equal in all respects or for all purposes.

We shall consider these two meanings of democracy separately, and in the first place we may well ask, Why do the American people believe in democracy in the sense of government by the people.

Four
reasons
for self-
govern-
ment

Many reasons might be urged for rule by the people. Let us consider four. (1) No other kind of government is right, for no one has a right to govern another without that other's consent. (2) It gives a better government. (3) It makes people more intelligent and responsible. (4) It is less likely to plan and wage wars of aggression. We can see that it was the first of these reasons which was strongest with our forefathers; today we are putting more emphasis upon the last two.

(1) No
other gov-
ernment
is right

The first reason appeals to men who have been oppressed or treated unfairly by any government. As we saw in the earlier part of this book, in the clan or tribal life there was really a sort of self-government. The old men of the group handed down customs and decided quarrels, but the group did not think of them as really making laws. Frequently the old women would have as much influence in certain matters as the old men. Obedience to customs was not forced, but was given as a matter of course.

But in military life the chief came to the front, and if he were successful, became the king. He was often thought to be divine and his commands were sacred. Or if he was not regarded as divine, he was at any rate so strong that his commands were obeyed as law. It has been gradually and step by step that the people have gained any right of making laws in modern Eu-

ropean states. Because of the long, hard struggle which was still fresh in mind when the early settlers came to America, men prized the right to govern themselves. And though they did not at first object to a king, they did insist very strongly upon regulating their own affairs in all the ways which their original charters allowed. In their great Declaration they did not affirm a completely new principle when they declared that all governments derive their just powers from the consent of the governed. Philosophers had said many times that the right to rule came from the will of the people. Nevertheless, the Declaration was the boldest, strongest statement of this principle which had ever been made by the representatives of a whole people, and it made an epoch in the world. Many in Europe do not believe in this principle at all. They believe that certain kings or emperors have a divine right to rule. The American idea is that while the little child needs to be ruled by its parents, and the insane or criminal have to be cared for or restrained by others, no one class of people has a right to rule other classes. As Lincoln declared in his reply to Douglas, "No man is good enough to govern another man without that other's consent."

Two questions may come up at once when this is said. Did our Fathers think this applied to slaves? And does it mean that every one must consent to every law or to the government as a whole in order to make the law or government right? The answer to the first question is easy. No doubt our forefathers did not apply this to slaves. The second point is more difficult. One philosopher, Rousseau, thought that to make a government just there must be at the outset unanimous consent to form a government. But when

Why the majority should rule

forming the government, those who entered into it might agree unanimously that when the government had been established, a majority should rule. This would make a majority rule just and right because all had agreed to it originally. We now recognize that men do not make governments by unanimous consent. Much less does every one in a country agree to every law. Nevertheless, we do assume that people who live in a country accept the government as a whole. Where there is free discussion and a free ballot, we think that the choice of the majority is, on the whole, the only practical way to settle any question. If the majority does not rule, then the minority rules. In the long run, the majority would seem to be more likely to be right, provided that matters have been thoroughly and fairly discussed.

The majority must respect the rights of the minority

But, on the other hand, it does not follow that a majority is always right. Nearly every great reform, every new principle of progress, begins with a few. At first these will be in the minority. It is often only after years of discussion that they can persuade the majority to adopt the minority view. But the majority is not only slow in adopting new ideas, it is also liable to decide matters selfishly. In such decisions it may be oppressive and disregard the interests and rights of the minority. It is for this reason that certain rights are secured by a more permanent form of law called a Constitution. We have seen how anxious the makers of the United States Constitution were to provide checks and balances to prevent the majority from interfering with the rights of the minority. Nevertheless, it is the American principle that, when they have fully thought things through, men are reasonable, and therefore that in the long run they have a right to make

their own laws and govern themselves. The different methods for voting and for passing upon laws by the courts are all intended to make sure that we act thoughtfully and in a reasonable way.

The second reason which has been given for democracy is that it produces better government. It is sometimes said that men know what is good for themselves. Bad laws come because rulers who do not know about things, or who are looking out only for themselves, make laws for other people. No one wishes to harm himself. Therefore, if all people are represented in making laws and in executing them, there will be no chance for either ignorance or oppression.

(2) It gives better government

This argument sounds plausible, but things do not always work as the argument supposes. Wise men may know how to manage their own affairs in a better fashion than any one else can manage affairs for them, but this is not necessarily true of the ignorant. In our large cities particularly we have not yet been able to obtain very good government. A group of people frequently vote for an alderman not because he is honest or intelligent, or because he will plan for the welfare of the whole city, but rather because he will find jobs for them or for their friends. Another group of people will try to have a man elected mayor not because he is the best man for the city as a whole, but because he promises to give them special favors such as franchises for street railways, or for gas or electric lighting, or profitable contracts in constructing water works, suppling coal, and the like.

We have to confess too that what is really the will of the people is very hard to discover. The best we can say is that the will of the people will give good government only when the majority of the people both

want good government and know how to get what they want. And yet the American people believe that in the long run these conditions are bound to come. It has great faith in Lincoln's saying, "You can fool some of the people all of the time, and all of the people some of the time, but you can't fool all of the people all of the time." Here again is the opportunity for the work of the good citizen in finding out the best methods of government and in getting these methods adopted.

(3) It
educates
people

The third reason why we believe in democracy as rule by the people is that this makes people more intelligent, free, and responsible.

The great purpose of national life, the great purpose of America, is after all not so much to manage things as to help all its people to live the best life. Now to live the best life we must have efficient government, we must have capable legislators and judges, we must have good roads and good schools. But all these important things are not, after all, the most important. The most important thing is that every citizen should know what is wise and best and should try to do it. Some things can be told us and taught us by others. But the greatest lessons of life we learn only by deciding things for ourselves. We learn by our mistakes and failures sometimes even more than by our successes. A little child has to be taught at first many things which the race has been finding out through many centuries. He has to be taught what to eat and what to let alone. He is taught to be truthful and honest, to be fair and kind. But, in an important sense, no one is really taught these things by any one else. It is when we have to decide for ourselves that we really learn in a much deeper way. When I decide

for myself that I will cheat, I am deciding not only what I will do or learn, but what I will be. If I decide, on the other hand, to act squarely, I am making myself a "square" man. For no one of us is "ready-made." We are building ourselves, and the most important acts in building ourselves are learning and choosing.

Further, it is only when we have some choice in mat-
 ters that we consider ourselves fully responsible. And to be responsible is the mark of a complete man. A child is not fully responsible, for he does not understand fully what he is doing; and besides, he is in part controlled by his parents. A weak, or careless, or bad man is not fully responsible; he does not stand up squarely to his acts; he may be careless about paying his debts, or may fail to carry out contracts, or to support his family. Then the law steps in and compels him to fulfil his obligations. A thoroughly upright and honorable man will be responsible for all his acts. He feels responsible for them just because they are *his*; and this, as we said, means that he had some choice before he performed them. So in government; if we are to be responsible, that is, to be full-grown moral persons, we must have a chance to decide what kind of a government we shall have. And, on the other hand, when we do have this opportunity, we must stand up and take the consequences. We cannot evade our responsibility. We cannot charge our troubles to a king or a "boss" or to any one but ourselves. For we have chosen our own rulers and are making our own laws. If we do not like the rulers or the laws it is our business to choose new rulers and make better laws. It is just this responsibility which we cannot evade or throw upon any one else that makes democracy a great education in right living. If America had had an

for respon-
 sibility
 involves
 choice

absolute monarch like the Czar of Russia (who freed Russian serfs by a decree in 1861), slavery might have been abolished very easily. But people would never have been led to think about it and to ask whether it was right or wrong. If some of our great cities could be governed entirely by the United States army, they would be cleaner, more healthful, more beautiful, and there would be less killing and stealing in them. Yet if the people never had to make any effort to have a good government, should we not lose something very important in life?

(4) It
makes for
peace

The fourth reason for self-government is that governments responsible to the whole people are less inclined to aggressive warfare and more likely to maintain peace and good faith. Wars have repeatedly been undertaken to add to the glory of a king and the power of a dynasty. Bismarck, in his *Memoirs*, recites how he tried to induce the King of Prussia to enter the war which resulted in the annexation of Schleswig-Holstein, by pointing out to the king that each of his ancestors had added something to the territory of Prussia.

France, under Louis XIV, Russia, under Peter the Great and his successors, undertook aggressive wars of conquest. Under democratic government, France has been increasingly peaceable and Russia marked its abolition of the rule of the Czar by declaring at once that it had no desire for conquest. The United States has increasingly valued peace. In the words of President Wilson:

“Self-governed nations do not fill their neighbor States with spies or set the course of intrigue to bring about some critical posture of affairs which will give them an oppor-

tunity to strike and make conquest. Such designs can be successfully worked out only under cover and where no one has the right to ask questions. Cunningly contrived plans of deception or aggression, carried, it may be from generation to generation, can be worked out and kept from the light only within the privacy of courts or behind the carefully guarded confidences of a narrow and privileged class. They are happily impossible where public opinion commands and insists upon full information concerning all the nation's affairs.

"A steadfast concert for peace can never be maintained except by a partnership of democratic nations. . . . Only free people can hold their purpose and their honor steady to a common end, and prefer the interests of mankind to any narrow interest of their own."

CHAPTER XXIII

THREE OBSTACLES TO SELF-GOVERNMENT: CHECKS AND BALANCES; INVISIBLE GOVERNMENT; LONG BALLOT

IF democracy is so good a school for training people to be intelligent and responsible, how does it happen that we have so much bad government? It may seem that after more than a hundred and twenty-five years of self-government, the American people ought to be both intelligent and responsible. Several reasons may be given for the defects in our government. Probably no one cause will account for all of our difficulties. But before we attribute these difficulties to democracy, we need to recall that we have not always had self-government in any large degree. In particular, three obstacles may be noted which have prevented government by the people.

Checks
and
balances

As we have seen, men like Hamilton and Madison, who were prominent in shaping the Constitution, were very much afraid of government by the people. They thought it must be restrained. They provided a system of checks and balances. The whole scheme of requiring four separate approvals of a measure—by the House of Representatives, by the Senate, by the President, and in cases where any one could raise a question of constitutionality, by the Supreme Court—is admirably adapted to prevent anything from becoming a law unless all interests agree.

But the system of checks and balances did not pro-

vide any way by which the people could be sure of getting something done. It did not provide any means of holding any man or group of men responsible for carrying through any great measure and making it an effective law. Suppose that in a given year a large majority of the people wished to have the government build a canal, or railroad. They might choose representatives to Congress who might pass a measure to that end. But the senators would not be chosen at the same time with the representatives. Because of the six-year term for senators, a considerable number of them would have been chosen two or four years before the time of which we are speaking. It might happen also that the particular states which were choosing senators this year would be opposed to the railroad; hence there would be very little chance of agreement between the Senate and the House of Representatives. Further, if the President were chosen as it was originally planned that he should be, he would not have been chosen by the people directly but by a small group of electors. These men might not have cared anything about a railroad and when selecting the President might have had in mind something quite other than his views on the railroad. Finally, the members of the Supreme Court might have been appointed ten or fifteen years earlier. They might all of them entertain a view of government which would, in their opinion, make the building of a railroad by the government a work not authorized by the Constitution. Now it might or might not be well for the United States to build the railroad. The point is that under the plan of government provided in the Constitution it would be almost impossible for the people to try it and find out.

No team
work

The first great obstacle to self-government was set

Invisible
govern-
ment

up by the Constitution itself. The other two obstacles to be considered cannot be laid to the charge of our ancestors. One of them is government by special interests, which has been called by Senator Breckenridge invisible government.

Special
interests

Government by special interests is not a new thing. The makers of the Constitution were afraid of it. The great slavery interest at one time controlled the Democratic Party; the great manufacturing interest has at times controlled the Republican Party. There is, of course, a sense in which control by interests is almost necessary. If people believe that manufacturing is important and that a tariff is necessary to make manufacturing flourish, they will, of course, elect persons who believe the same. Or if people believe that free trade is a better policy, they will naturally elect free traders. But in the case of such large policies as those of Protection or Free Trade, most persons who work for them believe sincerely that they are good policies not only for them personally, but for their part of the country, and probably for the whole country. When they discuss these policies before the people, they urge their acceptance on the ground that they will be for the general welfare. So, too, labor interests in recent years have asked for legislation providing shorter hours and greater safety. They ask these things primarily for the advantage of workmen, but, in the long run, for the good of all. They might say that just as the government protects its citizens against violence by robbery or murder, so it is a measure of justice to protect working citizens against injury from machinery and disease. Perhaps we may say that any interest which comes before the people openly and frankly has a right to present its claims.

But the government by "special interests" of which we are thinking is not of this sort. It is the method practised by groups of persons, frequently working secretly, to get control of government for their own private advantage. They are not willing to come out frankly and say what they want. They know that if they should do this they would probably be defeated. It was a matter of course a thousand years ago for a king to capture a country for his own advantage and that of his army. He sometimes got up a claim that he had a divine right to it; but such a pretext was scarcely necessary. The American people have got beyond that. If a man should say boldly, "I want to be elected mayor, or governor, or senator, or President, in order that I may fill my pockets and give jobs to all my friends," the people would not stand it. He must at least pretend something better. Hence, although there have always been men and groups of men in America who have been seeking government for just such selfish ends, they have usually worked secretly. Two kinds of such groups have been specially prominent.

Secret
groups

The first kind of organization is illustrated by the activities of Tammany Hall at one period. This was a society established in New York City in 1789, the year of Washington's inauguration. At first its purposes were largely social and charitable. Later it became an important organization in civil politics. It gave special attention to the immigrants who began to arrive about 1850. About the same time a group of men, of whom William M. Tweed was the most conspicuous, got control of the society and used its power to put them into offices where they had charge of great contracts. The governor of New York, the mayor of

Tammany
Hall

New York City, several judges, and a number of other officers were from the "Ring," as this group of ruling spirits was called. They would make contracts for laying out streets or building public buildings, on the plan that the contractors should be paid much more than the work was worth. This surplus was shared with the Ring. A county court house was planned to cost two hundred and fifty thousand dollars. After three years a sum estimated at from eight to thirteen millions had been expended upon it and it was still unfinished. Most of the surplus went into the pockets of Tweed and his friends. The city debt increased eighty-one millions of dollars during two years and eight months. When people complained, Tweed asked, "What are you going to do about it?"

For a long time nothing was done about it. But finally the Ring was overthrown and Tweed ended his days in jail. How had it been possible for a band of plunderers to gain possession of the government? Was it because the people really wanted bad government? Mr. Bryce says:

"It was not such a democracy as Jefferson had sought to create and Hamilton to check that had delivered over to Tweed and to Barnard the greatest city of the Western World. That was the work of corruptions unknown to the days of Jefferson and Hamilton, of the Spoils system, of election frauds, of the gift of the suffrage to a host of ignorant strangers, and above all of the apathy of those wealthy and educated classes, without whose participation the best-framed government must speedily degenerate."

No other city has had so famous an organization as New York; but Philadelphia, Pittsburg, Chicago, San Francisco have been plundered by "rings" in much the same way and for the same reasons. Con-

trol of government for private ends has been managed with special success in the great cities, where the more well-to-do classes, often called "good citizens," have been so busy making money or in other occupations, that they have taken little part in government; while the immigrants have wanted jobs or some sort of favors, and so have been willing to vote for any one who would get these for them, not knowing or caring just what the official might be getting for himself meanwhile.

The other great type of cases in which some special interest has controlled government is what has been called control by "Big Business." The railroads were the first to control state governments on a large scale, just as the railroads were the first great organization of capital. In no less than four states it was notorious for years that the legislature was under the control of the leading railway system of the state. In at least one of these states the decisions of the courts were also so uniformly on the side of the leading railway in doubtful cases as to make the charge plausible that the court was also controlled by the railways. Control of legislature and courts would of course not mean that the railroads determined all matters, but only the particular issues in which they were interested. In some cases this would mean that they wanted special favors, such as valuable franchises. In other cases it would mean that they wanted to prevent laws that might make expense or trouble for them.

Insurance companies have not attempted to govern on any such large scale as the railroads, but the famous investigation into insurance companies, made under the charge of Charles E. Hughes, showed that the companies had spent large sums of money at Albany to

Railroad
interests

Insurance
interests

influence legislation. In some cases, no doubt, they did this to prevent what is called blackmail. A corrupt legislator plans a scheme by which to levy upon an insurance company. He prepares a bill for a law imposing some heavy burden upon any such company in his state. Then he goes to the company—or waits for the company to come to him,—with a proposal that perhaps the bill will not pass if the company is willing to pay handsomely to prevent it from becoming a law. The company may choose to pay rather than incur the penalty which is threatened. A measure of this sort is sometimes called a “sandbagging” or “hold-up” scheme. But the insurance companies did not limit themselves to defeating such “sandbagging” measures. Their officers watched all measures introduced in state legislatures and favored or opposed them as they were favorable or unfavorable to life insurance interests. No one could question that an insurance company might properly oppose a bill which it believed to be hostile to its interests, just as any private citizen might oppose a bill which he thought threatened his own interests. The suspicious feature with regard to the action of the insurance companies was that so much money expended for this purpose was in the form of “confidential” payments for “legal” expenses. In one instance the general solicitor of the company expended \$100,000 in ways known only to himself. Contributions were also made to political parties in national campaigns. (These facts were brought out in testimony taken before the joint committee, appointed in the State of New York, to investigate and examine into the business and affairs of life insurance companies in the State of New York—1905.)

Besides railroads and insurance companies, other

great interests which have sought special favors—in cities, the street railways particularly; in several states, the mining interests—have sought to influence elections, to secure the appointment of favorable judges, and virtually to govern the country for their own ends. They form what Senator Beveridge so well calls “the invisible government.”

This control of government by special interests is generally managed through party leaders, who are often called “bosses.” Bosses are of various grades. In a city there is a ward boss who knows the voters in his ward and passes around word as to whom they shall vote for. In return he finds jobs for them either with the city or with the street railway or with some other corporation that needs favors. The city boss controls enough votes in the city government to pass measures which are wanted by various interests. In return he receives contributions for the party organization. The state boss controls votes in the legislature. The railroads, insurance companies, coal or oil companies, which may want favors, give him money and he gives them votes. Usually he does not keep this money himself. He uses it to maintain the party, to carry elections. When we feel very indignant because the people are not governing themselves, we blame the bosses. As a matter of fact, it does not seem to be the boss who is so much to blame. He is simply one wheel in the machine. The blame seems to belong rather to two groups: the first, those who want to carry on government for their own advantage and seek special favors; the other, the great number of citizens who are too busy with their private affairs to take part in government. A democratic government is a splendid government in many ways, but it will not run itself. It needs much

more time and thought than most people have been willing to give to it. In early days in this country, when there were no great chances for making money by special gifts from the government, there was not such great temptation. In recent years the prizes to be gained through getting control of some state or city government have been dazzling. It is said that when General Blücher, a Prussian officer who fought at Waterloo, visited England, he was taken up into the Tower of London. When he saw the great city, he exclaimed, "What a chance for plunder!" As we read the history of the Thirty Years' War, where the chief motives of campaigns seemed to be to capture and plunder cities, we realize how well General Blücher stated the old military point of view. A city is a great chance for plunder. In modern times the easy way to plunder has been not by an army but by votes. The city of New York has given away millions upon millions to groups of men. Other cities have given less amounts.

No need
for dis-
courage-
ment

No wonder that when there have been such prizes it has been hard for the people to maintain self-government. In early times, the struggle for democracy was against a king or a nobility. Now it is against the invisible government. We do not need to be discouraged. Now that we understand the case better, we are in a much better situation. Practices which were common twenty-five or even ten years ago are now condemned. The very fact that the invisible government is no longer invisible, but is seen and understood, robs it of power.

We must not think that the railway and insurance managers and other business leaders who have sought to control government have been especially wicked men.

Many of them, when their methods have been exposed and denounced, have been greatly surprised at the indignation felt against them. Some have died broken-hearted. They were simply trying to gain profit and advantage without realizing how contrary their practice was to good government.

Besides checks and balances, and the invisible government, one of the greatest hindrances to self-government at present is the great number of offices which are filled by election. In a small town, where people all know each other, an election is a good way to choose officers, but in a state or a city it is impossible for most of the voters to learn about many candidates. Hence, when a large number are to be voted for the voter either has to depend upon voting the party ticket straight or else has to vote blindly. In some of the states, so many candidates are on the ballot that it is quite impossible to vote intelligently. At the formation of the state government, such officers as governor, lieutenant governor, and members of the legislature were provided for. As time has gone on other officers of various kinds have been added—secretary of state, treasurer, judges, superintendent of public instruction, and even clerks of courts. Counties and cities have numerous officers. One can learn something about candidates from the newspapers, but little is usually said about the candidates for the minor offices. At the last presidential election each voter in Chicago was called upon to express his choice for twenty-nine presidential electors, and for over fifty state, county, sanitary district, and city officers. Of course he need not bother himself about the presidential electors, for he could merely look to see whether they were for Wilson, Hughes, Benson, or Hanley. He also knew something

Long
ballot

about the candidates for governor; but as to the rest he probably knew almost nothing.

The natural result of a long ballot is that only the inside, or professional, politician knows what he is doing. To vote for fifty officers at one time is not really government by the people; it is government by the "machine." A very unfit candidate may be smuggled into office by this method. It deserves to be called "unpopular government" rather than "popular government."

Short
ballot

The plan proposed to remedy this is the short ballot. The principle of this is first, that only those offices should be elective which have to do with the policy of the government and are important enough to attract and deserve public interest; second, that very few offices should be filled by election at any one time, so as to permit the people to find out what sort of men they are voting for.

CHAPTER XXIV

STEPS TOWARD GREATER SELF-GOVERNMENT PARTIES AND THE PRESIDENCY

ONE step toward more direct self-government was soon taken. The roundabout way of choosing the President by electors was never abolished, but the people found a way to vote directly for President. A candidate was nominated before the electors were chosen. A set of electors who would vote for this candidate was then chosen, at first by the legislatures of the states, later by popular vote after having been nominated by party conventions. So at the last election the Democratic Party nominated Woodrow Wilson, the Republican Party Charles E. Hughes, the Prohibition Party J. Frank Hanley, the Socialist Party Allan L. Benson. In every state each of these parties also nominated a set of electors. The voter cast his vote for the electors. But he paid no attention to who these electors were. He knew that he was really voting for Wilson, Hughes, Hanley, or Benson. He knew that no elector on the Democratic ticket would dare to vote for anybody but Wilson.

Function
of the
electoral
college
changed

Nothing is said in the Constitution about political parties. Until very recently they have not been recognized by law in any way, and yet we all know that when any one is to be chosen for any office the first question asked is, What party does he belong to? We know that if any one is to be elected governor or President, he is first nominated by some political party.

Parties
as an
agency of
democracy

Why is this, and how did it come about that the real government is carried on by an agency which was not thought of at all in the Constitution?

The party really arose to supply the lack which men felt as soon as they began to carry on the government under the new Constitution. The Constitution had made it difficult for any one body to do anything unless several other bodies consented. If now the people who thought alike on some matter wanted to make laws to carry out their views, there was no machinery by which to do it. It was natural for them to combine and choose men as senators or representatives or President who would carry out their policy. The party was then a necessary means of self-government.

Early
fear of
parties

The makers of the Constitution were afraid of parties. They thought that parties tended to split up and divide the people. In his farewell address Washington said:

“There is an opinion that parties in free countries are useful checks upon the administration of the government and serve to keep alive the spirit of liberty. This within certain limits is probably true and in governments of a monarchical class, patriotism may look with indulgence if not with favor, on the spirit of party. But in those of a popular character, in governments purely elective it is a spirit not to be encouraged.”

The Federalist, a series of papers written chiefly by Hamilton and Madison in support of the Constitution, speaks of the “pestilential influence of party animosities.” But it was soon found that while the system of checks and balances might prevent government from doing harm, it made it almost equally difficult for government to do any good.

It soon turned out that there were two great groups

with different interests. The one wanted a strong central government, the other a government which would interfere very little in states' rights. The military group, who had seen the evils of a weak government in time of war, wanted a strong government. Those who wished to develop banking, commerce, and manufacturing felt the same way. These largely made up the Federalist Party. On the other hand, Jefferson did not believe in encouraging manufactures. He said:

"While we have land to labor, let us never wish to see our citizens occupied at a workshop or twirling a distaff. . . . Let our workshops remain in Europe. It is better to carry provisions and materials to workmen there than to bring them to the provisions and materials and with them their manners and principles. . . . The mobs of great cities add just so much to the support of pure government as sores to the strength of the human body."

Moreover, Jefferson had great faith in the masses. "He still adhered to his doctrine," says Professor Dodd, "that most farmers are honest, while most other people are dishonest." A great new population along the upland border region of the South were very favorable to Jefferson's views. He introduced a new line of divisions. Instead of the first line separating North from South "he had drawn a line from northeast to southwest, from the town of Portsmouth in New Hampshire to Augusta in Georgia, west and north of which almost every man was his devoted admirer." The party which he formed was, in the words of Professor Dodd, "a party of practical idealists in this country, never likely to reappear—a party of peasant farmers led by a great peasant planter in a nation ninety-five per cent. of whom were peasant farmers."

At a later period, under the leadership of Southern

The
Demo-
cratic
Party

statesmen like Calhoun, the Democratic Party came to represent especially the great cotton plantation and slave-holding interest. It was the means by which all who agreed on the policy of extending slavery cooperated to elect presidents, senators, and representatives who favored slavery. Judges of the Supreme Court were naturally appointed from this same party, and hence so long as this party was in power there was unity in the government. In a similar way, those who were interested in commerce, and who believed that the government ought to build canals and make other "internal improvements," got together for common action in the Whig Party, although they did not succeed in getting control of all parts of the government in such a way as to carry out their plans effectively.

The Re-
publican
Party

The most striking example of the party as an agency for carrying through a single great idea was the rise of the Republican Party. The Democratic Party, just before the war, had come to be controlled largely by the great cotton-planting and slavery interest. The northwestern portions of the country were interested in other things. They were willing to let slavery remain where it was. But the settlers in the new states, the pioneers, did not like to have all their policies controlled by that one interest, and so in the election of 1860 the old Democratic Party, which had been in control so long, split into three groups, no one of which could poll a majority of votes. The newly formed Republican Party, which numbered among its adherents the voters of the old Whig Party, together with many of the Democratic Party who were opposed to the spread of slavery, was able, as a result of the split in the Democratic Party, to elect Lincoln. For twenty-four years, beginning with 1860, the Repub-

licans remained uninterruptedly in control of the national government, and of the state government in most of the Northern states. Indeed during the whole half-century from 1860 to 1912 it may be said broadly that government was carried on by the Republican Party, since there were only two Democratic administrations of four years each in that time. Thus, during the first half of the last century of our national life, the government was chiefly through one party, for the second half through another party. All important officers of government were selected by these two parties; all important laws and policies were decided by the members of these two parties.

Another step toward democracy in the sense of self-government has been the great change in the presidency by which the President has become the recognized head of his party. The party was a means of getting "team play." But who should be captain of the party team? At first there were several "captains," or leaders, men who planned things. But they often worked in secret, and there was no recognized head who could be held responsible. It was quite foreign to the original idea of the presidency that the President should in any way influence Congress, much less that he could be held responsible for what his party did in Congress.

The original idea of the President was that he should be independent of Congress and that Congress should be largely independent of him. When the Constitution was under discussion, some were afraid that the President would have too much power, although it was finally decided to give him the right of veto, with the provision that if a vetoed bill should afterward receive a two-thirds majority of both houses of Congress it should become a law, notwithstanding the veto. The

The President as agent of democracy

The original idea of the presidency

thought was that the President would be a sort of wise and disinterested umpire. It was considered, further, that his chief duty would be to execute the laws which Congress had passed, without himself interfering with Congress. This was a part of the plan of checks and balances.

The
President
nominated
by a
party

The first great step toward changing the position of the President was to nominate him by a political party. At first members of Congress got together in a caucus and "recommended" candidates. Party leaders corresponded with one another and found out what the opinions were in different parts of the country; but in 1832 the various parties called conventions to nominate their candidates. The President thus became much more directly the representative of the people than he had been before. Indeed he might claim, and he soon did, that he was the only direct representative of the whole people, for senators and representatives were chosen by separate groups or sections, and not by the people as a whole. This was really working a revolution in the whole idea of the government. It came about largely through the great popularity of General Jackson, especially his popularity in the newer parts of the country, where the pioneers lived and where the influence of the frontier was strong.

Progress
of
democracy
in Great
Britain

We may compare the change in our government with a different change which has been effected in Great Britain. In both countries, during the past hundred years, there has been great progress toward democratic government. In Great Britain public sentiment has found one way of getting things done, in America another. In England, the king and Parliament were neither of them very directly under the influence of the great majority of the people of England until 1832.

Thus in the time of our Revolution the colonists blamed King George for their grievances. They did not blame the English people, for the English people did not have any direct voice in the government. The king appointed his own ministers; he controlled the election of many members of Parliament; and it was not uncommon to bribe members of Parliament by various kinds of favors to support the measures which the king desired. Three steps were necessary to give public sentiment control. First, the king must not act by himself but only under the advice (which practically meant the control) of his ministers. Second, the principle was gradually established that ministers could not expect to continue successfully in office unless a majority of Parliament supported them. Third, the election of members of Parliament must be changed so that a large part of the people should have the right to vote for them. The so-called "rotten boroughs" * which had the right to choose members of Parliament must be abolished. At present in Great Britain, if the people wish Home Rule for Ireland or a system of Old Age Pensions or any other policy, they secure it by electing a majority to Parliament in favor of the proposition. The king must select the ministers

* The House of Commons was made up of members chosen in two ways: (1) Representatives from the "counties" called "knights of the shire," and (2) representatives of the towns or "boroughs." In the course of the many centuries since these boroughs were first given representation, some of them like London had grown enormously, but others had decreased in size to almost a handful of persons. "At Old Sarum a deserted site, at Gatton an ancient wall, sent two representatives to the House of Commons. Eighty-four men actually nominated 157 members for Parliament. . . . In one case the candidate called the meeting, proposed, elected, and returned himself." (Goldwin Smith, *The United Kingdom*, pp. 320-321.) On the other hand, great cities like Manchester, Birmingham, and Leeds had no representation at all.

who are to carry on the government from the party which has carried the election. Thus in Great Britain the government is by ministers who are responsible to their party. The party is responsible to the people.

The
President
as
responsible
to the
people

In the United States the tendency has likewise been toward government by the party. But, as it might happen that the party does not always have a President and also both houses of Congress, the party in that case cannot make laws and control their execution. Hence the party claims it is not responsible. The people, however, have been gradually looking to the President more and more to carry through what they desire. Andrew Jackson did much to promote this view that the President is the people's representative. In the Civil War, the President naturally had greater authority and influence than he would have had in time of peace. In recent years, Cleveland and Roosevelt regarded themselves as responsible to the people, not only for approving laws, but for urging the passage of legislation. President Taft was criticised because he did not secure the enactment by Congress of measures for tariff reform which the party was understood to have promised in its Platform. President Wilson has conspicuously and openly taken the position that he, more than any one else, is responsible for seeing to it that what he regards as the will of the people is carried out by legislation. We may say, then, that the American people, when it began to want a government that would do things instead of a government that could not do things, first hit upon the political party as the way of getting team play, and then made the President captain of the team. The people approve the President now for doing what would have been regarded as entirely wrong one hundred years ago.

When football began to be played in American colleges there was not much "team play." Each player had his position on the team and tried to do his best, but he didn't know who was to have the ball and so he could only by accident be of any help. It was eleven players, each for himself. This method did not advance the ball very rapidly unless, by good luck, some player should find an opening and make a long run. Under the present method, when a play begins by one team, every member of that team knows who will take the ball and what he himself must do in order to help advance it toward the opponent's goal. The political party is an organized team. Sometimes it may stand for wise measures and sometimes for weak or unwise measures. But at any rate it does unite people and make them work together to carry measures through. If the people do not like the measures they can punish the party.

CHAPTER XXV

MEASURES PROPOSED FOR GREATER SELF-GOVERNMENT

WITHIN recent years there has been much dissatisfaction with various hindrances to self-government. In some cases, this dissatisfaction has been because the representatives in legislatures have not passed laws which the people have desired. In other cases, mayors of cities or other administrative officers have failed to carry out laws which have been passed. In still a third type of cases, judges have declared laws unconstitutional which have been adopted by legislatures, or have decided cases in a way which was opposed to the general view, although it may have been in accordance with the law as the judge understood it.

The
initiative

To meet these difficulties, methods called the "Initiative, the Referendum, and the Recall" have been proposed, and, in some states, adopted. The initiative applies to legislation. There may be a very general desire for a certain law and yet the state legislature may fail to enact it. In such a case, in a state which has the initiative a certain percentage of the voters may petition to have the measure submitted to a general vote of the people. If it is approved it becomes a law. This method has been used in Oregon for several years.

The referendum is a check upon legislation. The provision is that when a legislature or a city council

has passed a measure, this measure must be referred to a vote of the people before it can become a law, provided that a certain percentage of the voters petition that this be done.

The
referen-
dum

The recall is applied to officers who incur the disapproval of the people. It is provided that on the petition of a certain percentage of the voters a new election must be held at which the officer shall be a candidate for approval, or for rejection in favor of another. This has been tried chiefly upon the Pacific coast.

These new methods for expressing the will of the people are regarded by some as very valuable and by others as not merely unwise but as revolutionary. It is well to notice that we have always used the referendum and the recall, to a certain extent, in the United States. Practically every state constitution has been referred to the people for a vote; but the most striking case is the adoption of the National Constitution. The framers of this were apparently afraid that the state legislatures might not accept it and still more afraid that Congress would not approve it. They referred the measure to conventions which were to be chosen in the states for the express purpose of voting upon the Constitution. They even provided that when this new Constitution should be adopted by nine states in this way it should go into effect. This was practically overthrowing the older government in the other four states in case they should not choose to adopt the new, for in this case they would be left out in the cold.

Referen-
dum
not new

The recall is not very different in principle from the plan of having frequent elections; but it undoubtedly is more drastic. Yet all states have had provisions for some method of getting rid of officers who do not do their duty. The President of the United States and

Impeach-
ment and
recall

federal judges may be impeached by Congress. President Johnson was very nearly removed in this way. Several federal judges have been so removed. In the case of impeachment, charges against the official are presented and he has a chance to make a defense. It is a kind of trial, and in federal cases the charges must be proved to the satisfaction of two-thirds of the Senate. But in Massachusetts a judge may be removed without any trial if by a two-thirds vote each branch of the legislature passes a resolution calling for his removal.

Legislator
and
executive
represent
policies

No one objects to provisions for impeachment. There is also less difference of opinion on the question of removing an executive officer like a mayor than on the question of removing a judge. The reason for this is that there is an important difference between the duties of a legislator, or an administrative officer, such as a mayor, and the duties of a judge. A legislator is supposed to make laws for the good of the people. But he is also supposed to represent the people. He is in a sense instructed by the people. If he does not carry out the policy which his constituents desire, it is proper that he should have a chance to explain why. If the people have so much confidence in him that they are willing to take his judgment as being wiser than their own, then they may continue him in office. But if they believe firmly that a measure is right which he is unwilling to favor, then it seems entirely proper that they should choose some one else to represent them who will favor it, in case the matter is one of great importance.

It might at first seem that a governor or mayor has only to execute laws, and that therefore he is either doing his duty or is not. If he is, he ought not to

be recalled. If he is not, then he should be impeached, that is, tried before some body that will carefully consider the charges. But as a matter of fact, officers like governor and mayor really represent some policy quite as truly as do the representatives and senators or members of the city council; hence if the recall of legislators is wise, the recall of an administrative officer may well be wise also.

The judge is not supposed to decide matters of policy. He is supposed to apply the law to a particular case. For example, two of the great questions about which there has been much difference of opinion are the questions of trusts and of strikes. Now the people are supposed to pass laws to decide whether trusts shall be permitted or forbidden. It is then the business of the judge to decide, either alone or with a jury, whether such an organization as the American Tobacco Company or the Standard Oil Company comes under the law. In the case of a strike it is not the business of a judge to decide whether it is right to strike, but only to decide whether John Doe has done anything contrary to the law, either by injuring his employer's business or by injuring some workman. The law itself is supposed to be already made, either by some statute passed by a legislature or by the decisions of previous judges. These decisions, when made, were supposed to express the general sense or custom of the community as to what was right. Hence it would seem to be clear that a judge either does his duty in administering the law or else violates his duty. In the first case, he ought not to be afraid of being removed from office. Rich men or powerful men, on the one hand, and poor men, on the other, ought to feel that the judge is impartial, that he cannot be influenced

The
judge
does not

by any fear of removal so long as he is acting strictly as the law requires. This is the reason why many who believe in the recall of other officers do not believe in the recall of judges. The following is taken from *The Outlook*:

“But the judiciary are not representative,” says President Taft, “in any such sense” as the legislative or executive. “It is a complete misunderstanding of our form of government, or of any kind of government that exalts justice and righteousness, to assume that judges are bound to follow the will of a majority of an electorate in respect of the issue for their decision.” As to the recall of judges, “there could not be a system better adapted to deprive the judiciary of that independence without which the liberty and other rights of the individual cannot be maintained against the government and the majority.”

CHAPTER XXVI

DEMOCRACY AND THE COURTS

IF the reasons against recall of judges are so strong, as former President Taft thinks, why does any one favor it? Is it because people are stupid, or because different parties and interests think that by recalling judges they could escape from the consequences of disobeying just laws? To understand the reason for the agitation which we have had during the past few years we must look deeper.

The supposition which we stated in the last chapter was that the courts apply laws but do not make them. The real source of trouble is that this is only partly true. Let us examine more carefully both kinds of law, the common law and the statute law, in order to see how far judges apply law and how far they make it.

Common law we learned something about in the earlier part of the book. We saw that it was built up step by step by the English judges, as they decided cases brought before them. They based their decisions in part upon the customs of the country; in part they reasoned out what would be the fair thing in a new case. They went by previous decisions so far as these seemed to apply; but from time to time there would be something new in the matter that would have to be decided on the basis of what the judge believed to be reasonable.

In recent years many new issues have come up for decision and conditions have changed so completely

Do courts
make law
or apply
it only?

(1) In
common
law

that judges have had to do one of two things. They have had to follow the old decisions strictly, and therefore make a decision which doesn't fit the present case; or they have had really to make a new precedent. One illustration of the way in which judges virtually make a new law was the group of decisions, about a hundred years ago in England, holding trade-unions and strikes unlawful. Professor Stimson points out that there were two lines of statutes, either of which the courts might have followed. On the one hand was the old line of common law decisions as to guilds, which treated these unions as perfectly lawful. On the other hand was the old line of Statutes of Laborers, which fixed a lawful wage. The courts might have regarded a trade-union as a sort of guild, and therefore called it lawful. What they did was to regard it as "a combination of workmen to break the law by getting more than lawful wages." It is easy to see that the courts were really making a new law here by selecting which of two possible rules they would apply. Indeed there are now so many cases to which a judge may refer for a precedent in making a decision that it is almost always a question of choosing which precedent he will follow. A distinguished jurist has said, "that a judge may decide almost any question any way and still be supported by an array of cases."

Instance
the
fellow-
servant
rule

One illustration of the way in which a judge really makes new law, although he may think that he is simply following an old rule, is found in the so-called fellow-servant rule. Under the old rule of common law a servant or employee could not recover damages for an injury caused in whole or in part by the negligence of a fellow-servant. In olden times only a few work-

men would be employed together. It was easy for each to know the rest. Moreover, there was little if any machinery. Under such conditions it was not a very unfair rule. The leading case in this country in applying the rule was that decided by Judge Shaw of Massachusetts. A locomotive engineer was injured by the neglect of a switchman. The court held that the switchman was a fellow-servant, and therefore that the engineer could not recover damages. "The implied contract of the master," said the court, "does not extend to indemnify the servant against the negligence of any one but himself." Now the practical effect of this upon a great railway system employing thousands of men would be to leave the workman with practically no relief at all in the great number of cases where some one might be careless. Under the earlier methods of industry a man might know something about his fellow-servants and the risks he was taking, so that he would be reasonably safe. To apply the old rule to the conditions of a great railway system in which an engineer could know nothing about the conduct of the thousands of other men on whom his safety depends is in reality to make a new law, although the old phrases may be used.

As a result, in part, of the precedent thus set, which has been followed by the courts, very few workmen in proportion to the total number injured have received any damages. Although they and their families are ill able to sustain the losses due to the dangerous character of modern machinery, the law as thus interpreted by the courts has practically compelled them to bear the whole weight, except when statutes have been passed to abolish the older rule, or else to give compensation irrespective of who may be at fault.

What has made the above interpretation seem harder is that railways and other common carriers have been held strictly responsible for injuries to passengers or for parcels intrusted to them for shipment. It has thus appeared that the courts have protected property more carefully than they have protected the lives of workmen.

(2) In
statute
law

Instance,
the
Fourteenth
Amend-
ment

Besides the common law, the other great division of law is the statutes, that is, laws passed by Congress or by legislatures. Here it may seem that the judge cannot, if he would, make law; apparently his only duty is to decide whether a case comes under the law. But before the judge can decide this, he has to decide what the statute means; laws are usually stated in very general terms and sometimes the terms are not clear. The judge must interpret the statute. He may give it an interpretation which really makes a new law. For example, the Fourteenth Amendment to the Constitution has this clause, "Nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." Professor McLaughlin says: "By this amendment, the nation intervened to protect the citizens of the State against unjust legislation or action of the State." "Before this amendment was passed . . . the state had complete control over its citizens and could be as tyrannical as it saw fit, provided that it did not interfere with the relations between a person and the National Government or violate the few expressed prohibitions in the National Constitution."

What was the purpose of this amendment? Evidently to protect the negro from unfair laws such as those of peonage, which would virtually continue slav-

ery under legal form. At the time probably no one thought of anything else, but afterward a new question arose: Some of the states passed laws regulating railroad charges. The railroads thought these laws unjust. A court of the United States was appealed to on the ground that the law was depriving the railroad of its property without "due process of law." Now the first question for the court to decide was: Is a corporation, such as a railroad company, a "person" within the meaning of the Fourteenth Amendment? Can the state treat a corporation (or, as it is sometimes called, a "corporate person") in a different way from a "natural person"? The court held that the corporation was a person and therefore that all such laws enacted by states might be brought before the United States courts. If the courts regarded them as violating the Fourteenth Amendment it could declare them void. Now such a decision is much more important as settling a principle than most of the statutes passed by legislators; it is for all practical purposes *making* law and not merely declaring it. Or, to put the matter in other terms, it is declaring what the law *shall* mean, not what it meant when it was enacted.

But by far the most important reason for dissatisfaction with the courts in recent years has been the decisions of the courts in which they have declared laws unconstitutional and therefore void. This seems to set the court directly against the will of the people. During the past few years state legislatures have passed many laws designed to improve the conditions of workmen and women or to restrain the powers of great corporations. Many of these laws have been declared unconstitutional; for example, an eight-hour law for women in Illinois, a ten-hour law for bakers in New

The courts declare certain laws unconstitutional

York (upheld by the state court but declared unconstitutional by the United States Supreme Court), a law forbidding tenement labor, a law to compel regular payment of wages, a law to compel payment of wages in cash instead of truck, a workman's compensation law passed by the New York legislature. The most striking recent decision was in the case of *Coppage vs. Kansas*, in which the law passed by the Kansas legislature forbidding employers to discharge workmen for being members of a labor union was declared unconstitutional by the United States Supreme Court.

This brings up at once a peculiar feature of our government. In England, if Parliament passes a law, no matter what, it holds. No judge or other authority can question it. In the United States, on the other hand, no one knows whether a statute passed by a legislature is really to stand until it has been tested by the courts. The court does not of course attempt to say whether it approves of the statute as wise or not; it only decides whether the statute is in accord with the Constitution. The constitution of the state or of the United States is the fundamental law. It has been adopted by the whole people. The statute, on the other hand, has been passed by a legislature. It is very evident that if a statute contradicts the Constitution it ought not to be regarded as a law; if it is desired to change the Constitution, the Constitution ought to be amended. But the question is, does the statute really contradict the Constitution or only seem to? And who is to decide? It might be provided that the legislature or Congress should be the judge upon this point. But very early the courts in some of the states decided that they were not bound by laws which appeared to them to contradict the Constitution. The

famous decision which has served as a precedent ever since was that of *Marbury vs. Madison*, in which Chief Justice Marshall of the United States Supreme Court declared: "It is emphatically the province and duty of the Judicial Department to say what the law is. . . . If two laws conflict with each other, the courts must decide on the operation of each."

For many years this power of the courts did not excite great opposition because it did not conflict with the will of the people in any great number of cases. But in recent years a new situation has developed. The increased use of machinery, the dangers of city life to health, the evils of the sweating system, bad housing, and other consequences of our factory system have led to a general movement for protecting working people. On the other hand, the enormous growth of corporations and trusts has called out laws to restrict their power. Both kinds of laws have often been declared invalid. The will of the people has seemed to be directly blocked by the courts; there has been criticism and even anger and distrust.

What is the trouble? Are the new laws right or are they wrong? If they are good laws, then why can we not have them? Is the fault that of the judges or is it because our constitutions, state and federal, are behind the times? There are elements of truth in all three views. Some of the laws which have been passed with very good intentions have not been properly drawn. They would undoubtedly do injury in the long run to some one even though they might be a benefit in other cases. In the second place, many of the judges who have given the decisions have been very narrow in their views of what the Constitution really meant. They have read into the Constitution a meaning of their own

Why
this
excites
opposition

Three
causes of
conflict

and then claimed that the statute did not agree with it. Many of them, too, have known so little about the conditions of workingmen that they have assumed a wrong set of facts while claiming to decide the case purely on principles of law. But the third cause is perhaps the most important. Our constitutions were most of them framed many years ago when conditions were different. They were framed when there was no machinery, no factories, no railroads, no telegraphs, almost no corporations. Above all, as we have seen, the United States Constitution was framed with a view to prevent the government from "doing things," hence it is not surprising that now our constitutions do not allow us to do what we need to do.

Remedies

What is to be done? Must we have a hopeless deadlock between the will of the people and the decisions of the courts? So far as laws have been poorly drawn the answer is easy, pass new ones which are better drawn. So far as the "reactionary decisions" are the fault of narrow-minded judges, discussion and criticism are doing much to improve conditions. Some short-sighted defenders of the courts think that whatever a court decides ought to be accepted as right. They seem to believe that a judge can do no wrong or that, if he does do wrong, it is unwise to mention it for fear of lessening respect for the courts. When the famous Dred Scott decision was made, Abraham Lincoln showed very clearly that while he did not wish to oppose the decision so far as it decided the particular case of Dred Scott, he opposed it absolutely as a "precedent or authority," that is, as a rule "to indicate to the public how other similar cases will be decided when they arise." He criticised severely its logic as doing "obvious violence to the plain, unmistakable language of the

Declaration." He refused to accept the decision as a settled doctrine for the country:

We believe . . . in obedience to and respect for the judicial department of government. We think its decisions on constitutional questions, when fully settled should control not only the particular cases decided, but the general policy of the country, subject to be disturbed only by amendments of the Constitution, as provided in that instrument itself. More than this would be revolution. But we think the Dred Scott decision is erroneous. We know the Court that made it has often overruled its own decisions, and we shall do what we can to have it overrule this.

Former President Taft was at one time a federal judge. He has many times defended courts and judges. He is regarded by many as the most conservative eminent representative of the independence of the courts. On the importance of criticising the courts he has written as follows:

Discussion
and
criticism

The opportunity freely and publicly to criticize judicial action is of vastly more importance to the body politic than the immunity of courts and judges from unjust aspersions and attack. Nothing tends more to render judges careful in their decisions and anxiously solicitous to do exact justice than the consciousness that every act of theirs is to be subjected to the intelligent scrutiny and candid criticism of their fellow-men. (*Present Day Problems*, 291.)

Professor Goodnow, in his very careful study called *Social Reform and the Constitution*, shows that, on the whole, the United States Supreme Court has been more liberal than the state courts. At the same time, he points out that while the state constitutions can be amended without great difficulty, it is almost impossi-

Professor
Goodnow's
view

ble to amend the Federal Constitution. This Constitution, he holds, probably does prevent us from securing some of the social reforms which we need and which other countries provide. He says:

“It is believed, that there are few persons having the welfare of this country really at heart or not blinded by prejudice or class-interest, who will assert that the conditions of the American people are so peculiar that we should close for them the avenues open to other peoples through which orderly and progressive social development in accordance with changing economic and social conditions may proceed. Few can refrain from asking the question why Americans alone of all peoples should be denied the possibility of political and social change (p. 333).”

One measure which he suggests is “that no court shall decide an act of a legislative body to be unconstitutional, unless the decision is reached by the unanimous action of the members of the court or by the action of any majority that might be determined upon.” But the main remedy for decisions which give so rigid a meaning to the Constitution as to prevent reasonable change is discussion and criticism. After referring to various criticisms, he says:

“In these days of rapid economic and social change, when it is more necessary than ever before that our law should be flexible and adapt itself with reasonable celerity to the changing phenomena of life, it is on this criticism amply justified by our history that we must rely if we are to hope for that orderly and progressive development which we regard as characteristic of modern civilization.”

It scarcely need be added that criticism is not just the same thing as faultfinding. Criticism implies pointing out both the good and the bad and giving reasons so

that reasonable persons can judge whether the critic is right. Faultfinding seldom does any good. Genuine criticism which aims to get at the truth and to bring out clearly what is for the public good is welcomed by intelligent and progressive men.

Another method proposed for making the will of the people prevail in certain cases where the courts have decided that a given law is unconstitutional is the "recall of decisions." This would refer certain types of laws, passed for the general welfare, but declared unconstitutional by a state court, to a vote of the people for final determination. The proposal of this method came in a political campaign, and the plan was as violently denounced by one party as it was strongly favored by the other. Since the proposal and discussion of this plan, an amendment to the New York constitution has been adopted which is in its idea almost precisely a recall of the famous Ives decision declaring the workman's compensation law unconstitutional. For it does not change anything that was in the constitution of New York, but only provides how this shall be interpreted. It says, "Nothing contained in this constitution shall be construed to limit the power of the Legislature to enact laws for the protection of the lives, or safety of employees; or for the payment . . . of compensation for injuries, etc." The adoption of this amendment indicates a method of changing the interpretation of constitutions according to our customary method of proceeding, that is, by amending the constitution.

More important, as showing the ability of the people to secure what they strongly and persistently desire, has been the recent adoption of two amendments to the Federal Constitution, the one providing for the direct

Recall of
decisions

The Con-
stitution
can be
amended

election of senators by the people of their states, the other providing for the power of Congress to levy an income tax. Both these amendments are strongly democratic. The first makes the senators much more directly representatives of the people. It therefore overthrows the idea of the makers of the Constitution that the senators should be chosen by the legislatures. The Income Tax amendment and the Income Tax law make it possible to raise a part of the revenue for carrying on the government by a tax upon those who are best able to pay it. During the Civil War the United States Government raised money by this form of tax. The Supreme Court had held it to be constitutional, although the language of the Constitution might be regarded as doubtful. But when such a law providing for a tax on incomes was passed by Congress again in 1894, the court, by a vote of five to four, declared it to be unconstitutional. The Sixteenth Amendment* gives clearly to the Congress a power which, according to the view of the court, the makers of the Constitution had not intended to grant.

These amendments may compel us to change our view as to the impossibility of amending the Constitution of the United States. The only important amendments before these had been (1) the series adopted almost immediately to secure the liberties and rights which some feared were threatened by the new Constitution; and (2) the series adopted at the close of the Civil War to make slavery impossible and secure equal rights to all. The Sixteenth and Seventeenth Amend-

* "The congress shall have power to lay and collect taxes on incomes, from whatever sources derived, without apportionment among the several states and without regard to any census or enumeration."

ments show that democracy, even in times of peace, may compel change if the country is really in earnest, although many very likely voted for the Income Tax with the fear that if this were not passed a revolution might come.

CHAPTER XXVII

DEMOCRACY AS EQUALITY—GOVERNMENT FOR THE PEOPLE

Largest
meaning
of democ-
racy

THE finest and largest meaning of democracy is that all people should share as largely as possible in the best life. This is a view not so much about government itself as about what government is for. It is indeed closely connected with the idea of self-government, because, as we have said, one of the greatest factors in the best life is to be free and responsible,—that is, to govern oneself. But there are many other things besides self-government which belong in good life. Education is one of them. Enough wealth to keep us well-fed, well-clothed, and warm, to provide us comforts, and to enable us to share these with our friends, is another. Recreation to give our minds and bodies free opportunity for change and growth, and to keep us from growing old too fast is another. Good books, good music, beautiful pictures, noble buildings, the opportunity to enjoy trees, open fields, and splendid mountains, are for many among the choicest of goods. “If I had two loaves of bread,” said Mahomet, “I would sell one and buy a hyacinth to feed my soul.”

Who
should
have the
best
things?

As to all these good things, two very different views have been held. The one is that these best things should be for a few. The other is that they should be for all. The first view is that of Inequality. The second view is that of Equality. The first view was

called in ancient times the view of "oligarchy," or "aristocracy." The second view was called "democracy." These words do not mean exactly the same as inequality and equality. They mean government by a few (oligarchy), government by the best (aristocracy), and government by the mass of the people after taking out the "few best" (democracy). Yet the words inequality and equality were very soon connected with these theories of government. For it was taken as a matter of course that if the few (whether they were those of special birth or those who were wealthy) were governing, they would govern for their own advantage; while if the many, who were usually poor, were governing, they would govern for their own advantage.

Why should any one wish to limit good things to a small class? We know that persons often are selfish; but most persons would not wish to set selfishness up as an ideal or as a general policy. Most men would say that it would be a fine thing if all could have health, education, and means of enjoyment. Yet there have always been certain persons who have held strongly to the theory of inequality. Some of them have been very eminent. How can we explain it? There are perhaps four principal reasons which have been in their minds.

The first reason would be a very good one against certain forms of the theory of equality. It is that men are very different in their capacities. Some men, it is claimed, are never capable of enjoying books, music, good clothes, travel, study; and especially it is claimed that they are not capable of governing themselves. It is foolish to waste these goods upon them. If they try to govern themselves they make a mess of it. They cannot manage a business or a farm and make a success of it; how absurd to suppose that they can

The
view of
inequality

(1) Men
differ in
capacity

manage the business of the whole country or of a city! They should be given the necessaries of life in some way. The older way was by a system of slavery. The modern way should be by daily wages, sufficient to keep them in comfort. The great philosopher of Greece, Aristotle, the man who laid the foundations of most of our various sciences, sincerely believed that some men are not capable of directing themselves and therefore can best be cared for as slaves. Of course he did not mean that they should be cruelly treated. He thought such slavery would be best for both classes.

This we may call the theory of natural inequality. Men are unequal by nature. God has made them so, or, at any rate, they are born so and it cannot be helped. In early times this theory of natural inequality was generally connected with clannishness. Greeks thought that other people were "barbarians" and not so good as Greeks. Jews thought that the Gentiles were not so good as Jews. Christians thought that Pagans or Heathen were inferior. Normans thought that the English were not gentlemen.

(2) Race
prejudice
and
conquest

The second reason why men have held the doctrine of inequality has been the old prejudice of the clan added to the military fact of conquest. This is rooted very deep. It seems to show even among animals; a dog that has whipped another carries his head proudly and the whipped dog puts his tail between his legs. The small boy who has triumphed over a boy from another gang feels much like the successful dog, especially if he had an easy victory. He feels that the other boy isn't quite in his "class." Peoples have felt much the same way. In history we read over and over again of how one race or group conquers another and reduces it to a lower class even if it does not make its

people slaves. When the Normans conquered England they took the view that every Norman was a gentleman and that the English as a class were "simple" or "common." The word "native" was used to mean a serf. In ancient Greece, the Spartans, a very warlike group, conquered the older inhabitants and ever after kept them in a state of inferiority. They called them Helots and looked upon them with great contempt. Sometimes the difference in color falls in with difference in fighting ability. The negro race have never been very good fighters. This has no doubt added to the prejudice against them felt by some. On the other hand, the American Indians were, in most cases, remarkable as fighters, and hence a certain romantic admiration for their bravery has tended to counterbalance prejudice arising from difference in color. The Japanese stand higher in general respect among Europeans since their war with Russia.

The third explanation for the view of inequality is that in the past there has usually not been "enough to go around." In all human history until the Industrial Revolution the great mass of men had to work hard and long in order to get the bare means of existence. It had not been possible for many to have books or leisure, to enjoy comforts, or to have education. It is only the recent inventions and the more efficient way of working by coöperation that make possible so much education and so many of the comforts of life as we can now enjoy. In early times the only way in which any one at all could have leisure was that some one else should support him. In Athens the citizens who made the beautiful buildings and statues, who wrote the tragedies and comedies and song, who carried on the government, who laid the foundations

(3) Not
enough
for all

of our sciences, did not expect to do much manual work. They might have farms, but labor of most sorts was performed by slaves. The early settlers of America had little leisure. They worked from early until late, not because any one was oppressing them, but simply because it was impossible to get a living in any other way. If there isn't enough to go around, it may plausibly be said it is better that some one should have leisure for writing poems, painting pictures, studying, and teaching, than that there should be no books, no pictures, no science, and no schools.

(4) Prizes
stimulate

A fourth reason that some offer for inequality is that to strive for prizes stimulates men to do their best. And we cannot give prizes without both recognizing differences and making these differences conspicuous. Recognition of differences and admiration for excellence are very widespread both in savage and in civilized life. Among the American Indians a man who had performed special feats of courage or strength could wear an eagle's feather. In the army the lieutenant, captain, colonel, general, have each a distinctive uniform. This is of course partly in order that it may be seen at once whether they have a right to command. But it is partly also a reward for distinguished service. In the field of education those who graduate from college receive a "degree," such as "bachelor of arts." Those who go on with further study receive further degrees, such as "doctor of medicine" or "doctor of philosophy." These are in part to show whether one is competent to be a physician or a teacher, but they are also regarded as honors. In the earlier days in all our public schools spelling was usually taught orally, and it was the custom that when one missed a word he should go to the foot of the class. To be at the head of the

spelling class was an honor which made many a boy or girl work hard to master the difficult words.

Now it may be said that good clothes, a fine house, an automobile, and all the other attractive things which money can buy, are prizes. The power which a railroad president or banker or manufacturer has is a prize. It stimulates men to work harder if they have such a prize to look forward to. It stimulates invention. It makes men keen to discover the most efficient ways to carry on their business. In other words, it is a part of the general competitive idea. We cannot have prizes and competition without inequality.

Here, then, are four reasons for inequality. Let us now hear what is to be said for equality.

And first as to facts. Are men naturally unequal or naturally equal? The Declaration of Independence says flatly, "We hold these truths to be self-evident, that all men are created equal." Is this so? We have seen that the view of "natural inequality" is that men are naturally unequal. Isn't this common sense? Is it not evident that if you take any dozen persons you meet on the street they are very different in ability, to say nothing of comparing Sir Isaac Newton or Shakespere or the author of *Job* with an Esquimau or a native Australian?

Before answering this question we notice that although in early days Jews and Greeks despised others, it was yet a Jew who wrote "God created man in his own image," without making any distinctions. It was a Greek who wrote, "We are his offspring," and a Jew with Greek education that wrote, "He [God] made of one every nation of men." It was a Roman, Cicero, who said over and over, "Men are equal," "There is nothing so like, so equal, as we all are, one with an-

View of
equality

(1) Men
are not
so unequal

other. Reason is common to us all, we have the same senses; we differ in knowledge, we are equal in capacity to learn; we are similar not only in ability to know what is right but in our ways of going wrong."

It was an English philosopher, Hobbes, defending the power of the king, who said:

"Nature hath made men so equal, in the faculties of the body and minds; as that though there be found one man sometimes manifestly stronger in body, or quicker in mind than another, yet when all is reckoned together, the difference between man and man, is not so considerable, as that one man can thereupon claim to himself any benefit to which another may not pretend, as well as he. For as to the strength of body, the weakest has strength enough to kill the strongest, either by secret machination, or by confederacy with others that are in the same danger with himself."

The church maintained that in the sight of God the little differences which appear so important to us do not count. But it was the philosopher, Locke, who was nearest to the men who wrote our Declaration of Independence. He describes a state of nature which is first a state of freedom, and then

"A state also of equality, wherein all the power and jurisdiction is reciprocal, no one has more than another, there being nothing more evident than that creatures of the same species and rank promiscuously born to all the same advantages of Nature, and the use of the same faculties, should also be equal one amongst another."

We can see, then, that Jefferson and his fellows had many authorities to uphold their claim that "all men are created equal." But none the less we ask what did they mean by it? They probably meant chiefly that men are at any rate not divided into two classes, one

of which has a right to rule the other. They probably meant to protest against the view that just because a man is of royal blood he has a divine right to rule other persons, without any regard to whether he is wiser and better than they. They went on to urge that governments were formed to secure rights for men. They meant this as a contrast to the view that certain men, just because of their birth, have a right to govern others. They probably had no intention to deny that some men would be better than others for rulers. They had not long before chosen Washington to be general. They did this because they thought he was the best man, and no doubt they thought that in this respect he was not exactly equal to all the rest. In his discussion of the Dred Scott decision, Lincoln has told what he thinks the authors of the Declaration meant:

“ They did not intend to declare all men equal in *all respects*. They did not mean to say that all were equal in color, size, intellect, moral developments, or social capacity. They defined with tolerable distinctness in what respects they did consider all men created equal,—equal with ‘certain inalienable rights among which are life, liberty, and the pursuit of happiness.’ ”

So much, then, for the claim of equality by nature. It means, first, that men are not so different that any one class can claim the right always to rule another, or to be supported by another, or to claim for itself everything above the necessities of life. . It holds that men are equal in rights to at least life, and liberty, and happiness, even though they may not always find happiness in just the same ways.

The second motive which has led men to uphold the doctrine of inequality was stated to be: It is natural

(2) Race and class prejudice are crude

to despise outsiders and conquered peoples or races. The advocates of equality claim that although this explains why men *have been* treated as inferiors, it is not a good reason why they should be so treated now and in future. Many natural ways of acting—for example, taking revenge upon those who injure us—we have replaced by better methods. Race prejudice and class pride are natural, but they are crude and stupid attributes. And as for conquest in war, this was no doubt at one time the most prominent mark of ability. But now when we need so many kinds of talents—in invention, science, art, music; and so many moral qualities—such as honesty, fairness, and kindness—it shows a narrow mind to despise others merely because we are physically stronger than they, or can shoot straighter, or even because we are braver in battle. There are other ways of showing courage and power than by killing people.

(3) Invention is making enough to go round

The third argument is also losing its force. Once, it is true, there was not enough to go around. The only way to have art and music and schools, the only way to have beautiful houses and temples and all the things which make civilization as contrasted with savage life, was by having the many support the few without sharing in any of the good things. Now, however, with the great inventions of machinery, of steam and water power, and with the great increase in production which comes when men work together, there is no need of this older method. We are now, it is claimed, producing enough to keep us all in decent comfort if we could only "pass prosperity around."

(4) Not all care for prizes

The fourth reason given for inequality was that it is a stimulus, and men need prizes in order that they may do their best. This is flatly denied by some.

They claim that it is all wrong to be thinking of prizes. For example, in school, who is the real scholar, the boy who is trying to work the problem simply to beat the other fellow, or the boy who has a real interest in mathematics? We can scarcely think that a very great scholar cares very much about getting ahead of some rival. Newton wanted to discover the truth about the movements of the earth and planets. Pasteur wanted to discover what was spoiling the grapes, and in that way began those investigations which led to the germ theory of disease. Lazear and Reed wanted to find out the causes of yellow fever in order to save life. Surely this desire to know is a far nobler motive than the desire to get ahead of some one else and to wear some kind of a decoration, whether it is an eagle's feather or a particular kind of title or dress. It is claimed that this desire for some kind of prize is a rather childish or savage desire. We should get over this desire as we grow up and become more civilized. Kipling has put it finely from the point of view of the artist:

And only the Master shall praise us, and only the Master
shall blame;
And no one shall work for money, and no one shall work
for fame,
But each for the joy of the working, and each, in his
separate star,
Shall draw the Thing as he sees It for the God of Things
as They Are!

—Kipling's *L'Envoi*.

So far we have merely answered arguments for in-

Positive
values of
equality

ing instinct for equality? There certainly is. Not only do we resent the attitude of superiority in another; we secretly are uncomfortable ourselves if we take this attitude persistently. We cannot talk freely with others unless there is give and take. If we are to be friends with others, we must drop out all thought of superiority or inferiority and meet on a common level. One of the great satisfactions in belonging to a club is that the members, as members, are all equal. One man may be richer than another or more learned, but as club members they have equal privileges. No one in a club is permitted to give tips to servants because this would tend to give some members better service than others. Again, equality before the law is the first step toward justice. The great religions have proclaimed that all men are equal in the sight of God. As sons of God, men are brethren. A great religious teacher held up as the ideal a community in which there should be neither Greek nor Jew, bond nor free. Good society, friendship, clubs, law, and religion, all of them recognize the value of equality. What is the truth of the matter? Which party is right? Which theory is the better guide to conduct, inequality or equality? Were our fathers right in declaring for equality, or were they mistaken? Is this doctrine of equality a part of our national ideal, or must we give it up? Let us look more carefully at each of the four points.

Which is
right?

Why men
differ in
capacity

First, as to the facts. There is no doubt that men as we find them are very unequal. But we have learned now to look a little deeper and ask, "Why"? Two answers can be given. (1) They are born so. They inherit ability or weakness and there is nothing to be done about it. Some stocks or races are very much

superior to others. (2) The great difference in men is due not so much to their birth as to what happens to them after they are born, due to their home, their food, their schools, and all the other opportunities or misfortunes which come to them. Professor Cattell has found that of one thousand leading men of science in the United States, one hundred and thirty-four were born in Massachusetts, three in Georgia, and that for each million of population Massachusetts and Connecticut have had a hundred scientific men of high standing; the states of the Southern seaboard but two. No one can doubt that this means simply that boys in Massachusetts and Connecticut have had a better opportunity than boys in Carolina or Georgia. The Edwards family, which has included a great number of conspicuous men, is a notable example of the fact that to be born from a sound and capable stock gives one a great advantage. Certain other stocks or strains are undoubtedly defective. But there are also a great many sound stocks or strains which have thus far produced few eminent men. In this country leaders are constantly coming up from the ranks. This tends to show that ability is more widely distributed than is sometimes supposed. Opportunity or the lack of it is very often what decides whether a man shall be eminent or remain as one of the great mass of people. The great point, however, is not whether men are now exactly equal or ever will be. The fundamental idea of democracy is that *every one ought to have a chance to show what is in him*. And the striking fact is that we cannot find out who the really great men are unless we give every man a chance. The fault with the old method of government for the benefit of a few was not only that it was selfish, but that it

did not select those who were really the best. If we think that men are born unequal in the sense that one class is born better than another, we shall trouble ourselves little about the supposedly inferior group. But if we think that every man should have a fair and equal chance, we shall be in the way of finding out who our real poets, inventors, scholars, and leaders are.

Coöpera-
tion
better
than
exclusive-
ness

As to the second point, it is no doubt true that we naturally do feel some superiority if we have won a victory. It is true that men are apt to think their own family or race or nation is better than that of the stranger. Is this wrong? We can see, if we look back a little, that this had a real reason in early times. It was the way in which the family or the clan or the tribe kept close together. And when men were forced to fight or be reduced to slavery, it was a fine trait to fight bravely. It went along with this that men despised those who were conquered. But while this feeling of class may have served a very useful purpose once, it is very stupid to continue the same feeling when it is no longer a help but a hindrance. It is stupid to act now as if we were still living in savage times. What men needed then was defense and separation. What men need now is to know each other, to trade with each other, and especially to find out the very best that there is in their neighbors. The only way to find out what is best in a man is to treat him as your equal. You will probably find that while you may be superior in one thing he is superior in something else. In present society we get on by coöperation, by taking down bars between different countries, by exchanging goods and ideas, by being friendly and ready to learn. It is give and take. Democracy is a better road to progress than exclusiveness.

We may pass over the third point as not needing further discussion, and come to the fourth, which is perhaps most important of all. Does democracy tend to reduce all men to a dead level? Does it level down instead of leveling up? Do men need the stimulus of rivalry to do their best work? Or can we depend upon joy in work, love of truth, and love of our fellow-men to bring out the best that is in men, and so produce the best society?

There is no doubt that in some kinds of work men need no prizes except the joy in the work itself, and no motive but the love of their fellow-men. On the other hand, it is true that some kinds of work are very disagreeable. Professor William James, who was a very keen observer, said, "Nine-tenths of the work of the world is done by it [rivalry]. We know that if we do not do the task some one else will do it and get the credit, so we do it." If all our work were of the kind Kipling was thinking of in the poem from which we quoted, if it were painting, or writing, or making tasteful garments, or craftsman-like products, or cooking and serving meals skilfully and artistically, and if all this were done with good conditions and with short hours so as to call out one's best energies without fatigue and exhaustion, then we should have less need of rivalry. If we, like Lister, who discovered aseptic surgery, could all see that our work was benefiting mankind, saving life, and preventing suffering, we should no doubt most of us find joy in doing it. But a great deal of our work does not seem to benefit others directly. It is a long way from the coal mine to the family which is kept warm by the miner's use of pick and shovel. It is difficult for the workman in the steel plant to see that he is helping the world. He can see

When
rivalry is
needed

only the metal and machinery and hear only the roar of the blast in the great furnace. He does not, like the physician or the teacher, deal directly with the people whom he serves. We probably cannot give up rivalry yet, but it is necessary to make the rivalry the right kind, if it is really to help progress and not hinder it. Rivalry hinders progress if it is of the selfish type, and if it fails to stimulate the right kind of activity.

When
rivalry
hinders
progress

Suppose a man on the baseball team has made a home run or pitched a brilliant game. Do we not all feel a thrill of admiration for such a brilliant play, which leads us to cheer? We should feel that there was something wrong with us if we didn't want to honor the man. But suppose that in a race one man is sick and another has had no training. A strong, well-trained man would see no sport in winning from them. Much less would any man find honor in winning from another by a foul or by tripping him. It would not promote fast running to give prizes to men who win in these ways. In the game of life, as we play it at present, a great many are sick through no fault of their own; a great many have not been well-trained; they have had to leave school early, they have never had good surroundings at home; they have not had the kind of education which fits them to succeed. There is not any honor in winning against them. And the more important point is that it does not promote best ways of doing business or of progress in any line, if we give prizes simply to those who succeed without making sure that it is a fair contest and that all who enter are in equally good condition.

Equal opportunity is the necessary condition for progress—to get the benefit of prizes and honors we must first have equal opportunity. Just as in the

race true honor comes from winning against those who are well-trained and thoroughly "fit," so in life true honor comes from winning where every one has a fair chance. *Inequality is of benefit only if we first have equality of opportunity.*

Where all have a fair chance no one grudges success to the best man. Indeed the whole joy of the sport is in having the best man win. Every one who goes into the game feels that the game, after all, is a bigger thing than that he himself should win. It would not be a game at all if one were to win for any other reason than because he was the best man. In life, we feel no sting in seeing another man surpass us if we think that he is really more capable of doing what needs to be done. The good soldier did not feel it any disgrace to have Washington or Grant or Lee hold higher rank than himself. The army could win only if it had the best man at its head. But if the common soldier had thought that a man was appointed general because his grandfather had done something important, or because of favoritism, he would have been discouraged. Our country needs leaders in business, in government, in education, and in all lines. In this respect we are like an army. Hence we must have inequality. But we need to select our leaders and give our prizes and honors on the basis of real fitness. It may be that we shall have to change the rules of the game of life in order to make sure that those shall succeed who really deserve success. We have had to change the rules of football often in the last twenty-five years to prevent dirty play. Certainly it is true that we need to give every one a fair chance to compete on equal terms in living. Then we shall come nearer to what our fathers meant to have this country stand for.

CHAPTER XXVIII

PROGRESS AND TASK OF DEMOCRACY

GREAT progress in democracy regarded as equality has been made since America was first settled. For convenience, we may separate different kinds of equality, and speak—in order—of equality before the law, equality in voting, social equality, equality in business opportunities, and equality in education.

(1)
Equality
before
the law

Equality before the law means that when a man is tried for any offense, the law asks only, "What have you done, and is this contrary to the law of the land?" It does not ask, "Are you a noble or are you a 'common' man?" In early times, as we have seen, it was a much greater offense for a serf to kill a lord than for a lord to kill a serf. This kind of inequality had been done away before America was settled. Men had, in theory, gained equal rights to life and liberty and to protection of property. The very idea of a law is that it is a general rule for all cases, and this requires that it shall treat all alike; this makes law a great force for democracy. Why, then, should many feel that they do not have an equal chance before the law? There are two main reasons. First, laws are sometimes made for the benefit of some special class instead of for the benefit of the whole country. Employers believe that some laws are for the benefit of workingmen as a class, and workingmen think that some laws are

Class
legislation

for the benefit of employers as a class. As we have already seen, a law may be made primarily for some one class in order to benefit the whole country in the long run. This would be true of child-labor laws. But there is a general suspicion of "class legislation," and there is good reason for this suspicion. We need to be very sure that to protect the particular class is for the interest of the whole country.

The second lack of equality before the law is due to the need of hiring expert lawyers to present a case. It is easy to see that if one party in a suit has a very good lawyer and the other party a poor lawyer, the first party has the better chance of winning. Originally, a man who was accused of crime was not allowed to have any counsel or lawyer to represent him. We have outgrown that, but there is a great difference in lawyers, and usually the best lawyers require large fees. A judge is said to have remarked to a disappointed contestant in a suit, "How can you expect to get justice in this court if you don't have a good lawyer?" The general theory is that it is fairest to both sides to let each present his case as strongly as he can. Then the judge and jury decide. But this method evidently does not always result in a right decision. The problem of securing more perfect equality before the law is not yet solved. It is one of the "unsettled questions" for the citizens and especially for the lawyers to work out.

In England, as we have seen, only a very small part of the people could vote for members of Parliament until the great change in qualifications which was made in 1832, and it is still possible in England for a man to vote two or three times in different parts of the country, if he owns property in these different districts.

Legal
expense

(2)
Equality
in
voting

One of the demands of English democracy at present is "one man, one vote."

In the American colonies there were two kinds of qualifications for voting. The first kind included certain very necessary requirements of residence, age, and being "freemen." Those who voted in a town ought to live there, ought to be old enough to judge wisely, and ought to be responsible members of the community—a freeman meant substantially the same as a citizen. The Hartford freeman of 1703 must take an oath to be faithful to Queen Anne and to the government of the colony:

The
Freeman's
oath

"And whensoever you shall give your Vote or Suffrage touching any matter which concerns this colony, being called there unto, you will give it, as in your conscience you shall judge may conduce to the best good of the same without respect of persons, or Favor of any Man, So Help You God. (Bishop's *History of Elections in the American Colonies*, pp. 260-61.)"

Religious
qualifica-
tions

A second type of requirements was imposed in most states. Under it came, in various states, religion, morals, property, race, color, and sex. Most qualifications of this sort have been removed. Religious qualifications were in general the first to be made and the first to disappear. Thus, in Massachusetts Bay, in order to vote it was at first necessary to belong to the Puritan Church, but in 1691 no rule is found in the Charter which would limit the right to church members. In many of the colonies Catholics were not allowed to vote; Quakers and Jews were excluded in others. By the time of the Revolution practically all religious qualifications had disappeared.

Property qualifications were established early and

lasted longer than religious qualifications. In Virginia, for example, all inhabitants could vote until 1655. After this there were various requirements in the colony and the state, rising as high, in 1736, as one hundred acres of uncultivated land or twenty-five of cultivated. The property qualification was not abolished till the middle of the nineteenth century. In the New England colonies there was at first no property qualification, but from about the middle of the seventeenth century requirements of landowning or of other property were general. The highest requirement was probably that in Rhode Island, where "a freeman must be a freeholder of lands, tenements, and hereditaments" to the value of four hundred pounds, or an income of twenty pounds a year. In South Carolina the provision was that none should have a vote for members of Parliament "that hath less than fifty acres of frechold within the said precincts," and this fifty-acre qualification was followed in eight other states. Mr. Frederick Cleveland, who has studied these qualifications, believes that they were imposed in most cases by the charters. They appeared in New England about the time when the royal commission was appointed to secure uniform qualifications for electors. After the Declaration of Independence, practically all the original states had property qualifications. But beginning with Maryland in 1810, closely followed by New York in 1821 and Massachusetts in 1822, these were gradually abolished. South Carolina kept its requirement until 1865. In some cases taxation took the place of property. It was thought that those who had to pay taxes, and only those, should have the right to vote, but this qualification, too, has been largely given up. The new states to the northwest had few, if any, restrictions.

Property
qualifica-
tions

They were far more democratic than the older states. The influence of the frontier was felt in this as in so many other ways.

Color
restrictions

Restrictions on the basis of color naturally went along with slavery. In all the colonies there were among the early immigrants some "indentured servants." These were not slaves, but men who were held to work for a certain number of years. Such servants were not allowed to vote, whether white or black, but there was no colonial law in the North to prevent any free negro from voting. In the South, slavery was always a bar, and twenty-three states limited voters to "white male citizens." The Fifteenth Amendment to the Federal Constitution, adopted in 1870, abolished this qualification of color. It reads:

"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude."

Equal
suffrage

The restriction of voting to males was a matter of course in the early history of the country. From the very nature of the state in early times, women would scarcely be thought of as belonging to it, for at first the nation was a band of warriors. Its purpose was conquest. Later it enforced order and governed trade, but it had practically none of the duties which would especially interest women, so long as the earlier division of labor between men and women continued. In the early part of the nineteenth century, along with the growth of democracy in other lines, agitation began for woman's suffrage. The claim was at first based almost entirely upon the idea of an equal right. Those who sought the ballot for women felt that to be deprived

of the ballot was a stigma. It seemed humiliating to be classed with slaves, minors, criminals, and idiots. The Western States have shown again the influence of the frontier, for they have been far more radical in granting suffrage to women than the East, although in school elections most of the Northern States have woman's suffrage. Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, Oregon, Utah, Washington, and Wyoming have granted suffrage to women. Some time ago Illinois granted partial suffrage to women, and she has recently been followed in this by a large group of other states.

It is noteworthy that arguments for extending the suffrage to women have changed in emphasis. It is now maintained by the advocates of suffrage that on the one hand government, and particularly city government, is doing so many things which were formerly under home control, such as disposal of waste, regulation of health, milk, food, education, and protection of children, that women have a duty to take part in government. And again, it is claimed that as women themselves have been obliged to leave home so largely and enter into business life and factories, they are more immediately concerned with government than in earlier times. The case is now discussed not so much on the basis of equality of rights as upon that of equality of needs and duties.

The early settlers of the country brought with them many of the Old World customs and ideas as to social rank. Some of these were soon modified by life in a new country. The man who could shoot straight or chop down a tree with strong and sure strokes was certain to be respected. Nevertheless, many of the old distinctions died hard, especially in the region near

(3) Social
equality

the coast. In New England, pews in church were assigned by a committee appointed to "dignify the meeting-house," that is, to seat each family in its proper position. The names of Harvard College students were printed in the catalogue according to their social rank. In New York, many great families had been given large tracts of land. The heads of these families were looked up to almost like the lords of the manor in England. Pennsylvania, outside of Philadelphia, was more democratic; but in the South, Virginia and South Carolina were settled by English gentry to a considerable extent, and the large plantations kept up social distinctions. Professor McLaughlin quotes from the *Life of Devereux Jarrett*, who lived in Virginia in the middle of the eighteenth century:

"We were accustomed to look upon what were called *gentlefolks* as beings of a superior order. For my part, I was quite shy of *them*, and kept off at a humble distance. A *perriwig*, in those days, was a distinguishing badge of *gentlefolk*,—and when I saw a man riding the road near our house, with a wig on, it would so alarm my fears, and give me such a disagreeable feeling, that I dare say, I would run off, as for my life. Such ideas of the difference between *gentle* and *simple* were, I believe, universal among all of my rank and age. But I have lived to see a vast alteration, in this respect, and the contrary extreme prevail. In our high *republican times*, there is more *levelling* than ought to be, consistent with good government. I have as little notion of oppression and tyranny as any man, but a due subordination is essentially requisite in every government. . . . In theory, it is certainly superior; but in practice it is not so. This can arise from nothing so much as the want of a proper distinction between the various orders of the people."

The original settlers who brought these class distinctions were largely English. A new set of immi-

grants in the middle of the eighteenth century, Scotch, Irish, and German, were more democratic. They came from poorer classes in the Old World, and they settled, not by the seaboard, where it was easier to keep Old World ideas, but on the frontier, in the wilderness, where it was natural to forget old distinctions and make a new beginning. The following quotation from Professor Turner's famous address on *The Significance of the Frontier in American Life* applies to all lines of the growth of democracy, but it is peculiarly appropriate to social class distinctions:

"The wilderness masters the colonist. It finds him a European in dress, industries, tools, modes of travel, and thought. It takes him from the railroad car and puts him in the birch canoe. It strips off the garments of civilization, and arrays him in the hunting shirt and the moccasin. It puts him in the log cabin of the Cherokee and the Iroquois, and runs an Indian palisade around him. Before long he has gone to planting Indian corn and plowing with a sharp stick; he shouts the war cry and takes the war scalp in orthodox Indian fashion. In short, at the frontier the environment is at first too strong for the man. He must accept the conditions which it furnishes, or perish, and so he fits himself into the Indian clearings and follows the Indian trails. Little by little he transforms the wilderness, but the outcome is not the old Europe, not simply the development of Germanic germs, any more than the first phenomenon was a case of reversion to the Germanic mark. The fact is that here is a new product that is American."

The Revolution was a great force for democracy. When men had to get together for common defense and fight side by side for years, class distinctions suffered. And the great ideas of equality and self-government, which the Declaration of Independence had presented, could not fail to have a general effect. In

Jefferson's
democracy

Virginia, after the great Declaration had been adopted, Jefferson entered his state legislature and induced it to pass several measures of a democratic sort. First, was the doing away with entails. An entail is a particular form of transmitting property. If a man gives his son a piece of land without any restrictions, this would be called fee-simple; if he gives it to his son and his son's heirs and to their heirs, this would be a limited gift. It would be given in "fee-tail." In this case the son would have no right to sell the land, because it had been given to his children as well as to himself, and the children would have no right to sell it; it would have to stay in the same family. Hence, an entail would tend to keep the land in the hands of the same families from generation to generation, and so to keep up class distinctions. Another part of Jefferson's program was to abolish "primogeniture," that is, the rule that the oldest son should inherit all the landed property, instead of having it equally divided among all the children. Primogeniture, like entail, tended to keep up class distinctions. Abolition of slavery and provision for public schools were other items in Jefferson's scheme, but these he was not able to carry through.

It was, however, the great growth of the country to the New West which swept away the old family distinctions. Indeed, in the frontier towns it was often considered a breach of etiquette to ask what a man's name had been before he came West. All that was asked was that he should behave himself while there. The pioneer set a higher value upon what a man could do than upon who his grandfather had been.

New
problems

But while one set of forces has been breaking down old class distinctions, a new force has been at work to

introduce a different sort of class distinctions—the force of the Industrial Revolution. In early days there were a few wealthy men among the great landowners and planters. George Washington was one of the largest landowners. It is very instructive to see at Mount Vernon the various buildings that were necessary for a large estate. Besides the “mansion” was the office, the carriage-house, the kitchen, the milk house, the meat house, the ice house, the wash house, the butler’s house, the porter’s lodge. The growth of great cotton plantations made a separation not only between the master and slave, but also between the rich planter and the poor white. But, since the Civil War, it is the great growth of manufacturing, transportation, and commerce which has been the chief factor in separating people into classes. It is not the mere difference in wealth between the capitalist and the laborer; it is partly the difference in race and education and manner of life. Our classes are not fixed as they are in Europe. Nevertheless they exist. City life practically compels the poor to live in a region where rents are low. This keeps the poor together. The rich live together in another part. The poor live close by the factory, where its smoke and often its smells are a constant depressing influence. The rich owners can afford to live at a distance and usually do so. This is a strongly undemocratic force.

On the other hand, a new democracy has been born from another aspect of the Industrial Revolution. Just as the workers have learned union, so they have learned equality. For the association of such a great number of workers in factories and shops has brought them to feel that, among themselves at least, there must be equality. Sometimes this has taken the form of an

Democracy
in
organized
labor

equal wage, but it almost always has involved some sacrifice on behalf of the ablest workmen. These could usually get higher wages for themselves if they would not trouble themselves about the affairs of their fellows. But they have felt that the welfare of the working class as a whole was more important than their own individual success. This democracy of labor has by no means been complete. Unskilled workmen have frequently gained little by the efforts of the more skilled who have formed labor unions. The problem of lifting the unskilled to a better position by education, by organization, or by other means, is one of the great problems of democracy at present.

(4)
Equality
in
business
oppor-
tunities

Equality in business opportunities became a serious problem when the railroads came to be the great means of transportation. Until then there were, to be sure, sometimes private toll roads and toll bridges, but there were also public highways and canals, and one merchant could get his goods transported for him at about the same rate as his neighbor. The railroads introduced a new power. They could make a cheaper rate to one city than to another, or to one merchant than another. They could give passes to some and withhold them from others. In 1869 the Supreme Court of Iowa held that a railroad was private property and so could act as it pleased. But complaints of business men that they were not having an equal chance with their rivals led Congress, finally, in 1887, to establish an Interstate Commerce Commission to regulate railroad rates and secure fair play. At first this commission had small power, but in 1906 it was given power to fix the minimum rate, and in 1910 it was given still greater power. It has worked toward equality of opportunity. Other measures to restrain monopoly and unfair com-

petition, and thus maintain equality of opportunity were enacted by Congress in 1914.

We have already spoken of education as one of the main conditions of liberty. It is also a need of democracy. America has been more democratic in this field than in some others. (5) Equality in education

As we trace the growth of democracy we can see one great change in emphasis. There has been a nearly constant movement away from the old ideas of inequality which grew out of military conquest, and differences in birth between classes. The first steps of democracy were to rise above these long-time barriers. The great declarations of rights were directed against old privileges. They proclaimed to favored classes, "You are no better than I." This was a necessary first step. Present task

But to say that men are equal doesn't make them so. The great task of the present day is to *make good in fact* what our fathers claimed in words or cherished as an ideal. And, despite all that has been done to advance democracy, a great task remains. We have seen that some insist that inequality is necessary for progress. Yet few, if any, in America will object to equality, if it means leveling up and not leveling down. What is feared by some is that democracy must always mean leveling down. It is urged that people do not want expert leaders, that they will prefer for high office a man who claims that he is no better than the average rather than one who knows how to govern. This is doubtless sometimes the case. But the objection is a survival of the old and outworn fears of early days. True democracy means, not leveling down, but leveling up. Few, if any, in this country will object to giving every child the opportunity of as good an education as he can profit by. Few, if any, will object

to growth of intelligence and improvement of the standard of living of all men. Even from the point of view of greater wealth and prosperity, the more enlightened employers are coming to recognize that the cheapest and most ignorant labor is sometimes not the best. But, in a larger view, this country is committed to a great enterprise. It is making a great venture. It is trying to prove that democracy is possible. It is a nation "dedicated to the proposition that all men are created equal." It is dawning upon us more and more that to make men equal is not a task to be fulfilled on battle-fields. War can, at best, do away with burdens laid on men by others. It cannot remove the inequalities due to defective laws, to poverty, to ignorance, to vice, to bad influences, and to want of courage and high purpose. To deal with these sources of inequality is the greater task.

CHAPTER XXIX

THE UNITED STATES AND OTHER NATIONS

ONE man alone could not live nobly and well. Why the nation?
One family or clan could not get very far toward living a comfortable, free, and full life. It needs a larger group to provide many of the good things which we have. Our food, our clothes, our tools, our books, our laws which protect us, all require that many should coöperate, that is, work together. A nation is a group of people, large enough to make these and other good things possible; it is made up of people who are enough alike to live under one government.

In earlier times kings with armies would conquer many peoples and bring them under one empire, that is, under one command. Egypt, Assyria, Babylon, Persia, Macedonia, Rome, one after another conquered all the peoples near them, and many distant peoples. These conquered peoples spoke many different languages and did not unite with each other very intimately. However, the empire kept them at peace and so helped trade and made it possible for men to study, to learn, and discover many of the secrets of nature. They built beautiful buildings, made statues, painted pictures, composed music, and wrote books. But empires did not favor liberty and democracy. A nation made up of people who speak one language and have common interests and common sympathies is a better kind of union than the old empires. It is be-

cause we believe that our country stands for liberty, union, and democracy that we love and revere it.

Why
inter-
national
relations

But the full benefits of union and coöperation cannot be obtained if these are limited by national boundaries. Just as a clan or small group of people shut away from other people would not progress far, so a modern nation cannot get on well by itself. Some nations could not live at all without exchanging goods with other people. England is a rich nation, but it cannot raise enough grain and meat to supply all its people. It would starve, with all its money, if it could not get grain from other countries. The United States is so large a nation, and has so many kinds of soil and minerals, and such different climates in different regions, that it would not starve. But it would suffer in other ways. It needs the beautiful things made in France and Belgium, the chemicals of Germany, the fine cloth of Great Britain, the coffee and cocoa, and flowers from Holland and South America. It needs the music, the books, the ideas that other people produce. In many ways we are living as neighbors to the whole world. We can send letters to nearly all parts of the earth where men live for less than it used to cost to send a letter a few miles, or than it would even now cost to hire a boy to carry a message half a mile. We can send money safely; we can exchange with any who have what we want and want what we have. It is clear then that the real business of living will include living in a world with other nations and not merely living in America.

The great question is, Can the people of the world have the liberty and self-government which our nation and some other nations enjoy, and still have the advantages of union on a larger scale? Can nations combine

in certain ways and yet keep liberty, self-government, and their own individual life? We think it would be a great loss if all peoples were alike. If Europe were all French, or all German, or all Russian; if the Chinese and Japanese were to imitate our clothes and manners we should lose much variety. Much as we love America we should not wish all the world to be Americans. What policy has the United States toward other nations? Does the United States stand for anything in international affairs?

Three policies have been followed—not always, but for the most part. First, not to meddle in European politics. This seemed at first the safe way to preserve our own liberty. Second, not to permit European nations to interfere with republics in either North or South America, or to plant new colonies here. This policy has been followed partly to protect our own liberty, partly to protect other nations in their liberties. It is called the Monroe Doctrine. Third, to cultivate peace with other nations, especially by the method of arbitrating disputes instead of going to war. The first policy was laid down in Washington's Farewell Address; the second in President Monroe's Message to Congress in 1823; the third was urged in Washington's address and carried out by a number of treaties providing arbitration, and by many other acts, notably the provision after the War of 1812 that neither Canada nor the United States should have warships upon the Great Lakes.

Washington issued his Farewell Address at the close of his presidency. In it he first laid down the great principles which the nation should observe, and then the particular rule of not interfering. The general principles—"Observe good faith and justice toward

America's
three
policies

(1) Wash-
ington's
principles
of non-
inter-
ference

all nations. Cultivate peace and harmony with all"—we shall consider a little later under the third head. The rule of non-interference was stated in these words: "The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have as little political connection as possible." Washington points out that European nations have many interests and occasions for differences with which America has nothing to do. He urges, further, that we should not meddle with what does not concern us. This was of course more clearly the case a hundred years ago, when it took much longer to cross the ocean, when there were no cables connecting all parts of the world, and when the United States had very little trade as compared with what it has at present. But even so recently as in 1907 the representatives of the United States made the following reservation in signing the first convention of the Hague Peace Conference:

"Nothing contained in this Convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, or interfering with, or entangling itself in the political questions of policy or internal administration of any foreign State; nor shall anything contained in the said Convention be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions."

This policy of non-interference has been wise. At first our country was so weak that even if it had tried to interfere in affairs of European nations it could have done little good; it was so far removed by the ocean that it could not keep informed; and finally when there were so many disputes about who should be king, about the method of preserving the

balance of power, it would have injured the cause of liberty and real union if we had mixed in European quarrels. But even before our entrance into the great war, the question was raised by many whether we could continue the policy of isolation. On the one hand, it was evident that our trade and other activities were connecting us closely with Europe and Asia. On the other, it was urged that we had a duty in promoting liberty and justice which required us to have political relations with other nations. In the past it may have been our first duty to guard our own liberty; the time had come, it was felt, when it was our duty to help guard the liberty of others. The war brought a decisive answer to this question and has changed us from spectators to participators.

The second policy, the Monroe Doctrine, was a step (2) The Monroe Doctrine in the direction of guarding the liberty of others. It opposed interference by European powers with any governments in either North or South America, and further declared against any new colonization in this half of the world. The occasion for the announcement of the Monroe Doctrine was this: A number of the colonies in South America had declared their independence of Spain. Several of the European powers were considering some plan of aiding Spain in reconquering these colonies. President Monroe, in a message to Congress in 1823, made the following statement: "We owe it, therefore, to candor and to amicable relations existing between the United States and these powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European we have not interfered and shall not interfere.

But with the governments who have declared their independence and maintained it, and whose independence we have on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them or controlling in any other manner their destiny by any European power in any other light than a manifestation of an unfriendly disposition toward the United States."

This was the first part of the Monroe Doctrine. The second part also is stated in the same message—"that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers." There are certain reasons why this second part may come to be of greater importance than it has ever been. The past few years have seen a great expansion of several of the European countries. Africa has been practically all divided up between Great Britain, France, Portugal, Germany, and Belgium. Important settlements have been made in China by several of the powers. There has seemed to be no limit to the amount of territory which some of these countries have desired to colonize or control, and since Asia and Africa have now been occupied, it is quite probable that if it were not for the attitude of the United States some of the European powers would make new colonies in South America.

There have been two occasions on which the United States has brought forward this Monroe Doctrine. The first was immediately after our Civil War when France was notified that we considered it contrary to our policy that the government of Maximilian should be supported in Mexico by a French army. France

withdrew her troops and Maximilian was overthrown. The second occasion was when a dispute arose between Great Britain and Venezuela over the boundary between British Guiana and Venezuela. The United States government notified Great Britain that this case came within the scope of the Monroe Doctrine and that the United States would not permit any European country to forcibly deprive an American state of the right and power of self-government and of shaping for itself its own political fortunes and destinies. As the question raised in this case did not seem to fall under the original meaning of the doctrine, the position thus taken by the United States threatened to strain friendly relations between the United States and Great Britain; but fortunately the matter was peaceably settled.

So far it might seem that the Monroe Doctrine was entirely one of friendliness for South American countries and of protection of them; but it can be easily seen that it has possibly another side, for it seems to assume that the United States has something to say about South America. When all the South American countries were young and weak this might not have called out any objection; but now that several of them have become strong, they are rather inclined to resent this claim on the part of the United States. And there is a further danger. Suppose a European power has difficulties with some American country over the payment of debts or other injury to European citizens. If the United States will not let the European countries interfere, must it not then assume some responsibility for debts and injuries? President Roosevelt seemed to assume that it should. He declared:

Necessary
changes
in the
Monroe
Doctrine

“ If a nation shows that it knows how to act with decency in industrial and political matters, if it keeps order and

pays its obligations, then it need fear no interference from the United States. Brutal wrong-doing or impotence which results in the general loosening of the ties of civilized society may finally require intervention by some civilized nation, and in the western hemisphere the United States cannot ignore its duty."

It is easy to see that this might come to mean that the United States would be a sort of policeman for the whole American continent, and this might easily involve us in trouble; hence some have urged that we ought to drop the Monroe Doctrine. Others suggest that instead of attempting to carry alone the responsibility of American liberty we coöperate with other American peoples in an effort to maintain peace and independence for all. Such coöperation was illustrated in the recent mediation between the United States and Mexico when the Argentine Confederation, Brazil, and Chile coöperated to make a peaceful adjustment.

President Wilson, in an address to the Pan-American Conference, restated our conception of the Monroe Doctrine:

"There is no claim of guardianship or thought of wards but, instead a full and honorable association as of partners between ourselves and our neighbors, in the interest of all America, north and south. . . . All the governments of America stand, so far as we are concerned, upon a feeling of genuine equality and unquestioned independence. . . .

"The moral is, that the states of America are not hostile rivals but co-operating friends, and that their growing sense of community of interest, alike in matters political and in matters economic, is likely to give them a new significance as factors in international affairs and in the political history of the world. It presents them as in a very deep and true sense a unit in world affairs, spiritual partners, standing together because thinking together, quick with common sympathies and common ideals.

Separated they are subject to all the cross currents of the confused politics of a world of hostile rivalries; united in spirit and purpose they cannot be disappointed of their peaceful destiny."

The third policy was marked out in the great words of Washington's Farewell Address: "Observe good faith and justice toward all nations. Cultivate peace and harmony with all."

As regards "good faith and justice," it would be (3) Good
 pleasanter for American citizens if we could forget our faith and
 dealings with the Indians. "Good faith," as applied justice
 to the dealings of one nation with another, means to all
 particularly keeping treaties, for a treaty is a contract
 or agreement made with great care and in a solemn
 manner so as to bind both sides as strongly as possible.
 Justice means respecting the rights of others as if they
 were your own. It forbids taking away property by
 force or by tricks when one has no right to it. Any
 strong people, when dealing with a weaker people, needs
 to consider justice. At the same time it is easy to see
 that it is much easier to observe good faith and justice
 toward people who are at about the same stage of
 civilization as we are. For both sides then under-
 stand each other better; they can put themselves
 more easily in the other's place; they sympathize
 more strongly with what the others claim as their
 rights.

In the case of the Indians the United States always Failure
 recognized that they had a "right of occupancy." in good
 That is, although the Indians did not have a system faith
 of owning land so that they fenced off farms or lots toward
 and kept written records of every change of ownership, Indians
 they yet had regions in which they and their fathers
 had fished and hunted. They "occupied" these forests

and rivers, and the villages where they stayed. The early settlers made bargains with them for tracts of land, and later the states and the United States made treaties with various tribes to exchange their hunting grounds for other lands or for money. If a few Indians occupied a great tract of land it is clear that it would benefit more people if the land should be cultivated and made to feed a million people instead of a hundred. It was right to compel the Indians to give up some of the land they were occupying, provided they were taught how to live on less land. But, unfortunately, for a long time little was done for the education of the Indians. When treaties were made with them it was of the highest importance that these should be kept. Some white men did not think so. They did not hesitate to seize land which the government had granted to the Indians. If the Indians objected there would soon be a quarrel, and if the Indians attacked the white settlers this would be made the excuse for a removal of the Indians.

A commission appointed by President Grant in 1869 to examine Indian affairs reported:

“The history of the Government connections with the Indians is a shameful record of broken treaties and unfulfilled promises. The history of the border white man’s connection with the Indians is a sickening record of murder, outrage, robbery, and wrongs committed by the former, as the rule, and occasional savage outbreaks and unspeakably barbarous deeds of retaliation by the latter, as the exception.

“Taught by the Government that they had rights entitled to respect, when those rights have been assailed by the rapacity of the white man, the arm which should have been raised to protect them has ever been ready to sustain the aggressor.”

It is no wonder that a writer who had studied the records of our dealings with the Indians called her book *A Century of Dishonor*. For although the old military idea of honor is that the only very dishonorable thing is to be weak or afraid, there is another idea which makes it dishonorable to break your word, or to treat a weaker person unjustly. President Grant began a better way of dealing with Indians. Schools were encouraged. A particularly outrageous violation of a treaty with the Ponca Indians in 1879 aroused public feeling and associations were formed to aid the Indians. Unscrupulous individuals are still constantly aiming to defraud them. They frequently seek to do this by laws cleverly designed, so that they may outwit the Indians in a legal way. But those who believe in justice and good faith are stronger and more awake than formerly. Many of the Indians who have been educated are now helping the rest to understand and defend their rights. What is perhaps more important, many of the Indians have learned to farm, to raise cattle, to live in the white man's way, and so to gain more respect from those who did not have any scruple against cheating or robbing them when they lived so differently. It is the highest test of a strong man or a strong nation to be just to the weak.

In dealing with other nations it may be fairly said that we have for the most part observed good faith and justice. In deciding whether we have always done this it is not entirely safe to trust our own judgment. In a business transaction it often occurs that one man thinks he has observed good faith, whereas the other man in the transaction thinks differently. Such a case can be brought before an impartial court and decided. In the past there has been no way to compel a nation

to come before a court; so many cases are left undecided. After a long time, when the heat of strong feeling on each side is over, historians can usually reach a conclusion. But in any given case it is hardly safe to judge ourselves without first hearing whether other peoples have anything to say. Perhaps the four cases in which the action of the United States has been criticised most severely are (1) the Mexican War; (2) the war with Spain, and soon after with the Filipinos; (3) the controversy with Colombia over the Panama Canal Zone; (4) the question of Panama Canal tolls.

Mexican
War

In the case of the Mexican War many Americans protested at the time. They believed its motive was to secure territory for the extension of slavery. In his memoirs President Grant, who had himself been a soldier in that war, said of it:

“I was bitterly opposed to the measure (annexation of Texas) and to this day regard the war which resulted as one of the most unjust ever waged by a stronger against a weaker nation. It was an instance of a republic following the bad example of European monarchies in not considering justice in their desire to acquire additional territory.”

It has been defended on the ground that states secured from Mexico as the result of the war,—California, Arizona, New Mexico, Utah, Nevada—have had a far happier history since than they would have had under Mexican rule. This is no doubt true, but it does not make the war just. It is quite possible that a man who breaks into the house of a gambler, or a miser, or a rich idler, may make a much better use of the money than would the owner, but this is not enough to justify

burglary. Joseph was sold into captivity by his brothers, and it turned out well in certain respects for all; but this did not make the brothers' act a good one. It seems probable that historians will look upon the Mexican War in much the same way.

The war with Spain was very different. The two chief causes were the unhappy conditions in Cuba, and the sudden sinking of the United States ship, the *Maine*, in Havana harbor. There was a genuine desire to help the Cubans to liberty and prosperity; there was also a sudden resentment when it was generally supposed that the *Maine* had been sunk by some Spanish agency. In the case of Cuba it seemed as though Spain had proved itself unable to give peace and happiness to the island. And the fact that Cuba was not made a part of the United States possessions but was set free to govern itself went to show that our interest in it was not selfish. The later war with the Filipinos was not so simple. People in the United States were not agreed as to its good faith and justice. One American general was retired from active service and reprimanded by President Roosevelt because of an order to "kill everything over ten." The testimony before the Senate Commission showed about all the kinds of horrible things that occur in a war between peoples of different races. On the other hand, the American government of the islands promoted education, brought about great improvement in health, and is helping trade and agriculture. At first some Americans were carried away with the idea of having an empire in the Pacific, and gaining great wealth from the Philippines, but this was not the sober thought of the American people. There is a steadily growing purpose to make the Philippines an independent state when they are capable of ruling

The war
with
Spain

themselves and of keeping their freedom against others who might seize them. New events may upset present plans, but it may fairly be said that the intention of the responsible American people today is to be just to the Filipinos—an intention which has been put into the maxim, “The Philippines for the Filipinos.”

Panama

The Panama Zone controversy with Colombia is too recent for discussion in a book of this kind. Mr. Roosevelt, who was President at the time when the Panama Republic was recognized by the United States, maintains vigorously that Colombia lost all her rights to Panama and should not be paid. Some believed strongly that the United States was unjust to Colombia, and during the Taft administration a treaty was presented to the Senate providing for the payment of \$10,000,000 in return for the Canal Zone. Colombia refused to accept this sum, and demanded that the whole controversy be submitted to arbitration. Again, under the Wilson administration, a treaty providing for the payment of \$25,000,000 to Panama was signed by the ministers of both countries, but so far has not been ratified by the United States Senate. Perhaps fifty years hence a fair judgment on the case can be formed.

Panama
Canal
tolls

The last case is clearer. The United States and Great Britain made a treaty to build the Panama Canal jointly. Later the United States wished to build and control it alone. A treaty was made with Great Britain to make this possible, and as a part of the treaty all nations were to pay equal rates for using the canal. Then Congress passed a law giving American ships in the coasting trade free passage. It was claimed by the authors of this law that the treaty meant that we were to charge the same rates to all nations *except the*

United States. Great Britain objected that this had not been her understanding, and in order to keep good faith Congress repealed its law. Now all ships, whether American or foreign, pay tolls at the same rates. Such action is in accord with Washington's advice.

We come finally to the precept: Cultivate peace and harmony with all. One of the most important ways in which the United States has tried to cultivate peace and harmony has been in settling disputes by arbitration. President Eliot names this as one of five contributions which America has made to civilization. The first treaty of modern times which provided for arbitration was the so-called Jay treaty between the United States and Great Britain. This was negotiated by John Jay in 1794 and provided that a number of points should be referred to commissioners. From this time on such treaties became more and more common between civilized nations until in the first decade of this century one hundred and eighty such agreements were signed, and from the date of the Jay treaty up to the end of the nineteenth century two hundred and sixteen decisions had been rendered. Several of these have been on matters of great importance which might easily have led to war. Such was the decision of the famous *Alabama* case. During the Civil War a ship was built for the Southern Confederacy in an English shipyard. When ready it was turned over to Confederate officers, named the *Alabama*, and used to destroy the commerce of the Northern States. The United States government claimed that England was responsible for the damage thus inflicted, because it had permitted the *Alabama* to put to sea in spite of warning that it was intended for a warship. People in the North felt very bitter. The claims were finally referred to a tribunal

Peace and
harmony
with all

of eminent men, which met at Geneva, and after hearing the evidence and arguments of both sides, awarded the United States thirteen and a half millions of dollars as damages. Perhaps the money was less important than the satisfaction in being able to present the case to a fair court and having a decision that we had a just cause. It stings and makes men bitter when they believe themselves unjustly treated and cannot get any hearing. Other very important questions arbitrated by the United States have related to fisheries, and to the boundary between Alaska and Canada.

Can we
remain
aloof from
other
nations?

So much we have done to cultivate peace. But now we have entered upon a new stage in our career. To carry out the real spirit of Washington's advice we first attempted to bring the great war to a close; then entered it ourselves. Three forces have been at work to compel a change in our relations to Europe.

Other
countries
are closer
than in
1797

First we are no longer so far from Europe as we were, and Asia is nearly as close a neighbor to our western coast. When Washington wrote, it took many weeks to cross the ocean. There was no telegraph or cable. Each nation lived mainly on its own resources, that is, it raised its own grain and other means of obtaining food and did comparatively little trading with others in the necessaries of life. Hence it was possible to promote peace chiefly in a negative way. All this is changed. Europe is scarcely farther from our Atlantic coast than our own Pacific states. Indeed, so far as the rates for exchanging goods are concerned, it is very much cheaper for the states on the Atlantic coast to trade with Europe than with remote parts of our own country. Further, we have been borrowing money in great amounts from Europe and Europe has in this great war begun to borrow money from the United

States and probably will continue to do so after the war is over. Many believe that it would be easily possible, with modern ships and submarines, for Europe to land an army upon our shores. When one European country is at war with another it almost certainly injures or affects our commerce. The whole world is now so intricately bound together that any great waste of life or property such as is caused by war must make, broadly speaking, the whole world poorer. If we have goods to sell it is desirable that other nations should be able to buy. They cannot have as much means to buy if they are losing life and wealth in war. Evidently we are being more and more closely connected with the welfare of all peoples.

Second: new forces of a positive type at work have been pointing toward a greater unity among all peoples. We have just spoken in the preceding paragraph of our relation as buyers and sellers, as borrowers and creditors. Another very important fact is that with our telegraphs and frequent mails, with the greater amount of travel between people of different countries, with the multitude of immigrants who have come to us from Europe, and with the lesser number who return to Europe after living here for a time, we are coming to understand other peoples better. They are not so foreign as they were. It is one striking illustration of this that representatives of the different nations now meet together and arrange common postal laws so that a two-cent stamp is of the same color among all peoples in the postal union; and the same is true for the stamps of the other denominations. Banks arrange to pay checks in any part of the world through their allied banks. Men in various scientific societies meet together and consider in common the discoveries and

Commerce,
invention
and
science
unite the
world

inventions that will promote human welfare, the methods of relieving poverty and sickness, of administering law and preventing crime. In all these ways the world is becoming united.

Coöpera-
tion
needed to
protect
liberty

Third: coöperation in so many ways suggests that it may be possible to coöperate in protecting liberty and doing justice. Coöperation is in some ways a larger idea than peace. Peace suggests that I am not to interfere with any one by violence. Coöperation suggests that I shall positively help him. Now the nations are positively helping each other in many ways. Will they not be forced to carry out the thought further and help each other to maintain liberty and justice?

and
democracy

Just how this can be done it is yet too early to say. One suggestion is that a League of Peace be formed after the present war is over, which shall not merely encourage nations to make agreements but shall compel them to keep agreements, which shall guard the smaller nations from having their liberty taken away, which shall free the peoples of Europe from the ever-present fear that has oppressed them so long, and led them to spend such great sums in constant preparation for war and to maintain such enormous armies. It is clear that unless something of this sort can be done humanity cannot make more than very slow progress. We now even in this country expend enormous sums for our small army and navy. Unless some better method of protection is devised the expenditure that each country will think necessary in order to protect itself from others will increase until it will take all that the country can produce. Education and all kinds of progress will be stunted.

And if we believe sincerely in democracy we shall need especially to coöperate with others for its defense.

For if there is any enemy to democracy it is militarism. Militarism means the doctrine that military power ought to be the great aim of the state and that the military class ought to be the ruling class. In some European countries the military class itself sincerely holds this doctrine. Further, this class has been so efficient in many ways that it has been able to convince many of other classes that the only safety of the nation lies in the militarist system. Such a military class despises democracy in the sense of self-government, for it thinks itself the only class fit to govern. It may put this belief into the old language that it governs by divine right. It ridicules democracy in the sense of equality, for it considers itself superior to other classes. It is often brutal and contemptuous toward civilians. Nations that prefer other ends than power are looked down upon by such a military class as weak and degenerate. It is indeed entirely probable that peaceful and democratic nations will be at a disadvantage in resisting a sudden attack by a militarist power. Perhaps they cannot defend themselves singly without setting up a military class of their own. Their best, if not their only course, is therefore to combine for protection and peace. The only hope for protecting our own democracy and for helping the growth of democracy in other countries is through positive coöperation. In President Wilson's great words, "The world must be made safe for democracy."

Why
militarism
is enemy
to
democracy

CHAPTER XXX

WAR AND RIGHT

OUR policy has been to cultivate peace. Should a nation ever go to war? There are three views about this which have been so much discussed recently that it is well to state them.

Is war
ever
right?

First: war is a good thing. Second: war is always evil and always wrong. Third: while war is always an evil it is not the worst thing; war is sometimes right.

Let us see what the arguments are for each of these three views. We shall have to condense the arguments so that they will be somewhat like a debater's brief. The militarist argues:

Arguments
for war

War is a good thing, for—

(a) War makes men brave; in peace they become weak and cowardly.

(b) It is through war in the past that the brave nations have prevailed over the weak ones and so have survived. If there had been no war there would have been no selection of the most efficient peoples.

(c) War makes men think of something besides themselves. It holds up an ideal of loyalty and patriotism. In peace men become selfish and think only of private gain. It is a more glorious thing to die for country in battle than to live a selfish or idle or luxurious life and die of disease.

(d) War unites all the members of a nation into one strong state which is then able to provide for science and art, for education, for the care of the laboring

people. Bismarck held that the three wars fought by Prussia under his advice, in 1864 against Denmark, in 1866 against Austria, and in 1870 against France, were the only way to make a united Germany. It was only by blood and iron—not by talk or negotiation—that this could be done.

(e) War is the only way to make a change in the territory of peoples corresponding to the changes in their needs and ability. If a nation at one time is strong and covers a large territory, but later becomes degenerate and does nothing for progress, it ought not to hold all its territory as against a nation which is progressive, a nation which will make advances in science, education, and other forms of civilization.

On the other hand, the pacifist urges:

(a) War is simply murder on a large scale. Killing is killing. To kill a million men is a million times as bad as to kill one man. Wearing a uniform does not change the essence of the act. Fundamentally, war means killing innocent men who usually are not at all responsible for whatever wrong their government has done.

Arguments
against
war

(b) War makes men brutal. It compels men to stifle every tender or generous feeling toward their opponents. It frequently leads men, under the plea of military necessity, to kill women and children, to torture people, and in general to outrage every decent feeling.

(c) War crushes all freedom of action, of speech, and even of thought. There is no chance for the soldier to discuss or question whether he is doing right or wrong. He not only simply gives up his life blindly but also allows the government to take the place of his conscience. Even men not in the army are frequently

punished if they question in any way the policy of the government in war.

(*d*) While it is true that war compels men to be loyal this is not necessarily a gain unless they are to be loyal to a good cause. To be loyal to a gang of murderers and plunderers is not made any better by calling the gang a state and the head of the gang a king or a government. Most wars have been simply raids for conquest or plunder by such an organized gang.

(*e*) War is not only wicked, it is foolish. To conquer does not profit a nation; it could gain far more by peaceful trade. War wastes resources of men, loads the common laborer with a burden of debt, and prevents him from bettering himself. It is the great enemy of democracy.

(*f*) War declares might is right. It does not follow that the nation that can fight best is the one that will promote civilization. Greece was the most civilized nation of the Old World. It was conquered by Romans who were better fighters. It came very near being conquered by the Persians. In recent times some of the small peoples of Europe have been foremost in their contributions to science, music, and literature.

War an
evil but
not the
greatest
evil

So much for the militarist and the pacifist. The third view would agree with the militarist that war has helped make men brave, has been the way in which nations have been formed which have made possible the progress in arts and sciences. It would agree with the pacifist that war also tends to make men brutal, that it crushes out freedom of thought and speech, that it is stupid and wasteful from a financial point of view. In other words, that war is an evil and not a good. But the crucial question for this third point of view is,

Is war the worst thing that can happen? And it answers, Bad as war is, there is one thing worse: that is, to permit liberty and justice to be crushed out without resisting. It ought to be possible, we say, to appeal to man's better nature, to get men to listen to reason, or to let some fair-minded third person decide quarrels. But unfortunately some men will not listen to reason; some men are greedy; some are violent; and our whole belief in government with our courts and our police rests on the view that if a man will not respect the rights of others, especially of the weak, he must be restrained. If, while I am standing by, a man comes along and attempts to murder a woman or a child, it is my duty to prevent him from doing what he wishes. If there is no other way to prevent him I ought to use force, and this may mean that I shall have to kill him; but it is better to kill him than to allow him to go on and murder. For if I look on and permit I virtually become his accomplice.

The argument that there may be a just war is based on the same principle as the argument for controlling murderers and thieves. The national state, at first the creation of force, has been growing step by step more democratic and free. Its laws, at first the decrees of kings who claimed to rule by divine right, have been revised and rewritten in order to make them more just. It has a duty to its citizens to protect them from violence; it has a larger duty to prevent liberty and democracy from being crushed. If no other way is left open it may use force to aid such "a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all nations, and make the world itself at last free."

Force in
defense of
liberty
and
justice

It is for war in defense of liberty that we have the

lines of Lowell that are on the Shaw Memorial in Boston:

“ The brave soul of him lives on to light men’s feet
Where death for noble ends makes dying sweet.”

It is for death in such a cause that the lines of Emerson appeal to most men’s moral sense:

“ Though love repine, and reason chafe,
There came a voice without reply,—
‘ ’Tis man’s perdition to be safe,
When for the truth he ought to die.’ ”

War a
crude
method

Yet, when we have said this, it still remains true that war even in a just cause shows that we are still very backward in civilization. In early savage society men fought over a great many questions which we now settle by appeal to a judge. As nations we are still only partly civilized so long as we go to war when some other way of establishing justice or of defending liberty could be found. Sometimes a little patience will achieve a great deal; for example, it is now believed by many, if not by most of those who were at the time well informed, that President McKinley could have carried out his plan to secure by peaceful negotiation with Spain her withdrawal from Cuba. Negotiations were in progress for this; but when the *Maine* was sunk people were too impatient to wait any longer. It is easy to see now how much better it might have been if the slaves could have been emancipated without war. Few now in the South would say that such a system as that of slavery could have lasted many generations in the face of the growing public sentiment of the world. It would of course have been a small matter to pay a liberal sum to all slave owners as compensation

for setting the slaves free in comparison with what the war actually cost in money; terrible loss of life, and the creation of bitter feelings which cannot yet be said to have died out entirely, might also have been avoided.

War persists because mankind has as yet risen but a little way on the ladder. The nation is a better group for keeping the peace than was the early clan, and a democratic nation is a great advance beyond the king and his warriors. Loyalty to a democratic nation is a nobler devotion than loyalty to a clan or a chief or a king. Patriotism is a quality we honor. But a nation, like a clan, is a group which has its defects as well as its values. So far as it means coöperation it is good; so far as it limits coöperation with other peoples, or what is worse, sets men in hostility to other peoples, it is bad. Loyalty to a great cause, such as freedom, is noble; but we have come to see that only by justice and coöperation can even freedom be secure. Loyalty to mankind must finally be supreme; international law, international coöperation, international friendship must increase. This may not mean that nations will give up their individual lives, or cease to exist, any more than the family ceased to exist when nations were formed. It means, first, that we shall cultivate in science, in trade, in art, in communication of all sorts, a wider knowledge of mankind, a more intelligent sympathy, a genuine respect, and thus prepare for what an American philosopher has called the Great Community. It means, secondly, that nations will have to keep international law and submit their disputes to a better tribunal than war.

For, when all is said, it remains true that might does not make right. A war decides which side is stronger; it does not decide which side is right. If we were to

Might
does not
make
right

look back through history we should probably find about as many cases where the wrong has won as where the right has won. Some have argued that we must suppose that God will always decide for the right in a struggle. So far as we can see, this is not the case when the struggle is one of physical force. People used to think that the way to decide whether a man was innocent or guilty was to leave it to God. They would throw the man into the water or make him walk over hot plowshares. We have concluded that God has given man reason by which to decide such questions, and we think that trial by jury is a better plan to find out innocence than is trial by ordeal. So formerly in battle kings used to think that their national god would be on their side and would enable them to win the victory; but we have seen how many good causes have been trampled down, how many noble men and women have perished through violence, so that it has sometimes seemed to be,

“ Right forever on the scaffold, wrong forever on the throne.”

On the whole, ideas and discussion, the work and example of noble men and women, have been greater powers than war for the spread of liberty and justice. The noblest words of faith which I know, and those which may well serve as the maxim in life for every American citizen in our dealings with other nations as well as in our own affairs, are the words of Lincoln:

“ LET US HAVE FAITH THAT RIGHT MAKES MIGHT.”

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