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The Design of Democracy

BY LAURENCE STAPLETON

During these difficult times, when democracy is challenged by new and great responsibilities, a fresh analysis of its basic principles is most urgent. In this exceptionally clear statement the thinking citizen will find an unqualified renewal of his faith in the form of government that people have created in order to get something that matters more than power.

The author takes the view that democracy rests upon fundamental principles that, in their connection with each other, not only give validity to a form of government, but, as they are respected in the life of the community, set free other spheres of thought and influence. Developing this theme, she considers in the first part of the book the ideas of Equality, Freedom, and Self-government. The process of law is treated as an essential aspect of self-government. In the second part she describes the context of democracy – its sense of character, its civic atmosphere, its economic aims, and its relation to literature, religion, and the advancement of knowledge.

In the concluding chapters Miss Stapleton examines the responsibilities presented to democratic countries by the existence of the conditions of a world community and the consequent need for world law. Although well aware of the uncertainties that accompany any discussion of international affairs, she presents

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convincing arguments that peace is possible and that to build the structure of world government is democracy's newest task.

Both for democratic citizens willing to examine the grounds of their conviction, and for the people who for the first time are searching into the meaning of democracy, this book should bring a sense of its profundity as a form of thought and experience.

ABOUT THE AUTHOR

Laurence Stapleton was born in Holyoke, Massachusetts, in 1911. Upon being graduated from Smith College, she became an Alumnae Fellow at the University of London during 1932-33, studying at the London School of Economics and Political Science and Bedford College. The following year she was an Examiner in the Massachusetts Public Employment Service. In 1934 she became an instructor in English at Bryn Mawr College, where she is now Professor of English and of Political Theory.

During 1947-48 Miss Stapleton was a Guggenheim Fellow, working on the present book, *The Design of Democracy*. Through participation in a number of civic organizations, she has gained some practical experience in politics. She is the author of *Justice and World Society*.

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LAURENCE STAPLETON

The Design of Democracy



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Foreword

I wish to express my thanks to the John Simon Guggenheim Memorial Foundation for the fellowship that gave me time to finish this book, and to Bryn Mawr College my appreciation of sabbatical leave of absence.

It is a pleasure to thank several of my friends on the Bryn Mawr College faculty: Professors Bettina Linn and Grace de Laguna, who read the book in manuscript; and Professors Roger H. Wells, Joshua L. Hubbard, and Felix Gilbert for their reading of individual chapters.

L. S.

Bryn Mawr, Pennsylvania
12 *July* 1949

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THE DESIGN OF DEMOCRACY

Introduction

IN order to talk about democracy, we must admit that we know what some things are.

Hardly anyone ever wanted a government for its own sake. We always want a government because we want something else more, and cannot get it without associating with others in order to control power, or else submitting to those who want control more than we do.

Democracy is a form of government, but it is much more than that. It is the form of government that people created in order to get something that mattered more than power. When they wanted freedom, and equality, and a government responsible to themselves they slowly devised democracy. It is not a finished product. And in some ways, it is very inconvenient. It takes time. It takes thought. But the reasons for keeping it are, if anything, stronger than those for which it was begun. People who have lived in the atmosphere of democracy know that it is a unique experience. It stirs interest in more than itself. When the basis of political life is friendliness, tolerance, and responsibility, human beings have a chance to be themselves. When the basis of political life is force, antagonism, blind obedience, they have to be a little less than human to survive.

In accepting democracy we base thinking and action on a constructive philosophy. Democracy is not, as some of its half-hearted supporters think, a set of Marquis of Queensbury rules to police a ring where greed and ambition sportively contest. It is not neutral, not indifferent to the outcome of man's effort to

live meaningfully. On the contrary, it stakes itself upon a certain hope for humanity.

Democracy exists for the sake of ends beyond itself. But ends, as used here, are not final purposes that exhaust the reality of events directed towards them. By an end beyond the sphere of government is meant a quality of being which is an ingredient of our ordinary experience, capable of strengthening it and transforming it in such a way as to make observation of excellence a process continuous through time.

We might express this differently by saying that democratic political theory rests upon several general assumptions. The chief ones are: that there is good; that valid knowledge is possible; that nature discloses more than one opportunity for the completion of any given series of events; that man is a part of nature; that through knowledge and through choice he may enjoy the good.

Thus democracy supposes that there are avenues of experience, summoning men to an ever richer life in the perception of eternal possibilities lasting beyond the present. But democracy is not an ascetic or otherworldly ideal, for it views these possibilities as entering actively into experience, and human behavior as affecting them. It supposes that while the nature of such goods is inexhaustible, knowledge and enjoyment of them is possible here, now. They are liberating characters of life, arising out of particular occasions, maintaining a connection between physical existence and contemplative order. Finally, these existents are universal, because available to the recognition of all men. Democracy cannot be tracked down to a permanent home in one country. It is an idea, and ideas move; they lead to new relationships; they affect the future.

That is to say, that there is good in man and a good greater than man and there is communication between these two levels of being. There is indeterminacy in both: good of any kind is never wholly predictable or finally identifiable. It may change, develop, be added to, seem lost, reappear. Hence much that is imperfect, careless, and rude is found together with the good.

Of such a nature, even if briefly expounded here, is the underpinning of the democratic faith. The discussion of democ-

racy is more directly concerned with political principles, but each of these bears witness to a sense of things beyond the scope of government, which government exists to further, but not to monopolize. We could not support or understand the political principles of democracy without the belief that there is a meaningful concept of the good; that valid knowledge is possible; that man is capable of responsible choice and action.

The difference between democracy and any totalitarian system of government goes back to these basic assumptions. No doubt it is the business of philosophers to explore them. Yet a clear statement of democratic political principles ought to point out these underlying axioms, through which we affirm our belief in the possibility of truth and of freedom, and in the power of good to affect our lives. For they make democracy an open system of values, strongly grounded in hope, yet not prejudging events, a philosophy that always allows for the test of experience and fuller knowledge. This point of view can never be taught as dogma; it makes room for change and the emergence of new events. But while it is experimental and open-minded, it rejects complete skepticism or nihilism as thoroughly as it does any doctrine of the rightful prevalence of force. The positive faith of democracy begins with that kind of conviction which makes inquiry possible and interesting.

If we said that our faith in democracy rests upon belief in certain values, that would be roughly true, but inadequate; for such a formula fails to suggest that values are not mere abstractions, but inhere in facts. We cannot hold that values are subjective feelings and nothing else; or that choice of them is merely arbitrary. We must believe that our subjective feeling of what is good can be corroborated by elements of existence we do not ourselves control, or that by encountering new experience we can alter our subjective feelings of value to accord more satisfactorily with objective events. All this is implied in the phrase, 'the possibility of valid knowledge.'

I choose this wider term instead of making democracy depend upon the rationality of man because what is reasonable emerges out of a wider context including feeling. The dualism between reason and emotion that prevails in current thought is, I think,

false. By speaking of the possibility of valid knowledge perhaps one can suggest that different modes of experience contribute to it. Valid knowledge includes the use of empirical facts and of evidence; it includes direct insight; it includes mathematical analysis. Any one of these modes may disclose valid knowledge, but any one may be insufficient, taken alone, to bring us the knowledge we need. A combination of them may be required to penetrate a given situation.

Knowledge is a social concept (people can agree about fact or wish); but equally, it must encounter configurations of fact not made by human will or action. Man is not all there is in the world; to use his understanding he must recognize the otherness of some types of events. Thus for valid knowledge we must forego the disjunction of reason and emotion, science and art; when we separate them for special purposes we must realize that their relevance is thereby restricted though their special excellence may be thereby increased. One may venture the guess that the sciences and arts and the zest of active careers are enhanced when in the background of life there is a sense of their interconnections.

The faith that gives to democracy this goal, that of building upon and contributing to valid knowledge and to man's enjoyment of good, removes from it the limitations of mere political life. Government does not, should not, include all the relations of men. Totalitarian philosophy makes the state dominate all the concerns of people; necessarily it glorifies force, for without it those spheres of life which reflect the inwardness of man could never be dominated. In fact, we can rejoice that even with force they cannot be killed.

The concreteness and the spontaneity of personal experience, of art, of any absorbing occupation complete the life of man in more important ways than government. Yet today our views of politics and our political behavior vitally affect everything else we care about. This is vividly expressed in a passage from Thomas Mann's novel, *The Beloved Returns:*

'But after all,' replied August, 'politics is not something by itself. In a hundred ways it is indissoluble from one's views, one's religion, one's convictions. It is a factor in everything—bound up with the ethical, the

aesthetic, with things apparently intellectual and philosophic. Those times are fortunate when politics is innocent of all of these, when it lives in its own limited world. . . In such supposedly unpolitical periods . . . it is possible to love and admire the beautiful, independent of the political, with which, even so, it remains in silent contact. It is not, alas, our lot to live in such a mild and tolerant time.' [1]

It is of the essence of democracy that it respects rather than dominates these other spheres of life; yet their continuance in freedom depends upon the continuance of democracy. In some times of history, then, there is no field of thought in which the worker can declare himself unconcerned with political responsibility, unless he is indifferent to the conditions under which creation or the search for knowledge will go on.

In the early period of democratic thought—the seventeenth century in England and the eighteenth century in America—the events of the time led men to examine their political principles. So, for example, Milton and Locke, Sidney, Jefferson and John Adams, set forth a connected set of ideas defending liberty. We have for a long time taken this heritage for granted, and instead of re-stating or re-examining the basic ideas, the more usual tendency has been either to elaborate the picture of the past or to describe special problems of modern government or of particular countries. Many citizens whose adherence to democratic ways is unshakable would be hard put to it to answer the question 'What is democracy?' if it were asked by a stranger knowing only some tyrannical form of government. And we find groups borrowing this term (so great is its influence) to describe countries where men are unfree—to us a contradiction of democracy's inmost meaning.

To set forth, in systematic and connected fashion, what the principles of democracy are is once again our task. For this purpose the labor of many minds is wanted, but as beginnings are made here and there the work will grow, and we should be able to achieve more richness in the thought we can bring to bear upon the work of democracy in this and future ages.

In this book the position is taken that democracy, resting upon the assumptions that I have described, translates them into three chief political ideas: equality, freedom, and self-

government. No one of these ideas alone can give the essence of democracy; it is their interconnection and co-presence in men's minds and actions by which we test democracy's reality. General agreement on the importance of these principles is found in the classic documents of democracy, from the Levellers and Locke in the seventeenth century to Franklin Roosevelt in the twentieth, while their concrete application has been steadily expanded. In this book I attempt to re-state these ideas and to show their connection with each other. For while each of them deserves separate emphasis and discussion, each of them implies and is completed by the others. Likewise they limit each other —equality must not be pushed so far as to destroy freedom, nor freedom so as to nullify equality or self-government.

In writing of them I have tried to imagine the state of mind of a reader who is not wholly familiar with democratic tradition, as well as of those who are, and who yet are aware of questions that were not present to earlier writers such as Jefferson or Lincoln. The work of hewing out the supporting beams of democratic thought has chiefly been undertaken by thinkers of England, Western Europe, and America, relying on the deeper heritage of Greek thought, of Christianity, and of Judaism. In discussing democratic principles I hope I have sometimes been able to indicate where related ideas from other cultures may find common ground with them, and give democracy longer life, if first we are joined in a world community under law. From time to time I try to suggest the extent to which the Marxist tradition is opposed to or shares a common conception with democratic thought.

Throughout the book I have avoided identification of democracy with the national state, using as much as possible the word *government* rather than state. I wish to avoid personifying government in a dubious entity; the term *state* has I think caused unnecessary confusion. Likewise, I wish to avoid identifying democracy with any one existing nation. For that reason I have where possible used the word *community* rather than nation or government, to suggest that the democratic community may be large or small, could be a parish church or a trade union or could be a commonwealth of nations. Where

people recognize their common interests and take voluntary measures to secure them, a community exists.

But the analysis of democracy cannot stop with a statement of its political principles. They operate in a context provided by other activities and interests. Because democracy does not try to dominate other spheres of thought and existence but rather to set them free, it affects and is affected by the vitality of human character, by the means of association people have found, by their economic aims, their literature, religion, and their views of education. In the second half of this book, The Context of Democracy, I have set down the thoughts of a citizen on these more intangible relationships which give democracy its atmosphere and setting, shape its culture.

Finally, the question that absorbs us all is discussed: what means are there for peace compatible with equality, freedom, and self-government? The last two chapters were written in awareness of the uncertainties that accompany any discussion of international affairs, but in the conviction that peace is possible, and that to build the structure of world government is democracy's newest task.

PART I

THE PRINCIPLES OF DEMOCRACY

1

Equality

> Charity is a relique of Paradise, and pitty is a strong argument that we are all descended from one man: He that carries this rare Jewell about him, will every where meete with some kindred.
>
> Henry Vaughan, *Man in Darkness.*

> . . . universal equality is the greatest gift which Christianity gave to democratic thought.
>
> A. D. Lindsay, *The Modern Democratic State.*

EQUALITY is not a simple fact. It is not given to us. It is a relationship we can discover, and must deserve. In it democracy commits itself to hope for man, and pity for him. Herein the will is forged to live with his more generous nature, and set cruelty aside. Human beings differ, instinctively we are thankful that they do; but equality is not uniformity. It is mutual trust; it is the knowledge that from our common nature springs the individuality we prize; it is the resolve that privilege shall not bar the free development of human faculties, or cause misery to any.

When one of the prime concepts of democracy is explored, its connection with related ideas emerges. Equality is not the sole foundation of democracy. Respect for the individual gives equality its depth. Freedom is the heart of the design. Self-government is the political expression of freedom and of equality. And since none of these principles is restricted in its validity by any mark of origin, equality attests their universal meaning. Lack of conviction and of knowledge may make them

sible to realize, but conviction and knowledge are open to the people of the earth. Men are born equal in this sense: they are born needing equality, able to learn it and to deserve it, subject to trials and to the hope of happiness like all other men, and bearing no sign of status or of divine right to rule.

But we are less than equal, to ourselves at our best pitch and to others. Some are brave, strong, wise, skilled in some art or science. Others are weak, stupid, foolish, or crafty. Yet hardly any are strong, brave, wise in every respect, and hardly any lack some spark of intelligence, devotion, courage. Our best qualities are unequally combined: the strong and brave may be unwise, or the strong may not be brave; the physically weak person may have rare powers, and the seemingly unintelligent be kind and helpful. Nor do these qualities, however combined, correspond with the barriers erected by the wealthy and powerful to secure their comfort at the expense of their fellow men. Equality is a condition we have not fully attained, it is a mark of self-knowledge, a joining of human effort with the sustaining forces of life, a struggle in which we have known some victory.

The victory, if partial, has been nevertheless a progress. During the relatively few centuries in which democratic experience has been gained, large groups of people have one after another, in ever-widening circles, won a fuller opportunity to use their human faculties. The end of slavery; the end of serfdom; the end of feudal privilege; the slow conquest of political equality first for 'the middle class,' then for factory and farm labor, then for women; the extension of racial equality; the sharing of economic welfare—a somber struggle, yet a triumphant one, seen in this age to be spreading to all continents. Both where the rudiments of political equality are now first sought, and where their maturity must be confirmed by the free circulation of talent, this mighty theme has been of moving power. It has performed the role of a governing idea by anticipating and stimulating the behavior necessary for its fulfilment. That is a creative role.[1]

The idea of equality itself has acquired deeper meaning as successive thinkers have surveyed some single aspect of it, or brought into closer relation its component parts. It is necessary

to consider the views of some of those who have given utterance in order to discover its positive content and its limits. We are dealing with a moral ideal rather than an empirical generalization, yet, as I shall try to show, one that is valid on empirical grounds. Again and again it is the substance of experience which confirms the sway over time exercised by any profound moral intuition. Examining this idea in the light of its history, we shall see that it is inseparable from a sense of the value of the individual, although emphasis on this connotation is relatively modern.

Belief in the value of the individual lends precision and honesty to the idea of equality. For who is equal to whom? Individuals, in some respects, are equal to each other. And in those respects in which they are not equal? Then, as individuals, they excel or do not excel, or simply they differ. But if we wish to recognize excellence without prejudice wherever it may occur, and to encourage valuable differences? Then we must establish conditions of equality, permitting each to develop his individual faculties to their fullest capacity. So these ideas intersect and overlap although they are not precisely the same.

Aristotle's treatment of equality shows how incomplete that idea must be if the value of the individual is not included in it. A sense of brotherhood finds no expression in his political theory; the scalpel of his logic is used to lay bare the distribution of power among groups of men, and the consequent anatomy of the state. He did not see that in politics mankind is the class of classes. Therefore it is all the more interesting that he found equality to be the basis of the state, though he was unable to pursue this insight to discover the wrongfulness of slavery. He considered that citizenship was essentially a relationship between equals; but he held slavery to be necessary and 'natural,' and thought slaves incapable of citizenship. Curiously, it is principally his logic that fails him. By his own argument, some who are actually slaves are not 'natural' slaves. In other words, the merit of persons does not correspond with their class status. But the life of the slave or the artisan allowed no leisure for speculative thought or for participation in government, and Aristotle thought citizenship must be restricted to

whom birth admitted to the leisured classes. He did not the incompatibility between this restriction and his statement that 'all men think justice to be a sort of equality.'[2] He understood the importance of equality, but he could not conceive it to be universal. Individual differences ran contrary to class distinctions—his honesty compelled him to record it. The functioning of a community rested upon equality among the citizens; its purpose was the attainment of a good life. But he failed to imagine how economic bondage could be ended and the slaves made citizens by ceasing to be slaves. His understanding of equality goes this far: it had for him a positive sense in that he found citizenship impossible without it. Negatively, he understood that economic bondage prevents men from sharing in the life of the community. These two facts cannot begin to be reconciled until a universal basis for equality is found.

The Stoics provided the indispensable doctrine of brotherhood, but Christianity expanded it more fully and directed its emphasis towards the individual life. For the Stoics, the irreducible meaning of equality is membership in human society. Reason was to them the characteristic mark of man (here lay a possible road both to interest in the individual and to freedom). They made the extension that Aristotle refused, and thought of equality as universal, transcending barriers of race, religion, or origin. 'Greek and barbarian, well-born and common, slave and free, rich and poor are all declared to be equal.'[3] In early Stoic thought there seems to have been a distinction made between the wise man and the ignorant. But later, universal reason is stressed, and each man's share in it confers a right to the possession of human dignity.[4]

If reason is the measure of equality, the place of individuality is not clear. The implication may be that the possession of reason entitles each individual to certain rights. Or, men may be regarded as equal to the extent that they are rational. There is thus both an ambiguity in emphasis and a lack of clarity in deciding whether the idea of equality is intended to assert a fact about human beings or to present an ideal of conduct. The two aspects of the idea are more successfully joined together in Christian thought.

Stoicism, however, suggests an analysis of equality which asks man to be worthy of himself. Men are equal because each shares in the universal reason which is the order of the world. They are equal to the extent that their behavior is characteristically human rather than inhuman. In appraising this view, we must remember that reason to the Greeks meant more than logic or mere reasoning; it meant a harmonious balance of human faculties. Thus to make reason the mark of humanity and to derive equality from it was the beginning of a discipline.

The Stoics could think of Greek and barbarian as brothers, but perhaps they would have felt 'a touch of a shrink'[5] to welcome Zeno and a thief in the same confraternity. In the teaching of Christ equality acquires a deeper content; it means more than universal eligibility or membership; actual inequality is transformed into moral equality through love. The barriers of poverty, of racial origin, of ignorance, of conformity to social custom or to law are transcended, not merely in the acknowledgment that all deserve justice or that any man may possess merit, but because a place is found for those who have failed. The sense of equality which pervades the New Testament makes way for man at every level. First, the incidence of goodness or virtue is unpredictable; outward performance or status reveals no trustworthy sign of it. 'Salvation' is worked in the inner life; he who is outwardly poor or downcast may be found highest in the eyes of God. A man may happen to be both rich and good; if so, his goodness is not attached to his status but belongs to him as an individual. Where none is despised or is beyond redemption, each acquires significance. Yet this ideal is not sentimental; it summons man to a new life. For in order to gain this hope one must learn a way of living with other men. Only the experience of love for other human beings, only the conviction of the significance of every soul, confers upon the seeker the goal that he desires. Equality is thereupon discipline as well as faith.

One may accept this attitude towards man without being a member of the Christian church and without agreeing with the historically defined dogmas of religious groups. A Buddhist, a Jew, an agnostic, a Confucian, an atheist may share belief in

the brotherhood of man with its concomitant of value in each individual. If he does so, he shares a fundamental conviction with the practicing Christian.

It took the later evolution of Christian thought to seek for fuller realization of brotherhood and of individual freedom in the world that we know in experience. Early Christianity taught the equality of all souls before God; yet many Christians could acquiesce in the institution of slavery. But can we refuse to act in accordance with the ideal we honor, or must we try to build it into the texture of our lives? The thinkers of the Reformation and the seventeenth century produced that mighty heave of the will which translated otherworldly ideals into aims for the earthly community. And modern democracy began when people fought to establish conditions of equality and of freedom, however limited at first—no longer content to postpone their hopes to an indeterminate future.

The centuries of political struggle and speculative thought necessary to translate these values into the institutions of secular society are familiar. The yield of this long sequence is present in Locke and Jefferson. They sensed, even if they did not clearly analyze, that the concepts of equality and of the rights of the individual were linked with freedom and self-government. Thus another component in the idea is revealed.

Locke, indeed, produced an excellent description of equality:

> Though I have said . . . 'That all men by nature are equal,' I cannot be supposed to understand all sorts of equality. Age or virtue may give men a just precedency. Excellency of parts or of merit may place others above the common level. Birth may subject some, and alliance or benefits others, to pay an observance to those whom Nature, gratitude, or other respects, may have made it due; and yet all this consists with the equality which all men are in in respect of jurisdiction or dominion one over another, which was the equality I there spoke of as proper to the business in hand, being that equal right that every man hath to his natural freedom, without being subjected to the will or authority of any other man.[6]

This is an assertion that all men are equal in their right to participate in government and, if we read it in the context of the whole treatise, to be protected from the action of government

in the exercise of some forms of individual freedom. The theme is further developed in the Declaration of Independence:

> 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; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed . . .

Lincoln, in his many memorable interpretations of the Declaration, brings out its concrete bearing: 'If one man says it does not mean a negro, why not another say it does not mean some other man?' [7] If some minority is excluded from the protection of the principle, a breach is made in the whole moral constitution of the idea; through this breach some other minority will sooner or later be attacked. Lincoln saw this clearly:

> In his construction of the Declaration last year [Judge Douglas] said it only meant that Americans in America were equal to Englishmen in England. Then, when I pointed out to him that by that rule he excludes the Germans, the Irish, the Portuguese, and all the other people who have come amongst us since the Revolution, he reconstructs his construction. In his last speech he tells us it meant Europeans.
>
> I press him a little further, and ask if it meant to include the Russians in Asia? or does he mean to exclude that vast population from the principles of our Declaration of Independence? [8]

A man remarkably free from cant, Lincoln did not confuse the equality of men as human beings, and their consequent claim to human rights, with equality of merit or ability. If the principle of equality were construed to deny individual differences, it would simply be untenable. But none of the great exponents of the idea has been guilty of this confusion, least of all Lincoln. The authors of the Declaration, he said, 'did not mean to say all were equal in color, size, intellect, moral development, or social capacity. They defined with tolerable distinctness in what respects they did consider all men created equal—equal in certain inalienable rights, among which are life, liberty, and the pursuit of happiness.' [9] Here Lincoln's remark that men are not equal in color is troubling. It might mean that men are not the *same* in color—any more than they are in height, weight, or physiognomy. This is simply a fact. His use of the

word *size* immediately following would support this interpretation. But, whether out of tenderness for the opinions of his time, or through awareness of the discrepancies in forms of behavior that always accompany large differences in education and standards of living—for whatever reason, it is apparent from several passages that Lincoln did not include social with political equality.[10] Here, however, his own humane conduct is a better witness to his feelings than the reservations he occasionally expressed. In fact, he even perceived that gross economic inequality was a cause of inequalities of other kinds. The arguments against equality for the Negro he regarded as like 'the arguments that kings have made for enslaving the people in all ages of the world . . . the same old serpent that says you work and I eat, you toil and I will enjoy the fruits of it.'[11] In one of the noblest passages he ever wrote he made this connection quite explicit:

> That is the real issue. That is the issue that will continue in this country when these poor tongues of Judge Douglas and myself shall be silent. It is the eternal struggle between these two principles—right and wrong—throughout the world. . . The one is the common right of humanity and the other the divine right of kings. . . [Brooks of South Carolina said that] by the invention of the cotton-gin it became a necessity in this country that slavery should be perpetual. I now say that . . . Judge Douglas has been the most prominent instrument in changing the position of slavery which the fathers of the government expected to come to an end ere this—*and putting it upon Brooks's cotton-gin basis.* . .[12]

Here is the perception that Aristotle lacked: the economic motive is at the root of slavery, and slavery, with its accompanying poverty and ignorance, is a cause rather than a result of inequality.

If ever anyone scientifically demonstrated the effects of economic inequality in all their squalor and brutality, it was Karl Marx; if ever anyone understood the misfortunes of human outcasts with a sympathetic heart, it was Charles Dickens. It may seem an odd coupling of names—but these two bearded geniuses of the gaslit nineteenth century understood by looking and observing, and made unforgettable by their powers of description, the almost animal-like existence led by the very poor. Marx and Engels so vividly described the miseries of economic

inequality and so convincingly connected it with the distribution of political power that democracy as well as communism owes a debt to their massive sociology. But though the method of science is needed to work upon this as well as many other social needs, the problem is basically a moral, not a scientific one. Marx had no system of values independent of his particular brand of historical determinism. He looked upon the idea of individual rights as a by-product of the rise of the middle class (and thereby he laid the foundations for the schism between the right and the left which causes the deepest social disunion today). Equality *without* respect for the individual is a formula for another possible slavery. Marx was prevented by the premises of his philosophy and by his Hegelian inheritance from even framing this question for himself.

But there were other nineteenth-century thinkers who stressed the worth of the individual apart from the mass. Not so much John Stuart Mill, who for obvious reasons comes immediately to mind. 'Having said that individuality is the same thing with development, and that it is only the cultivation of individuality which produces, or can produce, well-developed human beings,'[13] Mill had said a good deal. But the importance of the individual was perhaps more freshly seen by some of our American thinkers—by Emerson, Thoreau, William James. For they recognized the need of each man to put down his own roots, not to let personality expire in the slavery of imitation. They divined the aspect of excellence in stubborn honesty, spontaneous energy. With perhaps more insight into human emotion than Mill, they saw that creativity in the largest sense had some dependence upon the free development of human beings; they heard, and they uttered, the soft, still voice of the reflecting man.

It is a curious fact, this deep appreciation of the worth of the individual in an era when social and economic conditions were building up limitations upon his activity—limitations now much more severe. But to take a purely historical view of any such germinating concept would deceive us sorely; we should be in the position of the journalistic intellectual, or academically mechanical minds who shrug away some great idea—freedom,

individuality—because it has been shadowed by the failure of a generation or two.

It would be tedious here to recount the history of what we may call the individualist fallacy, as it appeared in certain economic and social thinkers of the nineteenth century or as it lingers on in some of the businessmen's slogans of today. Belief in the value of the individual in no sense demands that the individual be unrestricted in behavior that affects the welfare of others. It does require that such restrictions be held to a minimum, that they should be relevant and necessary to their announced purpose, and that they should be defined voluntarily through the process of self-government. The margin between individual initiative and collective responsibility will vary from period to period and country to country. The test of democracy is the maintenance of conditions that allow the individual to make choices and to be responsible for the conduct of his personal life. Not every kind of freedom, but some knowable and describable kinds, are necessary for this purpose. They remain to be described in a later chapter.

But clearly, the freedom which is desirable for individuals and to which they have equal claim is for the sake of human beings. Pieces of property are not individuals; a corporation is not an individual.[14] The moral value which attaches to a human being does not attach to some industrial institution that for legal convenience is fictitiously called a person. Great wealth and great financial power are not necessary for personal development; they are likely to be inimical to it. 'Rugged individualism' implies a world in which there are too many Caspar Milquetoasts.

From the older democratic writers who are now spoken of as more 'individualistic,' i.e. less conscious of the dependence of man upon society, we heard relatively little about the individual. Living in a period when each person actually could live more independently, they formulated their demands in universal terms; they asked for 'the rights of man,' and declared that *all* men are born free.

Today, when most theories of society lay greater stress on the collective aspects of social life, we hear much more about

the 'dignity of man' or the 'value of the individual.' But there is no paradox here. Men of the seventeenth and eighteenth centuries included *each* individual in their striving for the rights of man. If they spoke less of the individual, it was because in their time greater individual freedom was being secured. We, living in an age when the individual man has been broken on the wheel of torture and every show of indignity, violence, and cruelty done to him, prize more than ever the value of the simple person. True comradeship, in war or times of trouble, has meant sympathy and help for the man in need. Fraternity and individuality, equality and individuality, are indissolubly linked.

In our art and literature as well as in our political discourse the theme of the dignity of man has been of growing power. At the end of his *American Scholar* Emerson summarized the interest of the nineteenth century in the lives of people once regarded as insignificant:

> . . . the same movement which effected the elevation of what was called the lowest class in the state, assumed in literature a very marked and as benign an aspect. Instead of the sublime and the beautiful, the near, the low, the common, was explored and poetized. . . The literature of the poor, the feelings of the child, the philosophy of the street, the meaning of household life, are the topics of the time.[15]

This finding of the most characteristic humanity among the poor and depressed classes is one of the sources of strength in which the art of modern times has found redemption from its confusion and uncertainty. The writers, the coteries, the critics who allow themselves the luxury of negativism do not fail to speak for the dispossessed. And in the novels of Malraux and Silone, brotherhood is the major spiritual experience of the characters. Yeats was unable to separate snobbish social aristocracy from real distinction of mind and behavior, but one of his poems describes a true perception of moral equality:

> Indignant at the fumbling wits, the obscure spite
> Of our old Paudeen in his shop, I stumbled blind
> Among the stones and thorn-trees, under morning light;
> Until a curlew cried and in the luminous wind

A curlew answered; and suddenly thereupon I thought
That on the lonely height where all are in God's eye,
There cannot be, confusion of our sound forgot,
A single soul that lacks a sweet crystalline cry.
('Paudeen') *

In some modern novels (Steinbeck's *Of Mice and Men* will perhaps do for an example) sympathy with the unfortunate is carried to the point of sentimentality. Not lightly can we comprehend the dissolution of human qualities in any creature who wears the human form.

Is man no more than this?

We can sound the question in the elemental surge of Shakespeare or of Melville, but lesser men founder with it. Poets, not commentators, fuse individuality and equality in final human conjunction, their vision passing

. . . in compassion and determination around the whole earth

—neither is sufficient alone. In the last analysis, this discovery of the likeness of unequal man is an experimental science, and what more keenly experimental than the arts? Because drawn from first awareness.

Science and art together, with empiricism now rough, now delicate, support firmly the philosophical theme. The more sternly we confront the disasters attendant upon inequality, the more unmistakably we see the evidence for the dignity of man. Some fresh insight is surely the product of our own circumstances and of recent times. The social sciences have brought us findings of fact to show the widespread distribution of ability and its lack of coincidence with lines drawn by caste. Ability is affected not only by training but by environment in general: good food, exercise, companionship, the chance of useful work call out a better human response than starvation, disease, lack of sympathetic respect, unemployment. Intelligence would not be equalized by the equalization of such conditions, but the general level of performance would show improvement and the way be

* From W. B. Yeats, *Responsibilities*. Copyright, 1916, by The Macmillan Company. Reprinted by permission of The Macmillan Company.

cleared for the constructive use of individual differences. We have learned that a status of inferiority breeds impoverished natures, that equality of treatment helps to equalize social contribution, and that a group that has actually practiced living without discrimination can cast off earlier prejudice.[16] Thus we move from the view that men ought to be equal, on moral grounds, to the view that they can become more equal by acting as if they were.

This is, of course, an empirical argument, but it is none the less convincing on that account. It differs, however, from the moral concept of equality. The moral concept says: if men differ in ability of every kind, still they are equal as sharing the human condition. All are worthy of a place in the human family and of respect from others. Even with those we consider unworthy, or with those who seem superior to us, we share a basic moral likeness. This is essentially the Stoic and Christian teaching.

The empirical argument says, Yes, and in addition all can improve their native endowment through good living conditions and through training. Although individuals differ in skills and intellectual capacity, we have no evidence that a whole race or nation is superior or inferior to others in these respects.

We have barely begun to explore the human resources that might be opened to us by an honest testing of the empirical grounds for basic equality. In cities where the white man and the Negro, though willing to meet, though of the same profession, can find no place to have a cup of coffee together, cannot attend the same meeting or see the same performance of a play, cannot use the same respectful terms of address without social ostracism—how little do people know of each other! This may seem a minor matter compared to the brutality of lynching or the more serious abuse of civil rights. It is, however, an example of the way in which the attribution of inferiority to a race or group robs society of the ability in that group, which it knows is there but fears to recognize.

To believe in equality is not to deny that superiority exists. But there are human values unaffected by superiority, and the incidence of superiority is unpredictable from the standpoint of

class, wealth, or hereditary privilege. If we think that certain qualities are truly superior, we must be willing to allow any individual, of any race or nation, to demonstrate that he has them.

> When a number of flute-players are equal in their art, there is no reason why those of them who are better born should have better flutes given to them; for they will not play any better upon the flute. . . For if there were a superior flute-player who was far inferior in birth and beauty . . . still he ought to have the best flute given to him, unless the advantages of wealth and birth contribute to excellence in flute-playing, which they do not. Moreover upon this principle any good may be compared with any other.[17]

Aristotle's example of the flute-player illustrates the way in which the existence of superiority is at the same time an argument for equality of opportunity.

In the nature of true superiority there is something sympathetic to the concept of equality. For true superiority consists in the possession of talent or skill which is potentially beneficial to everyone. Even physical strength, which in isolation from other great qualities is of limited importance, has value for all either in the performance of useful labor or in athletic sports. Intellectual ability in science, in scholarship generally; professional skill in medicine or in engineering; administrative ability in the affairs of government or in industry—such qualities are necessary to the welfare of society, and benefit everyone. True artistic power, no matter how solitary or how self-centered the artist may appear to be, is one of the most generous givers of life to mankind. In short, real ability, if freely used for some other end than personal profit (and sometimes even then), is never of exclusive benefit to any one person or to any small group. And if it has often been accompanied by great rewards, it has as often cost privation and hardship.

Far from repressing superiority, an increase in equality should open up new channels for the discovery and use of talent. In early America it had this effect, and the stimulating sense of youth, adventure, opportunity, struck all observers. De Crèvecœur excitedly reports the liberation of energy by the removal of barriers to accomplishment:

> Americans are the western pilgrims, who are carrying along with them that great mass of arts, sciences, vigour and industry which began long since in the east . . . the American is a new man who acts upon new principles; he must therefore entertain new ideas and form new opinions. From involuntary idleness, servile dependence, penury, and useless labour, he has passed to toils of a very different nature, rewarded by an ample subsistence.[18]

In modern times the Soviet Union has furnished a propulsive force that has liberated millions from 'involuntary idleness . . . penury, and useless labor.' Many travelers have borne witness to the technological and military skill, the scientific progress, the triumphs of engineering and of organization which have come from the bringing of new types of equality to the Russian people. But the children of serfs and peasants, the formerly illiterate and 'backward' people of nomadic tribes who are furnishing from their numbers a new leadership, have not yet won the essentials of freedom.

By the extension of economic and racial equality America, too, can tap still unused reservoirs of ability. The impulse to set these forces free will be a renewed confidence in our own future, a trained, alert and directed will to make the day-to-day work of democracy correspond more closely with its ideal, and the cutting of new channels between the thinking of our ablest men and the opinion of the people as a whole. The uncontrolled power and the social influence of money in this country has proved to be the greatest foe to impartial respect for what is excellent—and the influence of the standard of money exists among the people of every class.

Although democratic equality can free superior gifts, we must not ignore the fact that when equality is confused with mere leveling, with the anonymous average, it may be incompatible with the full exercise of great powers. Tocqueville analyzed this danger. And many poets and artists, aware of the deadening effect of uncritical mass opinion, have been scornful of democracy. Bad taste, ignorance, vulgarity are in part the survivals of an undemocratic age, in part the environment in which all human states have so far existed. But while they are not inevitable by-products of democracy, they are evils that com-

mercialism greatly aggravates. To the extent that democracy has up to now done little to arrest commercialism and has permitted its influence to dominate in major channels of public opinion, the result has been a sapping of intellectual fiber.

Equality is not standardization, but may be debased to that. The humane notion of equality is utterly corrupted by the commonplace attitude, 'I'm as good as anybody else'; 'He's as good as you are'—the conversational tags of aggressive mediocrity. If we once stop to think of the implications of equality and fraternity—their recognition of a common human destiny—we become conscious of the limitations of man's power, and are not moved to pride or self-assertion. This humane equality is a consort of the love of excellence and of simplicity. Hesitation to rely on personal judgment, therefore, or failure to develop inner leisure, or substitution of the 'big money' yardstick for success—the characteristics of mass opinion—degrade equality to the level of servile monotony and imitativeness. Where equality goes unaccompanied by respect for inner life or for standards of individual excellence, there is a loss of creativity on every hand.

> . . . never in the history of the world have vulgarity and debilitation beat so insistently upon the mind as they now do from screen, radio and newstand. Against that the book or movie which speaks with authentic largeness to the whole people has no easy victory.[19]

And as long as the prevailing criterion of commercial success, bigness, is applied wholesale, this vulgarity will continue. The outward habits though not the intrinsic meaning of equality to some degree contribute to this absence of distinction. For, like the other political concepts of democracy, equality does not stand alone. To be preserved in its unity with them, it must be constantly reviewed and renewed in the light of concrete human behavior. Its relation to art and literature, to what might perhaps be called the democratic culture, will be reserved for later discussion.

Since the power of money, more than poverty, is a threat to the development of distinction, and since inequality of wealth means the denial of opportunity to a great many, shall we conclude that economic equality is essential? Not if by that term identity of income is meant. As we have shown, human equality

does not mean identity or uniformity. It means that people are alike in certain potentialities for development; it means an attitude of true respect for all as an acknowledgment of one's own humanity; it means the end of caste, privilege, race prejudice. Now great disparity of wealth creates barriers among men and negates human equality. To remove these barriers we must abolish great disparity in income. Some differences in economic advantage are both tolerable and unavoidable, as differences in climate are likewise tolerable and unavoidable. Identity of income is not a necessary part of human equality, any more than uniform ability is. But inequality of income must be reduced and restricted so that it cannot negate political equality or discourage the full participation of any in the life of the democratic community.

Some economic differences may be necessary to the maintenance of freedom. That question will be separately discussed. Our aim should be to lessen the effect and reduce the range of economic inequality, rather than to aim at uniform incomes. This result can be attained by a number of methods. Of the results of economic inequality, not all are measurable in terms of money, and the worst may be felt when economic advantage is connected with occupational status in such a way that a fixed caste or set of classes is created.

We understand by equality an idea of universal membership in humanity which attaches value to the life of each individual. It does not mean identity or sameness of individual lives; it does mean a community of interests, and a responsibility of each one to consider others as equal participants in that community. If the notion of equality is pushed as far as possible, clearly it includes freedom for the individual to develop his skills, talents, and interests. The effort to run any kind of government and certainly the attempt to establish basic conditions of equality will of course conflict with some particular interests, not all of a selfish kind. But so long as individuals share the aim itself, the conflict will be no more than that which always exists between the vision and the fulfilment of social ideals.

From our discussion of equality certain general conclusions emerge. First, that democracy permits no permanent or heredi-

tary distinctions of caste or status. Distinctions there may be of rank or of reward attaching to the performance of function; but these distinctions are open to all, they rest upon ability or accomplishment or luck, and no one should be excluded from them except by the test of performance. The status of parents should neither confer any political privilege nor create disadvantages excluding their children from training and education and free entry into professions for which they are qualified. No class, as such, can be regarded as superior to any other.

Among the discriminations leading to the establishment of castes or depressed classes, race prejudice is today perhaps the most damaging. The ending of slavery, of serfdom, the political emancipation of the middle classes, the struggle for the rights of industrial workers and for the equality of women are milestones in the slow evolution of democracy. Even these benefits are not everywhere achieved; among colonial peoples they are still goals for the future. But where political democracy is established, the twin evils of race prejudice and gross economic inequality now challenge the resourcefulness of democratic leaders. Laws or customs that make color a barrier to voting, to education, to opportunities for employment, must go. In the United States, the men who support the poll tax or the white primary hold some other political creed than that of democracy. In France, in England, in Belgium or Holland, the men who wish to deny self-government to Asiatic or African people do not believe in democracy. In the Soviet Union, the men who shaped the hierarchical organization and who maintain the authoritarian power of a single party are not believers in democracy. Let us not tire of repeating, for it is still not fully understood, that the idea of equality is universal in scope; it refers not to the equality of white men, or Christians, or Western Europeans, or members of the Communist party, but of all human beings, and that means individuals.

The other chief conclusion to be drawn from the idea of equality and of the value of the individual is that the essential conditions of healthy human development should be available to everyone. Our goal must be—and it will take much labor and devotion to achieve it—that the evils of malnutrition, poor hous-

ing, inadequate medical care, scanty educational training, or lack of employment should not stunt the lives of any of our citizens. Equality of opportunity is a vulgar phrase when it signifies the start of a great many, some well-nourished and well-trained, others hungry and ignorant, in an unequal race. At the end the great rewards for some, the failure and misery for others, are no true index of human quality. An equal race would insure that none should lack the requirement for healthy physical growth and for training at the start. The winners may deserve honor but a decent existence should be possible for all who took part.

But to think of life as a race is childish. It is more interesting and less definite, multiform rather than linear in structure. To try to make its condition more equitable, to respect every man for the sake of what is human in him, is the best way to light a path into its uncertainty. We can do this only by sharing with each other.

To live in equality is an aim for knowledge as well as faith. What we have secured of it gives us reason to want more. An unopened store of wisdom attends upon the effort to give more of life and learning to those millions who now seem least and last. Would a widespread security fail to stimulate the energies of mankind? I hardly think so; it is confined and secluded luxury that is enervating. The course of living will always contain surprise and adventure and danger, and in any society the best work to be done will always involve toil and hardship. Can anyone honestly believe it a loss if the stunting effect of dire poverty and ignorance were removed? To dread the fullest use of human energies is a petty fear.

The thinkers who taught us of equality and of the dignity of each one have taught us not easily, but truly. Through science, through art and through the political trials of modern times we have discerned that equality and quality are not in opposition, they are indispensable to each other. Equality is needed to make way for quality where it appears. It respects the possibility of quality in the absence of quality. But most of all, it connects quality with mercy, and reveals that without mercy, there is no

greatness to be trusted. No greatness has good issue that is not kind to man.

Equality is not to be demanded except as it is given, in mutual respect to other people. That is why the argument that we might have equality without freedom is so specious. If equality meant uniformity of all, disregard of individual differences, there would be no need of communication among us, no structure of life, no sharing or growth of knowledge, mere isolated repetition. The notion of exact sameness is as absurd as its existence would be impossible. Equality, therefore, is mostly a beginning. It is born of and makes way for freedom; it is guarded and experienced through self-government.

2

Freedom

> Freedom is of more worth than your estates, yea than your lives and therefore deserves to be higher prized.
> Isaac Penington, *The Right, Safety and Liberty of the People,* 1651.

FREEDOM is more than the ability to make a choice or to act; it is a state of feeling. This state of feeling might be described as a sense of manifold possibilities and a relationship to them which is not striving, but is an equipoise. In this state the character of the future is felt to be promising because of both the steadfastness and the unpredictability of events. In other words freedom expresses faith in the determinable elements of life as well as in the quality of newness, surprise, freshness, delight in what may come to be.

All democratic behavior depends upon freedom. Not that, in every situation, freedom can be exercised. For we live in a world that is only partly democratic, and we ourselves are not wholly democratic; therefore some possibilities are not available to us. Parts of nature, especially the past, which must be regarded as a part of nature, are neutral towards the exercise of freedom in human affairs. But freedom is of the essence of democracy because from it every sincere belief is born. What principle can be known for itself except in the context of freedom? Our valuing of equality, for example, led straight to freedom as a condition of its understanding or fulfilment. Any meaning we ascribe to human existence, any apprehension that is not mechanical, presupposes freedom. The value placed on freedom is witness of that larger range of being which democracy allows us to experi-

ence, and in which we seek for truth and understanding. To take freedom as a first principle is to acknowledge the openness of value, and it is this which saves democratic thought from idolatry, worship of itself or of some lesser thing.

Freedom, then, belongs not merely to man and to political life; it is somehow a constituent of all that happens. Nor is freedom merely chance, although chance releases the chain of causes [1] from any finite, altogether determinable limits. Not incompatible with a discerned or predictable relationship among events, which may be referred to as causal, freedom is an end product manifested in events whose relationship we think we know as well as in those whose outcome we can neither foresee nor analyze. Change and continuity both are evidence of freedom.

By the principle of freedom is meant the belief that this state of being is desirable both in itself and as an atmosphere that permits the realization of other forms of good—an atmosphere without which, truly, other forms of good cannot be identified. For if we are brought to them by force, it remains force that we know, rather than the good to which it is alleged to be an introduction. Though force may be employed to accomplish an end to which no other means is available, that end is never valued until it is later accepted, in freedom, for its own sake.

In the century leading up to the two great wars of our own period, the idea of freedom was either received with a Laodicean languor or was utterly rejected by many people—rulers, publicists, scientists, and party followers who boasted of their fanaticism. Despotism had its defenders before brutality became a rule of government. Now, after so many have suffered from cruelty and deliberate enslavement and deprivation, we know at first-hand the evils of tyranny. Everyone has been able to observe the difference between living in a free country and being enslaved. Everyone can see that freedom must be actively desired in order to be maintained, and a wish to recapture its meaning has been awakened. But for many this hope appears, if with greater clarity, still at a sober distance. And this is rightly so. For even in countries like the United States and Great Britain, where the desire of liberty had not been lost, many people could

hardly justify an idea for which they nevertheless were willing to risk their lives. The intellectual disillusionment in which the Western countries had indulged themselves begins to seem faded and cheap. But mere affirmation will not bring new understanding. The reasons for doubting or for affirming the principle of freedom have to be explored.

It may be useful, then, to look at two developments in nineteenth-century thought which cast doubt upon the value of freedom: the reaction against *laisser-faire* economics and the extension of the methods and attitudes of science into the field of human relations.

The opponents of *laisser-faire* economics were too easily led to undervalue freedom. They asked, if freedom means only the power of a few to command the benefits of production, and the liberty of others to starve, what use is it? A rhetorical question, to which the answer is not enlightening. Freedom, in the democratic sense, cannot be identified with or restricted to a particular economic system. The doctrine of *laisser-faire* was never a central part of democratic thought. It was a special kind of argument about the functioning of the economic system, relevant, perhaps even convincing, in the heyday of capitalism but neither widely held before that era nor inevitably associated with democracy today. Such absence of economic regulation as it posits never really existed, nor is it desirable. It is difficult to see why attack upon *laisser-faire* was extended to a devaluing of freedom in general. The freedom of the few to exploit the many is not true freedom, since it is not universal in its benefits. When we value freedom, we value it for all; to work towards this end imposes rather than removes economic obligations. For the majority, *laisser-faire,* with its indifference to hours and conditions of labor, standards of health and security, meant a loss of freedom. We can therefore eliminate the idea that freedom means unrestricted power of economic action.

Nevertheless this false identification of two very different concepts has been costly, for it led a good many thinkers to speak slightingly of political freedom. To do so was to ignore the fact that political freedom gives man the power to change economic conditions. Without it, economic change can be made

only at the expense of intellectual and spiritual development. The proposal to surrender political liberty for promised economic equality shows a naive belief that when governors are given all economic as well as all political power, they will be less arbitrary than private persons.

The economic determinism of Marx and Engels combines an attack upon *laisser-faire* with an attempt to treat history and politics in scientific terms. Since Marx thought that the economic state of any given society was an inevitable outcome of the past, and since he believed political ideas as well as law and social institutions to be the by-product of the 'relations of production,' he could make no place for freedom as a good in itself. He saw civil liberties only as the result of the rise of the middle class and of its attempt to overthrow feudalism. To him they had no deeper meaning.

Yet the economic determinism of Marx and Engels is not thorough-going. An escape from it is provided in their belief that through understanding of economic conditions control over them can be won.

> The realm of freedom begins in actuality where labour, determined by necessity and external purposiveness, ceases; it lies therefore in the nature of things beyond the sphere of purely material production. As the savage must struggle with nature to satisfy his needs, to preserve and to reproduce his life, so must the civilized man, and he must do this in all forms of society and under all possible ways of production. As he develops, this realm of necessity extends, because men's needs extend, but his powers of production which satisfy these needs extend at the same time. There can be freedom in this sphere only to the extent that men in society, the associated producers, govern rationally the material given them by nature, and bring it under their common control, instead of being governed by it as by a blind force; develop it . . . under conditions worthy of and adequate to their human nature. But this is still a realm of necessity. Beyond it begins the development of human powers which is an end in itself, the true realm of freedom, though that can only come to flower if it is rooted in the realm of necessity.[2]

In this passage Marx suggests that economic determinism can be overcome. 'Men make their own history,' he says elsewhere, 'but they do not make it just as they please: they do not choose the circumstance for themselves, but have to work on circum-

stances as they find them.'[3] The change from economic bondage to the realm of freedom, however, is treated by Marx as a violent transformation, a period during which freedom neither exists nor is used. This apocalyptic vision[4] is even more powerfully sketched by Engels; to him there is a leap from necessity into freedom, symbolized in the myth of the final 'withering away of the state.'

> The seizure of the means of production by society puts an end to commodity production, and therewith to the domination of the product over the producer. . . The struggle for individual existence comes to an end. . . The conditions of existence forming man's environment, which up to now have dominated man, at this point pass under the dominion and control of man, who now for the first time becomes the real conscious master of nature, because and in so far as he has become master of his own social organisation. . . Men's own social organisation, arbitrarily decreed by nature and history, will then become the voluntary act of men themselves. It is only from this point that men, with full consciousness, will fashion their own history. . . It is humanity's leap from the realm of necessity into the realm of freedom.[5]

Thus in Marx and Engels we have the idea that understanding of economic conditions can give man the power to control them, and hence to extend his freedom. So far, their concept is not incompatible with a larger democratic concept, and could be treated as a part of it. For the goal of understanding and control of economic conditions can be considered as an aim for freedom, though not as its base, or as the whole of its meaning.

But to make control of economic necessity depend upon a violent, revolutionary transformation of society is to posit new unknowns in which freedom might be utterly lost. In communist theory the guidance of men into this new era is entrusted to a self-chosen dominant group. For, to the modified determinism of Marx and Engels, who rejected nineteenth-century socialist utopias only to embrace one of almost cosmic dimensions, there have been added the views of Lenin and Stalin upon the role of the Communist party. In their additions to Marxist teaching, 'the party' is described as the authoritative, unchallengeable guide of the proletariat and of the government as a whole.[6] Thus the leap from the realm of necessity into the realm of freedom must become, for all but the leaders, a blindfold leap of willing

sheep over the gulf of destruction created by war and conflict.

There is another aspect of Marx's determinism that is incompatible with choice or purpose in human affairs. His relativism, when it extends to all aspects of thought, and describes them as reflections of the modes of production, rules out any constant elements of value. From the standpoint of complete historical relativism, tyranny and brutality cannot be condemned. Marx admits this. 'Each stage of historical development is necessary, therefore justified for the time and conditions to which it owes its origin . . . this dialectical philosophy dissolves all conceptions of final absolute truth.' [7] It is clear that dialectical philosophy, which as Marx says in the same passage has 'a conservative side,' recognizes no continuing principles of good by which murder, torture, Fascist tyranny, and brutality can be condemned, or freedom, brotherhood, charity of men towards each other chosen as the good way of life. Granted that it was at least a better way that Marx, a passionate reformer, sought; it remains true that his thinking allows no place for the contemplation of principles for their own sake. This is a result of Marx's treatment of the term 'ideas,' which he conceives of only in the sense provided by Hegel. Likewise, it is a result of the confusion caused by such a term as 'final absolute truth,' which Marx rejects, without considering the possibility of continuing or constant elements of truth.

Again, it is Marx's historical relativism that causes him to place little value on civil liberties. To hold that in the past men have gained little of permanent worth in their struggle for political freedom, and to make political freedom contingent upon, and subordinate in importance to, economic organization, is a grave error. Freedom of the person, freedom of speech and of worship, cannot be thought of as mere expedients appropriate to the needs of a particular class in a particular stage of history. Yet this is the view that Marx is led to by his theory of history, and which we hear echoed by many superficial historians or publicists today. One can understand how Marx, who lived when the working class had enjoyed few of the benefits of these civil liberties, was led to the impatient conclusion that their economic emancipation was of greater importance. Had he witnessed the

modern forms of tyranny, so much more calculated and far-reaching in their brutality than the evils of nineteenth-century capitalism, he might have grasped the intrinsic worth of the aspects of freedom that are summed up in the phrase 'civil liberties.' Without them, the larger context of freedom is utterly destroyed, and economic emancipation can yield men little that is 'adequate to their human nature.'

Only in Marx's never-justified assumption that the dialectical change results in progress is there common ground for an appreciation of value. To Marx the 'uninterrupted process of becoming and passing away' is also 'an endless ascendancy from the lower to the higher.' [8] In assuming the inevitability of progress Marx was uncritical, yet this belief shows his hope of a better state of things, and discloses the inarticulate premise that there is a good, and knowledge of it is possible—else how distinguish between 'the lower' and 'the higher'?

Marxist thought allows a place for freedom, then, though for no clear understanding of its value or trustworthy care of it in the present. Some day Marxists may accept Engels' warning, 'Marx and I are ourselves partly to blame for the fact that younger writers sometimes lay more stress on the economic side than is due to it.' [9] In truth, Marx had in the full sense no political theory. The lack of it led Lenin and Stalin to rationalize as their political theory the strategy and technique of an outlaw party operating in a tyrannical state. Marx wove together a theory of history, a diagnosis of the ills of capitalism, and a prophetic hope for the future of the working class. These doctrines are not altogether in conflict with democratic thought, unless his disciples insist upon treating Marx's determinism and his relativism as more consistent and more absolute than they are.

The last part of the discussion has brought us into the larger arena of scientific or popular determinism, where the largely unscrutinized assumptions of science, and particularly of psychology, have weakened belief in freedom.[10] Nineteenth-century scientific thought tended to produce a belief in mechanical causation. Interestingly enough, an answer to this view is now provided by a fashionable view, also of scientific provenance, the 'indeterminism' derived from modern physics.

A good many scientists, including psychologists, are beginning to be dissatisfied with the destructive influence of scientific thought, as interpreted by the layman or sometimes by the scientist, upon moral philosophy. In practice, many scientists dislike the consequence of the devaluation of values. From within science itself there seems to be an increased attention to the grounds of belief in such concepts as freedom. But the problem is insoluble from the perspective of science alone. It is in the nature of things that no 'value' can be scientifically demonstrated. As Coleridge said, if there could be an external rule sufficient to explain poetry, there need then be no poetry. The nature of the good, in any of its manifold forms, is as mysterious as plain; always an effort of imagination and sensibility will be needed to comprehend it. Without the staking of the self upon something better and not wholly known, there would be no faith, and no commitment; without commitment, the world would be an indifferent matter. Mere acceptance without doubt would mean no challenge, and in the challenge to belief lies the chance of human nature to help create the grounds of being.

Science, therefore, cannot be expected to provide a solution to the conflict between the advocates of free will and of necessity. It is represented on both sides of the classic dilemma, inevitably, because we seek to connect its ordering of knowledge with other descriptive or intuitive patterns available to us. Let us then present the question concerning freedom, as it may appear to determinist or indeterminist.

The determinists for their part say: Given the findings of science, and particularly of psychology, can we hold that man's behavior is not caused? Though our knowledge is incomplete, our failure to know a cause is not the same as the absence of a cause. Further, does chance leave man more free? If his behavior is uncaused, is he not then helpless, since actions that are accidental cannot be directed or controlled?

The defenders of free will may reply, You have failed to allow for the element of novelty, of spontaneous change. In this world of infinite possibilities among the concatenation of events, not only all causes cannot be known, but fresh occasions will occur, escaping any past analysis. And the advocate of free will on

these or other grounds may then go on to point to man's sense that he can make choices as an irreducible fact. No human being of unimpaired intelligence, it may be argued, can behave as if all his actions are determined. If man is not free to choose and to will, as well as to act, is he morally responsible? If his every act is determined by a cause outside his control, can he be more than an automaton?

The questions of the two schools do not traverse exactly the same field of possibilities—they do not meet. But we must answer the challenge of both sets. For both these approaches to the problem of freedom are fruitful. Neither is sufficient. They must be related, and given a general ground in a philosophy of all existents.

Suppose we begin by making a concession to each school. Let us concede that man's behavior should not be regarded as uncaused. At the same time, let us agree that if it is wholly determined by factors or agents outside the individual's control, there can be no moral content in the idea of freedom or any significance in artistic effort or speculative thought. I maintain, in short, that behavior is caused and yet man can be free.

The first assumption in this argument is that some events are connected with each other in a manner that may be described so as to give a basis for prediction. These events we refer to in short-hand manner as 'caused,' related so as to allow for reliable prediction. Only so far as we can rely upon our description and prediction of sequences among such events can we obtain certain types of purpose or continuity. And upon purpose or continuity some uses of freedom depend.

But all the connections of events with each other cannot be known to any human observer or to any finite event in its appraisal of itself. Since this is so, all events cannot be causally related (as defined above), for at a most important point in the sequence of occurrences, namely, the point of appraisal, observation, or decision, some possible causal factors do not impinge and the felt judgment has power to become one. Events therefore manifest freedom in their reactions, although, from the point of view of any whole when completed, cause remains a valid concept. The variety of events, and the infinite possibility

of combination among them, produces unexpected, new events and likewise gives a freshness of tone and tenor to what would otherwise be a simple return or a remaining.

If we apply this line of thought to human behavior we must grant that we are not wholly free. Freedom is partly what we find, partly what we make, but necessity is also a fact. Human behavior is partly determined or caused: that is, we can account for certain physiological and psychological sequences and in broad statistical terms we may make some predictions. As our knowledge increases, the number of valid predictions that can be made will probably also increase. But man lives in the actual world and is affected by circumstance; although themes of continuity manifest themselves in his experience, each specific event is unique because it is never accompanied by precisely the same circumstances. Since the internal attitude of each person is never fully knowable to any other, and since the combination of circumstances encountered in life is never the same for another, a freedom of appraisal exists.

Even in terms of a deterministic psychological theory, such as that of Freud, the individual's response to his reoriented valuing of his own experience remains a point of freedom. By bringing into consciousness unconscious motives and emotions, the individual is able to make a new, more independent appraisal of his total experience and so to free himself from obsessions which may have limited his personality. Here there is a double freedom: (1) the freedom that arises from greater self-knowledge ends the bondage of fear and uncertainty; (2) for this freedom to continue, the individual must assume greater responsibility for his part in the fuller appraisal of his past. We have deliberately taken a highly deterministic view of behavior such as the psychoanalytical one, in order to show that even here, though behavior is seen to be caused, the individual is and must be free to participate by a voluntary act in the causation.

The quality of judgment called appraisal permeates all of life; it should not be relegated solely to the sphere of thinking or of feeling, but includes both and draws upon both. It is most active in all forms of disinterested contemplation or cre-

ation, here in an unanalyzable form. But it is the core, too, of every honest political choice.

First, then, the spontaneity of all nature (as explained above), which allows for emergence and becoming, and second, man's valid sense of his own share in life's making, provide the basis for freedom. We must now find freedom in the realm of the expected and predictable, in asking what opportunities are provided as well as what limits are set by what we recognize as necessary, beyond our power to change.

For everyone knows there are conditions we cannot change and actions we cannot carry through. All that has happened in the past in many respects limits the present. Our physiological nature makes each of us a certain kind of being. Not only what we do affects what we can in the future do, but how other men behave increases or circumscribes our own possibilities of action. Awareness of these conditions, so far as it contributes to our knowledge of the world, ourselves or other people, allows us to use freedom more intelligently—to direct it to the possible: For freedom is not merely avoidance of the impossible. It is, in regard to the world at large, the use of the possible: this is more than, and different from, acceptance of necessity. The social institutions of the present have been created by the manner in which people of the past utilized the possible. The part that we play in creating the structure of the future is not a mechanical one.

To characterize freedom as recognition of necessity is unsatisfactory. Suppose that a man is wrongly imprisoned and has no chance of release. Is his acceptance of this bitter necessity freedom? It may bring him personal peace, an acquiescence in his fate that saves him from hopeless struggle. But the purely subjective adaptation of the individual to any existing state of affairs is a small part of what we mean by freedom. To overstress this release from pain is to invite men to find necessity when events have not hardened into the unchangeable. If we believe that people by their own actions help to determine their social environment, we must counsel them that freedom does not consist in the acceptance of necessity. We must recognize what now is, in order to find the possible. Freedom then lies in finding

the possible; it gives the right, and sometimes the duty, to change what is not necessary. And often the only reliable way to test what is necessary is to act on the hypothesis of freedom.

But although the incompleteness of events and the effect upon them of appraisal gives grounds of freedom, its validation does not depend upon the presence of chance or chances. Suppose that men were entirely determined in their behavior except where chance made holes in the roof of necessity. They would not then enjoy freedom, for they could not plan their actions to connect with and further the favorable, but of course unanticipated, chance. Chance does introduce into experience novelty and spontaneity: increases the possibles. But chance alone is a shaky resort for freedom. The value of freedom lies also in purpose. Enough possibilities must exist of more than a merely random nature for human beings to conceive and to fulfil plans. These stabler possibilities lie in events we have reason to regard as predictable, and in the zone of response and appraisal. The present fashionable form of indeterminism, then, is a thin reed to lean upon.

Whitehead's too brief defense of freedom in *Process and Reality* * excels both the argument that freedom is recognition of necessity and the argument that freedom is assured by the presence of random elements, because Whitehead provides for the reaction of the person or experiencing entity.

> No reason, internal to history, can be assigned why that flux of forms, rather than another flux, should have been illustrated. It is true that any flux must exhibit the character of internal determination. . . But every instance of internal determination assumes *that* flux up to *that* point. There is no reason why there could be no alternative flux exhibiting the principle of internal determination. . . Further, in the case of those actualities whose experience is most completely open to us, namely, human beings, the final decision of the immediate subject-superject, constituting the ultimate modification of subjective aim, is the foundation of our experience of responsibility, of approbation or of disapprobation, of self-approval or of self-reproach, of freedom, of emphasis. This element in experience is too large to be put aside merely as misconstruction. It governs the whole tone of human life.[11]

* From A. N. Whitehead: *Process and Reality.* Copyright, 1929, by The Macmillan Company and used with their permission.

In explaining the 'Category of Freedom and Determination' Whitehead makes this formula apply to all events:

> This category can be condensed into the formula that in each concrescence whatever is determinable is determined, but that there is always a remainder for the decision of the subject-superject of that concrescence. This subject-superject is the universe in that synthesis, and beyond it there is nonentity. This final decision is the reaction of the unity of the whole to its own internal determination. This reaction is the final modification of emotion, appreciation, and purpose.[12]

If I understand these passages correctly, Whitehead means that necessity (that which is determined) is not present, because not completed, until the reaction of the experiencing whole is added to what has occurred. This reaction is unpredictable before it takes place because there is no standpoint from which it can be known. Knowledge of it is co-temporaneous with its happening and is internal to the whole occasion. Thus every concrete event has an aspect of spontaneity when viewed in the context of its relations to other events. Freedom enters in from several channels: (a) that of chance and novelty, when what is a cause or effect in one chain of events is a random happening in another; (b) that of reaction or valuing, the response of the experiencing entity to an event. This is what I have called appraisal. To illustrate crudely, the apple that fell from the tree at Sir Isaac Newton's feet fell 'necessarily' in terms of gravitation and that tree's history; it was an accident that it fell when Newton happened to be there. Newton's mind was prepared to reflect on this event because of his knowledge and interest; his receptivity at that moment was unpredictable and is the kind of response that will always remain unaccountable because it involves the factor of appraisal. Newton's reaction to the event was partly determined and partly free; he might have refused to avail himself of the inspiration that came and which itself doubtless contained some random and some physiologically determined elements.

Responsibility, we conclude, occurs as a factor in personality. Freedom is both an ingredient of action (cf. Wertheimer's expression, 'a gestalt quality of behavior') and an end product, achieved by action or thought. It is not incompatible with the

discovery of causal sequences among events but it reveals cause to be one perspective only and that an incomplete one.

The presence of freedom is itself of causal influence. The sense of being able to choose has great effect upon individual behavior and upon society as a whole. In discussing the aspects of political freedom, our problem is chiefly to explore the conditions that give man power to make his choices a cause among causes. Only in his recognition that through felt activity of his own he can enter into the spontaneous forward movement of all living does man realize himself as a personality. And the concept, as well as the presence, of freedom is a cause of man's behavior. His grasp of this universal, however imperfect and uncertain, in itself helps to set him free. As Maitland said, 'The *esse* of liberty is surely *percipi*.' [13]

Since freedom in its general sense is a power of self-determination experienced by individuals, political freedom is best considered as an absence of certain kinds of constraint. Discussions as to whether freedom is essentially positive or negative have their use in pointing out kinds of conditions which decrease freedom (insecurity, want). Otherwise, they have not been very enlightening. If we view freedom as the absence of certain kinds of constraint we can include both 'negative' and 'positive' freedom. The distinction is largely artificial. For example, the government's abstention from making laws about the establishment of religion, which might be regarded as negative, frees the individual *to* pursue his own religious beliefs. At the same time, a government's establishment of a minimum wage, which might be viewed as 'positive,' is at the same time a freeing of the individual *from* poverty.

No one has ever seriously argued that freedom means an absence of all restraint upon the actions of the individual. Political freedom assumes the dependence of people upon society and organized government. It assumes dependence upon society, because the aspects of freedom that democracy ensures take the individual as a social being and give him freedom in relation to social situations. It assumes dependence upon government, because no guarantee of freedom could exist without government. Political freedom depends upon the existence of law. It is

an aim for law, a demand that government should secure certain spheres of life from invasion by its own activity. As Locke expressed it, 'the end of law is not to abolish or restrain, but to preserve and enlarge freedom. For liberty is to be free from restraint and violence from others, which cannot be where there is no law . . .'[14] Law we shall take to be the rules, precepts, statutes, body of legal decisions, based upon consent or custom, deciding where the external sanctions of society will be applied to ensure just human relations.

Political freedom indicates spheres of activity in which the individual may be considered as a law unto himself. But since no one is self-sufficient, these spheres must be socially recognized. In other words, democratic government is self-limiting in order that man may be in certain respects self-directing. The essence of totalitarianism, in contrast with democracy, is that there is no sphere from which the activity of the state is excluded —no area where the citizen's initiative is supreme. 'All liberty consists *in radice* in the preservation of an inner sphere exempt from state power.'[15] But, equally, 'liberty is not a gift, but an acquisition; not a starting point, but a result of government.'[16] Men must learn through practice to understand and to desire liberty before they can successfully provide it with safeguards.

The demands of people for liberty naturally vary from one historical period to another. An illiterate people will not miss freedom of the press. The defenders of freedom of the press in the seventeenth century did not have to worry about the ownership of radio stations. The demand for the removal of restrictions upon manufacture and trade, hindering the production of goods or their flow from one region to another, was once a progressive step; the immense industrial aggregations of power, to which that movement of economic freedom eventually led, deprived employees of all kinds of important personal freedoms. Inevitably the social needs of each generation provide a different context.

But this argument can be carried too far. There is a substantial core of liberty without which people cannot contribute their honest thought or sincere feeling to the conduct of science, art, or government, without which they cannot learn from each other,

or live according to the best in their natures. A long struggle has brought into the light, and has secured for some countries, the basic rights without which the democratic process cannot be carried on. It is childish to minimize the civil liberties painfully secured by the effort of generations simply because the twentieth century has discovered new needs. Fortunately substantial agreement exists in regard to the essential kinds of freedom that cannot be destroyed without the destruction of democracy itself. It remains to describe them.

Freedom of the Person

At the climax of his masterly treatise, *Areopagitica,* Milton asks for 'the liberty to know, to utter, and to argue freely according to conscience, above all liberties.' In his day, men in jail could still defend the causes for which they were willing to suffer imprisonment. After John Lilburne was whipped through the streets of London, he was not prevented from making a political speech as he stood fastened in the pillory. Prynne, the Puritan opponent of the Anglican Church, managed to issue pamphlets attacking the bishops even when he was imprisoned in the Tower. 'To deprive the man of books and writing materials was . . . regarded by Bishop Laud as unchristian.' [17] Cervantes and John Bunyan wrote their greatest books while in prison.

While men live and can move and make sounds, they can still communicate with each other—like the prisoner in Malraux's novel *Le Temps du mépris,* who managed to express his feeling of solidarity with another victim of the Nazis by tapping out the word 'comrade' on the wall that divided them. But dead men do not speak, and men broken by torture have few thoughts to utter. Freedom of the person is the most fundamental of all civil liberties, for it is the right to life itself.

By freedom of the person is meant security from arbitrary seizure, imprisonment, or punishment. This security rests upon the existence of 'known and standing laws' and of officials responsible to the people. Before the development of civil society, human beings were at the mercy of accidental violence; before the development of constitutional government they were at the

mercy of arbitrary rulers. But in modern times, in those states where the essential aspects of freedom are not guaranteed by written law or by strong tradition, they have been the victims of calculated, organized violence—the most inhuman of all.

Self-government has not begun to exist where, because of opposition to government policy, a person disappears from view —whether to be imprisoned, sent into exile, or put to death no one knows. Or if men are arrested without charge and held without trial for indefinite periods, liberty is absent. The abduction of human beings from their civil pursuits might be called the imposition of an intermittent slavery. Like slavery, it reflects a contempt for the individual human person. The terror of a life held in such jeopardy has been vividly described by Winston Churchill:

> At present a family might be gathered around the fire side enjoying the fruits of their toil when suddenly there is a knock at the door and heavily armed policemen appear. It may be that the father, son or friend sitting in that cottage is called out, taken into the dark and no one knows whether he will ever come back again or what is his fate.
>
> All they know is that they had better not inquire . . . President Roosevelt laid down Four Freedoms . . . Freedom from fear . . . has been interpreted as if it were only freedom from the fear of invasion by a foreign country.
>
> That is not the fear of ordinary families in Europe tonight. Their fear is of the policemen knocking at the door.[18]

That the conditions Mr. Churchill describes in this passage do exist, we know to be a fact. Wherever they prevail—in parts of Europe, in parts of Asia, in colonies, in a state like Argentina—they are wrong.

Freedom from fear (more accurately, freedom of the person) amounts to the right of *habeas corpus* or its equivalent. Abduction by the police, torture, arbitrary imprisonment can be stopped by forcing the police to bring the accused person before a court, to acquaint him with the charges against him, and to allow a fair trial or to release the prisoner. But one statute, or one article alone in a Bill of Rights, will not serve the purpose. There must be a conception of law as impartial between government officials and ordinary citizens. There must be an independent judiciary. The laws must be known—not suddenly changeable so that a

person may be held guilty of an act that when he committed it was not illegal. *Ex post facto* laws, therefore, must be prohibited.

> . . . freedom of men under government is to have a standing rule to live by, common to every one of that society . . .
>
> And, therefore, whatever form the commonwealth is under, the ruling power ought to govern by declared and received laws, not by extemporary dictates and undetermined resolutions. For all the power the government has . . . ought to be exercised by established and promulgated laws, that both the people may know their duty, and be safe and secure within the limits of the law, and the rulers, too, kept within their due bounds.[19]

We learned too quickly to take for granted the privileges won by centuries of resistance to oppression. The right to trial by jury, to benefit of counsel, to be confronted by and to produce witnesses, standards of evidence—this charter of Anglo-Saxon liberties would have given hope to many an innocent man in Nazi Germany or Stalinist Russia, had they been available. We cannot expect legal procedure to be uniform, but the conduct of trials under any democratic system will give strong safeguards to the accused. Trial by jury, for example, has not proved itself to be the panacea it was once supposed. But it is one method of checking on judicial fairness.

Let us be clear on one point—especially in connection with Soviet Russia. No government can ignore an organized conspiracy to overthrow it by violent means. But, short of revolution itself, which is not analyzable in legal terms, it should be possible for a government to protect itself without resorting to methods outside the law. If real offenses have been committed, they can be stated and proved without the use of torture, without holding the accused incommunicado and other well-known methods of the police state. When ordinary safeguards are denied, the conclusion seems inescapable that brutal police methods are used not to protect the state but to terrify the opposition.

The action of the Soviets during the years of revolution cannot be judged from the standpoint of organized government. But after the period of actual civil war, there is no reason to believe that arrest and imprisonment without fair trial were necessary to safeguard the existence of the government. Nor is there any understandable reason for the extension of the technique of the

secret police into the Balkans and other neighboring lands over which the Russians exercise hegemony, except the frank denial of all civil rights to those who oppose communism.

Not only in Europe—in India, under earlier British rule, political leaders were arrested and held without trial. In the Southern states of the United States the crime of lynching is not wiped out. In the China of the present day, personal security is not to be counted on. Before democracy can begin to be achieved, personal security must be firmly established.

Although freedom from arbitrary arrest and punishment obviously comes first, it does not exhaust freedom of the person. The right to privacy in the home and in correspondence are fundamental parts of it; lack of them can nullify other liberty. Freedom to move within a country or to emigrate from it are needed to complete freedom of the person.

Above all, it must be borne in mind that the structure of democracy shows the interlocking of its major principles. Thus freedom of the person rests squarely upon equality, and it demands, therefore, elimination of laws discriminating against people on account of class or origin or belief.

Freedom of the person is the first pillar of self-government.

Freedom of Speech

Freedom of speech is a generic term for freedom of communication in the advancement of knowledge, in the discussion of public affairs, in arts and letters, in philosophy, in religion, and in every sphere that is of mutual concern to human beings. It is freedom to speak or publish, to broadcast, to use any available channels of expression. The argument for freedom of speech derives from the main principles of democratic thought. It rests upon belief in the equality of men and the value of the individual. It assumes that within some areas truth may be known, and that reason has a function in discovering it. It is the inevitable outcome of an understanding of freedom in general as the atmosphere necessary for the development of human resources.

Without freedom of speech, the other major aspects of free-

dom would be meaningless. Obviously, freedom of religion is contingent on freedom of speech—which, in fact, grew out of the struggle for toleration of religious differences. Where freedom of discussion about religious questions is limited, either by a church or a government, freedom of religion cannot be said to exist. Religious belief is by nature voluntary; belief that is compelled either by force or by ignorance is hypocritical or superstitious. For the shaping of that voluntary consent of the mind which alone gives meaning to outward form and ceremony, open discussion must be possible.

Freedom of association or freedom of assembly is for the purpose of mutual discussion and action on some cause of common interest. It goes without saying that freedom of assembly presupposes freedom of speech. The whole process of government by consent, which is an assembly of assemblies continuing through time, is nourished and sustained by free communication, and without it, dies.

The best defense of freedom of speech that has ever been made was written by Milton, in *Areopagitica.* To be sure, there are limitations in matters of detail that reflect the circumstances of the time when Milton lived. He directs his argument against censorship, which is only one of the dangers (but by no means obsolete in the twentieth century). He could not have foreseen problems created by government or by private control of the channels of mass communication. But he wrote the first thoroughly discerning analysis of principles, and no later treatise has so well recorded the reasons why freedom of speech is of the utmost moral, political, and artistic value.

At the base of Milton's argument is the connection he shows between freedom of speech and freedom in general. He rightly begins with a conception of man as responsible and active in the production of whatever moral good he may achieve. Man is not a slave or an automaton; in order to act responsibly, he must have freedom to choose. The limitations of freedom are to be learned and accepted by the understanding, not enforced by irresponsible authority. For one of the highest and best aims of human beings is a desire to know truth, and for the seeking of truth there must be freedom of inquiry. To overcome error and

to correct it, we must be able to search for information and to acquaint ourselves with the knowledge and reflection of others—both in the realm of fact and of interpretation. This is necessary even where truth is supposed to be known; acceptance of an opinion without the possibility of examining it is meaningless.

> A man may be a heretic in the truth; and if he believe things only because his pastor says so, or the assembly so determines, *without knowing other reasons,* though his belief be true, yet the very truth he holds becomes his heresy.

For the sake of sincerity, for the sake of that active circulation which keeps alive the thought of a school, a city, a country, and all the world, free discussion must be cherished.

The advocates of that fashionable skepticism in our time which blends a little knowledge of psychology with a desire to embrace some form of religious authority may object that this is too optimistic a view of man's capacity to know. But Milton's defense of freedom of inquiry is grounded in a conviction of the fallibility of human judgment as well as in hope for its improvement. Where are to be found infallible men to direct the opinions of all their fellows? And in each person, growth is an overcoming of imperfection.

> Good and evil we know in the field of this world grow up together almost inseparably.
> . . . passions . . . rightly tempered are the very ingredients of virtue.

Milton avoids a false dualism in his conception of man and looks upon experience as having a possible unity that is the outcome of growth, choice, responsibility.

To believe in the individual person's capacity to grow in knowledge is analogous to a belief in progress in the larger republic of learning and of science. And for progress it is necessary to open the channels of discussion; otherwise the keenest minds will be starved for nourishment and the people as surely cut off as if they were besieged or their ports blockaded. When Milton thought of progress he had the extension of religious insight in mind; but his picture of the busy heads seeking for knowledge may be as well translated to the sphere of politics or of science:

> Behold now this vast city, a city of refuge, the mansion house of liberty . . . pens and heads there, sitting by their studious lamps, musing, searching, revolving new notions and ideas wherewith to present the approaching reformation . . .
>
> Where there is much desire to learn, there will of necessity be much arguing, much writing, many opinions; for opinion in good men is but knowledge in the making.

No summary can do justice to the courage and the generous trust in human capacity which sounds in *Areopagitica* like a tremendous music. It is not a naive or foolishly optimistic trust; Milton is aware of evil in the world and of man's liability to error. For the overcoming of error he looks not to sentimental abasement or forced conformity to the views of a ruling group, but to faith, and hardihood, and cherished freedom. Without it, he tells the Parliament, 'We can grow ignorant again, brutish, formal, and slavish, as ye found us; but you must first become . . . oppressive, arbitrary, and tyrannous . . .' Events impressed upon Milton the need for Parliament to permit free religious discussion; he wrote when the Westminster Assembly was busy preparing a Presbyterian system of church government for all England, and Parliament was threatening to suppress the publications of other religious groups by the enforcement of the Licensing Act. But, as his references to Galileo and to the aim of advancing the welfare of humanity show, Milton realized that the broad principles on which he based his defense of freedom extended beyond the sphere of religious controversy. It was, he knew, the life-giving atmosphere in which all creative effort flourishes.

So understood, freedom of speech is an unqualified and constant value, an essential democratic right. Its exercise is conditional only upon the preservation of the other essential democratic rights and of democratic government. In no other sense is it relative, but its place in the democratic pattern does impose obligations upon individuals in the exercise of their freedom. It is true, but not particularly illuminating, to say that freedom of speech is not an absolute—does not exist *in vacuo*, but is connected with other purposes of men and of society at large. If we were to content ourselves with this vague statement, however, we might seem to admit all kinds of encroachments. The

question is what restrictions, if any, are necessary to safeguard the other essential rights of individuals and responsibilities of government? And can they be defined so that free speech will not be substantially impaired?

The scope of necessary and tolerable restrictions will be clear if we remind ourselves that the need for free speech developed out of the desire to prevent coercion in the realm of thought and opinion.

> Back of the guaranty of free speech lay faith in the power of an appeal to reason by all the peaceful means for gaining access to the mind. It was in order to avert force and explosions due to restrictions upon the rational means of communication that the guarantee of free speech was given a generous scope.[20]

Perhaps this useful statement by Mr. Justice Frankfurter should be broadened—for not only rational means of communication, but the expression of emotion and feeling in art, religion, or politics must also be protected, so long as it takes place in a peaceful manner. What must equally be protected is the right to peaceful existence; government must be able to prevent violence and personal injury to individual citizens. To draw the line between the free expression of opinion in the spheres of public concern and artistic or scientific interest, on the one hand, and, on the other, speech that is not aimed to persuade but to have all the effect of force, has been the labor of jurists and of statesmen for many centuries.

Opinions, then, that are new, unpopular, critical of government or of accepted ideas are not to be censored or made the ground of punishment after expression. 'No official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion or other matters of opinion or force citizens to confess by word or act their faith therein.' [21] But when speech or expression is uttered in such a place or such a time that it may provoke immediate violence, or when it has no public relevance, but may cause personal injury, it should be restrained. The expression of ideas necessary to an honest choice in matters of public policy, or the expression of artistic or religious or philosophical insight does not fall within this category. Such aims, for the sake of which free speech is protected not only do not require but are

themselves injured by the explosive, malicious, or fraudulent utterances which should be restrained by law.

In the first instance, government must be allowed to maintain itself—not against criticism, not against peaceful change of the individuals or parties exercising power, but against armed attack from within or without. The most ardent defenders of free speech have agreed that restraints become necessary when the occasion and timing of some act of expression does truly endanger the existence of government. It is sometimes a hard problem to distinguish between the kind of utterance that, though truly threatening to government and an affront to public opinion, is not an incitement to violence or destructive of public order, and the kind of utterance that may set off the spark of violence before thoughtful consideration can take place. A speech advocating the overthrow of government, which could be made with impunity in a meeting hall, could not be made to a group of armed men on the steps of the capitol or parliament building. Information that might be of value to the enemy must be restricted in war time; yet the people must have the right to criticize the conduct of a war or to advocate its discontinuance. The great contribution of Justice Holmes in the famous decision handed down on *Schenck* v. *U.S.* was to epitomize this difference:

> The most stringent protection of free speech would not protect a man in falsely shouting fire in a theater, and causing a panic. It does not even protect a man from an injunction against uttering words that may have all the effect of force. The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. It is a question of proximity and degree.[22]

The 'clear and present danger' rule is not infallible, because the decision has to be made each time whether a clear and present danger exists, and the judgment of circumstances always enters in. But it expresses the principle that should guide the decision. Mr. Zechariah Chafee comments on it with admirable clarity:

> The principle on which free speech is classified as lawful or unlawful involves the balancing against each other of two very important social interests, in public safety and in the search for truth. Every reasonable effort should be made to maintain both interests unimpaired, and the great interest in free speech should be sacrificed only when the interest in public safety is really imperiled, and not . . . when it is barely conceivable that it might be slightly affected . . .
>
> Thus our problem of locating the boundary line of free speech is solved. It is located close to the point where words will give rise to unlawful acts.[23]

In using the phrase 'unlawful acts' Mr. Chafee means acts such as libel, or slander, obscenity, fraudulent advertising, and so forth, which have never been considered a part of, and are possibly injurious to, freedom of speech in its historic sense. The right of an individual to privacy, the right of groups of people not to be subjected to the dangers of riot or panic, the right of people not to be misled by dangerous misinformation in matters of public health, the social interest in the elimination of commercially sponsored obscenity, are legitimate concerns of government. Attention to them does not interfere with honest speech or discussion.

But if admissible restraints upon free speech are seen more clearly when we steadily regard the values this principle is intended to serve, what of the arguments of those who would destroy freedom of speech itself? If they were to be successful, this right would disappear. Should they be permitted to abuse the privilege of freedom of speech in order to deprive us of it in the end? Should there, for example, be any restriction upon the publication of Nazi or Fascist views in a democracy?

The answer is an unqualified No. Nazi or Fascist or Communist attacks upon democracy must be permitted expression, along with any other dissenting views. For the alternative would be to establish a censorship and to define political heresies, and then all would be lost. Every reason for thinking that people must have the freedom to choose their political philosophies holds here. Democracy would not be democracy if it could not stand the test of criticism and debate; it should be the more wholeheartedly supported when people know what are the alternatives to it. In principle there is no reason to censor the ex-

pression of undemocratic ideas. In practice there is no method of doing so that would not take away freedom of discussion in politics.

Anti-democratic groups can be restrained in other ways. Their views and their activities should be exposed; their arguments should be answered; the social conditions that make individuals a prey to their philosophy should be remedied. If they are prevented from using force and intimidation and from quasi-military organization their propaganda need not be feared—in fact there is often more danger when their views are concealed than when they are expressed. In time of war, of course, the propaganda of undemocratic groups is subject to the 'clear and present danger' rule, but all are subject to that.

If undemocratic philosophies could not be prevented from making headway except by force, democratic thought and action would already be in a weakened state. The confidence and understanding of the people must be our chief bulwark against the forces that would revive tyranny. Mr. Justice Brandeis has very movingly described the contrast between the faith of free men in the freedom they possess or strive for, and the fear that begets persecution.

> Those who won our independence believed that the final end of the state was to make men free to develop their faculties; and that in its government the deliberative forces should prevail over the arbitrary. They valued liberty both as an end and as a means. They believed liberty to be the secret of happiness and courage to be the secret of liberty. They believed . . . that the greatest menace to freedom is an inert people; that public discussion is a political duty; and that this should be a fundamental principle of the American government . . .
>
> To courageous, self-reliant men, with confidence in the power of free and fearless reasoning applied through the processes of popular government, no danger flowing from free speech can be deemed clear and present, unless the incidence of the evil is so imminent that it may befall before there is opportunity for full discussion. If there be time to expose through discussion the falsehoods and the fallacies, to avert the evil by the processes of education, the remedy to be applied is more speech, not enforced silence. Only an emergency can justify repression.[24]

Freedom of speech, then, like the other important principles of democracy, depends upon the active comprehension of the

people. It can be nullified by an intolerant public opinion, as well as by a repressive government. (This point is explored by J. S. Mill in his essay *On Liberty.*) The experience of occupation by a cruel and tyrannous power has given many people a tragic need to re-learn the meaning of free communication; and new heroes have been found in men who risked their lives to keep printing presses going and information circulating—even to listen to distant words by radio. In countries that enjoy to the full this hard-won right, no repetition of the past, or echo of its thought, but only an alive belief in the present will insure its continuance. Everyone who enjoys free speech has the duty to know its history and its structure, so that as conditions change and new tests are imposed upon us, this freedom may live.

Freedom of Religion

Religious freedom means that neither government nor any church shall impose upon an individual the observance of religious rites, but that each person shall be free to worship God according to his own understanding.

In its origins freedom of religion was as much a struggle for emancipation from the tyranny of churches as from the power of the state. 'Nowhere on earth prior to 1640, unless it were in Holland, was toleration in any effective form whatsoever anything more than the dream of a few poor persecuted sectaries or deep private thinkers.' [25] Toleration grew out of the protest against enforced uniformity. The Roman Catholics, the Calvinists, the Church of England sought each in turn to monopolize control of religious life and teaching, using the coercive power of the magistrate to enforce their claims. Men and women whose sincere belief impelled them to another form of worship risked, and often suffered, imprisonment or exile, even death. Through their courage, and through the writings of those who began to show the connection between toleration and the voluntary character of belief, freedom of worship was gradually secured in large areas of the world.

There is a pragmatic argument for freedom of religion—that it avoids useless strife—but this is the least important of the grounds

upon which it may be defended. More searching is the position that the understanding of faith shows this freedom to be necessary; for faith that is compelled is a contradiction in terms, and the person who mechanically follows religious rites or who mumbles the words of a creed is a hypocrite. To the Baptists and Independents of the seventeenth century belongs the honor of having taught this widely, and of having tried to establish religious freedom through political means.

The nature and the bounds of religious liberty were brought out fully by men like Roger Williams, whose pamphlets defended freedom in the exercise of worship, so long as it was peaceful. Williams clearly explained that no difference of opinion was sufficient to justify persecution. He did not stop at the toleration of Protestants, or of Christians, but thought a place should be made for the faith of Mohammedans, Jews, pagans, and atheists, so long as they were willing to live peacefully in the civil state. In this respect he went further than Locke, who limited toleration to Christians. Jefferson, in the magnificent 'Act for establishing Religious Freedom' which he drafted for the state of Virginia, set forth the whole gist of the argument in a few pages, proceeding from the premise that 'Almighty God hath created the mind free' to the clear enunciation that 'our civil rights have no dependence on our religious opinions.'

The best protection of religious liberty is a negative one—the absence of laws concerning it. The separation of church and state, the exemption from religious tests as a qualification for voting or office, freedom from compulsory religious education, or from any legal obligation for financial support of religious institutions, all these are the concrete embodiments of freedom of religion. In Western countries, where religious liberty now has had a considerable history, such privileges are enjoyed by most citizens almost without thought; it remains to be seen whether religious toleration can be established in the rising nations of the East.

The only proper limit on religious liberty is the one indicated by Roger Williams, the obligation on the part of religious people to behave so that the rights of others will not be impaired. Laws protecting public safety would rightly prohibit a religion based

on human sacrifice or on physical danger to human beings. Such restrictions, however, would not be expressed in laws relating to religion, but in the regular civil or criminal law.

The privileges and immunities that may be claimed by religious groups will sometimes conflict with the notions of general welfare or civil order. One way to resolve such difficulties is to remember that freedom of religion was a right sought for the sake of individuals. It gave individuals the right to associate with others in religious worship, but did not confer special privileges on churches or religious associations as such. The name of religion has been used to describe both fanaticism and superstition, on the one hand, and the highest powers of contemplation and love, on the other. Merely because a church or sect asks it, religious liberty cannot be invoked to support institutional claims. Religious belief, whether welcome or repugnant to the community, must be protected in its normal freedom of expression; special privilege, possibly harmful to others, is not to be extended merely because it is claimed.

The need for religious freedom is a witness to the inadequacy of dogma: there can be no final teaching of the relation of man to God. That is a channel of communication which, if it is open at all, leads to the unknown and to further revelation.

Secular freedom permits the expression of belief and the peaceful association needed for religious experience. Indeed, the customs encouraged by a church could not be inimical to democracy without the loss, by the church, of sincerity in its approach to belief. Suppose, for example, there was a church advocating persecution of the people of a particular race or of another creed. Or suppose that the church monopolized the training of the children of its members, making it impossible for them to have access to the thought of other religious groups. In either case, the church denies to its members an essential freedom. Why should churches, any more than governments, be allowed to abrogate religious freedom? It would be legitimate to seek some means whereby the children at least should have teaching that would present to them knowledge of the thought of other groups.

Where today churches or religious people are persecuted, other aspects of freedom are also denied. It is not necessary to protect the churches by special arrangements for them; true religious liberty can be secured only along with the other aspects of freedom, such as freedom of speech and of assembly.

The democratic concepts of freedom and of equality owe much to Christian thought. Now, in their universalized form, they set a standard for religion itself. More—religion and democracy share common ground, in so far as they urge individuals to acknowledge ends beyond themselves, for the perception of which spontaneity serves, and freedom is necessary. It is no service to religion to defend its tenets on sentimental grounds or through unexamined dogma; nor is it a service to democracy to regard religious liberty as mere toleration, born out of skepticism or indifference. Against these views stands an interest in truth; democracy and religion both owe their well-being to it.

Freedom of Assembly

Freedom of assembly is really a corollary of freedom of speech; but it describes a right of communication for groups and deserves separate discussion. It protects associations and spontaneous meetings of a peaceable order, convoked for some public aim.

Because government concerns only a part of the interests of mankind, there will always be groups within it, whether artistic, religious, economic, or of some other sort. Their nature varies so much with the structure of a given society that no blanket provision could be made for their privileges and immunities. Private associations or meetings, however, are a most necessary channel of thought and action for citizens; they serve as an unofficial but often direct mode of representation for groups whose views might otherwise be unknown or unheeded. Without freedom of assembly and petition, freedom of speech would be incomplete; for there might be no other effective means of producing simultaneous consideration of the same question by a large number of citizens. Likewise, it might be impossible

to arrange such discussion at a time when decisions on a particular question were about to be taken.

The right of citizens to meet peacefully, to discuss their common affairs, and to bring a petition (or statement of their views) before the government implies as well a basic right of association and of peaceful political action.

The qualification that such meetings or such association must be peaceful is both a proper and a necessary one. Otherwise the government might be overthrown by a small minority bent on violence, or at the least, the lives of others might be threatened. Therefore, a meeting of citizens, or the individuals concerned in it, cannot claim that the right of assembly protects them in threatening or intimidating action, or in behavior that endangers the safety of others.

The right guaranteed is extended to individuals holding a meeting, not to the organization itself that they may form. A sphere is created for voluntary organization; people have a right to associate and to express their political views through associations. But organizations are not protected in every purpose they may undertake. The protection is for citizens to congregate, to discuss, and to express themselves publicly; no right is guaranteed to organizations as such. They may, and in many instances should, receive legal privileges; but the purpose of freedom of assembly is not to protect corporations of every sort.

An individual could not expect freedom of assembly to protect his activities in a secret society. For, to begin with, such a society is not openly expressing its purpose. Such societies may be regulated by law without infringement of freedom of assembly. In the case of *N.Y. ex rel. Bryant* v. *Zimmerman,* the U.S. Supreme Court held that

> "the state within whose territory and under whose protection the association exists is entitled to be informed of its nature and purpose, of whom it is composed and by whom its activities are conducted, and that requiring this information to be supplied for the public files will operate as an effective or substantial deterrent from the violations of public or private right to which the association might be tempted if such a disclosure were not required." [26]

This was a case in which a member of the Ku Klux Klan was

arrested for attending meetings of a secret, oath-bound organization which had failed to comply with state law by providing information about its constitution, by-laws, officers, membership, oath of membership, and so forth. The law made it a misdemeanor for anyone to belong to such an organization, knowing that it had not complied with the law. A regulation of this sort is not at all in conflict with freedom of assembly, for the whole spirit of that freedom is to make for open, aboveboard discussion in a peaceful atmosphere, rather than for the practice of intimidation carried on under the cloak of secrecy.

Nor could freedom of assembly be invoked to protect a group organized for military drill, or for criminal conspiracy of any sort. The existence within democracies of groups actively concerned with the destruction of democracy raises questions about which it is of the utmost importance to think clearly. On the one hand, democracy by its whole philosophy requires that groups or individuals should be free to debate the nature of government; they must therefore be free, if conviction so directs them, to advocate the superiority of some other form of government. Yet freedom of speech or assembly does not give them the right to exercise military or economic power, or to threaten people with social or economic reprisals. Nor have they the right to conceal their activities. Effective remedies exist, therefore, without withdrawing the fundamental freedoms. The distinction has been drawn with beautiful clarity by former Chief Justice Hughes:

> These rights may be abused by using speech or press or assembly in order to incite to violence and crime. The people through their legislatures may protect themselves against that abuse. But the legislative intervention can find constitutional justification only in dealing with the abuse. The rights themselves must not be curtailed. The greater the importance of safeguarding the community from incitements to the overthrow of our institutions by force and violence, the more imperative is the need to preserve inviolate the constitutional rights of free speech, free press and free assembly . . . to the end that government may be responsive to the will of the people and that changes, if desired, may be obtained by peaceful means . . .
>
> It follows from these considerations that, consistently with the Federal Constitution, peaceable assembly for lawful discussion cannot be made a

crime. The holding of meetings for peaceable political action cannot be proscribed.[27]

The privilege of peaceful consultation with others, and public expression of common views on political questions, is the nub of the matter, and if that privilege were not secure, democracy would soon die of anemia. Voluntary and private associations furnish the circulation of sentiments and ideas which would never move freely through government-sponsored channels. But this fact permits no sentimental or deceptive encouragement of groups at the expense of individuals. The meeting or association has validity because it is a social context through which individuals can connect their experience and complete their thinking. Looked at independently of the people whose interests create it, any organization is a mere shell. Continued use often creates loyalty to particular group associations; this is a social phenomenon of great importance and potential benefit to society. If, however, rights were assured to groups instead of to the individuals who compose them, the rights would soon cease to exist.

3

Self-Government: The Process of Law

> The science of law should, in some measure, and in some degree, be the study of every free citizen, and of every free man . . . Happily, the general and most important principles of law are not removed to a very great distance from common apprehension. It has been said of religion, that though the elephant may swim, yet the lamb may wade in it. Concerning law, the same observation may be made.
>
> James Wilson, *The Study of Law in the United States.*

A SENSE of freedom may be enjoyed in solitude, and equality is a respect for others which we may privately feel, regardless of circumstances. They cannot be achieved in the life of the community without self-government. By self-government is meant the power of the people to take part in public affairs, to choose the government, to demand at stated intervals an accounting from it, and to continue in office or remove officials according to a known and impersonal procedure.

The need for self-government is inherent in the concept of equality and of freedom, for they imply individual responsibility, and that cannot be exercised without choice. In the management of public business as in every other human activity, some are more skilful than others, and everyone benefits if the more skilful are chosen for this task. But there is no method of selection that will avoid a monopoly of power by a small group or an individual except the method of trial and error, judged by the whole group. For although not everyone is fitted for public

office, everyone's experience is significant, and no reliable common judgment can be made unless everyone has the right to report his own opinion.

Power is a universal political phenomenon, with foundations ultimately in force but also in opinion. Self-government makes the use of power a trust—derived from the people, to be used for their benefit, and revocable by them.

The location and use of power—to what persons or groups it is entrusted and in support of what policy—we shall call the political process. The derivation of power from the people, definition of its scope and its limits, the formal expression of its results, and the maintenance of the structure so achieved, we shall call the process of law. The two are inseparable, and at the first establishing of a republic, if it is a deliberate act, they coincide exactly. Self-government begins with the acceptance of a law based on majority rule and protecting essential rights; this is the democratic process of law, and the political process must be conducted in accordance with it.

The old metaphor of social contract clumsily symbolized the two aspects of government by consent: first, consent to an underlying principle, and second, consent to a mechanism for making it operative—or, to put it otherwise, faith in freedom and equality as the basis of individual rights, and acceptance of majority rule as the basis of law. But whether symbolized in contract, charter, or dependable tradition is unimportant; the substance of the matter is a simultaneous grant and limitation of power. We need not search into the recesses of history to establish its provenance. Every social institution we know is the result of a gradual growth, but democracy is reached at a stage of reflection upon the aims of the common life. As Mr. Justice Holmes pointed out, 'The time has gone by when law is only an unconscious embodiment of the common will. It has become a conscious reaction upon itself of organized society knowingly seeking to determine its own destinies.'[1]

In examining the basis of self-government, therefore, we need not draw a contrast between the anarchy of a state of nature and the peace won by mutual agreement to observe a system of law. The elements of disorder are present in all societies, at

every stage; and in all societies some means of order has been relied upon to surmount confusion. The question is the specific character of the means of order appropriate to democracy.

Democracy exists in a world that is not wholly democratic. Each of us has to learn an individual self-restraint in order to allow others to enjoy equality and freedom. But further, we live in a world where many people have not analyzed and digested such ideas, and where others deliberately reject them. Democracy must not only restrain power but must channel it constructively. To build order out of the conflict of purpose we must accept majority rule. This is the essence of democratic law, that power is not self-directed but is harnessed to the freely made decisions of the group.

Majority Rule

Majority rule is a convention, the best known, whereby a community of free men may make decisions when they are not all in agreement. It has been the purpose of our exposition to show that democracy is a set of interconnected ideas. Always, therefore, majority rule must be taken within the context of freedom and equality. Not what *any* majority may determine is democratic, but the choice of a majority accepting the principle of freedom and equality for others as well as for themselves, exercising continuously the process of consent—this is the heart of democratic government.

The existence of a community or working group gives majority rule its meaning and its effect—and this for several reasons. To begin with, it is the recognition of common needs and the willingness to make a joint decision about them which provides the occasion to apply majority rule. Even though a majority is less than the whole, it is by definition the greater part of the whole, and for agreement to be reached by half the number plus one, there must be common ideas of conduct, common sentiments, and common values among the group.

The formation of a majority argues a successful meeting of minds even though it is not complete enough to attain unanimity in the group. A good majority decision about a subject of any

considerable importance is usually preceded by a discussion, and the effect of a discussion modifies the views of many of the members. What is concluded after a discussion, even though it has not won the assent of every member, is likely to be different from the result of a vote taken without discussion.

A. D. Lindsay once remarked, apropos of Cromwell's attempt in the Putney Debates to distinguish between individual inspiration and the judgment of the group, that consent was for Cromwell 'a result and not a condition.'[2] But consent is both a condition and a result of discussion in a democratic group. Willingness to accept majority rule as binding transforms mere *ad hoc* association into government based on law, effective enough to continue the association and to achieve its purposes.

For, as Locke pointed out, refusal to accept the rule of the majority leaves the members of an association where they were before entering it. They are not bound, they have found no method for solving conflict. The foundation of majority rule, that which makes it a source of law, is the decision by each member of the body, 'I will be bound by the decision of the majority, whether or not it is my opinion.'

This relationship involves fascinating if relatively difficult problems—not to be solved by sleight of hand, as when Rousseau speaks of 'a form of association . . . in which each, while uniting himself with all, may still obey himself alone, and remain as free as before.'[3] A person or a government that has accepted the rule of law is not as free as before; some kinds of freedom are sacrificed for the sake of preserving others. In order to explore this question more thoroughly, let us consider first what is involved in a demand for unanimity, and then the position of a minority or minorities in a political group accepting majority rule.

A Quaker of the seventeenth century, Edward Burroughs, gives a good description of the spirit that Friends believed should animate even their business meetings:

> Being orderly come together, not to spend time with needless, unnecessary and fruitless discourses; but to proceed in the wisdom of God, in such things as may upon occasion be moved amongst you, for the service of Truth and the good order of the body; to hear and consider, and if pos-

sible to determine the same in justice and truth,—not in the way of the world, as a worldly assembly of men, by hot contests . . . or two sides violently striving for dominion, in the way of carrying on some worldly interests for self-advantage; not deciding affairs by the greater vote, or the number of men . . . But in the wisdom, love and fellowship of God, in gravity, patience, meekness, in unity and concord, submitting one to another in lowliness of heart, and in the holy spirit of truth and righteousness, all things to be carried on . . . and to determine of things by a general mutual concord, is assenting together as one man in the spirit of truth and equity . . . And if at any time, any matter or occasion be presented to the meeting, which is doubtful or difficult, or not within the judgment of Friends there assembled . . . that then on such occasions the judgment be suspended.[4]

One of the most striking aspects of the early history of the Society of Friends is the effort, and the need, to cut a channel from individual experience to the judgment of the group. At first there was perhaps a too exclusive emphasis on the Inner Light, or seed of truth, in each individual (which led in some instances to anarchy and to pathological illusions). The progress from this earlier stage to the encouragement of concord or unity in gathered meetings, where the presence and testimony of others furnished some way for the individual to corroborate and to enlarge his own insight, is an absorbing story. In meetings for worship, the awakening and opening of the inward feelings of each one present was, so to speak, the purpose of the gathering. Even there, a discipline was evolved in order to satisfy a sense of harmony and of relevance which might otherwise have been ruined for everyone by a drunken or insane participant. But no decisions had to be made, and the question of voting did not arise. In the business meetings, however, charged with the conduct of practical affairs, decisions were required, and Burrough's advice, quoted above, is intended to show how the spirit of the religious gathering should be carried over into the business meeting.

Here, if anywhere, that concord and unanimity he movingly describes might best be obtained 'without deciding of affairs by the greater vote.' For the Quakers share an underlying unity of belief in God and in the presence of God in man—and long experience in common meeting together. Yet it would seem that

here too the indestructible variety of human nature is at work: differences of opinion exist, and some way of reckoning with them must be found. Thus, in practice, the sense of the meeting taken by the clerk is a rough calculation of a preponderance of opinion. And apparently the minority, after a chance to be heard and to influence the others, is generally willing to let the opinion of the larger group prevail as the sense of the meeting.

A clerk of the meeting presides over the meeting. Debating is discouraged. There is an attempt for the group to be attentive to the inward voice in the course of the meeting. All kinds of secular affairs are discussed, but there is an attempt on the part of the clerk to draw together the various creative combinations of all the group and finally to phrase it and put it back to the group and say, 'Is this what Friends now have arrived at?' . . . Votes are not taken. The resolution of the issue is put back to Friends, reformulated, phrased by the clerk, and members speak up and say, 'Yes, I am satisfied with that' and the word of approval goes around, or someone says, 'No, I can't be satisfied with that,' and the process goes on.

Considerable patience is often necessary to arrive at decisions where real conflicts . . . are there. But when a decision is arrived at after that patience, the minority of the Quakers' own group are given their opportunity to make a suggestion that may alter and modify . . . that thing which would have been accepted had perhaps the majority opinion at it came into the meeting been immediately recorded by a vote.

Therefore the minority, *although they may not be completely convinced of this*, are convinced sufficiently that they have been heard and had a fair opportunity to influence the other group *so that they do not stand in the way of the final decision being taken.*[5]

If this account is true, one may conclude that the minority in a Quaker business meeting, once it has had ample opportunity for discussion, is willing to accept a majority decision—unlike those members of the U.S. Senate who resort to filibustering.

I have indulged in this comment on Quaker practice in order to point up the fact that there are two possible ways of viewing a desire or demand for unanimity. Where all present in a group, assembly, or meeting do spontaneously agree, there is a demonstration of consent fully working, and no problem arises. But if the first sampling of opinion discloses real conflict, hesitation to accept majority rule may be of two quite different kinds. It may be, as with Quakers and other groups, a prolonged effort, aided

by common faith, to arrive at concord. Hence when serious doubt exists, perhaps no decision is taken. But in this instance the use of force has been given up, and no one need fear forcible change; likewise, issues of major importance to the conduct of practical affairs lie outside the jurisdiction of such a group. Very different, qualitatively, is a demand for unanimity which allows one member or a few to control or frustrate action by the larger number in a political body. A good example here is the practice in Poland, before the eighteenth-century partition, of the *liberum veto*. One noble could repudiate decisions of all the others, and one dietine could block decisions of the diet. Thus is was impossible to develop adequate law for the whole of Poland, and the government suffered from a fatal weakness.

In a most useful and interesting article on the history of majority rule Mr. J. G. Heinberg draws conclusions which describe very well the context necessary for the working of the principle. There must be, he says,

> (1) conditions permitting an accurate counting of votes; (2) the presence of common interest or of group solidarity; (3) an inclination to discuss, concede and compromise; and (4) conviction of the need of concerted action.[6]

Now consider the problem of majority rule in the Security Council of the United Nations or in international conferences involving Russia, England, and the United States, by themselves or with other nations. As everyone knows, the right of veto possessed by the great powers makes impossible the functioning of true law. For there is no way, except by unanimity, to get a rule that all will accept. The criterion of unanimity allows a single nation to block common action. Although the Soviet Union is now the principal defender of the rule of unanimity, the United States also, in the conferences that prepared the United Nations Charter, supported the veto power. (This was of course before the advent of the atomic bomb.)

At the Paris Peace Conference in the summer of 1946 Mr. Molotov thus defended his demand for unanimity or, failing that, for a majority of two thirds as alone qualified to make mere recommendations—not even decisions:

The Soviet delegation cannot agree that this Conference should be presented with recommendations adopted by a majority of a single vote. We cannot agree that eleven countries should impose their will on ten others . . .

The duty of an international conference must be to establish unanimity between all the countries taking part. It is impossible to act otherwise when one finds himself in the presence of different opinions expressed by the sovereign states.

It will be said that unanimity between twenty-one nations will be difficult to achieve, but nevertheless . . . we have as our first duty to try to realize this unanimity by reasonable concessions, otherwise it is impossible to arrive at any decision on the vital questions which now confront us . . .

By insisting on a two-thirds majority the Soviet Union is not thinking of this question of the quantity of votes necessary, but we want the manner of voting finally adopted to constitute an encouragement of all efforts to reach unanimity . . .

Could it be that the British and American delegations prefer a simple majority to a two-thirds majority? I don't think so. Moreover, I believe that the desire of all is to arrive at votes which are as nearly as possible unanimous.[7]

Space does not permit detailed comment on this interesting statement, but I think it will be clear that the nature of this demand for unanimity is closer to the Polish *liberum veto* than to the Quaker sense of the meeting 'without counting of numbers.' When majority rule has been accepted, we may well rejoice in the attainment of as large a majority as possible, including unanimity, because such a majority is then a sign of genuine agreement. But in the absence of acceptance of majority rule, the demand for unanimity is really a demand that the smaller number shall have the power to block decision; it is essentially rule by the minority, and may lead to the rule of force. Obviously, and unhappily, the conditions for the acceptance of majority rule have not yet been achieved in the United Nations. Of Mr. Heinberg's conditions, the first exists (conditions permitting an accurate counting of votes) and to a very limited extent, the third is present (an inclination to discuss, concede, and compromise). But a sense of group solidarity and of common interest are not now strong enough, nor is there sufficient 'conviction of the need for concerted action.'

Yet if these conditions are to be created, the uneasy dis-

cussions with all their friction and conflict must go on. However unsuccessful anything short of majority rule has proved as a working principle for assemblies, some stage of this kind has often preceded the adoption of majority rule later. The members must first have reason to believe that majority rule can be applied without loss of security; they can then share a common tradition of law. The only hope of peace and of eventual world government is that the meetings shall continue, thus creating the common experience and the common mind out of which the ability to agree grows.

When we speak of majority rule, then, we imply the existence of a community of interests, and by a majority is meant a majority of all the members. All those voting or having the right to vote are bound by a majority decision, but those excluded from voting cannot be said to participate in self-government. Since they do not share its rights, they cannot practically be expected to connect its maintenance with their welfare or their duties. Their lack of knowledge may be an excuse, and lack of true desire a better one, for the failure to extend self-government to groups accustomed to some other form of rule. But once the people of a group have made self-government their conscious aim, the more rapidly it is extended to them, the better. Literacy is a condition of its working, but even before literacy is attained self-rule is possible in local groups. Literacy, however, is necessary for participation in decisions that affect large numbers and that raise problems beyond the range of immediate experience. This being granted, majority rule is to be understood as based on the universal franchise.

True majority rule includes the protection of minorities. For no true majority, of whatever body, can be formed unless each person enjoys the right to be heard, with all the accompanying freedoms. All the adult literate people in a given community form the body of citizens, without distinction of origin or function. When any decision is to be taken by them, the vote of the largest number is to prevail, but the votes of any smaller group do not expose them to any disabilities on account of their difference. If this is not so, there is in fact no real majority vote. For before the vote is taken, no one can predict its outcome,

hence if there is to result an honest majority, all without exception must be free and uncoerced. And this condition must prevail at all times; both individuals and groups must be uncoerced; they must have access to information and to means of communication with others and the right to consult and to assemble. *In short, the conditions that allow a true majority to form are the same as those to which minorities owe protection.* Where minorities are coerced, we can not truly speak of the will of the majority.

A majority is not permanent or fixed. Members of a majority counted with respect to one question may be in the minority on another. The same individuals think differently at different times even on the same question; at one time their opinion may coincide with that of a majority, at another time with that of a minority. Therefore, their privileges must be the same, majority and minority on any given question being unpredictable. It will be seen, then, that the privileges of a minority in a democracy are not special, are not a good-hearted or charitable concession, but are identical with those of all citizens. Both majorities and minorities are made up of individuals. Unless individuals are free, no such thing as a choice of the majority can exist. A vote of huge proportions may be exhibited, but we know it is only masked coercion. The least important aspect of a majority is its manifestation of numbers; its meaning lies in its being a sign of voluntary agreement.

Who will be in a majority or in a minority on any given question is unknown in advance. In accepting majority rule as the necessary convention for the process of consent, we bind ourselves to accept some decisions not of our own making. A person binds himself, if in the undetermined majority, to preserve the freedom and equality of all, including his opponents; if in the undetermined minority, to accept the rule of the majority as law. Our obligation to obey law stems not from our agreement with it, but from acceptance of the method of its formation.

Throughout this argument we have assumed that some powers are, in a democracy, withheld from government—thus are obtained the civil liberties which provide the context of equality and human freedom. In other words, a vote to have

any government other than a democracy is not a democratic decision, even though the election is fairly conducted. This may seem a tautology, but there are many people who fail to see the equivalence. 'Governments of their own choosing,' to borrow the expression used in the Atlantic Charter, are not necessarily democratic. To repeat, the will of the majority alone is not equivalent to democracy, although without the consent of the majority democracy cannot be achieved. It has being only when the majority choose to live according to the concepts of freedom, equality, and self-government—these three, but the greatest of these is freedom. For having freedom, the rest can be won.

Law and Constitutionalism

Writers of much moral insight—Pascal, Emerson, Thoreau—have reminded us that the rule of law is an emblem of man's imperfection; that it is a mode of regulation inferior to his highest spiritual powers. And so it is. But consider the horrible brutality displayed in the massacres of Sikhs by Moslems, or the cruelty of other wars where neither a means of resolving the conflict nor any conventions to mitigate its evils are accepted by the antagonists. Higher spiritual gifts are limited where men are unprepared for the rule of law. Only by first establishing it firmly can we transcend it.

Does law then rest on force, and if so, how can it be the basis of a government by consent?

Although a regime of law aims to secure the monopoly of force by government, it is not force from which the character of law is derived. Law achieves the segregation of force from most aspects of the community life by substituting for it channels for co-operation and for the resolution of differences. The force which law places at the command of responsible government officials is never invoked so long as individuals live by the process of consent: that is, so long as the majority observe respect for individual rights, and individuals having such rights accept the rule of the majority whether or not in agreement with it. The first task of democratic law is to define the structure of government and to protect fundamental rights.

The problem of the relation of law to force arises out of the fact that everywhere there are social norms enforced by compulsion. From a comparative historical or sociological point of view, a system or network of such rules may be called law. But in the democratic philosophy, such a rule is law only for people who participate in the making of the laws or consent to them, and who are protected by basic rights, evinced in procedural safeguards, making their consent voluntary. For all others, even if they submit to the compulsion, the norms are not law but plain force. This does not mean that all law is democratic law, but that no law is arbitrary—i.e. represents an uncontrolled exertion of will against another.

What democratic law and other forms of law share is the existence of a judicial order. The term judicial order includes known standards or conventions for judging disputes and a set of persons appointed to judge as honestly and impartially as possible according to these standards. In a democracy the judicial order derives its authority from majority rule. The judges may be appointed rather than elected, their decisions have the force of law in many issues on which there has been no legislative decision, therefore no formal process of consent. Much of our civil and criminal law is the product of tradition and of the slowly accumulated experience of the courts; some of it is 'creative' in the sense that no past decision and no statute offers authoritative guidance to the judge. But the process as a whole must be satisfactory to the citizens, or they have the power to change it. By not changing the system of the common law as it has developed out of centuries of practice, the citizens of those countries where it prevails signify their willingness for it to continue, although most of it was never adopted by any conscious decision of theirs. But the supremacy of public over private law is forcefully expressed in this comment of Jefferson's: 'the law being law because it is the will of the nation . . . the common law was not in force when we landed here nor till we . . . had manifested by the organs we constituted that the common law was to be our law.' [8]

If persons have equality of standing in their opportunity to resort to the judicial order as a protection from the arbitrary

use of force by anyone, including government officials, a degree of law exists, a degree of right exists, even a rudimentary beginning of self-government exists. But where a person has no right to appeal for judgment in his dispute with another, where he cannot expect judgment to be guided by a general standard rather than by caprice or by a *parti pris* in favor of his opponent, then neither law nor the beginning of self-government exists.

In short, impartial judgment (so far as that is possible to human beings) according to known standards and without respect to persons may be called a rule of law, and any person who has the right to appeal for such judgment may benefit from it, but it has not the character of law for him unless he participates in the making of the standards or otherwise voluntarily accepts them.[9] Even slaves were not totally at the mercy of their masters where the law forbade wilful injury to them; the masters were restrained by a rule of law. But that law was not law for the slaves, since they had neither part in its making nor standing before the courts; they could make no claim in their own behalf.[10] The Roman slave, the serf in the Middle Ages, and down to recent times the laborer had no voice in the making of the law, and to the extent that their obedience to it was enforced by sanctions in the absence of their consent, they were living under a rule of force and had no moral obligation to obey it. The exclusion of a group from participation in the making of the law has inevitably resulted in social disabilities for that group, although they may have benefited from it so far as it imposed restraints on others.

In a democracy, all persons of mature age take part in the political process by which law is made, amended, or reformed, and the judicial order derives its authority from the fundamental law set forth by the majority as the basis of government. The concepts of equality and of freedom were incomplete until a concrete expression of their application to law, and hence to self-government, was made by the Levellers in the middle of the seventeenth century. In those words of Rainborough which should be recalled wherever democracy is debated:

> . . . the poorest he that is in England hath a life to live, as the greatest he; and therefore truly, sir, I think it is clear, that every man that is

to live under a government ought first by his own consent to put himself under that government; and I do think that the poorest man in England is not at all bound in a strict sense to that government that he hath not had a voice to put himself under . . .[11]

Democracy begins when freedom and equality are connected with self-government, and we may accord the honor of its first full practice to the Levellers and some other republicans in the English Civil War, who for the first time proposed law based on self-government, as a right from which no class of men was to be excluded.

Law and self-government are not co-terminous but they are co-relative. To the extent that we have law, there is a minimum degree of self-government; but full self-government requires a particular structure and a particular ideal for law. Law in a democracy is necessarily founded on a constitution—whether written or unwritten, whether crystallized in a dependable tradition or drafted at a particular time makes little difference, so long as a fundamental law may be counted upon. The constitution must show the derivation of legal authority from the people, must define the manner of their participation in the making or amending of law, must show the accountability of officials to them, and give scope to rights. The constitution, in other words, shows the derivation of the process of law from the political process and makes the political process an organization of power in which the will of the majority, so long as it respects essential rights, must and should prevail.

The Nature of Rights

The term 'rights' has already been used in the discussion of majority rule, but it must now be given some separate scrutiny. Perhaps no single word so simply epitomized the struggle for self-government in seventeenth-century England or eighteenth-century America and France. Today, however, it is a phrase that needs re-definition. Jefferson could appeal to 'certain unalienable rights' with confidence that the Continental Congress and the citizens it represented would invest that term with a meaning similar to his own. Jefferson, to be sure, is subtler than some

of his contemporaries; the wisdom and simplicity of his language continues to live. 'Natural rights' as used by Sam or John Adams or in the *Declaration des droits de l'homme* rings more naively and signifies a more limited point of view. Jefferson deliberately did not include property among the 'unalienable rights,' and thus he did not confuse universal ethical principles with the economic institutions of a particular era. But in the political writing of this whole period, 'natural rights,' 'the rights of man,' 'the rights of Englishmen' served as a useful shorthand expression for a belief that connected human dignity with civil liberty, and played a great role in the spread of ideas.

We can no longer speak of 'natural rights' with the same assurance of understanding. That 'God and Nature bid the same' is not the rich conviction it once was, nor are people willing to believe that there is a harmony between the mind of man and nature of such a kind that we may expect all men everywhere to share a similar intuition of right. The reason for this change of attitude is twofold. On the one hand, studies of history and anthropology and the evolutionary hypothesis taught us how slowly moral conceptions of this kind developed. On the other hand, statements of rights included some too specific interests, especially property interests, and as interpreted by lawyers conserved the *status quo* and blocked social change.[12]

Thus the advocates of greater flexibility in legislation, having the interests of the dispossessed in mind, relied on a skeptical theory of jurisprudence and a destructive criticism of 'natural rights' in order to undermine the conservative use of fundamental law as a barrier to reform. But likewise, these concepts were attacked by reactionary thinkers who wished to put some form of autocratic rule in the place of democracy. Thus Calhoun in defending slavery, or Mussolini and Hitler in attacking democracy, may be found using some of the same arguments against rights that are used in England or America by the followers of Bentham or of Holmes. From this fact arises much of the ideological confusion of our time: a skeptical criticism of 'rights' and of 'fundamental law' has been invoked by some who wish to extend democracy to larger classes of people, whereas the champions of a new slavery and a new system of military

caste have used the same weapons of criticism. Roscoe Pound has put his finger on this curious parallel of opposities very accurately. As he says,

> It is a paradox, no doubt, but so it is: absolute ideas of justice have made for free government, and skeptical ideas of justice have gone with autocracy. Idealism puts something above the ruling body; something by which to judge them and by which they are held to rule. If the idea is absolute, those who wield the force of politically organized society are not. Skeptical realism puts nothing above the ruler or ruling body. There is no measure by which to judge them; at least, nothing more than the subjective opinion of the individual, and we are taught that of necessity no two can have the same measure of values.[18]

This points up the issue, even if we might find occasion to cavil at Professor Pound's categories as too tidy. Our position today is that we wish to have something to use as a criterion of law, without resorting to 'absolutes.' It has been a gain to find that we can get along without absolutes, precisely because we have a part in making out of our experience the standards of value that we use.

In the subject we are discussing, that 'something above the ruler or the ruling body' is the concept of essential rights which they must not contravene. The criticism of rights made by the historical school and by skeptical schools of jurisprudence is shot through with assumptions we cannot accept if we are unwilling to run into the arms of absolutism. But it has performed a great service in bringing out clearly the need for change in the definition of *some* kinds of rights as circumstances change, and it has given us a useful demonstration of the fallibility and injustice that occur when absolutes are too readily invoked. It is more illuminating to conceive of rights as drawn from experience, than as issuing from a Law of Nature. Yet in conceiving rights as drawn from experience it is possible and in my view desirable to think of experience as including certain constants, 'eternal objects,' or, if you will, continuing possibilities of form in nature.

The Fascist-Nazi assault upon human dignity and the failure so far to achieve a reconciliation of law between the Soviets and the Western countries has made everyone more deeply

aware of our dependence upon a common understanding of human rights. If the Fascists and the Nazis had not lost it, they would not have been Fascists and Nazis—there would have been no such inhuman war, no Dachau or Ostwieczim. If the Soviets and the Western powers today could agree on fundamental rights, we should have world law. Upon this understanding depends survival, and so does the hope of a good life, which is infinitely more precious than mere survival.

The fact that forty-nine nations agreed upon a Universal Declaration of Human Rights is a great moral affirmation, one of the positive accomplishments of this age. And if a few nations stood aside, they at least did not vote against the Declaration. Any one who has given thought to the problem of stating human rights in a form that will strengthen them, and be free of confusion, may in a few instances question the phrasing. But what representative, or what nation, could vote against the whole document without betraying a bias against the equal freedom which is not to be had without full self-government?

The ordinary man is more strongly aware than ever of his dependence upon rights for his chance of freedom. Yet if we turn to the statements about rights made by some eminent persons in this international debate, we must be prepared to find only an uncertain confidence in their meaning and a good deal of confusion about their description.

The political forces that reject the whole conception of civil liberties are bound to be weak or misleading in their definition of rights. That is to be expected. But when people who intend to support such goals for humanity are confused in their analysis, some note of the fact must be taken. Two rather typical examples, taken from the United Nations Bulletin, should be cited. When UNESCO asked Mahatma Gandhi to give his opinion of the basis of fundamental human rights, he replied as follows:

> I learned from my illiterate but wise mother that all rights to be deserved and preserved came from duty well done . . . From this one fundamental statement, perhaps it is easy enough to define the duties of Man and Woman and correlate every right to some corresponding duty to be first performed.[14]

Mr. Arthur Compton, atomic physicist and university president, begins his statement as follows:

> The rights of the individual must be interpreted with relation to his place as a part of society. As the lives of people have become more interdependent, the concept of freedom moves towards education of the individual to choose and work effectively for those things that promote the common welfare.[15]

He later concludes that 'the most basic rights . . . are three: the right to a *healthy life*, the right to *work effectively*, the right to *choose wisely* the objectives of one's efforts.'

Such statements do not show a clear insight into the nature of civil liberties. For who is to determine the individual's duty, upon which, according to Mr. Gandhi, his rights depend and which must be performed before he can exercise his rights? And who is to judge whether the individual's work is *effective*, and whether he has *chosen wisely* the objectives of his efforts, or to direct his education so that he will so work and will so choose? Yet these are, according to Mr. Arthur Compton, his only basic rights. Perhaps he will find himself able to exercise them only as some class of guardians approves the rightness of his choices and the effectiveness of his work. Perhaps the *alphas* will so educate the *betas* that they will not even know they have not made the choice themselves.[16]

The purpose and intent of rights must be reconsidered.

First one must take account of the difference between moral rights and legal rights, then reckon with the necessity to implement some moral rights by legal means, and finally explain which rights are to be regarded as indispensable to democracy. Today we use the language 'human rights,' 'fundamental rights,' or 'elementary rights' to describe those privileges and immunities necessary to protect life and the process of consent. All are based on moral rights. All require legal implementation to be actually available for our protection.

A moral right is a claim to liberty of individual action or to the protection of society for a basic human need. Basic needs are of two kinds: arising from the desire for life itself, and hence for physical well-being; or from the desire to find mean-

ing and good in life, hence for freedom to interpret and to build.

Legal rights are claims upon an existing government to provide immunity or power for the exercise of such moral rights as it recognizes in its law and to impose a liability upon anyone, even an officer of the government, interfering with one's use of this power or immunity.[17]

Now it will be clear, I think, that not all moral rights can be guaranteed by law, nor is it desirable that they should be. Likewise, there are legal rights that are not moral rights in any fundamental sense: existing law may permit a claim, and offer it a remedy, in cases where moral principle might suggest a different solution, or where there is no moral issue at all. The indispensable minimum is, however, that those moral rights must be legally guaranteed without which the process of consent cannot take place. Such moral rights are precisely the ones that have already been enumerated as aspects of freedom: freedom of the person, freedom of speech, freedom of religion, and freedom of assembly. Their protection, and the planning of the structure of government so as to ensure the derivation of power from the people, give democratic law its first command. It is a command to the government, a command based on an ideal, and now given effective social recognition.

Such rights do not exhaust the list of moral rights (claims arising from basic need) or of legal rights (claims for which the law offers a remedy) desirable to recognize.[18] But they are the foundation upon which the recognition of other legal rights may be safely built, and which, equally, acknowledge the validity of experience beyond the province of government or of law.

Let us reinforce one point. We do not maintain that men are born with such rights whether or not they can be given effective social recognition. We do not say that a member of a savage tribe 'possessed' these as 'natural rights.' We do say that without such rights, the mature person cannot give consent or enjoy freedom. We do say, therefore, that such rights are derived from the ideal of freedom and of equality, and we say that whether society recognizes them or a particular government guarantees them, these rights are moral rights and ought to be

embodied in legal rights. We say that even under an autocracy man is entitled to these rights, whether or not the government actually observes them. Now that is essentially what was implied in the term 'natural rights': i.e. they were 'natural' because morally valid, whether or not the existing government gave them legal recognition. Therefore, our conception of human rights or fundamental rights shares with the natural-rights school the only point that matters. We cannot accept all the connotations of the term as they used it. But there is still a true continuity. We can stand by Jefferson's conception of 'certain inalienable rights'; he, I think, could have accommodated himself to the point that it took time and effort—is still taking it—for man to shape such an ideal.

It is by no means a sign of profundity to maintain that rights are conditioned upon duties or that rights are granted by society or by 'the collective.' This is ambiguous language, easily adopted by those who are eager to withdraw rights from us. Of course right and duty are related concepts. It is our duty to extend to others the safeguards we claim for ourselves. To maintain them, we must take an intelligent interest in government and co-operate in necessary social tasks. All this is true, but does not change the crucial fact that fundamental rights belong to individuals.

It is worth pursuing the point a little further, because it has attained a new importance in view of discussions of an International Bill of Rights. The language of Mr. Gandhi or of Mr. Compton does not reflect a kind of thinking I should rely on, however much one may sympathize with some points they make. In order to avoid the prejudice that may attend the use of purely contemporary examples, I should like to quote from a nineteenth-century critic of the natural-rights school, D. G. Ritchie. He says, 'The appeal to natural rights . . . is only a safe form of appeal if it be interpreted as an appeal to what is socially useful.'[19] This expresses what many thinkers seem to have in mind when they stress the dependence of rights on the general welfare or upon a carrying out of duty to the community. Our modern urban society needs this stress. Without contesting the validity of the shift in emphasis from a too

'rugged' individualism, a too atomistic view of society, to a deeper sense of community needs, I wish to maintain as strongly as possible that the judgment of what is socially useful, the judgment of the general welfare, the judgment, if you will, of that mysterious entity 'the collective,' is valid only if everyone participates in it, and is not coerced in making or expressing his judgment. The judgment of what is for the general welfare cannot be made by the few for the many. If social utility or general welfare is taken as a criterion of rights, the process of consent is still required, and the process of consent rests upon individual liberty.

If we had to epitomize the sense of this position in a phrase, we could not do better, I think, than to cite Jefferson's statement, 'there exists a right independent of force.' [20] Or we can find it expressed excellently in the distinguished opinion of the U.S. Supreme Court in West Virginia State Board of Education vs. Barnette:

> 'We set up government by consent of the governed, and the Bill of Rights denies those in power any legal opportunity to coerce that consent.' [21]

Given these premises, it is good to stress our mutual duties to respect each other's rights and to use them for the general welfare. But if we start with duty or the community or 'the collective' as the source of rights, disregarding the fact that general social needs cannot be known unless the process of consent for individuals is operative, we shall suddenly find ourselves talking the language of Hitler or Mussolini, of Pétain or Franco, or of Molotov. We must therefore never lose sight of this principle: fundamental rights are those which guarantee the process of consent, and fundamental rights reserve for individual action a sphere that government may not invade. It is an aim and a duty of government to protect this sphere from encroachment, whether by its own officials or by other individuals or groups. We can add to this foundation. We cannot dispense with it. This first command of democratic law is a *sine qua non* of democratic government—a command that endows political life with a sense of equality and of freedom which are of wider compass.

So much being understood, we may proceed to discuss the relation of fundamental rights to other rights, especially to economic ones, 'freedom from want.'

Economic Rights

In the discussion of fundamental rights I have tried to describe not all those moral rights (claims based on need) deserving social recognition or legal protection. If one tried to enumerate them the list would vary in different nations. But I have tried to set down those rights which are so fundamental that without them the democratic process—the process of consent based on equality and freedom—could not take place. Each of the fundamental rights requires specific legal implementation. Two or more specific legal rights may need to be defined in order to implement the fundamental rights: for example, freedom of the person is protected by the right to invoke a *habeas corpus* procedure, to be free from arbitrary search and seizure, to be free from detention without charges, or imprisonment without trial, to be undisturbed in the privacy of one's home and correspondence, and so forth. Likewise, one right is so obviously a corollary of those we have set forth that it will doubtless be accepted without question: the right to participate in the political process, to vote by secret ballot in periodic elections and, if qualified by law, to serve in any office for which one is chosen.

Freedom of the person is the only expression of the need for life and for physical well-being that we have included in the fundamental rights. It has been summed up under the 'process of consent' because by the process of consent, we may rightfully have to risk life. Mere existence is not all Jefferson meant by 'the right to life'; he meant freedom from the arbitrary deprivation of life, or injury to it—'freedom of the person' is meant to include that.

But what of freedom from want? Can not economic bondage —through famine, disease, ignorance—injure life and nullify the process of consent? Yes, unquestionably it can, and we must therefore extend our concept of freedom of the person to include at least a right to a minimum standard of living and a right to

education according to capacity. But we cannot yet reduce this basic moral right to a clear statement of legal right to be embodied in fundamental law.

The claim to economic well-being, of the kind here outlined, is a just claim, is grounded in basic human need, and must be acknowledged. But the assurance of this moral right should be sought through legislation rather than given a constitutional guarantee, because we have not yet attained the experience necessary to assure such economic rights without impairment of civil liberties. Our approach should be experimental and pragmatic.

Nothing has been said here to indicate that there is a moral right in property on a parallel with such moral rights as freedom of the person. There is probably a moral right to personal property, which should have, as it has now, legal recognition. Beyond that, there should be restrictions on the government's arbitrary expropriation and use of property. In between these points of reference there is a no man's land where title is of less importance than use, and where use must vary in accordance with the interests of each generation of people. Decisions about use of property and the relation of use to title and to immunity from interference should be made through the democratic process. There is no moral right to a particular form or amount of property. There is a moral right to those conditions which allow the individual to be responsible for the development of his own life. This eliminates a condition of utter dependence for subsistence on any *ad hoc* government decision or upon the will of another individual.

Widespread suffering from cold and hunger has brought forcibly home to us the necessity of economic security. But it would be tragically false to think that it confers a right *more* important than other basic rights. For we cannot truthfully state economic needs, or decide fairly how to meet them, without the basic civil liberties. Those who try to persuade people just emerging from years of oppression that they must put economic rights before other fundamental rights may justly be suspected of a desire for unchecked power. The protection of economic rights is contingent upon the existence of political ones.

Our task is, therefore, to work out a basis for economic rights

that will not injure the democratic process. One difficulty is that economic rights cannot be secured by self-restraint and considerate behavior on the part of individuals. Basic rights are largely sustained by public opinion, by tolerance, by the habit of according liberty to others. The power of government has to be invoked in rare cases; even then, it is a restraining power. But minimum standards of health or the guarantee of full employment requires positive action, large-scale planning. Until we can see more clearly the governmental changes and individual responsibilities involved, we cannot epitomize economic rights in fundamental law. The process of ordinary legislation is far safer as well as more flexible. Economic policies must be subject to quicker change and quicker revision than basic civil liberties need be or can be. But there should be no provision in fundamental law barring adaptation of economic policy to changing conditions. If we keep economic rights out of the fundamental law, we are neither protecting capitalism nor forcing socialism at the expense of consent. Hence the fundamental law should not be used to forbid experiment in the economic sphere; it must permit us to control aggregations of economic power that would negate basic rights. There may, however, have to be some limitation on the range of such experiment. This subject will be discussed more fully in chapter 7, 'The Economic Basis of Democracy.'

In conclusion, fundamental law should be confined to insuring the conditions that enable men to choose alternatives and that maintain the responsibility of government to the people. It should not stipulate the content of the choice. The substance of the choice should be embodied in ordinary legislation.

Law and 'Sovereignty'

The term 'sovereignty' is of little value in a discussion of democratic political theory. The constitution determines legal authority; it shows it arising from the consent of the governed; it shows that the consent of the governed can only be attained through the preservation of fundamental rights; it assigns the executive and law-making functions; it delegates the function of interpret-

ing and enforcing the law to a judicial order. The term law cannot be taken to mean the judicial order alone or statutes and standards of decision alone, but both together in their context of consent. The term sovereignty is a relic of a different kind of government, in which autocratic power existed, not based on the consent of the people or aiming at freedom and equality. It has persisted in later political theory because of the attempt either to specify the determination of legal authority, or to connect it with the presence of sanctions.

The confusion of legal positivists (Austin and those stemming from him, like John Chipman Gray, Holland, Salmond, Kelsen, and, in a backhanded way, the legal realists of today) arises from their excessive emphasis on the judicial order. Legal positivists have written mainly from a lawyer's point of view. For practical reasons, lawyers as lawyers must take as law what the courts determine.

A weak pragmatism, a barren operational logic, has led some to argue that law is simply what judicial persons decide. The discussion has been shot through with what Whitehead has called the fallacy of misplaced concreteness. In discussing sovereignty, we must decide whether we are interested in inquiring about power or about the determination of legal authority? Power in law is represented by law enforcement; the power of law, however, comes not from the technique or actuality of enforcement, but from the law's validity, which in turn is determined proximately by the functional performance of constitutional duties, ultimately by the people's consent. Sovereignty, or the unchallenged right, coupled with the power, to command, cannot be attributed to any single person or persons or to the laws themselves (for they are made actual only when interpreted). The conjunction between law and power does not lie at any fixed or definable point. It is differently located according to the circumstances that are present, yet it is not indefinitely placed, for known and measurable forces work upon it. Thus its location lies within the realm of probability. Legal authority exists when the persons holding offices designated by the constitution and duly appointed according to its terms, explicit or permissive, exercise judgment according to standards it has set

or has not forbidden. But if the result of the procedure conflicts with majority opinion, the law or the persons interpreting and enforcing it can be changed. Sovereignty cannot be demonstrated to exist apart from the whole process of making, amending, interpreting, and enforcing laws. For the sake of simplicity and to avoid deceiving ourselves by hypostatizing an intangible process, it is best to forego the term 'sovereignty' in democratic political theory.[22]

The temptation to use it arises out of the fact that we generally believe law does not exist where there is no means of enforcement. How can the democratic concept of law account for the necessity of coercion, since, on its theory, law is based upon consent? The first reason is the fact referred to at the beginning of this chapter. Even in democracies, all the people are not democratic either by conviction or in behavior. We must assume the existence of evil in the world and in people, and protect ourselves against harm from them. Likewise we must assume that we may all need urging or a forcible reminder to perform some of the social tasks we ourselves approve.

The function of coercive sanctions, of enforcement, in a democratic state is not to assert the power of one class or group over another, but to make the social decision real. Here is the democratic decision; here is a world containing elements opposed to it. The coercive element in democratic law represents the resolution that the democratic will shall prevail against opposition or negation. Actually, sanctions enter in only where the democratic method encounters non-democracy, or where the law is challenged (in extreme cases it may be) as non-democratic in character. At that point the structure of government must be maintained until, if general agreement exists, existing law is changed or re-affirmed by peaceful means.

The greater part of the law is supported by conviction or by habit, not by sanctions. A vast part of it expresses social arrangements accepted by the population, and having little reference to politics or matters of government. Customary law, and much of the common law, would fall in this category. Legislation that registers a conscious choice of policy is dependent on a large measure of underlying agreement not only for its validity, but

also for success. It has been well observed that 'there is no state in which a government would be possible for any length of time which relies solely on law.' [23]

Suppose a law is passed by the legislature to tax workers and employers for the purpose of providing old-age pensions. If the majority agree with the law, obedience to it does not rest on sanctions. If even those who dislike this particular law nevertheless accept the obligation to obey law made through the democratic process, again observance does not rest upon sanctions. But even in such fortunate circumstances an authoritative statement of these obligations is often needed, especially where regulation is complex or detailed.

The authority of courts to interpret the law and to enforce it guarantees that people may rely upon a given state of affairs and may know their legal rights and obligations under it. Sanctions have to be invoked chiefly where law is not supported by conviction or custom, or against those who are really lawless in that they understand no obligation placed upon them by explicit or customary agreement with others. At the point where sanctions have to be too frequently invoked, because such agreement does not exist, enforcement becomes practically impossible even in an autocracy. Thus even the positivist's version of law breaks down: law is not merely what the courts will enforce, it is what they can enforce. And what they can enforce depends upon whether law rests upon consent.

The use of the coercive element in law to maintain security points to the elements of disorder in democracy, and to the non-democratic context of world conditions in which we live. It is true, I think, that 'enforcement of one's rights by violence as well as defense by violence are resorted to only against outsiders, as to whom the norms of the association are not effectual.' [24] It is conceivable, therefore, that coercive sanctions could disappear. They would disappear not because of a transfer of economic power from one class to another, but because all the members of society were agreed on the basis of government, on their rights under government, and were able to act in conformity with their beliefs. We should still have law, in the sense of articulate, publicly registered decisions, but coercion would be lacking,

because unnecessary. Although such a state of affairs is theoretically possible, it is improbable. And in spite of the views of Marx and Engels, it is safe to predict that the disappearance of coercive order is less likely in a Marxist state than in some other type of polity. Wealth is only one form of power about which conflict may occur. The disappearance of sanctions presupposes, however, not merely the cessation of differences about economic claims, but the cessation of difference about all major social aims, including, of course, any international friction. Since we have not yet reached the stage of a fully established international law, further speculation on the possible maintenance of security without either coercive sanctions or full agreement on social aims may be postponed. But it is true that the coercive element in law works well only when decisiveness, rather than threat or punishment, is its chief purpose.

Justice and the Adaptability of Law

Law is not identical with justice, any more than justice can ever be identical with good. Justice is not needed until spontaneous good has been shaken by conflict or division of mind. The function of an ideal of justice is linked with the need for adaptability in law. We cannot say exhaustively or definitively what justice is, but we can say that it is a method resting on substantive ethical values. What remains constant is the method of consent, the effort towards freedom and human equality. As ways of living and attitudes change, opinion will change whether these values are or are not realized in a particular set of circumstances. Law, at its best, can coincide with justice, but justice is an aim for law not contained within it. The aim is set by the whole context of community life, not by those specific processes we call legal. Justice may be characterized as the choice approaching the good as nearly as men can in a situation where the good is felt to be absent.

The major contribution of legal philosophers like Ihering, Ehrlich, Geny, Pound [25] has been to show that the equation between law and justice is a changing one, since law must be an adaptive procedure. Here it is important to clear up a confusion.

We have shown that democracy must have a fundamental law—a constitution, written or unwritten, that indicates the respective spheres of government and of private action by describing the structure of government and defining basic rights. But equally, we have argued that only those rights are basic that protect the integrity of the individual and make possible the democratic process. The fundamental law is not the keystone of the arch of conservatism. It *conserves the chance to make free choices*, and thus to adapt to new conditions.

It may be possible to see, therefore, why two schools of apparently opposite aims—the legal 'realists'[26] and those writers identified with the revival of natural law—share a common concern. The legal realists say, let us not regard statutes or precedents as eternally binding. Laws do not speak for themselves; they often do not give the judge a clear direction. In many cases, precedents and rules can be found to justify quite different decisions. The judge's preference must come in, and he is a fallible being, subject to bias like the rest of us. In order to see what the law should be, therefore, we must study what the law in effect is—by means sociological, descriptive, statistical—whatever will tell us of the actual discriminations it makes.

The writers who propose a revised formula of natural law argue for a standard of justice faithful to certain human values but sensitive to circumstances and to changes in opinion of what, concretely, is right or just. They, too, have the aim of rising above a view of the law as mere edict, naked power formularized. They, too, wish to scrutinize law in action to see if it truly conforms to the ideal men have set themselves. Therefore, there is an element of pragmatism in their application of standards to actualities. The lasting influence of the natural-law school has been in this progressive element, the stress on what the law ought to be and could be as a measure of any claim to authority. Elsewhere, I have tried to show that the true function of natural law was to provide a political ideal for justice, not to take the place of other sources of law.[27] But while it is important to understand the historical function of this concept and to preserve what is valid in its political content, the term itself should be abandoned in order to avoid confusion with untenable views.

Thus the natural-law school, the legal realists, and the sociological jurisprudence of Ihering, Ehrlich, and Pound—however different in theoretical position—encourage attention to the progressive element in law. The progressive element in democratic law might be summed up in the one word 'welfare.' So long as the method of consent, the democratic process, is followed, the effort towards the common welfare justifies reinterpretation of old law irrelevant to modern conditions, and justifies changes in social and property relations in the new law of later generations.

Political Obligation and Respect for Law

The adaptability of law allows a more supple adjustment of social measures to individual need. We are slow to improve government, to brighten up its stiff face with an expression of fresh and present experience. Reflection upon government may be contemplative, the practice of it is not. The channels of government can never be finely adapted to the single-minded pursuit of truth. At most they can establish political justice, the sturdy reliable texture of a shared common life. The success of government is to provide the conditions that leave men free to realize their best selves, to look upon the further distance as their gaze in solitude may direct. But often the devices of law and government fail, compelling us to endure or, in worst cases, directing us to perform some unjust action. Many of the decisions of government are on indifferent matters, involving no question of moral principle; all will be in the nature of approximations, some will be wrong. But when, on a matter of vital principle, the majority decision or the decision of a body empowered by the majority to make or interpret law seems to a minority or to any person to be clearly wrong, is there an obligation to accept such a decision as law?

The basis of obligation to obey the law is consent to the method of its making or agreement with the direction it gives, or both. For example, the subject of an absolute monarch might find a given law good in its purpose. He is then obligated to obey it, but his obligation arises from his own moral sense and is independent of the fact that in this kingdom an edict imposed from

above is considered law. In a democracy, the citizen has a moral obligation to obey the law, whether or not he considers it wise, because he has consented to the method of its making. If, however, the law directs him to perform an action that would cause serious injustice, he cannot be considered obligated to obey it. To take any other view robs conscience of all integrity. But this principle holds only in cases where obedience to the law would cause real injury to a vital principle. For example, no person to whom slavery was a great wrong was morally obligated to obey the Fugitive Slave law, although he would have been held legally responsible for disobeying it. If the majority disregards those very rights which give it leave to govern justly, it can no longer claim obedience from the minority.

A citizen in such a situation, if, in spite of his inability to accept a particular law, he does not desire the overthrow of his government, should make his protest known and accept if necessary the penalty for disobedience.

If the question is serious enough, and the wrongs many and long-standing, it may seem that only the overthrow of government will provide a way to remedy the injustice. A believer in democracy, however, could never wish to put in its place a dictatorship that would uphold his own views. The decision to work for the overthrow of a government can only rightfully be made if the government is not merely the author of one unjust law, but a veritable tyranny. As long as democratic action is possible, the only remedy for the wrongs committed by its government or its people is to seek to change them by persuasion. Thus the obligation of the citizen is to obey the law whether or not he agrees with it, unless it commands him to do some wrong, in which case he must sacrifice his personal welfare to oppose it. Revolution is not exactly a right; it is sometimes a necessity, but only when there are no channels of democratic action.

The citizens of an established democracy need to cherish and imbreed a strong respect for law, but for law in its growing and progressive aspect, not for mere legality. When we see a breakdown of parliamentary democracy, as in some countries of Europe, with political riots, assaults, and stampedes in the legis-

lative chamber—cynical disrespect for every form that upholds the dignity of government—quite often the parliamentary groups have been too legalistic in their own policy. For law alone is never sufficient, indeed it lacks meaning where other modes of communication and action are not open. It is, so to speak, a means of domesticating certain human energies in order that higher powers may be released to contend with unknown reaches of reality. In a sense, a rule of law is elementary—but how indispensable to any more rewarding human intercourse! We do not stand on rights with our friends, but observance of them allows us to be friendly with strangers, and keeps us and our enemies from bloody warfare. Before we can seek the shores of light we must vanquish chaos where the old Anarch reigns. Democracy is not attained through law; but without respect for the process of law it cannot even begin to exist.

The Limits of Law

The aim of democratic law should be to give all individuals an equal chance at a good life and an equal chance at defining what that is. A firm structure of government based on rights means stability; free choice through the political process builds the general welfare as present people conceive it. Both these phases indicate the limits of law: its self-restraint in giving scope to human concerns outside of government; its responsiveness to the political process from which it derives its authority and by which it is shaped to new conditions.

'The rights which the state maintains represent a minimum standard of external conduct, necessary to give men moral liberty.'[28] Law cannot give anyone a good life. It can at best create an area of freedom in which the individual ventures on the pursuit of happiness and of accomplishment.

In basic law the process of consent is given a formal expression and a formal guarantee. But consent is a continuing action, and is anything but formal in the challenges that summon it forth and the hazards of conflict it must surmount. People want different things. The struggle to provide as many of them as possible with what they want, while preserving peace, is the political

process of democracy. It is based on law, it is manifested in the day-to-day struggle for direction of the government, it is ultimately tested in the social temper of the people—in their convictions—in their desire for knowledge—in their enjoyment of life.

4

Self-Government: The Political Process

> Government is itself an art, one of the subtlest of the arts. It is neither business, nor technology, nor applied science.
>
> Felix Frankfurter, *The Public and Its Government.*

THE idea that just government derives its powers from the consent of the governed is a two-edged concept that makes great demands of people. For it means both a deep commitment to a particular sense of life, and a practical knowledge of human relations, so that this commitment may be shared and may be fulfilled by many. All the people cannot directly participate in government; if they could, government would be unnecessary. We entrust some with the power to make laws, to execute and interpret them, and to carry on certain services, so that the rest of us can do other work. But, as the discussion on the process of law has shown, we do not surrender to them an absolute power. They are to shape the policy we find satisfactory, and to be removed from office when we wish policy to be changed. Government is an enterprise mighty and various; all kinds of people are concerned with it; power is inherent in it. To make power responsible, to put it squarely back of the general welfare as the majority conceives it, requires vigilance and skill.

Is self-government possible? Can the consent of a large number of people be obtained, and can they in any meaningful sense exercise direction over their own affairs? Yes, if they understand the channels of power through which policy is shaped and by which men are elected to office. The people must know the anatomy and physiology of government. Democracy does not

consort with a secret *raison d'état* or with *arcana imperii* known to a select few. At the basis of all government lies decision for others and the management of common business. Its very existence implies that there are things with which men cannot deal satisfactorily either as individuals or in small groups. What these problems are at any given moment democracy alone does not decide. Partly they arise out of the effect of interacting groups and of large numbers (anyone can park a car, but ten thousand cannot do so simultaneously without a traffic system). Partly they are problems of the physical environment. The fertility of the land, the proximity of the sea, the state of knowledge, the natural resources, the machines and implements, the willingness of the people to use their knowledge and the effect upon their lives of the machines and implements, the habits of living of their forebears and of their neighbors—this is at any one time the raw material democracy must work upon. It is not unchangeable, but it is a given, and the state of the given will affect the character of the design drawn out of it.

Self-government, in order to function, must be a consciously accepted ideal. It is both a reflexive term, a commentary of man upon himself, and a romantic hope. The experience out of which its practice grows must be precipitated, identified conceptually, and manifested in behavior. In most of the mature democracies people like to talk about politics. They worry when things do not go well. They hope for able leaders. They scorn dishonesty even when they do not know how to fight it. They find big elections exciting. They cherish the right to disagree and to criticize the government. But more than that is necessary. They must know the purpose of the chief elements in the political structure. They must understand why government needs a majority behind it, and why the gathering together of a majority involves some labor, some responsibility, some knack of things political.

Without skill of this kind, people are governed by slogans and maneuvers that dissolve the sinews of their rightful power. They must master the art of government. Otherwise, to ask and to be guided by consent means to submit to a congerie of pressures, unrelated to any sense of quality or direction. Here lies the danger when governments have existed for some centuries, and

the present generation expresses consent to their form not through reflection, but only through habitual acceptance of impersonal institutions. So long as the life of the commonwealth is untroubled, this 'tacit consent,' as older writers termed it, may suffice; but in times of danger the lack of explicit understanding and lively agreement will weaken democracy. 'Tacit consent' can too easily melt into indifference.

All political institutions reflect the circumstances of their growth; they show the creases and folds of their adaptation to economic and social conditions. Certainly the institutions so far developed to achieve democracy in practice are not the only conceivable ones. One country's present kind of parliament or another country's executive leadership may be imperfect. Even where change is resisted, new conditions make institutions function differently. If they do not willingly adapt, they may atrophy or decay.

Are there not, however, some structural principles of self-government which these institutions, however differently designed, must serve? Unquestionably there are a few such principles, without which democracy in a large group cannot exist. The process of law based on majority rule and individual rights has been discussed. In addition, self-government has these requirements: (1) a form of representation; (2) the responsibility of all officials to the people; (3) the possibility of opposition; and (4) the functioning of man as a citizen. The citizen must be able to judge, when these functions do not serve him well, whether the fault is in his own lack of surveillance, or in the imperfect design of particular institutions in his government. He must weigh the reasons for these principles, in order that he may use them successfully.

Representation

Few today would argue, as Rousseau did, that the only legitimate parliament is one which all the citizens attend. As the area and the number of people under government become larger, it is less possible for them to take part in a common assembly. The device of representation, which Lord Acton regarded as one of

the great inventions of modern times, has become a necessary mechanism for the expression of consent. Its imperfections are not difficult to observe or imagine, but the attempt to conduct government by the direct action of millions of men without delegation of any kind is certainly impossible. Nor would the use of public-opinion polls or some instantaneous push-button recording of sentiment make it any the more practicable. For the work of government requires deliberation, not mere reaction, and it takes time and skill.

Executive officers, administrators, judges, and legislators, whether elected or appointed, are all representatives of the people. There is no intention here to connect with democracy the unqualified doctrine of the separation of powers, but for clarity in discussion the representative body may be spoken of first, and later the officials of other kinds.

Much has been said in criticism of parliamentary systems, and this criticism has been often deserved—but what alternative is likely to be more democratic? The worst faults of parliaments or congresses are removable; generally speaking they result either from a lack of democratic method in the body itself, or from the poverty of democratic culture in the whole society.

The particular character of a representative body, its inner constitution and workings, will like all other institutions of government vary with time and country; what kind may be fashioned for world government cannot now be predicted or prescribed. But whatever its size or its rules, the body should be fashioned so as to be responsible to the whole people it represents and internally constructed so as to allow a maximum concentration on policy by all the representatives. A representative body may be regarded as a committee chosen by the people.

By whatever manner representatives are chosen, the citizen should always be represented as a person rather than as a member of an occupational or functional group. Attempts to canalize political life through fixed groups, guilds, syndicates, corporative bodies, trade unions, and so forth are inimical to democracy, for the effect of such devices is that only a fraction of a man is represented in government. We can see how the use of such bodies in Germany and Italy really ended the functioning of citizen-

ship. The effect of a stratification like this is to divide and rule, for it removes at one stroke all those interests that people, regardless of craft or status, have in common. Democracy is based on the common needs and hopes shared by people of different character and experience. Hitler and Mussolini used the medium of groups first to entice and deceive, then to negate and to destroy individual will and judgment. In the end the groups were mere tools, the more easily controlled because there was no freedom of movement among them. Voluntary groups and associations freshen and stir up the roots of democracy, but to make them the basis of representation or the regularly sanctioned channel of political power would remove at once their voluntary character and their enlivening effect.

In a mature democracy legislative bodies should not be chosen by lower assemblies or by district committees, though this method may be tolerated in a country of primitive character handicapped by a low degree of literacy, inadequate means of communication, and an incomplete structure of government. The dangers of this method in the period of moving towards democracy are, first, that it removes an essential part of the political process from the scrutiny of the people, and second, that it is too easily manipulated by a single party or group, which will become anxious to perpetuate its power.

A parliament or congress should be selected by majority vote of the people, in territorial units, all adult literate citizens having the right to participate. What is the relation of those so elected to the people they represent? They must be regarded as both delegates and representatives, neither singly. If directly instructed by a vote or other accurate expression of his constituents' views, taken before his election, a representative is bound to follow those instructions, and in general, the wishes of his constituents, whenever he can ascertain them. But a representative has a duty to the whole government of which he is a part, and a responsibility for the continuance of democracy. Unforeseen emergencies arise, on which he must act according to his best judgment. Apart from such situations, there are many questions to decide on which most of the people have no strong opinion. Here the representative is free to act in what he conceives to be

the best interest of the whole, knowing of course that the people will have a chance to express their satisfaction or dissatisfaction at the next election. The hardest test, however, may come in a time of great emergency—a threat of war, or of economic collapse where decisive action must be taken. So far as possible, the representative will consult his constituents, but in such a crisis an honest man will be unable to ignore his own best insight. The people are unfortunate who lack men of independence to serve them. No one has written better on this question than Edmund Burke:

> . . . it ought to be the happiness and glory of a representative to live in the strictest union, the closest correspondence, and the most unreserved communication with his constituents. Their wishes ought to have great weight with him . . . It is his duty to sacrifice his repose, his pleasures, his satisfactions to theirs; and above all, ever, and in all cases, to prefer their interest to his own. But, his unbiassed opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you . . . or to any set of men living. These he does not derive from your pleasure; no, nor from the law and the constitution. They are a trust from Providence, for the abuse of which he is deeply answerable. Your representative owes you not his interest only, but his judgment; and he betrays you, instead of serving you, if he sacrifices it to your opinion.
>
> . . . Parliament is not a *congress* of ambassadours from different and hostile interests; which interests each must maintain, as an agent and an advocate, against other agents and advocates; but parliament is a *deliberative* assembly . . . with one interest, that of the whole; where, not local prejudices ought to guide, but the general good, resulting from the general reason of the whole.[1]

We must suppose, however often we are disappointed, that a kind of ethic can animate a representative assembly, persuading its members to combine responsibility to their constituents with respect for their own best judgment. The representative, in other words, should be free to exert his highest powers, giving his energy and mind to acting for the whole people. His function is both to inform others of the needs and desires of those he represents, and to inform his constituents of the facts and necessities of any given situation. 'A great and open council of considerable men cannot be placed in the middle of a society without altering that society for the better.'[2] So Bagehot describes the teaching that is part of the work of a good repre-

sentative—and which men like Jefferson, John Adams, James Wilson, Burke, Fox, Winston Churchill, and George Norris, all in their best days admirably performed. Men who have earned a shoddy fame by appealing to the ignorance of their constituents, clowning their way with doughnut-dunking and 'pass the biscuit' antics, debase the function of a democratic legislator.

It is a tragic deception of the people when a representative body so organizes itself that within it majority rule is thwarted. The representatives in a democratic country are morally bound to observe democratic procedure in their assembly; when they do not do so, they bring the institution of representative government into a fatal disrepute from which no manifestations of august dignity can hope to rescue it. To allow business to founder in committees the chairmen of which are chosen for age rather than ability—to be absent from important debates —to read into the record admittedly irrelevant material for vanity or the sole purpose of delay—to boast of making impossible a vote on an important issue—these are blows dealt to democracy, as dangerous as any on the battlefield.

The organization of a representative body, then, is a concern of the people, not of representatives alone. Opportunity for clear decisions and for the prevalence of majority rule must be provided. Through their broad selection of the candidates of one party or another, the people express their opinion of the policy to be followed; it is the task of the representative with utmost skill and honesty to do his best in their behalf so long as he is returned to office.

One more point may usefully be made here: that economic strife does not make parliamentary government obsolete, but on the contrary calls for its improvement. In his *Parliamentary Government in England,* Harold J. Laski appears to argue that the 'mimic warfare' of parliamentary struggle could go on only while both main parties were agreed on the economic foundations of the state. He describes the nineteenth century in England as a time when there were few issues of fundamental difference in Parliament, and when, therefore, a 'unity of essential purpose' existed between the parties, concealed by their perhaps noisy but not crucial struggles. 'Liberals and conserva-

tives alike could accept without repining the results of each other's governments because the policy of neither touched the basic question of the ultimate constitution of property.'[3] He suggests that when property is squarely the issue, parliamentary institutions may break down because of the unwillingness of the Right to accept a majority verdict.

Waiving for the moment the question of the historical accuracy of this description—for surely the fight over the Reform Bill and the Corn Laws provided issues of major economic importance—let us look more closely at the merit of the main contention. In the absence of more relevant evidence than we now have—and I do not ask history to provide it—we can hardly fail to take the election of the Labour Government in 1945 as an *experimentum crucis.* This great change, so peacefully accomplished, seems to me powerfully to indicate that the essential unity of which Mr. Laski speaks (and which I agree to be necessary to the working of parliamentary institutions) arises from belief in a democratic method, rather than in particular institutions of property. For, in the actual event, the Conservatives proved to be willing to accept a majority verdict that changed the economic foundations of the state, and they were willing, I suggest, because they did not fear the loss of their essential liberties. They trusted the Labour party to preserve individual freedom. If the victory had been won not by the Labour party but by the Communist party, the outcome would certainly have been different, and it would have meant the ending of effective representative government. But this would have occurred because the Communists, up to now, have not believed in true representation, nor could they be trusted to preserve civil liberties.

While, therefore, I should agree that the maintenance of a representative form of government depends upon an essential unity among the parties as among the people at large, I differ with Mr. Laski in judging the character of this unity. So long as most of the people and the parties and the men in office agree upon following democratic procedure in its fullest sense, preserving freedom of speech and of the person and of assembly and accepting majority rule, it will be possible peacefully to

change the economic system. But should zeal for preserving or changing the economic system or any other foundation of the common life become stronger than devotion to the connected set of values which is democracy, then democracy will go, and with it representative government. That the crisis Mr. Laski describes can be surmounted successfully is the testimony of his fellow-countrymen and of the Socialist party he has helped to build on democratic foundations.[4]

The Responsibility of Officials to the People

In a government of any kind, as in a farm or a factory or a household, work has to be done; the getting on with it is the job of what is usually called the executive branch of the government. The nature of the task assigned is set by economic and social conditions, not by political philosophy, but how much or how little shall be done, and in what manner, and for what end, are the leavening elements of democratic purpose.

'The nation,' a shrewd observer once remarked, 'never attends to any but the principal matters of policy and state. Upon these it forms that rude, rough, ruling judgment which we call public opinion; but upon other things it does not think at all, and it would be useless for it to think.'[5] We can find in this comment an explanation of the response or lack of response of the executive branches of government to the intentions of the citizen. The problem is twofold. On the one hand we have officials in order that they may work for us, free our attention for concerns closer to our own desires. On the other hand the work of government, carried on for us by others, must be in accord with our large intentions. Government must neither exert arbitrary power over us, nor do so much for us that independence is curtailed. If self-government is real, it is a simultaneous equation between private purpose and public act.

Let us be concrete. The citizen in a democracy will wish to and is fitted to express an opinion on larger issues, such as whether the nation should remain at peace or go to war, how much the citizen must be asked to forego of consumption to save for the greater economic welfare of the nation in the future,

and so forth. He probably will not wish, and rarely has the information, to determine the necessary safeguards for air travel or the exact amount of money that should be issued in a given year. The first type of question is one of general policy; the second, one in which policy comes down to very specific, even technical decisions. Yet government has to deal with both. On the questions of large policy the citizen can make his opinion felt through his vote for elected officials. On the second kind of question his opinion will be active only through the general accountability of all officials to the people. A more indirect delegation of power is involved. This is one very good reason for the focusing of interest on elections of a chief executive: the power of appointment entrusted to him is a channel of popular control over remote duties.

The question touched on here is similar to the one unsatisfactorily discussed by Plato in *The Republic*, namely, that there is a certain similarity between the behavior of an individual person and that of a collection of persons. The differences, one must emphasize, matter quite as much as the noticeable similarity, and the differences result mainly from the diffusion and complexity of relations caused by large numbers, not from the myth that a community is a mystical entity of some new kind. All that can be usefully said of a community (or nation or state) must in the end be analyzable in terms of the behavior of individuals.

Plato observed a division of function in human beings: man functions on the physical level; he feels emotion; he is capable of thought. The more harmoniously these functions are related to each other, the better his life. This harmony cannot be produced without some conscious attention; yet the level at which conscious attention can take place most beneficially is a question of great mystery and interest—never solved twice the same by two people, and solved differently at different times by each one in his own life. The placing of awareness by each person in relation to outward circumstances not of his own making gives the motion of life itself. Everyone knows the economy obtained if we are able to do routine things without attention—tying a shoelace or absorbing information. A loss of energy is

involved when such automatic processes have to be brought into the field of conscious awareness. In illness, or in time of danger, very elementary processes may become matters of the highest moment: to an invalid how to walk, to a citizen or a soldier in times of misery where to sleep, how to get something to eat. But in peaceful and prosperous times, the more automatic the provision of these needs, the better. The more simply the basic physical processes are sustained, the more possible is it to count on a concerted state of emotional power, and to think with range as well as concentration.

The essential services of a community likewise should function automatically, each one performing its work satisfactorily, able to count on the rest. This dependable functioning is not inert or passive; it is like the steady hum of a good motor. For some, it represents purposeful activity, to the rest it is a resource to be counted on without effort. But from a slothful lethargy a person or a community can suffer atrophy—here conscious attention must be stirred by danger to restore a balance. The aim of its waking, however, is precisely to restore that balance, and hence to provide for the release of its attention to purposes more stimulating to the highest forms of energy.

By their conscious choice of the highest officers of government, and the accountability of these officers and all others appointed by them, the citizens who do not make government their profession can free their minds for their own interests. It is fundamental to the nature of democracy both that there is significant experience outside the realm of politics, and that government is exercised through the active consent of the citizens. Between these two principles conflict will always exist, and at times the citizen, through that desire of his own freedom which it is a purpose of democratic government to fulfil, will neglect the business of state so far as to endanger its democratic character. To meet this challenge three things are necessary: first, that the structure of government be adapted both to encourage the citizen's responsibility and to permit his freedom; second, that great spirits shall be called to the art of government through their native interest; third, that in time of need the most skilled and honest men shall be willing to serve their

government, setting aside their own desires in favor of the freedom that supports all higher human understanding.

The democratic analogy—if I may venture to call it that—between the responsibility of individuals and of governments differs from Plato's in one obvious respect. Both attempt to account for a necessary division of function. Plato assigns to different classes or groups within the community a single function of the human being: thus, roughly speaking, one class is the stomach, another the heart, another the mind of society.[6] The result of this social structure is to limit the possibilities of experience for each one; through his theory of the state Plato makes each citizen a lesser man than, in his ethical theory, he demands that the citizen should be.

Now in democratic thought, the citizen never ceases to strive for wholeness as a man, and in his part in government as well as in the rest of his life, he strives to use his mind. His mind is expressed through choice of policy, through his opinion of the direction and conduct of public affairs. We have already said that the election of representatives (and the chief executive is also a representative) focuses the choice of policy. As the citizen's mind cannot, and need not, be active in every business of government without the waste and dissipation of attention, government desirably includes delegation of power to officers of several kinds. But this delegation is neither absolute nor permanent; it is conditional, and subject to the accountability of officials to the people. Those to whom power is delegated are never a fixed class. They are entrusted with the work that citizens agree must be performed, and which if it is well done they need not attend to. But when it is ill done, when there is disease in the body politic, the citizen may have to intervene even in apparently trivial matters. He never, in other words, abandons his part in the mind of the whole, though over stretches of time and in kinds of decisions he entrusts his consent to the action of others.

These general considerations have been brought in to show that democratic government does depend upon a division of labor, not absolute, but relative, and that the animating soul that unites the separate functions is finally to be found in the

thought and opinion of the citizens. The traditional doctrine of the separation of powers is partly historical accident, partly pragmatic insurance against tyranny. I think it is understood nowadays that there can be no absolute separation of powers between the branches of government. Every modern political student has pointed out that the legislature may exercise judicial functions, the executive has a part in legislation and often appoints the judges, courts have a part in legislation through their interpretation of it, and so on. What matters in the separation of powers is not those irrational inhibitions that prevent government from doing its necessary work. The major idea remains valid, that *all* the powers of government are not to be exercised by any *one* branch. Work can be divided among them without blocking of effectiveness.

The administrative problem is to be regarded in the light of these suppositions. Here is a function of government much discussed by students but relatively little heeded by the citizen, except as he grumbles at particular agencies, or, more rarely, conceives that he has benefited from them. 'The man in the street' may curse or bless control of prices, but can he be said to have associated himself with a decision of the S.E.C. or the Interstate Commerce Commission? Only if these decisions directly touch his own affairs has the average person any reckoning with them. Shall we conclude, then, that rule is in the hands of a vast body of anonymous officials, and self-government is a fantasy? Not so long as the channels of responsibility are clear and open, and the administrative process is permeated by democratic ideals.

Other things being equal, the less work it is necessary for government to undertake, the better. The less complex its tasks, the less strain is put upon the delicate mechanism of public order. Although this is today an unfashionable kind of observation, the common sense of the citizen still gives a kind of reverence to it. But we may remark of the tasks assigned to administrative agencies, whose growth has been so much feared, that they help to make the exercise of what amounts to governmental power public, rather than private. When mines, banks, railroads, manufacturing companies, possess powers over citizens

as great as those of government, affecting their opportunities for living perhaps more intimately than government itself, then it becomes necessary to develop a structure capable of regulating this private power. The disadvantages of large administrative agencies are not the vices of government; they result from the necessary correspondence between administrative agencies and the structure of industry and finance.

What government must take upon itself to do is a question for people of each generation to decide. But assuredly, decisions in magnitude and importance affecting the lives of thousands of people cannot be abandoned to private interests. Economic tyranny and political freedom cannot exist side by side. Given industrialism, democratic government had to extend its sphere of operations. Hence the growth of administrative agencies is a device, however unwieldy, for the preservation of self-government.

With all public officials, from the chief executive down to the clerk in the civil service, the safeguard against arbitrary action is not so much lack of specific power as accountability—the definite and direct locating of responsibility. Good practice requires open accounting of work done, and the removability of all administrative officials for inefficiency or corruption. But no merely negative safeguard can ensure democracy in administration—any more than fear of punishment can provide a healthy society with its incentives. In the process of administration we should look for a sentiment and a devotion to private rights, a sharing of knowledge with the ordinary citizen, and a freedom from the cult of expertise.[7]

Experts—men exceptional for understanding of any one skill—our society relies upon; but they are only men. We must train them so that they love to be reminded of their humanity and train ourselves so that we do not rely upon them beyond the sphere of their special competence. 'Because a man can successfully build a bridge, or penetrate the mysteries of the atom, or direct a great enterprise . . . does not mean . . . proof of his talent for the art of statesmanship.'[8] As Professor Laski has incisively argued, the specialization of the expert is often at

war with the view of the whole necessary for a wise choice of ends, and may rob him of sensitivity to interests and aims other than his own.

Precisely that awareness of people and of large concerns marks the statesman, and men chosen by the people for high office must be given the power to exercise their skill, so long as the power is subject to the general standards of self-government and is revocable at the end of fixed terms. Centralized power, or a strong executive, has been much feared as a threat to democracy; but modern history would seem to show that democracy is more likely to fail from the opposite weakness, a feeble executive, incapable of mobilizing government to meet the needs of the day. The desire to have government tackle large problems, but without oppression, to have it respond swiftly to a danger or hardship visited upon society, but to preserve ease, informality, humor, sincerity, in its transactions—these desires are summed up in the old search for 'a good man' to be the chief executive. His power does not resemble that of a dictator. The function of great leadership, under law, is compatible with democratic ideas. The growth in importance of the American presidency results partly from the growth in magnitude of the work of government. But the actions of early Presidents, too, both reflected and shaped the spirit of the people. A prime minister and cabinet, to whom sufficient power is given by the parliament that can remove them, would do as well; some think better. The form of the executive office is not of such great moment, so long as the derivation of power is not indirect. Popular choice of the executive has many faults, but when successful it does aid in his most valuable task—to make articulate in the form of coherent policy a sense of direction acceptable to the majority, and favorable to the continuance of the democratic idea. He is, or should be, a sensible intelligence and an active spirit placed in the midst of government, with some elevation of perspective and of power, from which he can express to their chosen officers the will of the people, and in turn explain to the people the necessities that government has to meet.

The Possibility of Opposition

Democracy cannot be built upon the basis of a one-party state. Organized political parties have exhibited few virtues, many vices and more absurdities, yet without them it is difficult to see how large alternatives of policy could be presented to the voters or how the possibility of opposition could be guaranteed.

Opposition for the sake of opposition wastes human energy; partisanship in thinking hardens the mind. The impact of responsibility checks the first; diversity of opinion and independence offset the second. The remedy for the faults of parties can only be applied where at least two exist. Careful scrutiny of government action is an indispensable safeguard against oppression. It can take place only where there is an alternative organized group capable of exercising the power of government. Nothing in the philosophy of democracy leads us to accept the infallibility of men singly or in larger number. To present a choice to the voters (and without choice there is neither freedom nor equality) men of like view must be able to announce their program and seek election. When this happens, a party exists. Democracy is quite incompatible with monopoly in political activity.

Some observers, notably M. Ostrogorski,[9] have seen in party machines democracy's most serious threat; others, like Mr. James Farley,[10] have regarded them as useful and enjoyable fraternities. To enter into a detailed discussion of the anatomy of parties would be irrelevant here. One may remark, however, that the abolition of parties would not end the kind of human behavior that has made them famous: corruption, flattery, servility. The follies of human nature are inevitably exhibited in political parties, but parties did not create either the more wicked or the more comical aspects of humanity. They would find other channels of expression even if parties were to disappear. The seriousness of the purges found necessary in a one-party state is one of many indications that a plurality of political groups retaining a voluntary character will develop less dangerous diseases, even if they suffer from chronic disabilities.

The Communists argue in behalf of their system that dis-

cussion and disagreement are permitted up to the time a decision is taken, when all are then obliged not only to accept the decision but to refrain from further criticism. The party members are thus severely limited in political activity. There is no other group they can legally join when in disagreement with the policy of the majority, and they have no opportunity to seek to convince others of their views. Party is identical with government, and is in effect a self-perpetuating body. Since it does not include all citizens but is limited in membership, and further since it is organized in an elaborate hierarchy to which is attached all the force of the state, the working of democracy is impossible. The majority decision of the people is not the source of government power; the source of power is the will of a self-perpetuating class. The majority may accept the result but it has not participated in any true sense in the choice of policy. The venal practices of parties in democratic states, their ability to dispense patronage to the poor and financial benefits to the rich, fade in comparison with the power of life and death wielded by a party possessed of political monopoly. The name 'party' is in fact utterly inappropriate where only one real political organization exists. Nor can such monopoly, even if it sincerely desires to do so, maintain inner freedom. Free discussion may take place on the top level, but it is improbable or impossible on the lower ones. Party unity will be invoked to indoctrinate smaller units with the policy made at the top, and to stimulate them to carry it out. Thus obedience and fervor in imitation will be prized rather than independence or creativity of thought.

In general, then, the functioning of parties keeps political choice alive for the citizens and acts as a check upon the abuse of power. One party may remain in office many years, but it will be aware of jealous scrutiny from its opponents. Members of a party in power are often anxious to conceal facts that may be to their discredit; the opposition performs a valuable service in bringing information before the public. The independent voter benefits from the effect of party activity, too. In a government in which two or more parties could not function, there would be no scope for the independent voter.

For the mechanism of party to work, at least two requirements must be met. First, the number of parties must not be so great that no firm majority supporting the government can be obtained in the representative body. Second, opposition activity must observe the accepted principles of democratic procedure.

The first requirement rules out the device of proportional representation on a national or international scale. Although its advocates have written persuasively of the greater opportunity given to minorities by this device, the evidence of its disintegrating effect is overwhelming. A more thorough representation of minorities is no advantage if the consequence is inability to attain a majority opinion or majority weight behind a party in the legislature. We have shown that minorities owe their freedom to the same liberties that permit a true majority opinion to be formed. Where people in the task of government demand too tender a cherishing of every minor difference, they are trying to escape from the responsibility of finding an agreement. The proliferation of minorities often means inaction, failure to meet decisive issues. And the experience of Germany in the nineteen-twenties, of France in the 'twenties and 'thirties as well, shows that such weakness and instability in the central government is easily exploited by the exponents of force. With the cohesion of a majority behind the power of the government, and the observance of civil liberties, minorities have what they need to make a contribution to the common good or to pursue their interests in private. When a multitude of minorities strive for power, one faction is likely to become the wielder of force. To feel more concern for the fine shades of minority opinion than for the support of a majority behind the acts of government is a dangerous form of sentimentality.

Under proportional representation, those elected to office have a fixed interest in maintaining divisions of opinion on relatively small points. Actually, the choice offered to the electorate is never a clear one when too many alternatives are presented. As Professor Friedrich states, 'it is more important that a majority system of elections force the voter to decide between two or more alternatives, than that the constituency be compulsory.' [11] In the affairs of a large political unit, the people must learn to

face the unpleasant necessities as well as the advantages that go with their choice of policy. For example, if the voters wish to ensure the pacification of a disturbed area, they must be willing to provide an adequate police force of some sort. Parties split on too many fine points encourage the voters to evade such responsibilities. Two or three major parties, with experience in office, are likely to agree on some of the necessities of government and thus to bring home to the people the inescapable tasks.

As great a danger is the fact that proportional representation increases the likelihood of hidden government. When no party has a majority, the group chosen to administer the government lacks the backing of public opinion. It cannot function in the legislative body without coalition support from other groups; this results both in a slowing down of action and in an increase of backstage bargaining. All that is devious, indirect, and mechanical in party structure becomes supreme. Under these conditions the men who possess real power are unknown to the public and a party is more likely to become either a fanatical sect or a cabal. The two-party system

> enables the electorate directly to choose its own government, and . . . brings home the responsibility for action taken to a determinate group of persons. In the multi-party systems of the Continent, the choice of the government is transferred from the people to the elected chamber . . . the multi-party system, moreover, either makes for coalition government, with its inherent erosion of principle; or for minority government, which is always likely to be weak, and, consequently, to lack any effective clarity or purpose . . . the more direct and decisive the choice the electorate has to make, the better is the function both of the electorate and the legislature likely to be performed.[12]

This is Professor Laski's very efficient summary of the manner in which the multiplication of parties robs the people of direct choice.

But to ensure that such a choice has meaning, a certain degree of party discipline is desirable in the two-party system. Independent voters and independent statesmen are to be prized in any country. But hypocrites are not. Broadly speaking, the electorate should be able to identify a party with a program for

the conduct of the government. And, again broadly speaking, party members should be obliged to support the main articles of the party program. Otherwise political affairs are seamed with insincerity. If a man seeks office as a member of a given party, and then votes with the opposite party, a change of conviction or a deception has taken place. A change of conviction on any major policy of the party calls for resignation from the group whose platform the candidate no longer accepts. Crossing the floor to the opposition side is a healthy act. The effort of a party to hold its members to a common program should not be denounced as a purge. On the contrary, it is some guarantee to the voter that the party really stands for something.

For only by a considerable degree of discipline can a party escape from being a machine in the worst sense, organized to grab the spoils of office but unwilling to hold to a positive policy. In a national crisis, or on matters agreed to be nonpartisan, co-operation between the parties is necessary and good. On new or uncertain issues, individual members may be left free to take a stand without party urging. But on major issues announced in the program or adopted by a party caucus, a member should feel bound either to agree, or to seek office next time as an independent or a member of the opposition, whichever conscience directs.

The final requirement for the functioning of parties in a democracy is that they should abide by the accepted principles of democratic procedure. The opposition must always accede to the decisions made by the people in elections and must join with the majority party in furthering democratic procedure in the legislature and the administrative branch. Severe criticism, campaign oratory, peaceful if noisy manifestations of enthusiasm belong to political life; but a show of force, even a threat of force, cannot be tolerated. A totalitarian party can serve no useful function within a democracy, not only because its principles are a denial of democratic values, but because its tactics, even when superficially peaceful or parliamentary, are designed to sabotage democratic procedure. Yet, in an established democracy, it would be wrong to declare such parties illegal. Questions of definition would arise and in moments of excite-

ment or bad feeling, some groups could not resist the temptation to attack their opponents as totalitarian, and to exclude them from the ballot. Then the freedom of legitimate groups would be jeopardized. The harm caused by totalitarian parties can best be checked by openly airing information about them and by laws restraining them from acts of force or intimidation. With these safeguards, the people must be trusted to reject such groups. If a time were to come when large numbers knowingly joined Nazi, Fascist, or Communist organizations, democracy would already have been abandoned as a result of other internal weaknesses, and no legislation could save it from decay. Such a situation is a revolutionary one, and cannot be dealt with in the framework of democratic procedure.

To sum up, the possibility of effective opposition entails the existence of more than one organized group capable of wielding the power of government, but not so many that a majority view among the people or a majority policy in the legislature is difficult to obtain. The parties must agree on the basic principles of democratic procedure. Likewise they should have a considerable degree of internal consistency. Given these conditions, the activity of parties prevents a monopoly control of political power, presents alternatives of policy to the people, and preserves a free area of political life through which independent voters and statesmen can change the aims of the parties themselves.

The Office of the Citizen

In a section of his *Politics* which is one of the few discussions of what constitutes citizenship, Aristotle observes with insight and realism that the good citizen is not necessarily a good man.[18] This is a challenging and incomplete observation. For democracy, at least, the truth is rather that men, both good and bad, must be able to function as citizens, and, to do so, most of them must be partly good.

To think and act as a citizen requires a degree of abstraction from one's whole self and a degree of energy, just as a trade or profession does. There is a skill to it, a knack, a way of behav-

ing, and, as in most kinds of work, people have some resistance to the discipline of it. No one, except those who devote themselves to the art of government, can be a citizen all the time. Schemes of reform that assume an incessant activity on the part of ordinary people are doomed to harden into a tedious or sentimental shouting, diminishing in effect. Thinking of the ordinary person as a citizen, we must leave room enough for the rest of him—for his occupation, for his family, and for that unattended part of his being which is the reservoir of life to all, and which sometimes looks like laziness, but from which comes great accomplishment or the energy to greet times of crisis.

This being so, there remains a part of their time which people can devote to the responsibility of citizenship. A willingness for it is necessary for the sustaining of democratic government. When this willingness is present, the other interests of mankind may be expected to flourish also. For then a democratic culture will exist. An attachment to something that is not money, or power, or the restless search for pleasure, will permeate existence.

What, then, do we expect of the citizen? First, that he should consider and understand the underlying principles of democracy. Let him think of freedom and human equality and the value of reason, and ponder the history, the difficulties, and the rewards of self-government. These ideas will then live and extend themselves, not received as dead dogma from the past, but grown anew by each generation, and incorporated in living experience. Let each person try to relate them to the rest of his life and to test them by his judgment, his emotions, his purpose as a human being. Democratic ideas are such that they thrive by spontaneous discussion; they rest upon an act of faith, but it is faith of the most general kind, on which the pursuit of knowledge itself depends, and demands no narrowing but rather an enlargement of human thought.

Next the citizen has his part to do in the choice of a government. To that end he will have to acquire information and as best he can to form opinions on policy. He therefore will want the most reliable news, and will not confine his reading to one-sided partisan sources, or his conversation to those who agree

with his preliminary opinions. It is not in his interest to vote for corrupt candidates, or to take part in their corruption by demands for favors. He debases himself if he asks men in office to resemble his ignorance rather than his intelligence. The people, as we have said, do not directly perform the functions of government any more than they create great music or poetry. But the best government, like the greatest art, shows the quality and the expectations of the many.

Government belongs to the citizen, and since he has consented to the method of their establishment, its laws are his laws. If the laws are wrong, he will strive to change rather than to disobey them, and for the sake of good faith will obey even when he disapproves, unless the law commands him to do some grave injustice.

The citizen's pride in his community is a sober one, an attachment to the good it does for human beings, not a vainglorious boasting. By ignoring criticism or concealing it, the hope of life and improvement is lost. Thus the true citizen will rise above the provincial, and learn to take the view of the whole. This is his most difficult attempt. He will not identify democracy with any one city, province, or country, but will realize that what gives democracy its meaning is universal. Therefore, painfully perhaps, he will seek the good of other communities and modify the demands of his own. He will no longer enjoy abundance when it is obtained by denying sufficiency to any. The more he thinks and the more experience he has, the more likely he is to consider all mankind as members of one community, even though today it is divided into many governments.

These thoughts will lead him to encourage the leaders of his country with a generous imagination and an expectancy of good from their actions. He will not be satisfied to dismiss cynically all politics and politicians, but seeing in their acts as much influence over human destiny as the philosopher, the religious man, or the physician wields, he will search for the ablest statesmen and support the best in them.

Government requires skill, it is a special work. Not everyone can successfuly perform its major offices. Men of judgment will not seek the highest ones, those of chief executive or of repre-

sentative, unless such work is in accord with their interests and talent. But the citizens have much to lose if the profession of government is not greatly respected, and if some of the ablest people are not encouraged to prepare themselves for statesmanship. The good citizen will not be unwilling to accept the responsibility of office if he is needed.

In education, and in conversation, which can be the finest form of it, the citizen will transmit his understanding of democracy to younger people. He will not visit upon them reiterated slogans or hardened dogma, but will open and invite their minds by giving them to read the histories of great democratic statesmen and writers, and by explaining the struggles through which democracy was formed.

Equally they learn from examples of democratic behavior. For this is the end and the beginning of citizenship, to live simply, and in accordance with democratic ideals. No aristocracy of the past achieved a truer courtesy than this: when we respect ourselves in proportion to our respect for others, recognizing equality through love and understanding, giving individual freedom as we hope to enjoy it, and joining with others to construct the common elements of a good life.

PART II

THE CONTEXT OF DEMOCRACY

5

The Democratic Character

> For after the rest is said . . . after the valuable and well-settled statement of our duties and relations in society is thoroughly conn'd over and exhausted—it remains to bring forward and modify everything else with the idea of that Something a man is.
>
> Walt Whitman, *Democratic Vistas*

THE ultimate measure of any country's strength lies in the temper of its people. If the buildings were tumbled down, the books and statues and scores of music lost—they alone could raise new towers, write odes and epics, carve the stone, and divine the song—if the ambition was strong within them. But without some energy in the beholder as well as in the creator, the sculptured image in stone, the poems, choruses, and all the items of glory become cold remembrances. If their value is merely historical their secret will remain hidden. While industrious scholars toil to analyze them, the life within is lost. The security of a museum offers a thin survival. The power of such creations is reawakened when the response to their meaning is congenial to the spirit of making, because it respectfully dares to seek perfection in the present as well as in the past.

Custom produces differences of manners, but the civic traits are transmissible and have offspring in places far from their origin. Thus the English went to school to the Greeks and Romans with manifest benefit and manifest hindrance to their character as statesmen. On the other hand, we can see the confusing result of democratic ideas when they are soaked up by people whose traditions of behavior are not yet ready to sustain

them. Besides the principles and the institutions of government, there is, in short, a democratic character.

To be ready and fitted for the work democracy imposes upon us is much. It is all that earlier ages called heroic, though without use for the trappings of pomp and ceremony. Average ability, technical skill, and material wealth will sustain a well-established community in peaceful times, but they are not enough for the first setting up of a strong democracy nor will they guide it through times of difficulty and peril. Prosperity is no substitute for the resources of character and skill. But they are the qualities wealth is most likely to corrupt.

When the most important things that are done are done voluntarily, all that composes resolution is of the utmost effect. The presence or the lack of some active image of human nature ennobles or enfeebles us. Ages of great accomplishment are those in which the tone and expectation of society sets the highest possible mark for energy and good will to aim at.

If we survey the field of history and ask what feature all great periods of revival, of expansion of the human mind, display in common, we shall find, I think, simply this: that each and all of them have said to the human being, 'The inmost nature of the reality is congenial to powers which you possess.' [1]

Democratic government is peculiarly sensitive to the presence or the absence of a spirit of high expectation from human beings. But such a spirit, to be active, must be precipitated, be vividly present in the minds of the people. They must comprehend the lives of men and women clad in its power, yet free from pride in themselves—good workers, able to enjoy life in many ways. Such an image, and such instruction, is to be drawn from the democratic struggles of the past and from the best writings of every age.

In our literature and history, set the letters of Jefferson or John Adams beside the figure of Babbitt. This pitiable Babbitt, widely recognized as a 'typical' person, need not have been pitiable. We pity rather than scorn him because every urge and stress of his society conspired to abet his weaker qualities. The documentary evidence for the encouragement of Babbitry

lies in sociological documents like *Middletown* and *Middletown Revisited.* What else was Babbitt—by his friends, teachers, colleagues—asked to be? We have men and women in our history of a resolute and active spirit, who responded to very different demands. Some of the most interesting are unnoticed by any but the curious reader of history—to how many is a Lucy Hutchinson or a Joseph Hawley known? [2] If they are not unknown, their lives are often thought of as beyond our imitation. Our attitude towards the democratic tradition is foolishly sentimental. The teaching of its worthies is weakened into treacle by their more timid, obstinate, and conservative descendants, who do not see that to emulate them means not to dress up in costume, but to respond to the challenges of this day with an equal intelligence.

To know at first hand, and thoroughly, the thought and character of the finest persons is an added strength to people striving in the present. We have two veins of ore in which to mine the riches of the democratic character. One is in the sayings and reflections, as well as deeds, of statesmen, artists, philosophers, great scientists. The other is in the generous action that is here before our notice, the highest capacities of our contemporaries. Yet we allow this power to lie unused. It is set aside, thrust into the background by another design of living. A certain obscurity belongs with the nature of the good, in order that it may exist for itself and not for praise. That is why we can learn some things better from our predecessors than from our contemporaries. The merits and noble actions of our contemporaries are best if indirectly celebrated, as in literature, or directly and gratefully experienced, without flattery.

Great ages in the past have fortified themselves with images of the best in human nature as they conceived it. In the Renaissance, for example, and in the seventeenth century, an ideal of character prompted and released the latent energies of men. The picture of the magnanimous man, the courtier, the man of virtue as derived from Plato and Aristotle, Plutarch and Cicero, and connected with their own times by Pico della Mirandola or Thomas More, by Spenser or Montaigne, prodded behavior to a finer carriage. Men studied to do well and took an

interest in it. Their portraits of contemporaries were often acute, discerning of faults and weaknesses, but convincing in their account of bravery or sagacity. Witness such a gallery as Lord Clarendon's descriptions of the chief persons in the English Civil War—a work that could not have been written except in the midst of a generation able to recognize merit in its various degrees and kinds, without ignoring the weaknesses or setbacks met with by human beings.

The patterns of behavior of the Middle Ages and the Renaissance are unsuited to our time and our intentions. They are too intimately bound up with a monopoly of responsibility by the aristocracy and the clergy, by restrictions barring the many from education and from freedom in the choice of work. But the break between their age and ours, their aspirations and our own, is fortunately not entire or abrupt. Between them and ourselves stand people sharing some of their love of learning and their courtesy, but desiring to put an end to monopoly over religion, learning, and political power. Such men are Sir John Eliot, Hampden, Henry Vane the younger, Roger Williams, Jefferson, and *par excellence* Abraham Lincoln; such women are Lucy Hutchinson, Abigail Adams, and—to come closer to our own time—George Eliot or Madame Curie. We have too long looked upon such people as figures from the past or supereminent persons far from us, rather than as fellow-workers in whose labors we can share. There is something still to learn from the Puritan movement in its widest sense. By that I do not mean the restrictive or narrow aspect of it typified by some of the more forbidding spirits of the Massachusetts Bay Colony. Calvinism is only one aspect of the Puritan movement; had it been the center we should never have achieved the degree of liberty we owe partly to the struggles of the Puritans. More of its essence is a kind of experimentalism combined with a sense of reverence. Puritanism in this broader sense goes back to men of various temper, like Cromwell, Vane, and Milton, and includes in the group many of the early Quakers.[3] These men had an ear for mystery as well as a drive to action. Themselves strong in conviction, they shaped the idea of toleration for the sake of principle rather than expediency. They articulated the

practice and the philosophy of participation in decisions by all the members of a group. Most of all, they strove to realize in the present rather than to defer to an indefinite future the truths they knew, and in spite of their tragic failures they have something to teach that binds the Christian and the democratic purpose.

How much democracy needs an image of good life and active knowledge was recognized by Walt Whitman in his masterly treatise, *Democratic Vistas,* as well as by Emerson and (from a different point of view) Tocqueville. For we cannot expect a democracy to subsist by the will and charm of a 'creative minority.' We know that in its halcyon hours the vigor of this hope is more widely diffused. Melville's Billy Budd is an example of the goodness that may radiate from the simplest characters. In the book it is set out shiningly, but we most of us have found it present in some everyday appearance among quiet people of no renown. I remember one striking story of this recent war, of a Negro messboy whose bravery at the sacrifice of his own life saved many of his shipmates. Here was a man *déclassé* in his own country, barred from the higher branches of the naval service, yet capable of heroism to match the highest school of honor. His story should be known by heart by every white boy in the land. We must realize that the diffusion of the best in behavior through the whole mass of the people is simultaneously the aim, the test, and the means of survival of democracy. Not stars on the screen or celebrities under the tickertape, but people where they work and live, in school or office, ship or factory, must set the goals of democracy.

Generous and impulsive friendliness, willingness to help in an emergency, ingenuity—these are characteristic merits of a democratic people. William James recognized these spontaneous virtues: 'one loves America, above all things, for her youth, her greenness, her plasticity, innocence, good intentions, friends, everything.'[4] How are we to connect these qualities with the mighty demands of our day—to attack not the barrier of the mountains or the plains but the social and economic frontier set before us by our responsibility among the nations? The full development of the energies of our people needs a new stimulus.

The chief let and hindrance to their growth at present is that the sights are set too low. In teaching, in political discussion, in the press, in movie and radio programs, we expect too little, and by taking an ignoble view of human capacities we cause their deterioration rather than their expansion.

The fog that has obscured the finer portrait that we might present is the evil influence of money. How many thousands of people are daily subscribing to some nonsense they themselves think inane and repulsive, because it is the jargon that is supposed to sell goods. 'Darling dollars!' a huge advertisement in the New York *Times* begins, as a department store in terms of endearment promises the reader that it will care for his bankroll.[5] What of the state of mind of all the bright and energetic youngsters who probably wrote copy and planned layout for the advertisement? It is a question whether they are worse off if they believe what they write or if they don't. Cynicism and credulity are equally distant from knowledge or from fortifying faith.

The influence of money is always evil when it takes preeminence over other interests—as it does when people have either too much or too little of it. When great wealth rules society, those who lack it understandably think their welfare depends on acquiring more, and thus the desires of the poor are insensibly warped to the code of the rich.

The corruption of the money power has eaten into us very far. The urge to get it turns many into occupations they dislike, and into activities that have no value whatsoever to society. Among politicians and small businessmen, truckling to the possessors of wealth, trafficking for bargains with them, is 'doing a favor,' with hope, of course, that there will be an eventual return for value received. A minor but telling indication of the subtle corruption worked by this influence is the fact that so many people do not register in the party they truly believe in and vote for—for fear of losing business. Able young men often hesitate to come out openly with their political opinions, lest they offend powerful businessmen who deal with their firms or give them practice. The people all along the line who feel so

vulnerable as to sacrifice their independence to this hidden power are diverting their strength, bending their intelligence, to a force that has no legal standing, but is like an idol that has to be propitiated by sacrifice. This is not to speak of the tragic individuals whom desperate need of money drives to corruption, but of people personally honest who are blinded by the myth of 'competition' and of financial success. To them government control of prices is wrong, but trading in a black market or rigging stock is not. Robbery with black-jack, jimmy, and pistol is a crime, but withholding food during a famine, speculating in grain at the cost of health to others, is simply business.

The substitution of the money value for other values is a force retarding the strong development of a democratic character. An example of its far-reaching effect is that it has led the people even to attempt the corruption of their Congress. Time for the study of legislation, even for attendance at sessions of the House and the Senate, is taken away by the demands of constituents for 'favors'—and these favors, if not always matters of profit, are often a seeking of luxury that grows out of it. In the hearings of their own committee on the Organization of Congress, senators and representatives testified that the major part of their time was spent not in formulating policy or in government business, but in acting as an agent for their constituents. Part of this neglect of their true function is due to the growth and complication of administrative bureaus with which they have to deal. Legislation waits while congressmen search for scarce hotel rooms, train reservations, government contracts—even while they search for a feather! In a Congressional hearing a senator testified:

> I had a man write in recently who wanted to know where a company in Mexico sold colored feathers of the various birds down there . . . if you do not find out where the man can get colored feathers he will have his war bonnet on for you the next election . . . I feel that it is better for me to stay here . . . even if I do have to waste a little time looking where the colored feathers can be obtained in Mexico than it would be to write that man and tell him that . . . I was studying Dumbarton Oaks and could not bother . . .[6]

For the sake of the republic it would be better for the senator to say, 'to hell with feathers,' and a good citizen would approve it.

If no bribery or corruption existed, if every business transaction and the management of every last ward and precinct were free from graft, the far more damaging fact would remain that in vast stretches of our society making money, spending money, usurps the place of a better aim. To many women, the conning of the advertisements and a long day spent touring through the department stores is their reading, their theater. Before they think for themselves, our young people are influenced by the incessant demand for success in this competitive society. Inevitably it affects their attitude towards education. They are trained, before they go to any higher school, to look on the lee side of the business world for their security, rather than to expect the fun of doing a job for its own sake.

'How can the government be efficient?' I heard a portly gentleman say in the dining-car of a train. 'Impossible! They have no incentive. Where there is no profit, there's no incentive.' The portly gentleman was more than likely in his spare time to be a collector of 'antiques.' Perhaps, like Henry Ford, he has bought an old inn or house and dressed it up in repaired furniture and knick-knacks of the colonial period. His mind had grown so fat on his success that he was totally unable to imagine the remoteness of his thinking from that of the John Adams or Jefferson for whose autograph he would probably pay an extravagant price.

The most damaging effect of the money cult is a reluctance to enter the public service or take active political responsibility. I know one lawyer who in the opinion of leaders in his community would make an excellent congressman. 'But he can't afford it,' his friends explain. 'How can he leave a practice of $50,000 a year to serve in Congress?' Some fifty years ago an able student of our party machines asked a pointed question and provided the true and mournful answer:

> How has it been possible to get the better of this American nation which has presented the admirable spectacle of a creative force, of an indomitable energy, of a tenacious will that has no parallel? The ex-

planation is a simple one: the people have expended all this moral strength in the material building-up of the commonwealth . . . The desperate race for wealth has absorbed the citizen and has not left him time to attend to the public welfare; it even encouraged his want of public spirit, and converted it almost into a virtue. 'To make money' appeared as the destiny of man on earth . . .[7]

Of hundreds of thousands of our citizens such an observation is not true. But it describes the pattern that has emerged for our culture as a whole.

Our industrial leaders, railroad builders, bankers, enterprisers of every sort, have been men of energy and skill. The country as a whole now possesses equipment built by their effort—even if with awful waste of human resources and of the soil. The point is not to condemn, but to show that we need this energy in another form, and that we are unwilling to have money-getting set the mark for character. Democracy should set another direction for more of its able people. It cannot afford to invest so much of its skill in business and industry. Nor is the answer merely that of higher salaries, as is so often proposed. The answer lies in a different idea of what it is worth while to work for. A point of view that casts discredit and scorn upon a life spent in political endeavor is too expensive—in the Greek sense too idiotic a cynicism—for a modern democracy to permit itself.

When the achievements of President Franklin Roosevelt are reckoned by a more objective age I believe that one of them will prove to have been his bringing of so many able men into government—because they showed a professional joy and interest in it. And this is what every one is entitled to find in work. The lack of this has been one way in which the capitalist class has corrupted the working man. The incongruous disparity between profits and the workingman's wage, the lack of relation between his labor and the welfare of all, the bitter attempts made to prevent him from improving his condition, the vituperation against his organizations, have made more meaningless the monotonous hours of labor over the machines. He who has been robbed of the pride of a job well done for its own sake, of the sense of its relation to the needs of society as a whole, has been robbed of more than money.

> Who sweeps a room as for Thy laws
> Makes that and the action fine.[8]

But the worker has been deprived of these satisfactions. He needs more leisure, more opportunity for travel, more of the necessities of life. These he can obtain with higher wages; but if he sees the lining of the pay envelope as the reality of the prize he strives for, he is corrupted by the very enemy he fights. Shall mink coats, night-club life, and costly furniture be the dream of poor as well as rich? Then the rich indeed have triumphed, for they have succeeded in planting their ways as a model in the minds of other men.

They have not quite succeeded. This is our battleground, the quality of the democratic character. Here we must line up our forces, recruit our intelligence, and begin the campaign with a deep laugh at the myth that the fulfilment of democracy is the accumulation of wealth. Montesquieu wrote wisely of the affinity of different types of government for different traits of human character; he found that democracy relies on love of equality and frugality.[9] In early constitutions his words were well remembered. The preamble to Virginia's basic law shows a sympathetic recognition of the principle Montesquieu believed indispensable to democracy: 'no free government can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles.'[10] These are words to counteract the commercialized outpourings of the press and radio. We are not here concerned with the economic basis of democracy—a topic reserved for later treatment—but with a battle for the minds and intentions of men.

Money is a means of exchange, useful in the allocation of goods and services. It is neither good nor bad, except as we divide and use it. The evil lies in the false esteem of wealth, and its corruption of other values. In considering the resources of human nature, we must dissolve the layer of gold paint hiding the stronger features of the earlier portrait. In our new sketches, let the vigor and persuasiveness of a skilled physician or statesman take the place of the rotund financier.

The founders of democracy were not merely able men, they were students. Enduring ideas, for which men live or lack much of life, give structure to each present and derive power to connect with more of what happens from our concrete fulfilment of their meaning. No change in the economic system alone would regenerate a democratic faith and character, or enhance their future where they are still vividly present. To make more people more prosperous would not of itself strengthen their alliance with each other or deepen their possession of the best within themselves. The false esteem of wealth and zeal for money-making corrupts other values. But ignorance likewise is the foe of character. A popular anti-intellectualism is all too prevalent. People who are by no means unintelligent are not ashamed to be ignorant of political matters. In other spheres of interest they are not sufficiently eager to read the best works or to reflect seriously. Know-nothingism is still alive, even among people who have been much exposed to education. The pleasure of using energy for the understanding of principle and structure—whether in the study of government, philosophy, or religion—is a discovery that has not yet been widely shared. There is much untapped intellectual power among the masses of people which must be challenged.

Shall we hesitate to stir a loftier ambition? In our teaching, writing, public meetings, radio forums, the first assumption is that the sugar-coated, the melodramatic, the soft and easy, suits every man. Our wit and energy are too little called on. But men tire of this zeal of being practical. It is their lack of faith in money-getting that makes them labor so hard to spend their wealth spectacularly. Because we are embarrassed to love learning, to pursue her openly, we are gluttons for facts, quizzes, whodunnits, and whatizzits. Our thirst for such diversions reveals an unacknowledged longing for something nobler.

To walk softly, without needing a big stick, to stalk the higher game, to know and be this democratic character, lies in the realm of enjoyment quite as much as ethics. Democracy is not an other-worldly philosophy; it looks to the challenge of some accomplishment 'on earth.' It cannot delude itself with a naive optimism about human nature; it has set itself to make do with

all kinds of people, and to work with what they will give, not with what can be coerced from them. The nub of the enterprise is in being able to elicit interest and effort from people as they are—and I think we all have some desire to do a good job, as well as to have fun and take our ease. The more wary and muscular our sense of living is, the more we know that the passionate, the unexpected, the wicked lie close to our most valuable energies; 'passions . . . rightly tempered are the very ingredients of virtue.' [11]

In drawing the features of democratic character, the knack of the art is not merely to have great intentions but to find them interesting. Its qualities are not abstract and cannot be conveyed in any purely dogmatic teaching. It is hard to define this moving equilibrium, this sense of correspondence between a person and the world he lives in, that delicately depends upon a sense of what is better than himself and an enjoyment of what he is. The tolerance we praise is a virtue we can afford to use much more liberally. It is not spendthrift. Tolerance and conviction are sounded as one chord in democratic life. With their aid we can try to clean up the jungle of racial prejudice and make an equal opportunity for everyone in our society to contribute to the common welfare and enjoy its increment. This fuller democracy demands a certain discipline, not to be confused with ease and informality of manners. Back of the plain talk there must be sincerity, else good will dissolves in mere vulgarity, is dissipating and tiresome.

We have springs of knowledge hardly tapped, writers whose words have a furious energy that we seek wrongly to tame. Emerson, Thoreau, Walt Whitman—they have begun the New Testament of a democratic age. We should do well not to appreciate them mildly, but to test them roughly, and to amend, discard, re-write, where they fail us. We have treatises of government worth reading—what Jefferson called 'elementary books of public right'—every educated person should know them. We have men of laudable experience from whose lives we can instruct ourselves. Let us know the book of democratic worthies, the annals of our most skilled scientists, inventors, thinkers,

artists, patriots—but let us know them without cant or sentimentality.

In the summer of 1947 a group of individuals and corporations undertook jointly to send across the country a 'Freedom Train' —a traveling collection of important democratic documents, meant to stir the people to a love of their heritage. It is well to scrutinize such documents, but not through the lens of commercial advertising. It diminishes the symbolic value of these charters to confine them in a streamlined Pullman, under guard. It is premature to make an ark of the covenant and give it this mobile shrine. Better to arouse the people to a serious study in their private domiciles or libraries, and publicly rally them for their adventurous thought on the problems of this day. That is both a true emulation, and one more likely to achieve continuity with the democratic character of the past.

6

The Citizen and the Community

> The division of our territory . . . into townships . . . gives every man an opportunity of showing and improving that education which he received at college or at school, and makes knowledge and dexterity at public business common.
>
> John Adams to Abigail Adams, 29 October 1775.

> When bad men combine, the good must associate, else they will fall, one by one, an unpitied sacrifice in a contemptible struggle.
>
> Edmund Burke, *Thoughts on the Causes of the Present Discontents.*

COMMUNITY life is the matrix of democratic decisions. It may favor, or it may discourage, the individual's acting as a citizen. And only when the individual acts as a citizen does democracy really exist.

In a democracy, the main task of the people, acting as citizens, is twofold. While respecting minority rights, they must achieve majority agreement upon the main issues of policy, and they must choose men who will run the government in accordance with their broad decision. But to achieve agreement for this purpose demands a kind of discipline in common action. It requires not only a general understanding of the structure of government, but the meeting of experience that makes discussion worth while. In any meaningful sense, no man is born a citizen. He becomes one through responsibly taking his part in this whole process, through helping to make decisions and to select people for office. The milieu in which he performs these acts is therefore of great consequence.

Some writers, like Aristotle and Rousseau, have argued that democracy flourishes only in a small community. They have a strong case. For when men live together in great numbers, following many different pursuits, times of employment, and habits of living, it becomes difficult to find a common mind among them.

Who does not know that a large city today is like a jungle, with some few main tracks through its wilderness, but its forest floor, its layers of undergrowth and towering heights, its swarm of living known in simple and accurate detail to very few? To ride on the subways of an unknown metropolis, to hear the anonymous murmur of the streets, to look into the faces of so many striving, drooping or swaggering, often tired-looking men and women is to wonder where they can find a common center of interest or belief.

Democracy, like any political structure, depends upon a system of communication and organization. In eighteenth-century America the Committees of Correspondence, the pamphlets, tracts, and town meetings were a necessary prelude to the Continental Congress and the great events of the Revolution. The success with which these informal groups worked together, though they had none of the modern means of mass communication or easy travel, is a striking fact. The citizen could find his way into the channels of political action much more simply than he can today. In the town meeting, tavern, or church of his own locality he found a nexus of political relations. There was, further, a knowledge and a kind of reading shared by all educated men, creating a common sentiment and common language.

Cities like Philadelphia and Boston were then about the size of Northampton, Massachusetts today—not over 50,000 'souls.' In a community of that size people can know each other. Ability is recognizable; honesty and devotion can be tried; and the voter can make a real choice of men to represent him. But in a city of a million men or a Congressional district scattered over many hundreds of square miles, direct acquaintance with candidates or issues is a question of a different order. Nor is it numbers alone or distance that separates men, but their difference in

economic status, social tradition, occupation, reading. Where the network of social relations is so diffuse, the citizen confronted with a ballot in a state or local election may not recognize half the names on it.

The town meeting, where all the citizens gather in one place to debate and settle questions of policy, survives in a few districts. Even the town meetings of New England, interesting as they are to a student of government, appear to be either a carefully cultivated or a chance survival. Yet to the spread of these once thriving units of local government Jefferson looked for the animation of democracy.

> These little republics would be the main strength of the great one. We owe to them the vigor given to our revolution in its commencement in the Eastern States.[1]

But the institution of the town meetings did not spread across America or root itself in our cities. Other causes have operated to reduce that sense of local responsibility which Jefferson sought.

For most people today, outside of a few small towns, there is no community. There is no center where they gather, discuss, and move to act on matters of common concern. There cannot be. Men in large numbers cannot profitably meet in one place and undertake rational discussion. Where they gather only in large groups they can, at best, listen to a speech, experience a common emotion, come to some conclusion to be carried out by a smaller body. But this is a considerable achievement. When it happens, it is an event prepared for ahead of time by special sources that create interest and spread information. The citizen, to function usefully, is dependent on impersonal institutions like press and radio, or on the spur of group organization, or both.

A resident of Philadelphia knows the water is bad—he drinks it and he can see the Schuylkill River. He knows his city is disfigured by ugly, dirty slums—he can't miss them if he walks about the streets. But he cannot judge of a new plan for sewage disposal or decide between several proposed housing projects unless he can command and will study some expert informa-

tion. If he looks for others to share his interest and to act with him, his search will not be easy. There is no agora or forum to which he may repair, no town meeting at which he may raise questions and expect an answer. The damp and dismal rooms of City Hall are not the place to seek for enlightenment; its drafty corridors are more likely to scatter than to collect the interests of the citizen. Sooner or later he will encounter the delay, the confusion, the cynicism, the lack of candor which he himself aptly describes as the brush-off or the run-around.

By a community I mean an effective possibility of meeting and of common action. Large cities are more likely than villages to confine acquaintance to a narrow circle. Men of similar interests do not necessarily reside near by. People often work at a distance from the place where they live, and their resorts for rest and recreation may take them in another direction. Between individual citizens and the possibility of their acting together intervenes not only their lack of knowledge of each other but the power of political machines. Large numbers put a premium upon organization; but political organizations are cumbersome and time-consuming in their methods of working. Thus it is by no means easy for the citizen to fulfil his responsibilities.

Let us imagine a New Yorker, reading the book in which Mr. Ed Flynn boasts that he is boss of the Bronx and can remain so at his pleasure, since he can dispense patronage to a corps of henchmen.[2] Suppose our New York citizen believes that bosses are evil parasites upon the body politic. The effort to 'do something about it' is nevertheless a perplexing problem. The citizen may think it a desirable enterprise, without knowing how to begin or trusting in his strength. He is hampered for lack of means to consult with others and to decide with them upon a remedy. Merely to mail a letter to every voter in a Congressional district would cost at least $900.

He dimly senses that if he goes to a party meeting he will be among men wearing the concealed armor of power—party power, financial power, even power built on corrupt and criminal influence. As an individual unattached to any group he is a detached atom, unable to connect with the central energies of his political society.

Without a considerable degree of effort and trouble, the citizen cannot always secure relevant information. His newspaper will not necessarily tell him how his congressman has voted, nor inform him of the accomplishments, or lack of them, of men running for office. The only candidates and groups to get publicity will be, in many cities, the one the newspaper itself supports. In the *New York Times* a conscientious voter can read the text of important legislation, but not in the *Boston Herald* or the *San Francisco Chronicle.* Proposed state legislation and the attitude of representatives towards it receive very little attention in the press. Where local political relations lack center and focus, the impersonal institutions that serve a larger public also lag.

Here, then, is evidence that the modern city is not an effective community. What reasons lie behind this fact? One is that of size. We are dealing with the problem John Dewey has succinctly stated: 'how it is that the machine age in developing the Great Society has invaded and partially disintegrated the small communities of former times without generating a Great Community.' [3]

But the last phrase must give us pause. For we have begun, at least, to generate a Great Community. And this is a second reason for our difficulty in shaping true centers of political and social relations. In those eighteenth-century cities, after all, the voters did not include the whole population of mature age. We forget how young the universal franchise is, even in the limited number of countries that possess it. It is nowhere more than forty years old.

The would-be community of today includes more diversity of education, tradition, religion, and national origin than was earlier the case. Total population has increased while at the same time a larger proportion of the population has the power to vote. The expansion of the political community has outpaced the means of growth of the social community.

Thus the dwindling of close community relations is not to the discredit of the voter or of democracy as a form of government. The gathering of large numbers of people in centers of population is a fact beyond our control. We must, at least in the

present, cope with it, and we must do so by recognizing its influence. 'The immobility and inertia of large masses are to politics what the law of gravity is to physics. This characteristic compels people to submit to a great channelization of their will, and is due to large numbers, not to want of intelligence.' [4] It is idle, then, to trace every manifestation of political unconcern to the apathy of the irresponsible voters. We are dealing with a much larger phenomenon than that. The inclusion of so many more elements in the voting population is the result of that progressive emancipation which is the heart of the democratic movement. If it gives us growing pains, it is also a challenge to develop a new responsiveness in our institutions. But the size and character of the modern industrial city is not altogether a good setting for democratic life. Nor should we romanticize the rural districts. They are not unaffected by the pressure of mass organization. They have not yet developed a compensating vitality of culture to bring out their hardier thought.

Political enfranchisement, industrialism, and the increase of population have added to the total size of the citizen body in every country. Meanwhile the pressure of world events is causing the community of all mankind to take shape behind the façade of national governments. How shall the individual citizen participate in this great community? That is, how shall his wishes, opinions, and experience affect the outcome of what is done? How shall he know what is relevant to his purpose? Where shall he find the strength of association with those of similar mind and character, spurring him to measure his society by a worthy measure?

In short, what in the modern world can take the place of the neighborhood while avoiding provincialism and exclusiveness? Or what can connect the city people with the isolated farm? To answer this question means looking at the possibility of groups, and then sketching the area where group action is irrelevant and a waste of spirit—where a simpler bond of common feeling must be found.

One war-time summer an interesting scene took place on the Boston Common. In the center of the green was a booth, opened by the League of Women Voters. Stretching back from it on

the lawn was a long queue of sailors, soldiers, and civilians—more of them men than women. At this hastily set up little structure they could get the names of candidates for office in their home states and voting records on national issues. Probably none of them could have obtained the same information without hours of research into newspaper files or back numbers of the Congressional Record—hours they did not have to spend, requiring a habit of research unfamiliar to them. Most of these people have probably not encountered the League of Women Voters again—especially the men. But they had briefly availed themselves of the mediation of an organized 'group' in order to be more effective citizens.

Such a group can help to supply the lack of a living community. 'Nothing so much makes possible a public opinion which is real because it is based on free and frank discussion as the existence of independent voluntary organizations with public purposes.'[5] To write instructively on this point is at present difficult, for we have accumulated relatively little knowledge of a concrete sort on the behavior and structure of the kind of group to which I am referring. Nevertheless it is a task of modern political theory to clarify the relations of the individual to groups and of groups to government. Unfortunately much discussion of this subject is surrounded with a haze of mystification.[6]

Let us dispel a little of the cloud. There is nothing mystical about groups. They do not possess mysterious properties, different in quality from the characteristics of the individuals who compose them. A united group, with a genuine center of interest shared by its members, is stronger than the individuals who compose it—precisely because it offers them an extension of knowledge and experience through their meeting with each other. Ultimately everything worthwhile one can say about a group must make sense in terms of individual human beings. The group is not a new kind of 'organism.' It can mean nothing helpful politically unless it is formed out of the conscious needs of individuals.

The group, then, whether labor union, church society, or foreign policy association, is a way for people sharing some

concern to meet for the sake of discussion or action or both. As Tocqueville has observed, 'Citizens who are individually powerless do not very clearly anticipate the strength that they may acquire by uniting together; it must be shown to them in order to be understood.' [7] Potentially group discussion and action has much promise for democracy, but groups in themselves are neither democratic nor undemocratic; everything depends upon their structure. Here we are concerned only with the function of groups that have political aims. No doubt a bridge club or a 'service' society is a significant part of the total community structure, and deserves the study of the sociologist. But the question before us here is how the citizen can affect the decisions of government, and we must limit our attention to voluntary groups which help or hinder the individual to act as a citizen. To this end, the voluntary association that is non-commercial in purpose and democratic in its internal structure is potentially of great value. Political groups not so organized represent a latent or actual threat to democracy.

When I speak of a group as democratic in structure, I mean that its principles are consistent with the respect for freedom, for equality, and for self-government, which are the foundation of democracy. Its policies will be determined by majority vote of the members, its officers elected and responsible, its constitution or informal organization one that ensures the rights of the individual member.

The popular term 'pressure group' confuses the issue of the place of groups in democracy. For the significant fact is not whether a group exerts pressure or influence, but how many people belong to the group, and how its policy is determined, and whom its activities benefit, and whether the 'pressure' is of the nature of testimony and persuasion, or whether it is exerted through intimidation, bribery, and corruption. The answer to these questions may show that a 'pressure group' is a very good thing or a very bad thing. For example, take the Anti-Slavery Society (in order to move away from the contests of the present moment). Its meetings, pamphlets, and successful efforts to gain representation in the British Parliament were the spearhead of the movement to abolish slavery in British colonies. Of course it

exerted 'pressure,' and rightly so. Its efforts were in behalf of freedom for millions of people; its purpose to end a great injustice. No profit to the members resulted from its activities. The actions of the group were not secret. It mobilized the conscience, the good will, and the influence of people whose opinions otherwise might have been quite ineffective.[8] Dozens of organizations with political aims could show as honest a record. Pressure is all to the good if it is an outcome of well-informed study and conviction.

Now on the other hand look at the public-utility lobby in the United States. To begin with, the members of it—if they are rightly called members—are selected on a basis of financial interest. Their activities are directed to the protection of their investments and the increase of their profits. They worked for the suppression of any form of public ownership or regulation of electric power—however beneficial to the public. They have tried to eliminate business competition with their interests. Their purchasing of newspapers, furnishing of unsigned articles to publishers, intervention in text-book writing were concealed from the public view until a Senate investigation revealed them. A great difference is apparent between such a lobby and the voluntary association of individual voters.[9]

A paid lobby maintained to serve the financial interests of a business group is not such a voluntary association. But a group of businessmen openly assembling to discuss and propagate their views on national issues could be. The test would be the degree to which individuals participated in the formation of policy and the means employed by the group to advocate its views.

The three qualities distinguishing the group contributing to the democratic community—its voluntary nature, its freedom from commercial purpose, and its democratic internal structure—are very imperfectly represented in the groups to which perhaps the largest number of our citizens belong—political parties. Parties are rightly characterized as 'machines' when they are authoritarian in their working. Offering a man a job to gain his political support or threatening to dismiss him if he withdraws it is an authoritarian technique. And it introduces a commercial

element into the structure of the party. For many citizens party membership represents a sincere conviction and is free from taint of commercial influence. Each party possesses some honest statesmen who try to shape its policy by persuasion rather than by intimidation exercised through the control of patronage. The memoirs of such bosses as Mr. James Farley and Mr. Ed Flynn, however, and the record of the Vares and their successors in Pennsylvania prove that the inner wheels of power revolve around an unsubtle form of influence. The speech of a Chicago ward leader to his henchmen provides a good example of how coercion works:

> I want to say to you that if any man does not carry his precinct on the thirteenth of April, he'll be fired on the fourteenth. If a man means anything in his precinct, he can carry it. If he doesn't, he has no business in politics and holding a job . . .
>
> What is more, any of you that don't get out the vote and have jobs will lose them, and they'll go to those who do work and have no jobs.[10]

Where the party operates in this fashion, it is not a group helping to build a democratic community. Luckily, the candidate or party leader of true integrity can reach the voter in other ways. Leaders like Franklin Roosevelt and Woodrow Wilson put up with machines because the alternative was the loss of power to put their ideals into effect, but though they accepted the help of 'machines' they were not dominated by them in their policies.

The party, we see, is an organization of mixed character. Its coercive and commercial features make its structure obsolete in modern democracy. The reason for the continued strangle hold of 'bosses' and machines on parties is the failure of individual members to understand or take an intelligent part in controlling the party structure. Few citizens attach much importance to voting for committeemen and committeewomen. A study in 18 New York State cities revealed that fifty-five per cent of the committeemen had not gone beyond the grammar school. Voting was so light that no more than thirty-six per cent of the electorate—in some cities as few as six per cent or seven per cent—took part in the selection of these party officials. Yet the committeemen or ward and precinct leaders are the base on which the pyramid

of party power is built. The city or county committees usually control nominations to more important offices—to Congress, for example. In refusing to attend to the bricks and mortar out of which the party is built, the citizen abdicates a large part of his freedom to choose.

The failure of parties to function as effective voluntary associations itself reflects the lack of community life. A vast number of new voters in the last half of the nineteenth century were easily caught in the net of the party bosses, as Lincoln Steffens in his autobiography and Joseph Dineen in his interesting novel, *Ward Eight*, have vividly shown. The community made no place for the immigrant; the ward leader often showed him the way to employment, helped him when he was in difficulty with a law he did not understand, paid his coal bill when he was broke. What wonder that in return the beneficiary of these favors paid the asked-for consideration, his vote? Democratic traditions were new to him and he did not realize that he was forfeiting a priceless endowment.

The average citizen does not know much about boss rule. He believes in a vague way that it is a form of 'graft.' But its power is more deeply rooted. The boss, the ward leader, and the committeemen in the worst machines have survived because they are alternately the dispensers of a petty philanthropy and the organized flouters of the law.[12] They have actually helped the needy by handing out food, or small amounts of coal, or by helping the unemployed to get jobs on the city or county pay roll. The money to corrupt by these handouts and venal favors often comes from entrenched financial interests. It is doled out in this manner in order to prevent people from voting to elect men who would give them, in an orderly and upright way, what a modern commonwealth should provide: jobs, social security, medical care. Beyond this, the machine corporals are busy persuading the magistrate not to convict or not to sentence severely people who have actually broken the law. But the conditions of squalor in which crime flourishes are linked with poverty and overcrowding. However you look at it, the machine is a product of urban industrial society and of the financial interests that dole out these miserable palliatives to the people whom they have dis-

possessed of responsibility and of full participation in the benefits of science and invention. Favoritism and weakness in human beings will continue to exist, but democracy can be rid of the octopus of machine politics by two constructive measures: the replanning of our cities and the more equitable distribution of wealth, and with it, of education, which will encourage independence.

We see that the existence of parties is important to democracy, in that it guarantees the possibility of opposition and gives the voter choice. But we do not exercise that choice, and thus we weaken democratic government. It is one of the costly ironies of our present culture that the person who looks down on politics and politicians is really recording his own ineptitude and lack of responsibility. Did the 'respectable' Republican of Philadelphia vote for a democratic candidate when he became aware of the manipulations of Boss Vare? Or the 'good' Democrat of Jersey City shift to the opposite party to rid the city of the outrageous mayor who proclaimed himself to be the law? Not many, as the election results show. By voting with the party, right or wrong, citizens in effect give up their votes. Even worse is the apathy of the citizen who 'hates machines' but doesn't 'meddle in politics.' The vagueness of his indignation is misplaced. If men of wealth are looked up to, while politician is a term of opprobrium and statesman a title we never bestow upon our contemporaries, the responsibilities of citizenship are being shirked. Until every citizen is an honest politician some of the time, it will be hard to end the reign of crooked ones.

Elsewhere I have referred to the importance of discipline and consistency within parties—that is, the insistence that representatives and elected officials should on major issues follow the publicly announced and democratically adopted program of the group. That means that our circus-like conventions should give way to an efficient party conference. Failure to make real use of the party to present a choice of policy to the voter, and all the social factors mentioned above, account for the fact that parties are not now, in America, true associations. The same obligation should rest on the members—to accept, on the whole, the general program of the party or to resign and join another party, or keep

independent status. 'Membership in a party is at present highly unreal because the party has no control over its own membership and the member has no obligation to the party.'[13]

This situation could be changed. A better informed citizenry, a tightening up of laws regulating the expenditure of campaign funds, a removal of more jobs from the patronage to the civil-service list, together with automatic disqualification of party officials from appointment to public office, would accomplish a great deal. A city or county official should not also be the local chairman of his party. In the 'river wards' of Philadelphia, 19 out of the 20 ward leaders are on the city pay roll, while the twentieth is a pensioned city employee. Collectively this group receives about $100,000 annually.[14] Since all these men depend for their livelihood upon their ability to satisfy the top bosses, it is, needless to say, difficult for them to act independently. In fact, this ward structure furnishes the belts and pistons if not the oil that the machine runs on. But legislation could break the strangle hold of patronage. No party officeholder should be allowed to occupy a government position, and no party should be allowed to accept contributions from local or state or federal officeholders. If England can operate without party bosses and without the shame of graft in city government, so can other countries. Widespread study of the structure and operation of parties would be an aid.

It becomes evident why parties show a lack of responsiveness to the views of their ordinary members. This is one reason for the increase of groups of other kinds. In political parties and in the lobbies subsidized by commercial interests men are cunningly organized to strip the public of money or to monopolize power. Action in behalf of a public issue then demands voluntary association on the part of citizens. In these years of crisis many people who would prefer their leisure have learned the truth of Burke's warning. 'Where bad men combine, the good must associate; else they will fall, one by one, an unpitied sacrifice in a contemptible struggle.'

In looking further into the contribution of groups aiming at political influence, a distinction must be made between those whose aim is directed at more general aspects of policy, and

those that aim at securing financial benefits for a group of particular status or occupation. The first group might include groups like the United Nations Associations or, in spite of their name, the League of Women Voters; the second would include organizations of such different types as labor unions, the American Legion, the National Grange. The line cannot be too sharply drawn, but groups of the second type, because their membership is limited to a special class or a very specific interest, are more likely to develop a partiality of aim. Their specialization may be their virtue, but it may also have a divisive effect.

The group whose activities enhance the status or privileges of its members is likely to be larger and more cohesive. By the same token, its goals may ignore or conflict with the needs of the community as a whole. 'For that which is common to the greatest number has the least care bestowed upon it. Every one thinks chiefly of his own, hardly at all of that common interest; and only when he is himself concerned as an individual.' [15]

Yet the group representing a limited interest, as long as tactics are not coercive, can be of genuine value. It can, in the first place, inform society of the views of a particular class of people whose desires or needs might not otherwise be known. It can, and this is perhaps its most important function, give practice in democratic behavior, even in the art of government. Labor unions especially have given economic protection to previously exploited groups, and have brought to democracy the devoted thinking of many men and women whose contribution would otherwise have been neglected. The C.I.O. takes a stand in favor of a public power development in the Missouri Valley. An organization concerned with world government tries to improve the status of Negroes as a concrete example of the human brotherhood it advocates on an international scale.

So long as the basis of the association is truly voluntary and the internal structure is democratic, there is then a good chance of moving from self-interest to a sense of the common welfare. For many people, participation in a group is the only such chance they encounter. The virtues of group activity lie in the sharing of responsibility and the increased experience of the opinions and living conditions of others. In the voluntary associa-

tion at its best, the lawyer, the teacher, the union man and the business executive can sit side by side and argue good-humoredly over what must be done. People of different ages, religions, social habits find new ties of loyalty and friendship. In the crowded meeting hall after long and smoky hours of debate a mutual trust is developed that spreads its virtue into other hours and other places. Only those who have known it at first hand can fully appreciate the help that people willingly give each other, the willingness to give and to take friendly criticism, to make another try at a tough job, to subordinate personal preference in order to get general agreement on a constructive program.

Yet however much importance one may attach to voluntary associations as, so to speak, a new kind of community, it is foolish to romanticize them. Anyone with some experience in such circles will sympathize with the exclamation of a man of much civic virtue, 'I have eaten too many dinners in the name of democracy.' To work effectively with even a single organization means that one must be prepared to listen to too many speeches in tediously ornate hotel ballrooms, to waste time in ceremonious eating of many public meals, to swelter through hot nights in crowded and smoky meeting halls. And that is only the beginning. The really active organization has endless work for the willing member. He must raise money if he can, find new members, write letters on behalf of the program. The more successful the association, the more it desires the perpetuation of its structure and the increase of its activities almost as an end in itself until finally it would if it could absorb the whole life of the people belonging to it.

Nevertheless the person is rarely a useful member of a group who is nothing but that. There must be a time for private life, and a respite from social concerns in the pleasure of individual interests. The limitation of human energy is a brake on the activities of a voluntary association—not a crippling one if honestly admitted. Where it is so, activity for the sake of activity is less likely to waste one's time. 'You may associate on what grounds you like, for economy, or for good neighborhood, for a school, or for whatever reason, only do not say that the Divine Spirit enjoins it.'[16]

The size of a group, like the size of a city or college, is probably in inverse ratio to the part played in it by the individual member, though usually in direct ratio to its wealth and power. As the group grows in membership and in breadth of purpose it may lose the value of genuine informal discussion which is its finest product. A. D. Lindsay has given an excellent description of the way in which a small group can genuinely attain a sense of the meeting:

> In a sufficiently small democratic group which is working well there is often very little voting. The part elsewhere played by voting is [taken by] what is called the sense of the meeting . . . What that means for democracy is this. The creativeness of discussion assumes a common purpose animating those who take part in it. They are trying to find something out. They are asking what the purpose of their community requires.[17]

Anyone who has ever taken part in such a group will know how good this description is. The test of effectiveness in group discussion is the attainment of a conclusion that the members recognize as a better result than one they could have attained singly. Such a group is capable of much patience; the members know each other well enough to tolerate interruptions; the committee chairman making a report has even been observed to be grateful for, and to accept, a very large change in the substance of his recommendations; the members work long hours and are innerly sustained by their strengthening from each other's counsel and fidelity.

Such results can never be artificially stimulated by sentimental advocates of 'group thinking.' They occur only when there is sincere belief in the importance of the goal for which the group acts, and this must be an individual interest sufficiently strong to convene the group in the first instance. It takes a small gathering to provide such direct knowledge, spontaneity, time for thorough thought, and mutual confidence. When small groups have come together out of their discovery of common purpose, this atmosphere can sometimes be transferred to a larger association, provided that there has been sufficient discussion in advance among representatives of each unit, and provided there is no urge for window-dressing by over-working the names of celebrities.

The paradox is that although the value of the group is to increase the area of common purpose, this becomes more difficult as the group grows in size. When they wax and grow powerful, organizations aiming at the most benevolent ends will indulge in curious antics to draw attention to their existence. They may ask movie stars to sign up publicly as members—because movie stars can get their pictures in the newspapers. A furious effort to swing a big cocktail party or dinner may seem the way to attract new members or keep old ones interested, as well as to bring in a little extra cash. And voluntary associations, except some trade unions and some groups defending the interests of big business, are always hard up. Every effort to reach people involves costly mailing or advertising. Large-scale events have to be shrewdly planned in view of the need for artificially provided leisure that marks modern society. Such devices may be an effective starter or means of publicity, but are often self-defeating in the end. Too many meetings and projects leave all but the most zealous cold. The big meetings and the big noise must therefore be used only when there is a genuine sense of crisis, good or bad, generated by outside events, and the members will be stirred by a demonstration of their strength and a restatement of their aims. The real test of a voluntary association is the ability of its members to concentrate on their common concerns with an economy of time and attention. Over-use of advertising devices and commercial techniques to obtain a sympathetic response, in turn, reflects the failure of a larger community structure which the group could utilize.

Occupational or functional groups—let us say a labor union or a Chamber of Commerce, any group in which membership is based on occupation or economic status—can at times develop a disinterested approach to a number of civic problems. But their position is most circumscribed on the questions closest to the membership. A businessman, for example, will have a hard time getting a hearing from his colleagues if he is advocating legislation favorable to trade unions. A union man will almost never take a public stand against union abuses—he may be opposed to jurisdictional strikes but is not likely to admit it outside union circles. That groups, like all of us, should have their own inter-

ests in mind is natural, but they are more likely than individuals to remain in a stage of imitative thinking. The officers of the group may fight any change likely to weaken their power, whether or not it will work to the advantage of the group as a whole. Groups like to believe themselves immortal and do not bother to imagine that their immortality will involve any kind of transformation. While, therefore, the group of limited membership can stimulate sincere political discussion on general issues, it is likely to take an 'all or none' attitude towards the demands issuing from its own status in society.

We should not suppose that labor unions are subject to the same kind of bias as associations of employers. The very fact that they include so many more people makes their stand on economic issues more likely to aim at justice for all rather than privilege for a few. To view the demands of labor in relation to the economy as a whole requires a skill in economic policy and a breadth of political wisdom unions have not yet acquired. The struggle to maintain and extend their strength in the face of bitter opposition from powerful corporations has taxed their resources and narrowed their strategy. But their minimum demands for working people constantly improve the condition even of non-union workers. Their very numbers tend to correct their partiality. They cannot, however, contribute to policy-making in government until they learn how to act politically with other groups, without requiring a disproportionate amount of influence for themselves. This, for various reasons, they have so far been unwilling to do. When they make a show of political cooperation with groups more widely drawn, they tend to use the larger group as a forum and a means of publicity for their own views. They are likely to make a show of their influence and their numbers without genuinely committing themselves to common action even with those who must sympathize with them. I am tempted to say they almost never modify their position to conform to the decision of the larger group. As long as this remains true, labor unions in America cannot be the basis of a successful political party. They must first learn the lesson demonstrated by the British Labour party, that a chance to govern comes only after labor people have learned to include in their

councils and to work successfully with professional people, small business men, and the sympathetic portion of the 'middle class.' Until this kind of political association, based on a larger group than unions alone, is evolved, even laboring people themselves will not vote for labor's candidates in politics. For, off the job, the point of view of the working man is affected by larger currents of public opinion. That this is so, for many groups, is a safeguard for democracy.

All the reasons given above to show the incompleteness and tendency to imitativeness of occupational and functional groups lead to two conclusions. First, that democratic government would be endangered by a system of representation based on occupation. Such a device would diminish the common ground that people can find when acting as individuals. Some writers see in the open contest of groups, and the necessity for compromise among them, a phenomenon which suggests a desirable change in the structure of government. They suggest that the negotiations of the major groups with each other should be made a part of the governmental process. But this is, I think, to strengthen the groups and to harden their position too much. Agriculture, labor, and management should confer with each other, under government auspices when that is convenient. But they should retain their status as associations, and not be given governmental authority. Any other arrangement would either give government too much power, as final arbiter of all disputes, or reduce government to a condition of syndicalist anarchy, dominated by the bargains that would reflect the varying strength of the groups. It is better that each should have to appeal to a residue of the public that is neutral in attitude towards its specific claims. Such a public remains in existence, since no one's personality is exhausted by group membership. Each person as consumer may have a different point of view from his status as part of the productive force. He is also capable of thoughts arising from his non-economic activities. This wider range of experience should be the foundation of his citizenship.

A second conclusion follows, namely, that citizenship must be regarded as the most inclusive social affiliation. No one should place membership in a political party, an employers' association,

a trade union, or a club of any kind before his citizenship. Diversity of groups should be encouraged, freedom of assembly and expression for them assured. At their best, they can give a practice in citizenship which is not easily obtainable elsewhere. But their aims and their existence cannot be set above democratic government itself. This is not to take a view of the state as all-powerful or totalitarian—for as we have defined it democratic government recognizes spheres of value beyond government. Democracy is self-limiting. But its limits are set by the liberties given to individuals and by general ideas of value—not by any informal sort of government, more partial and more restricted in responsibility than itself. Freedom of development for groups (other than those of coercive nature) hinges upon the health of democratic government and its democratically established law. For the democratic community (which is not the same as government but to which government is responsible) is the one group to which everyone belongs.[18] Groups serve best when they can create a focus of life apart from government.

We have considered the lack of an effective community to provide a context for democratic action. The existence of voluntary associations has been shown to be, under certain conditions, a medium of communication which partly makes up for the disappearance of genuine small neighborhoods. The character of such groups must be public and their internal structure democratic. At their best, we see that they can outgrow their geographical or occupational or sectarian limitations.

In the long run, voluntary association can only do a partial job in providing community life. Man is only partly a political animal. Thousands of people will never belong to any group concerned with legislation or governmental policy. Those who express their sense of political responsibility in this form know that it is only an incomplete answer. Group action has only a pragmatic desirability; it is successful when it helps to build a larger community that supersedes it. Committees mushroom up in answer to emergency needs, and die as quickly; stronger associations, more deeply rooted in human interests, persist for longer periods. Both are an attempt to convince the majority, to affect the whole of which they are only a part.

The need for some structure and harmony in life rules out too much concentration on group affairs. The way in which people earn a living in factories and offices makes them anxious to spend their leisure another way. They like their time to be unplanned, and this is natural. They want to economize attention, so as to leave a free margin. It would be worth expending some of our inventiveness to develop expedients towards a simpler machinery of citizenship that we have not tried. The most important would be a reform of parties, and a planning of city and country areas so as to provide more convenient community centers. Why could there not be such a center in each major district of the large cities? There in one building might be an assembly room, a place to vote, a place to meet one's representatives. Another part of the building might house a theater and music hall and perhaps a branch of the library. Here some simpler and more direct association of the neighborhood might take place.

There is another means of achieving that focus of opinions and desires, a community. We all partake of it now, in some degree. The fact that one can travel so far, and find similar interests, amusements, habits, reactions to world events, testifies to its existence. We belong to an invisible community created by mechanical means—trains and planes and press and radio—and by the spread of education. These channels of communication reach the citizen in his private domain. When President Roosevelt or Mr. Churchill spoke on some mighty public question, the millions listening to the radio composed a forum. The meeting went on naturally the day after, in the comment of a woman shopping to her friend in the market or of a truckdriver to the counterman in the diner. We know that in great emergencies a way exists to reach this invisible community and to evoke a response from it. We strive to overcome the restrictions —the illiteracy, the state control of press and radio—that keep us from a truly international meeting of this kind. A direct appeal to the minds of the whole community of mankind is possible—under what auspices will it take place?

Mechanical means do not provide the answer. The larger community arises in the minds of men, and it cannot be built

without hard thinking, deep insight, new responsiveness of feeling.

We cannot take these difficulties lightly. In the last analysis everything really comes down to this: how do people function as citizens? That, and the lasting verity of the principles, is all. In a country district or a small city, first-hand observation is a test of the genuineness of events, even though it is not adequate as a guide to decision on questions that involve many others, living at a distance. In the larger community to which we all belong because we have a common destiny, a common interest, a common hope, there must be some straightforward way of knowing and speaking. Engineering and technology obviously do not bring that assurance. Literature, philosophy, religious and scientific thought, if deeply grounded, can do so. According as their chemistry is vital and pure, so will the common life be alert, resourceful, joyous, while if they are sluggish, or of mixed and turbid humor, so the common life becomes rancorous, lack-luster, without concerted aim.

A lively temper of mind and spirit can set the clumsiness of institutions at naught. But men must solicit this better self. If it does not come by plan, neither does it come unasked. It is not born of the outpourings of a press and radio dominated by commercialism. The mountebank tricks of advertisers, of commentators seizing on conflict as an easy source of drama, the taste for gossip and triviality which hinders us from learning more seriously the resources of human character, are unworthy of our intelligence. Yet we submit to them.

Out of the sense of a different way of living a finer and more real community will grow. The writer and the artist must build it, the prophet and philosopher, all the people in the image of life that they admire. 'Where a man's heart lies, there his treasure lies also.' And therefore the aims of education, the profundity of belief, the generosity of art will as powerfully affect, as be affected by, civic discipline. That is why other spheres—character in action, literature, religion—are of as much moment to democracy as political organization.

7

The Economic Basis of Democracy

> In the general course of human nature, power over a man's subsistence amounts to a power over his will.
> *The Federalist.*

THE question whether there is an economic system uniquely appropriate to democracy as a form of government is one about which vast assumptions have been made, but which has too seldom been candidly considered.

Let us regard it as discussable. That in itself is a beginning. For the defenders of capitalism and of various kinds of socialism often take the position that democracy is synonymous with a certain economic structure. One group assumes that if most of industry, banking, and the land are not privately owned, democracy is absent. And they consider corporations to be a form of private ownership. The other group assumes that unless industry, banking, and the land are publicly owned, democracy is either lacking or incomplete. And they equate control by the political organs of the state with public ownership.

It is possible, however, that democracy in its other aspects may set goals for the economic system that are most reliably measured in terms of the conduct of economic relations rather than the ownership of assets or the centralization of control.

The question of a purposeful correspondence between the form of government and the economic structure hardly occurred in direct form to the pioneers of democratic thought. They cannot be regarded as defenders of a capitalism they never knew—for the capitalism of modern times, with its huge corporations, its divorce of management from legal ownership, its technical specialization,

and the great discrepancies it has produced between the fabulously rich and the resourceless poor—this capitalism did not exist before the Industrial Revolution. So it is foolish talk to pretend that the statesmen of our past would have approved of the claims and the power of modern industrial magnates. They did not intend that the individual rights for which they fought should protect concentrated corporate wealth and its influence in political life. We simply do not know what they would have thought of most modern economic problems.

But if they were not the prophets of 'private enterprise' as that myth is presented in advertising campaigns financed by industry, neither were they, as the Marxists would have us believe, unwitting tools in the majestic and fateful development of economic history. Much ingenuity has been expended to present democracy as merely an effect of the rise to power of the middle class; but the case remains unconvincing. (There are so many middle classes, and they have been rising for so long!) While it can certainly be shown that democracy in its early development had an important part in the disruption of a feudal economic system, and that the struggle for political rights went along with emancipation from restraints on manufacture and on trade, these two movements are neither identical nor exactly parallel, nor can we account for one solely in terms of the other.

Neither the Civil War in England nor the American Revolution was fought for economic gain. The men who sincerely pledged their fortunes as well as their lives in the cause of liberty stood to lose both, and some of them did. Sir John Eliot, Hampden, Milton, Vane did not take part in these struggles to increase their personal prosperity or that of the class they belonged to. Nor did Jefferson, John Adams, Madison, or Washington. Some of them prospered but more of them did not. Such groups as the Levellers and the Diggers were in advance of their contemporaries, in seeking to define the rights and provide for the needs of working people. Not until the extension of the franchise in the nineteenth century did the social discontent of the laborer and artisan find adequate expression. The issue in the English Civil War and the American Revolution was political freedom; its economic counterpart was the recognition that absolutely unbridled power over

economic policy by King or by an unrepresentative Parliament foretold the end of civil liberty. Submission to arbitrary control of taxation and trade would have meant submission on the whole issue of self-government. Apart from this negative—but not therefore negligible—principle, early American economic thought varied greatly, at times reflecting the mercantilism of the period, at times the struggle against feudal restraints, at times the opinions of an aristocratic landowning class. Believers in economic equality they were not (though Jefferson hoped for progress towards it) but neither were they defenders of privilege. They thought of private property as a check to an over-powerful government, without foreseeing, and therefore without pre-judging, the problems that would arise when too much power accrued to property itself.

It is worth pausing to note that Jefferson longed for, and as a legislator worked for, progress towards greater economic equality for reasons primarily ethical:

> I am conscious that an equal division of property is impracticable. But the consequences of this enormous inequality [in France] producing so much misery to the bulk of mankind, legislators cannot invent too many devices for subdividing property, only taking care to let their subdivisions go hand in hand with the natural affections of the human mind.[1]

Because it was unworthy to tolerate misery in others without attempting to remove its causes, and because economic independence favored the exercise of citizenship, Jefferson actively promoted the diffusion of ownership. Sometimes he is presented as an advocate of 'states' rights' by those who use this slogan to shield entrenched financial power from all control, and thus to nullify the very ends for which he labored. Those who would so distort his views should heed the words in which he accounted for the change of his opinions as to the relative importance of agriculture and manufacturing: 'Compare this state of things with '85, and say whether an opinion founded in the circumstances of that day can fairly be applied to those of the present.'[2]

If there is any guidance to this dilemma which presents itself so sharply to us—how to extend economic equality without the loss of liberty—I think we have a beginning here. There is the principle among the founders of democracy on which we find land-

owner, philosopher, and lawyer agreed: monopoly of economic power is not to be tolerated. There is the ethical imperative: to relieve want. There is the practical observation: a change in circumstances requires an adjustment in government economic policy.

Yet a sense of responsibility for the economic welfare of all the people was not effectively related to democratic aims until the present century. The force of the ethical principles upon which democracy is based slowly overcame barriers to political equality. Property qualifications for voting were first lowered, then disappeared, in Western Europe and America. The movement for political emancipation was never solely a class movement. Humanitarian considerations entered in and provided support for those deprived of a voice in government. The same considerations led a great many to espouse some form of socialism. But the dominant thinker of the socialist movement in the nineteenth century was Marx, and he decisively rejected an ethical basis for socialism in favor of a 'scientific' formula of the relation of economics to other human activities. And so great was his influence that not only communism, but other forms of socialism made no serious effort to connect their drive for economic justice with concern for individual freedom. They ignored the question, or scoffed at individual freedom as illusory.

Thus Marxian socialism gave the same pre-eminence to the economic motive as did the most extreme defenders of capitalistic *laisser-faire:* for both groups, economic interests were paramount, not to be regulated by the conception of the good which men derive from life as a whole. (Yet of course in Marx's desire for equality there was latent an ethical conception, which he suppressed, in his desire to be scientific.) Because of the triumph of 'scientific' socialism a great rift occurred in the progressive forces favoring the welfare of working men and women, and eventually a rift in Western civilization. But since the advent of Fascism, the Second World War, and the continuance of the police state in Soviet Russia, European socialist movements have begun to show a deeper concern with individual freedom. The British labor movement from its beginning has been

strengthened by a tradition of regard for civil liberty; its inheritance from utilitarianism, from the Dissenting churches, and thus ultimately from the Puritan sense of the independent congregation, has kept it from discontinuity with the mainstream of democratic thought.

So much has been said not by way of historical summary, but to indicate that there is little to guide us in attempting to connect the economic requirements of democracy with the whole context of life which it exists to further. Industrial capitalism is not the keystone in the arch and the argument that democracy and capitalism are synonymous has no foundation. Communism, 'scientific' socialism, in its whole trend of thought broke away from democratic ethics and democratic ideals of freedom. There is no simple way to consider what should be the economic basis of a democratic society. The kind of life we should like to see extended to the many requires a considerable degree of prosperity for the whole, without unequal aggregations of wealth and without concentration on economic aims. It requires, also, mobility, enterprise, responsiveness, organization. A combination highly desirable but difficult to obtain.

A democratic approach to economic policy will put human welfare first. Equally, it must not sentimentalize, but ask as concretely as possible what consequences are likely to follow from certain kinds of action. I would venture to express the difficulty of the problem in this way: high productivity is necessary to provide for the wants of the masses of people. Yet the conditions that encourage productivity—mechanization, specialization, mobilization of the labor force, centrally planned investment—may thwart our other ends. Technical problems are involved, which this book, written from the point of view of a citizen, not an expert, cannot encompass. Yet each of us can pose the relevant questions and begin to assemble our knowledge towards an answer.

There are, then, three relevant questions to ask about the economic basis of democracy:

1. What requirements do the general principles of democracy (as described in Part I) set for its economic system?

2. Are there any negative conditions imposed in the same manner?
3. In economic activity, or control over it, are there any inherent conditions which favor or which create difficulties for the democratic process?

Having considered these requirements, and conditions, we may attempt to say whether any one type of economic system is most likely to fulfil them.

The first requirement set by democracy for the economic system is adequate food, shelter, clothing, and education for everyone. Our regard for human life sets this aim. No person should be hungry, homeless, cold, or ignorant; and whatever must be done to relieve want is our obligation to do. Justice demands this. It can be argued, and is partly true, that people in misery do not fully enjoy freedom and that economic want sets handicaps on the process of self-government. But I think this argument is deceptive. Poverty alone does not prevent people from thinking constructively. Serious malnutrition, illiteracy, bondage to superstition do. The reason for wanting to overcome these conditions is partly pragmatic, but more important is respect for human beings and a desire to give them a chance.

Now the basic requirement, minimum living standards for everyone, means that the provision of a healthy life for all citizens should be the first charge on the national income. Everybody must be able to have milk before anybody has mink coats. If allocation of raw materials, special taxes, or price controls are necessary to achieve the basic standard, they are justified.

We are all dependent on some basic natural resources: water, what is grown upon the land, and the minerals and chemicals that are mined out of it. The concept of ownership cannot justify wasting or selfishly hoarding this common wealth, which man did not create, and which he needs for life. Government must have the power to protect these resources and to see that whatever form of ownership applies to them assists rather than obstructs the provision of basic needs for the whole population.

Likewise, the services upon which all are dependent in modern society must be subject to regulation in the common interest. In this category are not only those which could not be adequately developed by private companies—such as the postal

service, road building, defense—but any which if left in private hands would be of potential danger to the commonwealth—for example, the manufacture of atomic energy. Government has the responsibility to see that in all such fields the public interest is paramount, and to attain this end by ownership and operation of the enterprise. Mining, transportation, and the distribution of electric power must for the same reasons be subject to close supervision, up to and including government ownership if private control does not furnish an adequate supply at a fair price.

So long as the imperative of a decent standard of life for all the citizens is obeyed, the question whether privately or publicly sponsored enterprise is the more desirable must be answered on other grounds. The concept of supplementary government action, to be undertaken when privately owned business fails to meet an essential need, is a promising one. This is the principle of recommended measures to provide full employment: for government to undertake public works when an annual economic survey reveals that total outlay will be inadequate to provide employment for all those willing and able to work.[3] The same conception of compensatory action can be applied to agriculture, to housing, to medical care, and to education.

In other words, if a decent minimum standard of living is taken as one positive goal that democracy sets for the economy, this indicates that government must act whenever existing economic organization fails to supply the need. But it leaves open the question whether government ownership, regulation, or supplementary financing is the best method in the particular case.

A decent minimum standard of living cannot be minutely defined, but must be set by the judgment of the community. Certainly, however, it will include the food, clothing, housing, and medical care that are necessary to healthy people and a chance for fulfilment of human capacity through education and through the opportunity for work and for leisure. The point of view that men must be left to starve if 'free enterprise' fails to provide jobs, and to live in slums if free enterprise does not build enough houses that people can afford to buy or rent, is as antiquated a superstition as belief in witches.

It is now appropriate to ask what negative conditions, if any,

are placed upon economic activity by the democratic principles of equality, freedom, and self-government. There seem to me to be two important ones. The first is that economic power in private hands can not be allowed to frustrate the rights that are the index of freedom, or to destroy the integrity of government. The banker or the manufacturer must not be allowed, by manipulations of investments or employment opportunities, to frustrate the financial policy adopted by the government. Likewise he must not be allowed to corrupt the process of legislation or administration through heavily financed lobbies, or to deprive the public of relevant information by monopolistic control of channels of communication. The employer must be restrained from intimidating the employee in the exercise of his political rights—whether the employer is a private individual or a government official. He must not be allowed to influence political parties or candidates by enormous contributions to their campaign funds.

Economic power has to be made responsible through and through. It cannot exist as a wholly independent field of action, but must be brought within the sphere of community decision.[4] The work of self-government does not stop short where economic policy begins. Decisions about those economic matters which affect all our lives cannot be made at will by a few, without the consent of all the rest. Ownership is a form of protection and a power of acting conferred by the community and it must be exercised on terms the community approves.

The individual ownership of property—of a means of earning a living and a home—is consistent with the ideals of equality and of freedom. Conceived of as a need that society will assist everyone to fulfil, it is a basis of right. But conceived of as an exclusive, irresponsible possession, to be enjoyed at will even if the consequences of that enjoyment inflict hardship on others, the right to property has no meaning. When large corporations are so organized that neither their stockholders nor the public can exert an effective check on managerial decisions, we cannot speak of this state of economic autocracy as private property.

Big business tends to swallow up small business, and the resulting decrease of competition allows it to set prices that

amount to a tax on the whole population. If there is no limit on profits and no standard of a fair price, business charges 'what the traffic will bear.' And the fortunes thus amassed, by industry itself and the small group in control, give an unwarrantable opportunity to obstruct reasonable discussion of this whole problem. Through pressure exerted on other businessmen, through advertising, through heavily financed lobbies, there is a constant effort to forestall even the effort to save private enterprise by reform of its abuses.

The chance to make one's own economic decisions—to earn, to save, and to spend so as to have the kind of life one's own tastes and interests direct—appeals to everyone. But this individual sense of what property is good for in no way resembles, or justifies, the invisible power of taxation exerted by big business through its control of prices and its insatiable demand for profits. Breaking up concentration of industry is not an adequate solution. 'Bigness' may be economical and efficient. But it is time to say to business, as once we said to kings, 'No taxation without representation!' To make capitalism and democracy compatible, there must be established in law the interest of the public in standards of fair prices, fair wages, fair profits, and fair working conditions.

The activities of any special economic group among the citizens must be subject to the same restraints. Labor unions or agricultural groups cannot be allowed to high-jack the economy as a whole. The right to advocate their interests and to seek the improvement of economic conditions for their members is indestructible, but they must in the end accept a price and wage policy equitable to consumers as well as to special units of producers. They cannot have a sphere of economic autonomy apart from the interests of the whole community.

The second important negative condition set by the aims of democracy is that there must be no absolute monopoly of economic power, whether by government or private sources. To go back to the quotation given at the head of this chapter, 'Power over a man's subsistence is power over his will.' If control of all economic resources and of everyone's employment were concentrated in the hands of government, political opposition would

become impossible. With it would go all effective political choice and the guarantee of our civil liberties. Even where coercion is not openly practiced, the suggestion that keeping a job depends on 'co-operation,' sympathy for the government, would soon be enough to destroy independence. We have set out above the limitations on the power of private enterprise, all of which are necessitated by this negative condition. The limitation upon government could be put briefly: government must not be everyone's employer, and must not monopolize control of the economy.

The positive aim and the negative conditions set by democratic principles do not point to any one economic system as the eternally right one. These requirements could be attained by a modified capitalism or a self-restraining socialism, or perhaps by a form of economy we do not now foresee. But they rule out the assimilation of economic and political power by one group, whether that group is a political party, an economic class, or a set of individuals. Democracy, then, is incompatible with the Fascist system of economy, or with Communist dictatorship, or with permanent economic oligarchy. It is compatible with a regulated capitalism or a modified socialism. Let us discuss the advantages and hindrances of these two forms of economy.

In speaking of capitalism, I do not think we should regard it as synonymous with private enterprise. The initiative of private enterprise is one of its greatest assets, but this possibility has arisen from human energy and from the absence of government monopoly, rather than from great aggregations of capital and of cartelized industry. Capitalism in some of its phases is hostile to private enterprise. The impersonal structures of large modern corporations, cartels, industrial monopolies do not deserve the name 'private property' or 'free enterprise.' They represent a power of public magnitude and consequence which can be entrusted to individuals only so long as they show themselves able to use it for the common good. And for this purpose definite standards must be provided by government regulation. Capitalism must choose, it cannot claim both the virtue of free enterprise and the irresponsible concentration of power that annuls it.

Capitalism is at its best when it favors new undertakings, presents a challenge to skill and initiative, avoids 'red tape,' allows for a wide choice of investments, and distributes its earnings widely. It is an advantage not merely to the rich entrepreneur, but also to the worker, that he should be able to move from one industry or locality to another when his judgment so directs. It is an advantage to the consumer to have a choice of articles for purchase or use, and to exercise control over his spending and his savings. It is an advantage to society as a whole that private means can be found to support new educational or scientific endeavors. It is an advantage that artistic effort should be supported by private rather then government funds. Government funds may be needed and deserved, but they should not be the sole source of support for the development of art, science, or education.

All these possibilities we owe to the institution of individually owned manufacturing, commercial, agricultural, and professional enterprise. We should be wary of jettisoning them, for the sake of an economic system designed to remedy the evils of capitalism without preserving its merits. Capitalism marks a particular stage in the development of finance and of the factory system. But some effective form of private ownership, that is to say some control of material resources apart from the control exerted by government, is necessary to guarantee that the structure of power in a social group shall be multiple rather than single. And reality of political choice requires multiple sources of power. This power must be, as I have said, responsible. But the possibility of presenting economic alternatives to the people is a valuable one; it goes far to justify reserving some areas of economic activity to private owners and to such associations as privately organized co-operatives.

But the evils of capitalism are very great. The root of them all is the profit motive, the insatiable desire not merely to make money but ceaselessly to make more money, a restless pursuit of dollar after dollar and million after million. In the system as a whole, if not for each individual businessman, this motive has set aside a just regard for human welfare. All the misery that prevailed before the rise of the labor movement—the inhuman

conditions in the factories, the long hours of labor in unhealthy surroundings, the pitiful wages, the ruthless exploitation of children—is evidence of what an unregulated capitalism would do. If conditions are different today it is because liberal statesmen, humanitarian reformers, and labor unions have succeeded in putting a checkrein on capitalism. Every stage in the improvement of wages and working conditions has been a fight; the gains were not made by the voluntary effort of employers. Although this process has benefited capitalism and efficiency has been improved by better conditions for labor, the movement towards social welfare is neither welcomed nor understood by all of management today.

The second evil of capitalism, which stems from the first, is its potential anarchy and irrationality. It is almost impossible for businessmen as a class to grasp or to wish to regulate economic policy in the interest of the whole community. To lower prices when they have reached an inflationary level would benefit business as a whole, as well as the consumer. Nevertheless each manufacturer or merchant is so unwilling to sacrifice his own chance of immediate profits that he will not co-operate with the others. Catastrophe and loss will finally persuade them, but only after the economy as a whole has been severely damaged. There can be no measured change, no more coherent method of deciding general economic policy, without government intervention. The same observation applies to investment and interest rates, even to honesty in the representation of merchandise and investment offerings. Business never voluntarily established a pure food and drug act, or regulated the offering of securities, or combated fraudulent advertising. Yet all these steps are to the advantage of business, viewed as a whole.

Capitalist entrepreneurs and the little business men and retailers who echo their views, suffer from the myth of competition.[5] The evidence is in, and we know that over great stretches of industry effective competition does not exist. Gasoline, steel, anthracite, to take examples, will cost the consumer about the same amount wherever he buys them. Design is much more standardized than the myth of competition would have us believe. But these are minor examples. Much more tell-

ing is the aggressive warfare by wholesale manufacturers who drive their competitors out of business and control the manufacturing and sales of their product in a large territory. Thus, it becomes necessary and beneficial sometimes for the government to restore competition by entering the field itself—as with the T.V.A. Competition is useful, where it really exists, provided that it does not override every other standard of economic policy or of welfare. The trouble is that, by the logic of capitalism, the more successful competition becomes the more likely it is to destroy itself.

The final evil of capitalism is its effect upon the state of mind and feeling in the community. To make the possession of money a standard of merit is a corruption of all that is best in human nature. When wealth is viewed as a reward for good work, or as the signal of success and achievement, the more truthful and admirable measures of human capacity are distorted. Even where wealth is gained by hard and intelligent effort, as it often is, it has no meaning except the comfort and satisfaction it brings to the possessor. But rarely is he content to possess and enjoy wealth, he must use it to acquire power in fields where it should have no influence—in politics, even in religion. What of the fact that great fortunes are gained by sheer speculation and by crookedness, as everyone knows that they are? The result is that not only corruption and unbridled power, but devastating cynicism result from great aggregations of money in private hands. The measure of value that it creates is one that no one really respects—not even the rich themselves. Alas, this influence under capitalism and the cynicism which is the fruit of it permeate all the classes of society. If only wealth could be isolated it would not be so pernicious. But on movie screen and advertisement, in popular magazine success stories, in radio broadcasts and in speeches, the mechanic, the clerk, the truck driver, the small storekeeper are bombarded with the lure of money. If they haven't it, they can get it somehow; if they haven't it, they aren't successful; if they haven't it, how can they buy the beautiful refrigerators, motor cars, fur coats, or silk shirts sold by those who have? Is it any wonder, then, that the instinct of good workmanship for its own sake is lost,

that the career of professional service at a modest wage attracts fewer young people, that the desire for fine painting and poetry has little influence on the publisher aiming at the mass market?

We conclude that unregulated capitalism is incompatible with democracy because it rules out self-government in the field of economic policy, and that the concentration of wealth in private hands is incompatible with democracy because of its deteriorating effect on character in a democratic society. If capitalism is desirable for other reasons—if for instance it can come closer to free enterprise than socialism can—it must be regulated and controlled. It must fulfil the economic goals that assure a decent standard of living to all the people, and it must not interfere with the process of government.

Is socialism, then, a more favorable economic setting for democracy? We have not had enough experience of it to provide an answer. But waiving the question of its superiority, let us consider whether it is compatible with democracy, and what advantages or disadvantages it might present.

Government ownership of the main sources of productive enterprise is not inherently incompatible with democratic life. The aim of a common wealth, equally or equitably distributed for use, suits well the democratic ideal of equality. If, in addition to the fostering of equality, freedom could be preserved, self-government successfully brought into industry and into the conduct of economic policy, we should be nearer to a full realization of democracy than we are now. The remaining barriers between social classes would be eradicated. No one would lack full opportunity then for the education and professional training for which he was qualified; the great cultural enterprises of art, education, science would receive the full support of the government. Hindrances to industrial development caused by economic rivalry over patents or marketing arrangements would no longer prevent full use of new inventions and new processes. Best of all, the whole people would have a sense of the resources of the land and of science as belonging to them. Monopoly and exploitation would be ended and a sense of the common welfare rather than profit would be the yardstick of

group approval. The effect of such a change on our culture could work an enormous benefit.

What hinders any reasonable person, who has no immense investment at stake, from at once concluding that socialism is the completion of democracy? Some reflections on the relation of economic endeavor to other phases of life, and some thoughts about the relation of individuals to government.

First we must consider the fact that government ownership of banks, public utilities, transportation, land, mining, and essential manufacturing would cause a more intense degree of economic concentration than we have under monopolistic capitalism. It is true that this concentration would no longer be in private hands. But it would have to be administered by human beings and their decisions would so intimately affect the lives of all the rest that an error in one direction or another might cause great distress. Any major change in the economy, beneficial or harmful, would have increased repercussions. As we cannot suppose that either major changes or their consequences would all be of a beneficial nature, the result is that the economy would be more rigid and less adaptable. For, everything being referred to the center, and a greater degree of uniformity prevailing, the effect would necessarily be cumulative. The trend of events would not be offset by the accidental and often useful variations that indicate new and sometimes better possibilities of action. Likewise, the mere increase in the number of units to be handled always makes organization more complex. A man named John Smith is always going to have a harder time getting his particular wants recognized and understood by, say, the Veterans' Administration than by his local grocer. When there are up to a million John Smiths, the rules that have to be adopted to deal with all of them are bound to be less well suited to each. That in itself is a good reason for decentralization.

Under socialism, the financing of new enterprise, whether industrial, scientific, or artistic, would become more difficult. Even the desire to start a new magazine or to set up a laboratory might have to go through so many channels for approval and the obtaining of credit and supplies that it would be an im-

possible undertaking. The rationing of newsprint can be quite as dangerous a threat to freedom of speech as censorship is.

It cannot be denied that the more completely standardized procedure is, the less room it leaves for novelty, spontaneity, inventiveness. Routine is dull, it diminishes zest and stifles intelligence. Every professional person, every businessman and housewife, knows the necessity of routine and how useful it can be. Equally we know the necessity and the joy of escape from it. Under socialism many more activities would have to be converted into routine procedure. The system of accounting, the allocation of materials, the method of qualifying for jobs, the very desire for fairness—all would co-operate to increase the importance and widen the effect of standardized, routine procedures.

Nor must we suppose that socialism would fail to use many of the devices of capitalism—such as advertising, restriction of the market, pressure on job opportunities. These actions would of course be taken not for personal profit but for the welfare of all. Actually, however, the common welfare as viewed by professional civil servants is not always accurately gauged.

I see a special difficulty in socialism from which capitalism is free—that is, that the men at the head of the government would have enormous responsibility for the management of industry. But men skilled in government are not necessarily the same as those possessed of managerial ability or of economic insight. Where power is widely diffused, this discrepancy does not matter. For the statesmen can take the advice of good economists on technical matters, and the industrialist is free to use his skill in the management of his business. Under socialism, however, many more decisions about investment, production of capital and consumer goods, would have to be referred to the central government, and decisions concerning them would have to be more standardized, or else a constant, retarding interference must be exercised almost daily. Immense delays would accrue and the productivity of the system would, in all probability, be lessened.

Perhaps the major problem might be expressed in this way. If all or most productive enterprise is owned and operated by

government, political power and economic power become the same. Then a position of political power puts the holder of it in a position similar to that of the capitalist today. The ordinary citizen, while he may enjoy greater economic advantages, will also be politically weaker than before. Organization, effective political action, cannot be so spontaneous as at present. Persons in opposition to the government may have great difficulty in obtaining radio channels, newsprint, meeting places, time for meeting, and so forth.

Democracy sets a limit to socialism in this respect: government must not be everyone's employer. There must be sources of employment, investment, and enterprise other than those controlled by government. Otherwise there is no adequate safeguard for the areas of freedom we have already postulated as essential to the existence of democracy.

But there is no reason why socialism should not be self-limiting. There could be a transition from our present economic system to one in which the government would own more types of enterprise, and regulate others more carefully than now, but where private ownership would still exist. Much more thinking on the subject of such a modified form of socialism needs to be done. Socialist and capitalist thought alike are at present too doctrinaire. The question, How to attain socialism without sacrificing political democracy? was never considered by Marx. He neither understood nor valued democracy. Few socialists have progressed much beyond the Marxian foundations. We must look for guidance and instruction to England, where a strong tradition of civil liberties, a love of leisure, and a respect for individuality give the attempt to combine socialism and democracy a new hope.

I conclude that neither capitalism nor socialism is the uniquely appropriate economic system for democracy. Certain requirements are set by democracy for economic effort. Capitalism cannot fulfil these requirements unless it is subject to regulation by government. Socialism may attain them but places obstacles in the way of other democratic goals. Democracy is not definable in economic terms, but instead sets definable goals for the economy and imposes certain restrictions upon economic activity of

any type—restrictions essential for the preservation of freedom and self-government.

Therefore, a community cannot be described as democratic or non-democratic in relation to its economic system alone. Sometimes we hear enthusiastic capitalists declaring that a country has been deprived of democracy if a large-scale plan of land-reform has ended a virtually feudal ownership of large estates. That is a harmful confusion. If spread widely, it could only persuade people in 'backward' countries, seeking to improve agricultural yield and to develop new industry, that democracy means stagnation. If we are going to say that democracy and socialism are not inevitably one and the same, we had better simultaneously observe that neither are democracy and capitalism the same. If we try to restrict the term democracy to one type of economic system, we will also restrict its spread beyond a limited geographical portion of the earth. The future of democracy in Eastern Europe and in Asia depends upon the realization that so long as the basic human rights (as defined under the concept of freedom) [6] are maintained and the rule of self-government based on law is upheld, there is room for a good deal of experimenting to make the economy more responsive to the needs of people living in undeveloped areas. But if, on the contrary, we try to persuade people that democracy and capitalism must be equated, we risk their rejecting democracy when a capitalist economy has collapsed and is no longer possible or tolerable for them.

I am sure we cannot dissuade, but we need not agree with Marxists who make the opposite error—and think full democracy impossible without socialism. That under a more flexible economy we can insure decent living standards and equitable use of our resources is the subject to which I now must turn.

To attain economic democracy we need a wide change in the use of property, not a total transfer to government of ownership. The purpose of a change in economic relations is twofold: first, to provide for everyone a minimum standard of healthy living; second, to make the holders of economic power responsible to the community as a whole. The position taken here is

that these two goals can be attained by a pragmatic approach, and do not necessitate the adoption of a dogmatic system.

By the principle of social insurance used on the Continent, in Britain, and in America under the New Deal, it has been found possible to provide citizens with security against the hazards of unemployment, ill health, old age. This is a gain, but a negative one. The analysis of Lord Keynes, Sir William Beveridge, Alvin Hansen, Barbara Wootton, and others has shown us the way to a more important goal: elimination of unemployment by a total outlay sufficient to engage all the productive resources necessary to provide enough work.[7] Not only the experience of wartime, when unemployment vanishes, but the present high level obtained by the remedying of postwar scarcities demonstrates that if full use of manpower is taken as a primary datum in planning the national budget, unemployment can be eliminated.

But these plans could be frustrated by an uncontrolled drive towards higher prices, allowed to take place without consideration of the economy as a whole. In order, therefore, to maintain and extend the goals of social security and full employment, there will have to be careful government control of fiscal and monetary policy, and, in times of acute shortage, supervision of prices and wages.

This will be very difficult to obtain, because of the clash of interests and opinions between the owners of industry, the unions, and the agricultural interests. Here, however, the approach of a mixed economy, if I may call it that, is likely to be more successful than that of socialism. Much can be accomplished by the technique of the T.V.A.—the provision of a government supply of an essential commodity at a fair price. This is a form of peaceful persuasion that industry may heed.

I say that such a pragmatic approach may be more successful, because it is obvious that we could not enter into a democratic socialism without wide understanding and acceptance of its goals by both labor and the business community. Lack of such intelligent co-operation would mean that socialism must resort to dictatorship—a method that we have ruled out as politically and ethically incompatible with democracy. But neither labor nor management can be said, at present, to be

ready to make the necessary sacrifices to make such co-operation possible.

Therefore, the first improvement our mixed economy can offer to both labor and capital is a chance to experiment with and to develop self-government in industry. Again, without the wholesale transfer and upheaval that a change to socialism implies, we could obtain many of its benefits. If agreement over wage and price-making is to be secured, labor must participate in the management of industry—and accept the responsibility that goes with it. Labor union representatives should be members of the board of directors of every large corporation. Through their participation and through the transmission to all workers and investors of accurate information about costs, sales, and profits, an equitable distribution of the gains of industry among investors, management, labor force, and consumers could be achieved.

Labor, no doubt, would welcome the chance to have its say about the management of industry. But it could not do anything constructive with that chance until it has developed greater political maturity. Up to now, the disabilities under which working people have suffered make it understandable that union policies should be aimed almost exclusively at immediate improvement, and at enchancing the power, size, and endurance of the union as an organization. Fear—relevant fear—that management would seize any opportunity to undermine and destroy the union movement has stimulated tactics of counter-defense. But the measures taken often encourage attitudes hostile to objective consideration of industrial problems. The interest of the consumer has been largely ignored, and many a doughty battle between a mighty company and a mighty union has been settled at the consumer's expense. Through increased participation in community organizations of more general type, union leaders and members are learning new channels of co-operation, as well as helping to instruct other citizens about their own problems. Union isolationism, however, will only be ended when unions join in political action on an equal basis with other citizens—not asking the special price which tradition tempts them to, but which has for so long narrowed the base

of their support outside the ranks of their members (if truth were told, even within those ranks!)

A gain of another sort, but equally valuable, would be a changed attitude towards working conditions. The provision of rest periods and vacations, of clean, well-lighted factories, is important, but what counts more is an atmosphere of co-operation and understanding on the job. Our economic planning will fail if it does not bring some of the atmosphere of leisure into the performance of work. Industrialism and its exaggeration of technique must be softened by the prevalence in every department of work of a more human atmosphere. Workers want to be human beings on the job as well as off. The feeling of co-operation, the enjoyment of reasonable freedom, is as important to them as their economic needs.[8]

Under a mixed economy it will be possible to have governmental control of the general direction of the economic system, while leaving some forms of ownership in private hands, some to co-operative enterprises, and some to regional or functional authorities, such as the T.V.A. There could be, for example, a government-owned and operated radio station in honest competition with private ones. There should be over-all co-ordination of the efforts of the different economic units in planning the national budget and in setting the social priorities outlined above. Beyond this, diversity in forms of ownership and techniques of management would be permitted and encouraged.

The only meaningful kind of economic freedom belongs to individuals, not to corporations or to property. We have discussed the general nature of freedom and the kinds of freedom essential to the democratic process. Here we might show their reflection in the economic sphere. Freedom to choose and to change an occupation, freedom in the choice of a place to live, and freedom to plan one's spending and saving after the contribution to the national budget set by taxation are privileges that must be preserved by democracy whether under socialism, capitalism, or a mixed economy.[9] In wartime or in a grave national emergency these areas of choice may have to be restricted, but at other times a jealous effort to preserve and to extend them should be made. It is a quibble to say, as Marxists

like to, that we do not have such freedoms now. Housing may be inadequate; one may not be able to obtain a desired kind of professional training. That may be granted, but we still prize the opportunity to live in Apartment A rather than Apartment B; or to choose a job in Kansas rather than one in New York; to be a stenographer rather than a librarian, or the opposite; to save money for travel rather than to spend it on available goods. The individual has too little responsibility for his life as a whole if he cannot make such choices; our aim should be to remove economic barriers to choice of employment and place of living, rather than to impose them. But the freedom to own a factory and be economic arbiter of the working conditions of a thousand men is not essential to the democratic process or to the fulfilment of anyone's personality; it may interfere with essential freedoms of others. Therefore, the form of ownership will have to be modified so as to provide for the participation of labor in the control of industry and the conformity of industrial and agricultural goals to over-all economic aims set by government.

The objectives I have suggested do not require or make advisable a master economic plan for the country as a whole but the setting of minimum standards by legislation, a series of co-ordinated efforts to diffuse more widely the *control* of economic life, and special planning in particular regions or sections of the economy to secure benefits which private industry cannot provide. There is an additional strong reason for the approach of a mixed economy that I have not yet brought forward. That is the relation of international to national economic problems. So far, socialist planning (and we have very little experience in it) has been for a single country. But intelligent planning to relieve the people of the world from famine and from misery—to say nothing of a really constructive improvement of their conditions of life—will have to be in terms of food, raw materials and machinery, and stabilization of currency. A functional approach to the provision of such needs is already proving to be more workable than an attempt to co-ordinate the separately planned economies of, say, fifty separate nations. While, therefore, we attempt to devise and to solidify the institutions of

world government, it is better not to look upon 'nationalization' as the solution of all economic ills. Purely national planning is likely to increase the rigidity of the economic system and to defeat the ends it seeks to serve.

In conclusion, the goals set by democracy for economic life demand more equal opportunity and a minimum standard of social security for each individual. To attain these goals, government supervision of credit and investment, of industry and agriculture, must be increased, not reduced. But control should stop short of government ownership of all the means of production, because we do not wish to assimilate economic to political power. In order to insure multiple sources of power, the necessary guarantee of political freedom, we should leave some enterprise in private hands and develop various forms of planning and control in other sectors of the economy—co-operative societies, regional and functional planning authorities. Either a socialism modified to allow for such diversity, or a capitalism modified to provide such controls, would be compatible with democracy in its other aspects. Democracy has no utopia, and therefore it has no eternally right economic system to match it.

8

Literature in a Democracy

. . . a second life within life.
Goethe, *Dichtung und Wahrheit.*

DEMOCRACY should bring to the writer a fresh encouragement, but it cannot alter the nature of his task. He is to test this philosophy of human relations in the world at large, as if it had no special predicates for him. His homage to it is to observe and know all that his temperament can receive, to strain out irrelevance and triviality, and make his picture as faithfully as ever. He cannot alter the weights on the scale or brush away a tone of darkness or sunlight because men are committed to a philosophy. All the more if he, too, is committed, his utmost trust will be expressed in the willingness to record his outer impressions with the aid of whatever inner truth is given to him.

That is the enterprise, on both sides, and there cannot be any final discrepancy between the two. Because of the different harbors where they for the time put in, or hostile winds they meet and lag therefrom, the stress and emphasis of art and of civil society will not fall in unison. But since democracy is an attempt to realize in daily life the underlying hope of man and nature that sustains the artist, their ground in reality is the same. Whether the artist can do his best work has a profound effect on the total atmosphere of democratic society.

For consider what would be the tenor of existence under any government, however benevolent, without a living art. (If I speak of literature here, as the form of art I know best, the general observations should hold true of painting, music, and sculpture as well). If we try to imagine a people without

creation of their own, even though we suppose them to be acquainted with the achievement of former ages, we at once recoil from the insipidity, flatness of tone, boredom of such a condition. What is absent? A possibility of life, a kind of knowledge that lends enchantment and conviction to every branch of science and of learning, an armor against weariness, a stirring power that lends impetus to action and humor to the stubborn management of affairs. For in poetry, in music, in the novel, we say to ourselves, This is how it is, and this is how things can go together and make this, and here is something that exists by itself, apart from us, but speaking our meaning.

'It is a universal condition of the enjoyable that the mind must believe in the existence of a law and yet have a mystery to move about in.'[1] So Clerk Maxwell, and this saying of his shows where the artist and the scientist join minds. It is doubly true for the writer, who must find law in the composition, and mystery in the world and in people as they appear to themselves. Whatever abstraction he may attempt in form, he is not to abstract from the layman's sense of things and fall back on quantitative measurement or the controlled isolation of events in order to escape the mixture of life. For that is his imperative, not to escape, but to endow some portion of the life-stuff we experience with a timeless music, shape, appearance.

But it is an absurdity to imagine a kind of society without art. Some creative enterprise always goes on, whether or not it has the attention and admiration of the general populace or the leaders of opinion. A community from which all artistic experience was subtracted would be like an individual life without love or happiness. A democracy, as any human gathering, needs music, painting, narrative, poetry, for the completion of itself, for confirmation and growth. Although there is no direct political connection between them, it is almost as if there could not be a true democracy without a living sense of art among the people. It should bring a grace and fancy beyond whimsy, and a certain sternness and power of judgment.

The democratic faith and the commitment that a writer makes respect the same fundamentals: people, freedom, knowledge. The bitter satirist may scorn people—himself or his contem-

poraries—but he admires some possibility of life and finds reason in it somewhere, else he would not put any proposition to it. A kind of reverence and determination belongs in common to the artist and to those who are 'consciously and conscientiously democrats.' Both have to fight abuse of power, unctuous ease of sentiment, mechanical repetition, as deadly enemies. But the campaign is not on the same front; consequently art and politics sometimes fail to recognize each other as allies rather than opponents. Among allies there is always jealousy. But often, when other means of liaison fail, the statesman and the man of letters are able to meet on common ground. In fact many statesmen have been men of letters. It is enough to think of Burke or Jefferson.

Since democracy gives the writer freedom of expression—and that is oxygen to him—the question arises whether he does not have a special obligation to be its champion. To this I would reply, that the writer is a person and as a person has the obligations of citizenship. He will respond to these as his sense of life directs. A writer's first obligation is to the whole which he observes and the knowledge he imparts in the form of his work. From conflicts local and temporary it is more fitting and beneficial for the writer to stand aside. He cannot spend and dissipate his attention on too specific concerns, or there will be no reservoir of feeling and perception to draw upon. But in time of fundamental conflict over human destiny the writer must somehow answer the demand for a yea or nay made upon everyone. Some will feel called to answer through political action or direct service. When Emerson was asked to speak at the annual meeting of the Massachusetts Anti-Slavery Society in 1861, he appeared and attempted unsuccessfully to make himself heard over the din of protest from the pro-slavery men. 'Esteeming such an invitation a command [he writes in his journal], though sorely against my inclination and habit, I went . . . If I were dumb, yet I would have gone, and mowed or muttered, or made signs.'[2]

Whether or not any translation of such a commitment can appear in literary form depends upon the temperament of the writer and the nature of his enterprise. There will always be,

as there always have been, writers concerned with modes of government as the basis for peace and for a more humane existence—Dante, Milton, Shelley, Hazlitt, Thomas Mann come easily to mind. This concern is not a necessary task of the individual writer, but it is a responsibility of the fellowship of letters. And since it is experience in the world that is the subject of literature, political experience as one large sector of life will find expression in literary works.

There will, equally, be writers who find this aspect of affairs not germane to their talent. We may sympathize with the Parliamentary party in the English Civil War, and admire Milton for the vigor of his defense of freedom. And certainly Milton's comprehension of human motives, his insight into the difficulties that stand between man and his goals, was increased by the struggle of those years. Yet we do not prize the wonderful poetry of Henry Vaughan any the less because he was a Royalist and found it best to seek a retreat from civil strife. Goethe outwardly manifested a great detachment of spirit at the time of the Napoleonic Wars, in spite of the invasion of German states. This was in keeping with his life and the tenor of his art. His vision of the capacity of man and of the divine in nature lay deeper than the issues of this conflict. If the stakes of war and peace, union or disunion, lie outside the scope of a writer's subject, it is folly to import them. The work will be spoiled. Other perspectives of existence may be contemplated with greater fidelity.

This is not the appropriate time to venture upon the cloudy question of poetry and belief. But I must record my opinion that we are unlikely ever to find a great artist defending a cause like that of Fascism. For in every true poem, painting, piece of music, or narrative composition, there is a shapely intuition of the possibility of good in man and in the structure of things. This may be weighed against the incidence of evil and chaos; some, like Melville and Dostoevsky, will pause in troubled doubt; but none has chosen or sponsored evil, and no great writer has been bound for bondage. The knowledge that comes through art is never without respect for the integrity of human nature. This very fact might lead a writer to attack the cant or sentimentality that can be associated with hope or zeal—from these

let wit stand ready to deliver us. (Thus Shaw's satire has been able to delight our minds, at the same time that his susceptibility to Superman has prevented him from winning our hearts).

The democratic community offers the writer something even more important than freedom of expression: I mean the whole context that allows people to have a decent life, to develop the thoughtful and the adventurous in themselves, and to behave towards each other in a trusting and friendly manner. In the past a thriving state of civil polity or an extension of experience into new territory inestimably stimulated artistic production. Among the Greeks their manner of civil life surely promoted their artistic and philosophical energy. In the Renaissance the simultaneous expansion of knowledge outward in space, to new continents, and backward in time, to the thought of other civilizations, had an effect that rivaled the accomplishment of Greece. Under Czarism, what a stirring of powerful spirits was caused by the leaven of hope for a better Russia! And if democracy can find peaceful means to bring the nations together into one community of law, I think that a like bursting forth of artistic power will occur. So today, dogged hope and resolution for a peaceful union of nations could stimulate artistic intelligence to new vision and to unclaimed strength. That is one reason why, in the time when we live, it will be a task of those writers who can concern themselves with politics to allay conflict and to search for the means of reconciliation without the loss of freedom.

Democracy, we have said, provides the writer, like every other citizen, with security from oppression and with a friendliness of relations that is all the zest of life. But in other respects it has not hitherto supplied a specially favorable environment for art. It is a congenial atmosphere only if we count that congenial which is like the fundamental reliability of some friend of open heart but blundering courtesy. In the long run the writer can count on the development of democracy to command 'Let there be light' where he would most have it. In the daily pursuit of his labors he must be prepared to lack help or encouragement. If public encouragement is systematically attempted it may be far worse than a decent silence; it is too likely to set up what is temporarily

popular in place of finer work and to debase the general standard of taste.

Tocqueville, who wrote with an uncanny prevision, argued that democracy could not favor the attainment of excellence in art. I find myself in some disagreement with his reasons for holding this view, although his description of the deterioration of taste and the lack of patience with single-minded labor for perfection seems better suited to our century than to his own. He considered that literature in a democracy was bound to suffer two disadvantages: first, in the effect upon the writer of undiscerning readers; second, in the commercialization of publishing.

The lack of discerning readers, able to appreciate skill of the highest order and impatient with slipshod work, would, he thought, deprive writers of a challenge—even the shaping tool of language was likely to be dulled by an indiscriminate and slack-nerved use of it. Then, not only would the writer lack a worthy audience, he would even be impelled by the avid taste for easily digested entertainment, quickly conveyed sensation. Can we read the following passage without supposing that Tocqueville knew the book clubs, the digests, the thrillers and chillers, the floundering melodrama and capsule psychology of the present day?

> [Readers in a democracy] prefer books which may be easily procured, quickly read, and which require no learned researches to be understood. They ask for beauties self-proffered and easily enjoyed; above all, they must have what is unexpected and new. Accustomed to the struggle . . . and the monotony of practical life, they require strong and rapid emotions, startling passages, truths or errors brilliant enough to rouse them up and to plunge them at once, as if by violence, into the midst of the subject.[3]

At first glance it appears that this passage describes familiar and lamentable faults of our literature. It does, but from perhaps too passive a point of view. For if the wish to jolt the reader with surprise, with violence, with startling passages, has certainly marred the work of recent novelists and poets, a similar taste lay back of the vitality of the Elizabethan drama. It is not the presence of these elements of vivid interest but the absence of coherent feeling, of design, and of a more harmonious understanding of life as a whole which deprives our literature of an equal

potency. Modern writing succeeds so well in communicating with the reader quickly that it does not communicate with enough of him. The neon lights glitter, the steam of irony rises off the well-slicked sign, but the writer's signature, his rough honest greeting, are missing. Reasons for this must be sought deeper than Tocqueville looked for them, in the intellectual and emotional confusions that originated in his age and have not died down in our own. When, therefore, he observes that the lack of a unified educational tradition and the lack of a sufficiently good literary taste weakens the beneficial influence of the reader upon the writer, he adds another telling point. It is true that when 'the mind of each is . . . unattached to that of his fellows by tradition or common habits,' then 'literary performances will bear marks of an untutored and rude vigour of thought, frequently of greater variety than profundity' and that 'the object of authors will be to astonish rather than to please.' [4] Tocqueville is right in believing that an inadequate kind of education and the monotony of routine work do stimulate a desire for novelty and for superficial excitement, and an aversion to difficult thought or subtlety of design. The result is that the reader's laziness either tempts the writer to lesser ambition, or drives him to write for a coterie of the select.

Tocqueville's second major observation on literature in a democracy is that it will suffer from increased commercialism in publishing.

> Democracy not only infuses a taste for letters among the trading classes, but introduces a trading spirit into literature.
>
> . . . among aristocratic nations no one can hope to succeed without great exertion, and this exertion may earn great fame, but can never procure much money . . .
>
> [Among democratic nations] the ever increasing crowd of readers and their continual craving for something new ensure the sale of books that nobody much esteems.[5]

To be sure, Tocqueville's fear is chiefly that the desire to make money easily by courting a popular, but vulgar taste, will corrupt the writer. He fails to imagine the impact of the mass market on publishing, the consequent discouragement and narrowing of range in serious writers, and the excessively topical

and sentimental or sensational appeal developed to please the 'average' reader.

In inquiring to what extent literature in a democracy suffers from the evils Tocqueville anticipated, we must first enter a few reservations. He wrote just before the unique American writers of the nineteenth century appeared, his visit to America taking place in 1831, at the moment when Emerson's genius was germinating, about to flash forth as a signal to Thoreau and to Whitman. These writers hewed their own way, Thoreau particularly, who was intent to deliver his meaning whether or not any were sympathetic to listen. Melville in the latter half of his career suffered most from the lack of understanding for his work. All four of these writers show—without resorting to more recent proofs—that as much energy, as much patient attendance upon the sources of inspiration, as much passion for the speaking truth, will be given to letters in a democracy by the man or woman who cannot choose but be poet or novelist. Further, Tocqueville characterizes the virtues of literature in an aristocratic age in terms that would apply to France more nearly than to Greek or English or American literature. Allowing for these minor points, his concern over the diminishing of a fit audience for good writing, in spite of the increase of readers, is well justified. The impact of industrialism upon the world of publishing has had consequences which more than substantiate his fear that literature would suffer in becoming a trade.

The era of a mass market in publishing has led to a delirious counting of best sellers, and even to the production of ideas for books by the same methods that produce automobiles, radios, or toothpaste: the artificial stimulation of demand and the adaptation of writing to a specially created market. The way in which not only literary agents and magazine editors but book publishers as well conspire to fabricate an idea, hire an author to work it up, and finish it with an editorial coat of shellac, is a desecration of the writer's function and shows a cynical disrespect for the reader. If the synthetic products of the book and the article factories, or the best sellers that are the opium of the semi-literate, could be held apart from the genuine republic of letters, perhaps the harm could be minimized. But the tone and

tempo of this world of big sales and hysterical promotion are communicated even to the more intelligent by the advertisements and reviews, to confuse and bewilder even when they do not deceive.

I do not mean to imply that the ability to give pleasure to a large number of readers is at odds with the writer's true aim. On the contrary, the ability to do so will add to his strength. In the long run, the judgment of the common reader is the vindication of the writer's faith that art is for the whole of man. But the common reader cannot judge, unless he reads good books, and participates in intelligent contemporary discussions of them. The function of critics and of publishers who view their work as a profession is to keep the bloodstream of contemporary letters from corruption, in order that the vital force, the communication between reader and writer, may not be warped and distorted.

Let me quote from Mr. Conrad Aiken an opinion of the two most widely read American literary reviews:

> . . . the editing of these papers is so capricious, and so wholly without any consistent and discriminating standards of esthetic or historical judgment, and so often subservient to the momentary necessities of mere journalism or advertising, that the true voice of criticism is hardly heard. The topical or popularly successful book must be given pride of place, even if it is commonplace . . . The down-right bad book, which does not deserve to be reviewed at all, will be allowed to crowd out a good book, merely because the publishers are spending a fortune in advertising it. In fact it must be admitted that these two reviews, which, with their huge circulations, are the most influential in America, make scarcely any attempt to guide and instruct the public taste: they merely follow it.[6]

It would be possible, but too tedious, to show how the monthly magazines also have become more journalistic, more anxious to follow the topic of the moment, the book of the hour, and how little they pause to re-interpret the thinkers of the past or the lesser known but more distinguished writers of the present. What magazine of general circulation has published a good article on Whitehead (his early works are all out of print, and unobtainable)?[7] We hear relatively little of Montaigne, of Homer, of Goethe—unless an anniversary stirs a breeze of interest. Yet the response on these occasions suggests that literature would gain if

there were more discussion of those writers whose art is a source of art.

We have but to compare the best literary reviews of fifty or a hundred years ago to be convinced that there is a serious failure today in providing, whether for the writer or the reader, the atmosphere in which an intelligent enjoyment of the best in contemporary letters and contemporary thought can grow. In fiction, it is illuminating to remember that Mill, George Eliot, Meredith, and Henry James—as well as, of course, Dickens and Hardy—found an audience for their work among the magazine readers of their day.[8] Now, the exploitation of the mass market, the supremacy of picture magazines, comics, pulps have changed the business equation for the publisher and have made a cleavage in the group of potential readers. Probably the pressure of the mass market has had a more devastating effect in the United States than in England or on the Continent. But in Britain and in Europe, as here, the writer of poetry or fiction often must resort to the 'little magazines' in order to find a medium of publication, and he is likely to suffer from the contracted point of view of the intellectual coteries which loyally support such enterprises. Yet in these magazines there is at least a strong determination to uphold high standards of literary craftsmanship.

The evils of a mass market in literature, with consequent deterioration in taste and discouragement to the writer, have complex causes. Not to make the error of placing too much responsibility on publishers, we should consider also the lamentable lack of good bookstores in many regions and districts, the lack of well-stocked libraries outside the metropolitan areas, and the expansion of the educational system with the handicap of an insufficient number of able teachers. These facts have played a part in the disappearance of a nucleus of readers who habitually expect and are able to recognize good writing—and who therefore help to bring it forth.

Enough has been said to suggest that Tocqueville was right in the disadvantages for literature that he foresaw, but I think he was wrong in ascribing them to democracy. His sagacity is not lightly to be waived. He was, however, sometimes more sagacious as an observer than as an interpreter, where he is mis-

led by the too syllogistic method of his reasoning. He equates democracy with equality, and does not attempt to distinguish between different aspects of equality. In the second place, as John Stuart Mill justly remarked, Tocqueville 'has, at least apparently, confounded the effects of Democracy with the effects of Civilization. He has bound up in one abstract idea the whole of the tendencies of modern commercial society and given them one name—Democracy . . .'[9]

Now, therefore, if we understand the concept of democracy in other terms (as it is the purpose of this book to suggest) and discover in it a system of ideas, a structure of value not to be identified with the conditions of one country or one period in history, we may think it possible to mitigate the evils Tocqueville described. Certainly the state of literature is an omen of the destiny of this way of living, for it will, like the heart or the nervous system, inform us of the health of the whole body.

It is, then, by a more critical sense of the meaning of equality and by a triumph over the ills of industrialism that we may seek to improve the condition of literature. On the meaning of equality it seems unnecessary to add here to the discussion in the first chapter, where equality is shown to comprise moral respect for every individual, and an extension of opportunity without barriers of caste and class. One aspect of equality is sympathy for the needs of every human being, a sense that every life has meaning. This holds however much people vary in intellectual ability or skill of other kinds. But another aspect is the attainment of excellence beneficial to all, the encouragement of talent wherever it may be found, in order that the community should know the best life of which man is capable. If equality is understood to include both these aspects, it will not lead to an exaltation of the temporarily popular or sensational in art or letters. People will wish to understand the best, and they will be guided by the opinion of those with experience in the arts, while remaining independent in their final judgments. Popular entertainment can be provided without the fanfare or ballyhoo of commercial advertising. Simply because people can be enticed to buy what is bad I do not think we have evidence to show that they cannot like what is good in music, literature, or painting. If in modern

democracy we can establish such an entente as existed between Greek poets or sculptors and the cities of Greece, the artist as well as the people will grow in wisdom. The example of England is one from which we can take courage.

To recover from the evil effect of industrialism on literature we must somehow persuade the editor and publisher to be stricter with themselves. Publishers, like other men, have to earn a living; they have to sell books; the cost of book production is high. But someone, somewhere, must start in a different direction —abandon the wasteful puffing of best sellers, refuse to fadge up a book that has no authentic writer behind it. Novels and articles must not be made like sticky paper to catch flies. And if publishers in conference could agree to turn away from this trash of commercialized selling, an atmosphere would soon prevail more beneficial to themselves as well as to writers. If the publisher can avoid loss on his business as a whole, he can put forth, as he formerly did, a number of books for the sake of merit—whether or not he believes them to be profitable—and who knows, in not too many years they may win an unexpected audience.

But we cannot lay all the responsibility on the publishers (of whom some notably do still struggle to make publishing a profession rather than a trade). The deeper need is for a more widespread comprehension of the writer and a more enthusiastic enjoyment of good writing. Study can aid, and perhaps in the discussion of democracy and education, I shall have something to say of literary studies. The writer himself can aid most, and to his foreshadowed task we shall presently turn our regard. Here, however, one must briefly consider whether government or other impersonal institutions can usefully sponsor artistic enterprise.

Democratic government can perhaps do so less successfully than monarchy or aristocracy. For the democratic government would have to avoid arbitrary or capricious selection of the artists to be aided. But there is no way in which judgment of artistic work can be standardized. No doubt many an Italian *condottiere* had a more sensitive judgment of painting than a civil-service administrator trained in the history of art is likely

to have or to be allowed to use if he did have it. Qualifications that can be written down and talked about by committees are not necessarily shown by artists in their early years; nor will most artists wish to be judged in this manner. There is nothing uniform or predictable about artistic talent, and the artist cannot, in any case, summon inspiration at will or work under prescribed conditions. If Congressional appropriations were needed it would be hard not to avoid the reality if not the name of censorship. Even if government sponsorship did not lead to the rule of the censor, the deadliness of bureaucracy would remain an enemy.

But these observations are more relevant to original composition than to the applied arts or the art of the performer. The existence of a government-sponsored theater, symphony, dance group is more compatible with talent in these fields than it is in musical composition or in writing. I would not exclude the possibility of government-sponsored fellowships for creative workers, provided there was no attempt to control what was produced. The increase of private sponsorship of the arts, either through foundations or universities or individuals, seems to me nevertheless a more promising form of encouragement. And that some form of patronage for art will always be necessary we may easily be convinced if we reflect on the lot of particular individuals who have followed the profession of letters. Of English poets, Milton, Pope, Wordsworth, Coleridge, Shelley, Byron, Tennyson, even Keats (in spite of his poverty) possessed a private income. Chaucer, Spenser, Matthew Arnold were government officials; Donne, George Herbert, Hopkins relied on their livings as minister or priest. For none of these men was writing a sole or chief source of livelihood.

A statement made by Mr. W. T. Couch about writing in the South characterizes the whole problem. 'It is only the very exceptional man . . . who is able to work for years on subjects on which he has no chance to make money; and it is precisely those things that individuals cannot make money on that enable communities and whole peoples to enrich themselves and posterity.'[10] For the reasons I have given above, organized government sponsorship is not a solution. It can be a welcome

aid, provided that it exists without monopoly, alongside of other channels. The presence of a spontaneous interest and receptivity in the community promises more to the artist than any organized sponsorship. If, by any combination of means, the audience for the writer worthy of his craft could be increased without detriment to his freedom, we should be in view of a happier alliance between literature and democracy.

Nothing will avail without a confidence of the writer in his gift and a gamble on the self-sustaining power of his work. Untrammeled revelation of the lineaments of his vision holds up a touchstone before which vulgarity will crumble. One must sympathize with those writers who have chosen to maintain their standards of workmanship by writing for a selected group. But this has resulted, as is well known, in a narrowing of range and an over-specialization in private nuances and refinements. A too-sophisticated group of readers begets a precious and esoteric strain even in vigorous talents. It is not alone the smallness of the audience, but the self-consciousness of certain intellectual currents which has damped down the vital draft. For new writers this is a costly economy. The choice spirits or urban wits for whom the more distinguished periodicals are composed too easily become disciples of an attitude, a tone of voice. Then, that naiveté and directness which Thomas Mann has rightly ascribed to the true man of letters becomes no longer possible. If the present democracy is inhospitable to him, rather than surrender to the professional first-nighters who would suck his talent like an orange, the writer had better aim for the invisible democracy of all time. At the base of all creation there is some rough physical energy that is cousin to the untutored heart of man.

There is a direction in the development of letters that may evoke the most procreant imagination, as there are many which distort it. 'We see what we make. We can see only what we make.'[11] We have had more critics and commentators than makers. Yet we cannot repine. Great gifts are rare, and are not to be had for the wanting them alone, though that will rouse them up. In this century of ours we have had some extraordinarily fine ones—I think especially of Virginia Woolf, D. H.

Lawrence, and Yeats, among English writers. Other notable talents we have had, too much burdened by the spirit that denies, and denies trivially or pedantically. But this is not the place to enumerate or praise writers for their accomplishment, nor can I see use in judging literature by decades. It is myopic to survey the art of the 'tens, 'twenties, 'thirties, 'forties, 'fifties. Any century is fortunate to have a few whose work is spirited, amusing, honest, intelligent, whether 'great' or 'minor' in scope. But of this I am sure. Mere reporting of the follies and imbecility of man wears thin, and ceases to stimulate. Irony or satire is a good weapon in an age of smugness and complaceny. But in a time when people are confused and bewildered, distortion or dissociation will not suggest any more coherent design. It is wilful folly to think that a mere analysis of the ills of your contemporaries will bring them healing. That is a pharisaical pose.

A too ardent and cunning anatomy of the meanness in civilization makes the image of evil so powerful that all sense of recovery from it is lost. To hold the mirror up to boredom and distraction, to cruelty or sensuality, without any more rewarding insight into human nature, is a waste of the creative power. Is it not a revolting smugness to wallow in a well-arranged despair when you have no faith, and are unable to see one courageous and steady, one intelligent and merciful soul among all those who live with us? Poetry cannot be written to sing of the many damned or the enchanted swine except by poets who have that secret moly that clears the spirit and unspells damnation. There are some who believe themselves commissioned to portray the evils of this age; it is curious to observe with what ease they resort to every trick of melodrama and horror, with what zestful rationality they exploit the irrational. If these devices cater to the taste of the casually literate, that of course is accidental.

I cannot help thinking that some of the candidates for painting the frescoes of a modern inferno bear a strange resemblance to Job's comforters. We can ask no writer to gloss over ugliness, sorrow, drabness—they are present in the world. But with what other elements of life does he see them? What capacities in man

insure that his weakness is worth reproof, his suffering worth lament?

A determined courting of the muse of tragedy is sentimental —the effect is perhaps despair, or cynicism; but despair and cynicism, being repetitive reactions, are death-dealing to literature. The muse of tragedy is not to be wooed successfully; she courts the most robust, and those with faith in life, to speak for her—to show that she has human meaning and is not mere catastrophe or accident. Neither Beethoven, nor Shakespeare, nor Homer, nor the prophetic writers of the Bible flinched from evil or pain. But none of those, and no artist whose work endures, has failed to bear testimony to forces in human and inanimate nature and to intuitions of the divine that raise man to a higher comprehension; yes, to joy in his part in the whole of things. The writer who confirms for each generation in its own language an image of the indestructible nobility in man draws upon a strength not his own, and his effort is seconded thereby.

This age, which needs so badly to outgrow the toil of war, the spell of technology, and the ugliness of greed, has made it difficult for the writer to follow his profession. Yet he, and the time, will be most aided if in spite of obstacles he dares to think of himself as maker, and, borrowing power from the most stalwart of the living and the dead, lends it out again, increased. Already, filtering through the overgrowth of morbid confusion in our recent literature, a certain lifting of the atmosphere begins to appear. And truly, lightness of heart and clarity will always accompany the gift of prophecy, when it is imparted to anyone. Not all can be dark; that must be light by which the darkness is seen. Disillusionment, which some take to be wisdom, is really only another form of escape from responsibility. So we see in writers like Virginia Woolf or Silone, or take Sholokhov, a certain stubborn gaiety and music in the midst of whatever divides or hinders us. Only if we know what it is to love, to admire strength, to witness or sweat out some achievement, can we ever miss the absence of anything.

This, then, democracy asks of the writer—to do his best; and of the citizen—to make room for the life of art. We cannot arouse

the singer at will, but we know that in every epoch he has been preceded by lesser bards and by a preparatory mood. 'The existence of the poorest play-wright and the humblest scrivener is a good omen.' [12] There is in every one a seed of artistic knowledge, and when work and action are united to reflection and imagining, then there may be said to be literature for a democracy.

9

Religion and Democracy

> How is it that, though deity is seen on reflection to be born proximately from the human values of truth and goodness and beauty, the sense of it . . . is something simpler, the sense of a new quality above man, to which the whole world tends.
>
> S. Alexander, *Space, Time, and Deity.*

We have taken as underlying principles of democracy the assumption that there is good, and that there may be valid knowledge, and that freedom is essential to both. These are philosophical propositions; they are explored not only in the writings of philosophers but are present in the teaching of several 'higher religions.' The heart of democratic ethics is a belief in brotherhood; that, too, is a belief fundamental to Christianity and one which appears also in some Eastern religions. Because democracy so thoroughly depends upon belief in such principles, it also is a faith. To the extent that they share a commitment to these views of life and an obligation to practice them, democracy and some religions are thus on common ground. But if any religious group claims an exclusive right to instruct others, and denies to anyone essential freedom—freedom of the person, freedom of speech, freedom of assembly, or freedom of religion itself—then democracy and that religious group are on that issue opposed.

Our democratic form of government not only shares with Christianity and other 'higher religions' such basic principles. It owes a great deal in its early development to the independent congregations of England and Holland. These groups worked

out the theory of voluntary association that is the form of democratic political life. Along with the tradition of the common law and of the 'Law of Nature,' along with parliamentary practice, the influence of the independent congregation, governed by its own consent, aided the beginnings of democracy in the seventeenth century.

Out of the conflicting claims of the churches emerged the concept of toleration. After the long period of religious wars the practical advantages of living at peace convinced many of the need for freedom of worship. But its true meaning lies in the application to religious associations of a profound truth of Christianity: that worship proceeds from love, not from force or compulsion of any kind. Unless religion expresses a sincere and voluntary commitment of the believer, it is hypocritical, is no faith. This great advance in history, the establishment of religious toleration, is only beginning to spread to regions of the East. The new Indian constitution provides for religious freedom; communalism is excluded as a basis of political association; untouchability is abolished.

Today, when many are unaware of the past history of our religious freedom, the separation of Church and State is sometimes irresponsibly questioned. But without religious freedom other basic rights have not been secure. And religious freedom is not only freedom of individuals from a totalitarian state. It is also freedom from a totalitarian church.

Anyone who on Monday morning makes the experiment of reading the summary of sermons delivered the previous day will find that strong claims and threats are made in the name of organized religion. It is seen as the cure for all the world's woes. But if everyone became a church member tomorrow, our political and economic problems would not be solved. There would still remain immense practical difficulties in the feeding and training of millions who are now destitute and ignorant. There would still be immense problems in the use of power, differences of opinion among the Moslems and the Jews whether to develop industry or agriculture. Norman Thomas and Henry Wallace, both convinced Christians, would still disagree about foreign policy—and each would be following his religious imperatives in

advocating opposed lines of action. John Foster Dulles and Stafford Cripps might meet at a church conference, but still would have trouble getting together on economic policy.

As Lincoln said to some clergymen about the wisdom and method of a particular political act, 'The subject is difficult, and good men do not agree.' How to relieve inflation, and whether there should be any tariffs, such questions would continue to cause disputes whatever the state of men's religious convictions. So we could not expect a political millennium from the conversion of all to some or to one faith. Even if a common purpose is honestly shared, there are many things we simply do not know how to do. Good will is better than ill will, but it can be muddleheaded. The belief that the spreading of religious attitudes would solve all our problems is a childish illusion.

Equally remote from a comprehension of the human condition is the view that religion is not a valid or an important mode of experience. Sincere and able men, of various schools of opinion, have held that it is a pre-scientific mythology irrelevant to the purpose and inferior to the science of modern man. The thinkers who have taken this stand have often been courageous. Religious thought seldom loses from digesting the opinions of its critics. But not much is to be learned from the docile imitators whose skepticism reflects either indifference to the question, or their own poverty of feeling. The great skeptics have been men whose veneration for truth is itself a religious attitude. They rarely lack sympathy for the convictions of others. As Sir Thomas Browne recorded before William James, an interest in the nature of religious experience is also a basis for tolerance. It is hardly necessary to justify the benefit to man of religious faith and meditation. Had we the discoveries of Newton and Einstein, the plays of Shakespeare, all modern medicine and psychology, the writings of every major philosopher, but yet lacked the Book of Job and the New Testament, the race would be the poorer.

Religion is almost impossible to define. Nothing is gained by trying to bring within one term all that is meant by the teachings of the prophets, the official position of organized churches with regard both to the religion they profess and to their exist-

ence as an institution, and finally, the state of mind of the believer. The elements of thought and feeling and the institutional practices usually lumped together under the name religion are too diverse to be simultaneously described or evaluated. Discussion of the mutual strength or weakness to be derived from each other by democracy and religion is difficult on that account.

But neither can we beg the question by leaving to the official spokesmen of religious groups the sole responsibility for describing this sphere. To do so might nullify that freedom which is as beneficial to religious life as it is to the democratic citizen. The searching of faith cannot be set aside as an enterprise for the organized churches alone. Such was not the origin of the religion they teach.

For the purpose of this discussion religion is taken to mean man's sense of a universal source of good towards which he may enjoy a sustaining and strengthening relationship, expressed in love and in reverence.

The validity of religion may transcend but it must at least accord with those universal principles that are the basis of democracy. Religion may be more than ethical behavior, it cannot be less. The regard of man for man, which is the root of equality; love of freedom which is the heart of peace; respect for objective truth without which man ascribes to God a desire to deceive—if religion is not faithful to these principles, possible to man without it, the religion is unworthy, is potentially evil.

It is a mistake to think that any religion is better than none. In the name of religion brutal crimes—murder, and torture—have been justified. Censorship and restrictions upon freedom of investigation have been serious, if milder, evils positively abetted by several religious creeds. In comparison with these actions, the honesty and charity of many agnostics are more worthy of respect.

It becomes clear that the principles of democracy are not only shared with some religious faiths, but that they positively set a standard for religion. Democracy in the first place was evolved by people whose belief in the integrity and worth of the indi-

vidual soul, therefore in equality and in freedom, was gained from their religious teaching. Many who later became convinced of these principles learned them from a democratic political association rather than from any church. This means that democracy has taken principles of fundamental religious import and set them free from the particular ritual or dogma of any one sect. Therefore, these principles can be more widely shared and tested. Those who further experience them in a specific religious gathering may or may not find added meaning. But they will not lose any particle of their faith because its essence is accepted by others for different reasons. And organized religion will be quickened by the thinking and action of those who perhaps never speak of religion, but who try to find its presence in other ways. This is what Silone has in mind when he recounts Don Benedetto's statement to Pietro Spina: 'the Lord does not attach very much importance to His name; on the contrary, at the very beginning of His Commandments He ordained that His name should not be taken in vain.' [1]

The fact that faith is paramount, and can never without loss fall below the standard set by democracy, though it may exceed it in vision and in glory, means that we can never wholly identify religion with any organization or institution. All have to learn from the co-presence of other groups, and other individual thinkers. And, of course, every activity in which a religious group wishes to engage is not a religious action. Freedom to define the sphere of religious action does not rest solely in a church. For example, a church may wish to raise money by gambling games—but 'bingo' is not a matter involving religious freedom. Or it may bring pressure within one country to support the claims of another country to which its members have a hereditary loyalty. Such actions are not necessarily bad, but they bear no relation to religion and must therefore be judged on their merits as political action.

The most difficult questions of religious freedom arise (1) out of the desire of churches to put the power of government behind their institutions, or (2) through their effort to segregate members from the rest of the community, or (3) from their direct

participation in politics. Some comments on these problems from the point of view of democracy may be relevant.

(1) No church should be allowed to exercise compulsion over its members or their children through borrowing the authority of government. The churches' effort in a democratic society must be through persuasion, and public law cannot be invoked to extend the influence of any church without injury to religious freedom. (2) Segregation of members of any religious society from their fellowmen in such a manner as to refuse peaceful co-operation under the process of law is a denial of the brotherhood of man. 'Communalism' has no place except in the exercise of religious worship itself. The bitter conflicts of India and Palestine have shown that religion cannot be made the basis of political association without strife and injustice. Gandhi and Count Bernadotte gave their lives in the struggle for toleration. (3) Political issues involve moral questions, and we cannot expect organized religious bodies to refrain from debate concerning them. They cannot avoid taking a position without failing to apply their faith to the events which test it. The poll tax, the fate of 'displaced persons,' hunger, servitude—these are subjects that issue a call to the religious conscience. When, however, religious groups go beyond the interpretation of a moral issue in terms that apply to all humanity, and enter into the ways and means, the use of power, they have no privileged position. They are on the same level as other groups engaged in political action and they cannot be immune from criticism or expect special treatment.

Beyond these reflections on the ethical compatibility of democracy and religious teaching, and on the necessity of viewing religious freedom in relation to other essential rights, something further remains to be said on the interaction of these two channels of thought.

Christianity is the most ideal religion known to us. The teaching of Christ takes the highest view of man's potentiality, with full knowledge of his imperfections. In revealing the divine virtues of mercy and charity as qualities that shall redeem man from bondage to himself, Christ taught a sense and a mystery that will never be exhausted. He was the friend of the poor

and the suffering, and of the rich only in answer to the need that made them like all others, never accepting inequality. He taught hope, and trust, not despair; charity, not pride; simple deeds, not vain pretensions. Throughout his teaching, as it is given to us in the New Testament, there is a clear yet subtle sense that man's experience and his intuitions never exactly correspond, yet test each other in simpler, more surprising ways. Thus the late comer at the vineyard, as worthy of his hire, or the prodigal son, or the marriage at Cana. Religion when it finds purity of expression, which is rare in the annals of men, is always more interesting than systematic ethics, and rebukes, even with wit and humor, the intolerableness of moralizing.

There was nothing exclusive in the gathering of those whom Christ taught or whom he helped or from whom he received help, as the story of the good Samaritan or the Canaanitish woman symbolize. In this respect as in many others Christ maintained and strengthened the universalism of such prophets as Amos.

The basic teaching of Christianity and of democracy are allied. But many of the world's millions live by a different faith —the Islamic or the Hindu, or the Confucian doctrine, or some individual religious conviction. Such opinions should not prevent their adherents from living in democratic political association, so long as there is in them no denial of the fundamental core of democratic respect for the individual without barriers of any kind. Much may be gained if those who are well versed in these many creeds, or some of them, will ponder the elements of faith that are shared. Gandhi, a prophet of our own age, achieved a real fusion of Eastern and Western thought in politics as well as in religion. To the Federation of International Fellowship in 1928 he spoke wise words: 'Our prayer for others ought never to be: "God! give them the light thou hast given to me!" but: "Give them the light and truth they need for their highest development!" '[2]

The good may be comprehended and used as a guide to action without dependence upon explicit religious views. Religion, like many other forms of knowledge, has suffered from over-specialization. Its eclipse today is partly due to a repetitiousness

of teaching. When established rituals and prayers do not accord with the inner conviction of the participants, the emotion that once was their life fades out into a pale imitation. When sermons bring no new understanding, the natural reaction is away from religious contemplation. For this fact it is idle to blame either the churches or those who do not attend them. Every present church is a historical product. The forms of religion have always changed so as to accord with the more vivid feeling and insight of its great teachers—an old Testament prophet, a George Fox, or a Gandhi. It has usually been part of the task of such inspired men to break with a mechanical routine of religious practice, to modify it, and to infuse it with new ideas of life, new forms of feeling.

The religious documents treasured by various faiths were not written as sermons or treatises. Poetry, epic narrative, the record of some life spent in pondering what God could mean to man, the treasured reflections of a sage, the story of some actual fellowship—such are the materials that provide the great religions with material for contemplation. But then, as time goes on, the richness of these records is reduced to barer formulas and some system of recognizing approved leaders of the group is adopted. No group, however, can hold the spontaneity of active faith without fresh accessions of spiritual and mental energy.

It is curious to find so little emphasis placed today upon progress in religious thinking, that is to say, upon an increase of knowledge, in the deepest sense, of man and his relation to God. A seventeenth-century preacher asked his listeners

> Whether the establishment ought to be such . . . as may contrive . . . for trying any new revealed truths, if such be offered clearly from heaven by the hands of men; we find that in Arts & Sciences the Sistemes are not such as will admit of no advancement: the profoundest agents in Nature are led daily on to new experiments . . .[3]

Perhaps it is naive to imagine that there could be new impressions of these weighty questions not inferior to the old. If so, let us be naive. All will sympathize with Emerson's distress at 'the young preacher who preached from his ears and his

memory.' 'His sermon was loud and hollow. It was not so much the report as the *rimbombo,* the reverberation of Calvinism.'[4] Or it might have been of some other doctrine. Perhaps the mistake is in looking for enlightenment in expected places. The influence of such a man as George Fox began in the fact that he could truly say he 'knew experimentally.' He knew something at first-hand; he traveled to tell of it and many found that he 'spoke to their condition.' That gift is rare, but a rehearsal and warming up of second-hand doctrines never take its place.

We frequently hear dire forecasts of the fate in store for us if 'materialism' or 'secularism' should spread. In discussing such questions it is an obligation to think more precisely. 'Materialism,' if by that is meant an indifference to thought and a concentration upon wealth or ease, is surely a diminution and misdirection of life. Belief in some metaphysical theory which asserts the dependence of higher forms of life upon 'matter' (that is, upon physical events) is a very different view, and has been held by philosophers sincerely devoted to truth and to human welfare. 'Secularism' is a vague term; I am not sure what those who use it have in mind. Is it an opposite of clericalism? A person may believe that worth-while experience even of spiritual things is not predictable in its incidence or influence. Such a person, while supporting freedom for the religious work of organized churches, believes that their influence should not prevail in systems of education or of government, lest sincere religious thought as well as other fields should suffer from a restricted point of view. If that is to be a secularist, many of our finest thinkers have been of this class—Jefferson, doubtless Thoreau. Democratic thought while in no sense unsympathetic to religious value, indeed congenial to it, is inevitably and usefully 'secularist'—if I have rightly caught the connotations of the term.

'Humanism,' a view that there is no source of value but human experience, is not enough, but it is an intelligible opinion. A knowledge of the past, of philosophy and of science supports the conviction that the best we know, whether in terms of religious insight or other realms of discovery, is a product of human development. That view can hardly be contested, as far as it goes; but it tends to depreciate or ignore all that exists together

with man. It is a momentous fact that man cannot, by willing, change all that he encounters, and that to change anything according to his own design, he must acknowledge by some impersonal perception the character of other events. He has many means of knowledge but they all disclose a relatedness in the structure of things. The different perspectives of knowledge and the systems of relations they exhibit do not inevitably point to the existence of a transcendent God, but they do disclose immanent forms supporting belief in value.

Religion, as distinguished from mere humanism, has this additional depth: it rescues man from the blindness of worship of himself. A religious awareness is the faith that there is something better than one's self, to which the whole of things has a continuing relation. The recognition of such a continuity of form, goodness, intelligence, arises, first, out of a sense that man has not made the world, he is a part of it. Myths of creation symbolize our dependence upon the whole of nature and the presence of order and creativity within the universe. Man has grown up as part of a larger developing order. Faith is based on the experience that he is indebted for his best thought, his truest feelings, to a connection with the whole that is more than he is, and more than humanity is, because it belongs to the complete structure of events and the underlying creativity of things. In referring to himself alone not only the knowledge and the use, but also the existence of all possibilities for good or for harmony, man contracts the field of observation and of creativity. Humanism therefore has a certain sterility; it has however the great merit of emphasizing man's responsibility for the thought that he makes, and no theology or philosophy could ignore this without weakness.

Religion cannot, without fatal loss, fall below the best standard of secular thought. Theology in its vigor raises questions that are metaphysical in nature. There is no need to say that religious experience itself is not dependent upon any awareness of philosophical questions; but systems of religion, which are formal interpretations of individual religious experience, do depend upon philosophy. It is hard to imagine what would have been the character of Christianity without the influence of

Stoicism and of Platonism in the background. The vision of the prophet, the mystic's symbolism are individual and intuitive. But if we compare the utterances of, say, a revivalist preacher with the words of Paul, of John, or of a poet like Vaughan, we shall be vividly aware of the difference in quality to be attributed to the quality of thought in the background. Christianity is saturated with Greek thought. Now as the gospel means 'good news,' and there is no reason not to anticipate some new shoots of the tree of prophecy, description, song, it is impossible not to wonder what would be the effect of a really serious study by religious minds of such philosophers as Whitehead and Alexander.[5] They have explored farther reaches of existence than those reflected in our current creeds.

Faith must be ready to stand the test of arduous thought, but able to result in simplicity of action. It grows from the devotion of individual lives no less than from reflection. The life of Christ made the truth of his sayings. In religion, as in democracy, vitality appears not through the maintenance of dogma, but through finding on new occasions that the fundamental faith can produce further meaning. That is why we cannot now say wherein is to be found the source of religious strength for our generation, but perhaps we should come nearer to a sense of it if we considered its scope to be broader.

George Norris, author of the T.V.A. legislation, wrote to one of his friends, 'My religion and my politics are one and the same.'[6] Such a statement would be far from admirable if either religion or politics was being interpreted in the narrow sense of political action by a special group, or religious activity by a special group. Mr. Norris did not mean that; he wanted to suggest the fact that a person's political choices test the sincerity of his Christian faith. In his view, it was impossible to believe in the brotherhood of man and at the same time to tolerate the corruption or special privilege which denies equal opportunity. Religious awareness is not hostile to man's enjoyment or to his making a better life for himself and his fellows. Because a sense of relationship with a larger and more meaningful whole prevents man from dull expediency, from thinking of himself or of events as mere instruments, it has been construed as 'other-

worldliness.' But this tone or emphasis upon the fullness of the present moment as including more than its immediate use does not imply either asceticism or withdrawal from human concerns. More truly, if religion is 'the art and the theory of the internal life of man, so far as it depends on the man himself and on what is permanent in the nature of things' [7] it allows a timeless enjoyment of the present and it welcomes happiness.

Religious commitment, in so far as it shares with democracy belief in the possibility of good and in knowledge of the good through freedom, is not a harsh dualism. Its imperative is not that man must be free from fault—he cannot be—but that he is to aim at some virtue and find therein greater possibilities of life. At the basis of faith is the sense of harmony.

Harmony resolves discord not without having discovered its changes. Thereby wit enters religion to save it from the inertia of sentiment. That is why the simplest sayings, the promise of hope, are never easy. Thoreau could anatomize the professional reformer as amusingly as Dickens:

> Here have been three ultra-reformers, lecturers on Slavery, Temperance, the Church, etc., in and about our house and Mrs. Brooks's, the last three or four days . . . They addressed each other constantly by their Christian names . . . One of them addressed me as 'Henry' within one minute from the time I first laid eyes on him, and when I spoke, he said with drawling, sultry sympathy, 'Henry, I know all you would say, I understand you perfectly; you need not explain anything to me.' . . . What a relief to have heard the ring of one healthy, reserved tone.[8]

To such sickly cant vital religion is an enemy, guarding its sense in parables.

Certainly there is a need in democracy and in religion for association on the basis of shared faith, but that must find its own spontaneous forms. Man's desire for truth must be satisfied, not disappointed or denied by religion, and there are times when the search for expression must be modest and tentative if it is not to belie our feelings. The grounds of faith proceed out of the thought, emotion, and observation of other minds to which we join our own. Religion connects the content of personal feeling with the energies and forms inherent in the universe as we

are able to understand it. It rejects death, hatred, cruelty, and gives identity and permanence to the desire for life, truth, honesty, kindness, and love. It may be trusted to maintain itself.

10

Democracy and the Condition of Knowledge

> . . . for all knowledge and wonder (which is the seed of knowledge) is an impression of pleasure in itself.
> Francis Bacon, *The Advancement of Learning*, I.

KNOWLEDGE and freedom are mutually interdependent; as the health of democracy is reflected in the presence of freedom, so it is also observable in the condition of knowledge. We often speak of 'education' rather than of knowledge, or of the 'advancement of learning,' yet the term education, while it has popular vogue, is likely to be deceptive. For it sometimes suggests a separation of the study of arts and science from their creation, or it suggests professionalism of a narrow sort that conceals the richness of learning and its hospitality to all who would seek it in the midst of other pursuits.

If it were true that knowledge could be located in a safe preserve, we could at will make use of it, neatly surveying its adequacy to our interests and our numbers, setting up measurable standards, choosing guides and planning buildings by a deft use of professional committees and legislative funds.

Such conscious planning has appreciable effect. It is like the designing of a house. The building may be too large, or too small; it may be efficient or wasteful; it may be seemly or ill-proportioned. But whatever the plan, it is the life of the people within that it exists for. A handsome house, well built, placed on a fine piece of land, may make them happier and more comfortable, better able to do what they want. A mean

and miserable house will certainly discourage them. But the interests and the pleasures of the people within grow out of something of their own rather than from the well-planned house or the miserable one.

What underlies the instinctive respect that people give to education is a sense of this inner spirit, the value of knowledge. They have a sense that it makes a difference, not merely in the skill that it trains or the benefits to human welfare it brings, but in the greater keenness with which it endows the whole of life. And when, in place of the rousing of the mind to discovery and to more self-command, they are shown a display of schemes and credits, universal panaceas for ignorance, they are not unwarrantably puzzled. Their own desire for something tangible, demonstrable, useful, leads to the identification of plans for education with knowledge itself. But to equate the two is as foolish as to believe that a well-drafted constitution on paper will give us the reality of responsible self-government. A good constitution will improve the chance of success in government, and a well-organized university or plan of study will help the communication and increase of knowledge. In both cases, however, the sincerity and interest with which the people concerned regard the purpose of the enterprise, and their ability to take active part in its development, will determine the result.

Education is one phase of the analysis, interpretation, and extension of human experience. There are many channels through which this process takes place—philosophy, literature, science, and history are some of them. Education is merely a collective name for them in their relation to each other and to the means by which they affect new minds.

The process of reflection and creation operates in the world of action as well as of thought; in the living deeds of every hour, in the making of cities, the quarrels and friendships of men and of nations. Education cannot take the place of any of the other modes of experience. It influences them and learns from them, but it alone cannot save the world or change the world. In countless ways education is useful to society, but it is no panacea for social ills and will not save men from the responsibility of action. In fact, one of its aims should be to shape a

willingness to assume this responsibility, when it is based on co-operative decision.

Discussions of education often seem like exercises in shadow boxing. The opponents do not meet each other's arguments and the blows do not land. Of such a nature, it seems to me, is the debate between those who stress the goal of usefulness in education, and those who maintain that its primary object is to develop intellectual power. Certain kinds of knowledge inevitably lead to useful results—especially advances in purely theoretical research, such as the work of men like Clerk Maxwell, Hertz, Mendel, whose authors cared little for utility. The fact that the consequences of research in science are useful in industry, medicine, or agriculture does not mean that such discoveries are going to be made by putting the emphasis on their practical purpose. The conditions for 'experiments of light' require as much freedom and detachment as are needed by scholars whose studies have no visible results, but are valued for the greater understanding and pleasure that they bring to individual life, and the communication with minds of the past as well as of the present.

Society in general and therefore any form of government benefits from many kinds of practical knowledge, ranging from the elementary ability to read and write to methods of improving agriculture, of maintaining public health, or of civil engineering. In backward societies it is often a first charge upon the efforts of statesmen to spread knowledge of this practical kind, which enables the population to recover from the ills of starvation, disease, and superstition. In a more prosperous country, a test of the efficacy of government and private planning will be the extent to which such practical knowledge, sustaining life, is widely available. It might be said that demonstration farming is a kind of education. Likewise on this practical level are all concerted efforts to provide a sufficient number of well-trained professional people to serve the community—for example, doctors, teachers, judges, architects.

Education has these practical results, and they are not to be ignored. But they all depend, ultimately, upon knowledge sought for its own sake. Without valid knowledge not only do

we lack the power to improve the condition of man, but we lack all that gives hope, enjoyment, and meaning to his existence. There is plenty of work to do for those whose view of education is mainly functional, vocational, or pragmatic. The extension of training in many new fields and to larger classes of people is a task that demands the attention of those with a special concern. But educational planning can strengthen democracy only as it grows out of a mood congenial to the maintaining of excellence in every branch of learning.

Democracy depends upon a thriving condition of knowledge in two respects, not unrelated. First, it is a form of government that can last only if the citizens both accept its aims and are capable of intelligent judgment on the large issues presented to them. Second, the character of democratic philosophy demands re-interpretation in the light of new experience and new circumstances. Its aims are derived from knowledge of human beings and their capacities, knowledge of the universe of which we are a part, and knowledge of ideas. Only through study and contemplation of all these will democracy retain its vitality. In fact, if democracy were not a worthy philosophy and form of government, only through independent study could that question be decided. We need not fear that in teaching the aims of democracy we are subjecting anyone to 'propaganda,' for democracy is an open system of values; it invites the fullest test of fact and exploration of the forms of truth which make fact and experience possible. There is an element of faith in it, but it is that kind of faith which is a voluntary commitment and is not hostile to inquiry.

The two demands that democracy makes upon education might be abbreviated as the maintenance and discovery of knowledge and the training of citizens, but they may best be carried on in co-operation, both because a person is more than a citizen, and because knowledge is most likely to flourish in a state of freedom, which it is the business of citizens to establish and preserve. This fact the founders of democracy recognized; from the beginning republican government associated itself with the ideals of the Enlightenment. Jefferson repeatedly stressed the connection between freedom and education. 'Preach, my dear

Sir,' he wrote to his friend Wythe, 'a crusade against ignorance; establish and improve the law for educating the common people. Let our countrymen know . . . that the tax which will be paid for this purpose, is not more than the thousandth part of what will be paid to kings, priests and nobles, who will rise up among us if we leave the people in ignorance.' [1] John Adams agreed. His youthful and ardent *Dissertation on the Canon and the Feudal Law* amplifies the theme that 'Liberty cannot be preserved without general knowledge among the people.' [2]

The spread of education roughly parallels the rise of democracy. In Europe the provision of universal elementary education in most countries reflected the influence of the French Revolution. English working men and women were not assured of an opportunity for education until after the Education Act of 1870. It is not too much to say that down to the middle of the nineteenth century the majority of people in Europe were illiterate, as in Asia millions still are. Despots have always resisted the diffusion of learning. In earlier days they were indifferent to the training of the common people; now that literacy makes easier the spread of propaganda, their threat is rather to freedom of teaching, freedom of research, and freedom of the press.

In America, the founding of universal compulsory education was one of the great acts of the New England colonies; it set a goal that came nearer and nearer to achievement as the country grew. Yet today here as well as in other countries many are barred from higher education or from professional training by economic handicaps or by discrimination. The 'GI Bill of Rights' shows what can be done to prevent economic handicaps from barring the progress of capable students.

Clearly it is a task that people are at last determined to attack, to make education available up to the limits of ability, without regard to race or sex or economic status or national origin or religious belief. Every one of those factors still keeps numbers of intelligent students from training for which they are wholly qualified. The Constitution of UNESCO, the Report of the President's Commission on Higher Education, and the fine Harvard report, *General Education in a Free Society* may be taken as typical pieces of evidence that a further extension of education

is now a widely accepted aim. I am going to take it for granted that there is agreement on the goal of universal basic education for the nations and the groups that now lack it, and yet desire it, and on selection of students for higher education on the basis of ability and interest.

The conquest of illiteracy in its remaining strongholds will certainly be easier than the extension of higher education to greater numbers. What the Soviet Union has accomplished in one generation shows that a determined effort to use all the available media of instruction will produce amazing results. But the Russian victory over illiteracy, and even more the world-wide renown of science and research in Germany, should convince us that quantitative results and technical supremacy are no boon to democracy unless the quality and the aim of education are worthy of free men and women.

The removal of barriers based on prejudice and the improvement of substandard schools are advances for which we are ready. The spectacle of a group of grown people, state officials, teachers, and students, forcing a Negro first to appeal to the law courts for a right to professional training, and then to sit in an anteroom lest his presence frighten the others in the class, is as ridiculous as it is unjust. Ideas do not know the color of a man's skin, and behavior of this kind is a witness of abject ignorance on the part of the so-called educators who decree it and the fellow-students who tolerate it. We can set to work at once to remove such prejudice. But except as we provide more scholarships to able students, and recruit our numbers more strictly on the basis of ability, we cannot so rapidly extend university and professional training as some predictions would indicate, without injury to its standards —and that would be no honest benefit to the democratic community.

Vast treatises have been produced and frequent statistical studies brought forth on the theme of more adequate education. It is no service to conceal the difficulties that stand in the way. A merely quantitative approach is useless except in the description of the need and, eventually, in the planning of the physical resources. Good schools and good teachers are not to be had by prescription, nor could there be any general plan of study

suited to all students or all teachers. The process of learning is mysterious, not exactly the same for any two. The able mind is not stopped by poor schools or poor teachers, but more able minds could be encouraged into activity by access to books and to intelligent converse. To provide the moral and financial support for an adequate education is a project we have taken on; but in the long run, the quality of results will depend chiefly upon the vitality of university and college studies. For whether they are conscious of it or not, the training of teachers is affected by the state of all the major branches of learning. Neither 50,000 additional Ph.D.'s by 1960 nor the thought of ages made into a K-ration of 'great books' will save us from the gulf of dullness.

Therefore, at this time when we seek for further expansion of educational opportunities, it is all the more necessary to reinterpret for ourselves the purpose of education and to see how it may be fulfilled in a democracy.

Tocqueville, I think it is fair to say, identified fidelity to high standards in the arts and sciences with the existence of an aristocratic class. Now the principal challenge to education in a democracy is how to recognize and support excellence in every branch of learning, while making the pursuit and the benefits of these studies available to more people. That is the only democratic way. To allow the prevalence of the second-rate is not to establish equality in the republic of learning. The only honest procedure is to ask of scholars and students their best work, and to show people what the best is, rather than to dilute knowledge so that, like a patent medicine, it may be swallowed without awareness of its nature or effect. Doubtless there is a place for popularization, which is not always harmful. But that is not the function of the colleges or universities.

Does a democratic philosophy of education differ from what might anywhere be a valid philosophy of education? I should say that it does not, but that democratic principles give extra emphasis to recognition of the wholeness of knowledge and to the responsibility of scholar and student to see their studies in the perspective of our common humanity. Were these two ideals to be neglected, the course of arts and sciences would be

weakened in its inmost fiber, and thought itself, as well as humanity, would suffer.

First, then, it is the task of a university today—and of preparatory studies—to make the student aware of the possibilities of knowledge that exist in different fields of thought. That is to say, a good education cannot be purely technical or scientific, nor should it be founded solely on artistic interests or philosophical speculation. Although individual minds differ in the direction of their interests and in their aptitudes, a good plan of education will take care to see that each student has a sense of the value of other kinds of study than the one he particularly engages in. The reason for this is twofold. To begin with, any scanting of the humanistic foundation of knowledge leads to the divorce of power from purpose. Engineers and scientists trained without awareness of philosophy or art may turn out to be technicians living in a moral vacuum. Not only will their own lives be the poorer, but politically they will lack a basis for democratic citizenship and its moral responsibilities. In Germany, the divorce between scientific and humanistic studies and the encroachment of scientific methods in the latter was one reason for the irresponsibility of the scholarly class and the consequent surrender of so many to Nazism.[3]

In the second place, work in any special branch of learning is bound to be thin if the worker knows only that specially selected material. The stimulus to take a more comprehensive view even of a special problem is lacking when the context of ideas and associations is so narrowed.

The literary student or the philosopher has as much reason as the specialist for attempting to understand the imperatives of science, even though he lacks special skill or aptitude of this kind. So much of modern civilization is built upon systematic use of quantitative analysis, controlled experiment, and trained observation, that other studies are the more weakly conceived if the evolution of the concept of fact is not grasped. So many questions of a deeply human sort, waiting for the decision of human minds, are created by the advance of scientific research, that it is important for us to grasp something of its methods, rather than to live in credulous awe of it. Science makes claims

that the layman has to scrutinize in relation to his other values. Unless a person knows something of the history of science and something of its methods of discovery at first hand, his attitude towards it may be as superstitious as that of any savage to the totems of his tribe.

A further reason why the basic plan of university and college studies should be of this 'general' or 'liberal' nature, is that in this way a foundation is laid for more completeness in individual life. The study of art and of philosophy especially encourages in all of us a sense of those qualities that bind us together, while at the same time it deepens our private and individual meditations.

But while we may accept as the goal a plan of study that brings the chief branches of learning into productive relationship, we cannot fail to be aware that there is nothing simple about achieving this result. The accumulation of knowledge, the fast pace of specialization, and the lack of opportunity for a real meeting of minds across these barriers have caused a fragmentation of learning. The utmost we can do to heal these lesions in universal knowledge is to encourage the scholar and student to attend to his true function, and to improve the conditions under which he works.

The problem of restoring a greater unity to knowledge is an exceedingly difficult one. More than a hundred years ago Emerson expounded it, not only in his essay 'The American Scholar,' but in a number of other writings. He wrote when the division of labor was only in its infancy, yet his counsel is as well tempered to the present as to the day when it was written. In another essay, however, he shows that there is no easy way out of the dilemma. After lamenting the onesidedness of the man whose mind is bent on a single topic, he goes on to ask:

> Is it any better if the student . . . aims to make a mechanical whole of history, or science, or philosophy, by a numerical addition of all the facts that fall within his vision? The world refuses to be analyzed by addition and subtraction . . .[4]

A group of courses is not going to put together all that the habits and technique of modern research have set apart. To

provide a more coherent framework for our knowledge is not to be instantly accomplished by a syllabus or a curriculum. Such labor wants the inclination and interest of diverse minds. Unity will be found not in a scheme, but in a point of view. No one today, not even the genius of Plato, could produce such a work as the *Timaeus,* incorporating in one dialogue a cosmology, hints of a universal logic, an account of human physiology in relation to chemistry and physics, and concluding remarks on ethics and psychology. It could not be done, given all that we have learned from the devoted labors of 'the little army of specialists.'[5] But to show some interconnections, so that the facts disclosed by the intense study of some part may be seen as they are linked to more universally operating phenomena or ideas, awaits the leisure of active minds.

I say awaits the leisure, for such labor is not ours to perform at will. It passes understanding how tamely the scholar has surrendered his most precious endowment—free time, in which the mind 'in the spacious circuits of its musing' may propose something genuine. Thinking is never easy, and above all requires leisure. The routine of teaching should not become so demanding that it makes creative work a marginal effort. Independent work should come first, and teaching should be its natural byproduct. If we recall the conditions under which some of our masters of thought have worked in the universities, we will perceive the contrast. When, for example, Newton labored on his *Principia* at Trinity College, the duties of a professor were to give one lecture a week and to meet students in conference on two other days.[6] Clerk Maxwell directed the work of less than a dozen men when he first established the teaching of Experimental Physics at Cambridge. While he wrote his treatise on Electro-Magnetism, he retired altogether from teaching for four years. Writers, philosophers, sculptors, and scientists have been subsidized in the past, chiefly for the sake of the new work it was hoped they would do. If the universities are to be centers of effective thought, the burdens of teaching must be lessened. How this may be done without detriment to the students I shall try to suggest.

It is no wonder if, in the atmosphere of over-organized uni-

versities today, original reflection is difficult. The scholar or writer must choose the kind of work he can do in bits. Yet good teaching takes energy, inventiveness. It is not to be measured by hours spent in the classroom but by the presence or absence of opportunity to put the searching questions and to make forthright testing and creation of ideas one's central responsibility. Teaching should not be primarily training: that is its secondary aspect; it should be a communication of the energy of thought.

When advanced studies in the arts and the humanities are dominated by the methods of science, and when men of letters in the universities have time for their own work only on the edge of a heavy 'load'—ironical word—is it surprising that our culture so largely lives on the past? There is a danger that modern thought will be merely Alexandrian in its worshipful accumulation and minute commentary on the accomplishments of other ages. Even contemporary literature or philosophy is often treated as if it were a museum specimen to be labeled and catalogued rather than welcomed or rejected according to the experience and insight of the reader or spectator—yet without his active participation art is weak. A livelier appreciation would say of a structure of thought, 'Does it hold? Will it account for observations I have made, propositions I have tested?' We know little of a book or painting if we can only classify it or endorse it by the slogans of some school. We have not really seen or read unless we can say what we, the readers or spectators, believe of that world created by the author or the painter.

The magic word research is everything. Yet research in art or philosophy, if it is conceived as analysis of schools or past thinkers, is only an auxiliary to the main endeavor which should be the creation of new work. The emphasis of advanced scholarship in the humanities today is on historical interpretation, and this has gone so far that many can conceive no way to express their own ideas except through a historical commentary. History has a profound interest, but it is no substitute for other kinds of thinking.

Perhaps one could put it this way: in literary or humanistic studies, the interest of the result hinges upon the conception of

the unknown. In her Journal, Caroline Fox recorded a striking comment on his own work by Professor Adam, the discoverer of the planet Neptune.

> The idea . . . of reasoning from an unknown to a known . . . dawned upon him when an undergraduate, with neither time nor mathematics to work it out. The opposite system had always before been adopted. He, in common with many others, conceived that there must be a planet to account for the disturbances of Uranus; and when he had time, he set to work at the process, in deep, quiet faith that the fact was there.[7]

If, in the humanities, we boldly conceive the unknown, instead of moving from the already known by systematic extensions of detail, it will be found only by the critic's or the historian's mixing something of his own with the works he is seeking to understand. He cannot set up a telescope and receive from outer space the imprint of distant nebulae, or find by spectral analysis new systems of double stars. His own mind is the receiver. If he imagines for himself the character of the unknown, he will be inclined to look farther, and to commit himself to a larger interpretation, or else to a more concrete expression of his sense of things, and thus his labors will come nearer to those of the artist, will partake of the same stuff. Objectivity in the method of study, exactness of observation are his aids, but the direction of thinking need not be simply a commentary on the known by means of the lesser known. For the wholeness of the scholar's function, as that of the man of letters, 'research' is thus an inadequate, even at times a misleading word.

Unusual technical competence in many separate lines of investigation exists, and represents an achievement, but it does not give society that thinking heart which is scholarship's true function to nourish. Whether one follows the tortuous debates of congresses of intellectuals, or talks with young soldiers of the new postwar generation, or reads the so-called 'avant-guarde' magazines, the evidence confronts us that conviction is inadequate to responsibility and to opportunity. That is, now when the interdependence of nations challenges man's ability to build a world civilization, our confidence that knowledge may be made to match power and to direct it to worthy ends is low. Individual conviction may be strong, but the public sense

of shared knowledge and belief is weak. This arises from the fact, I think, that insufficient effort among scholars has been devoted to developing a coherent sense of the relation of fields of knowledge to each other and the dependence of all of them on such values as truth and freedom.

The purpose of research should be to make possible a fresh interpretation of what happened in the past or of any present question, sometimes of both. Research that is disconnected, fragmentary, antiquarian defeats this end. Mr. Toynbee has acutely analyzed the disease of over-specialization in history. To his analysis little need be added, except to register a large measure of agreement. Specialization by itself it not harmful; it is an instrument by which we isolate the part in order to perceive it more accurately and thus to get a truer bearing on its relation to other events. Wholehearted concentration on one problem often gives a better picture of a wider scene. Specialization, so understood, has brought a rich harvest of discovery not only in science but in other fields. The evil of specialization lies not in concentration, but in the tendency to replace the substance of an inquiry by the mere application of a technique. The function or operation of research is viewed as self-justifying, without sufficient consideration of its relation either to the branch of learning as a whole or to our other modes of insight. Thus the scholar ceases to become man thinking, and becomes man the technician.

Today isolated research is often done for government or industry as piecework, the investigator having little control over the disposition of his results. This is going to become increasingly true in the social sciences. But someone has to think of the purpose and of its relation to the kind of life we believe in, also to think of the question whether knowledge that is merely instrumental is to be trusted. Failure to consider the place of research in relation either to the quality of community life or to other branches of knowledge—except in a purely routine kind of reference—presents us with the senseless picture of one set of scientists working ever harder to invent deadlier weapons of biological warfare, while another set works to improve longevity. Or we may observe one group of philosophers urging

us to abandon experimental inquiry and return to the *a-priori* logic of the Scholastics, while another group argues that we cannot profitably discuss our fate until a later generation of logicians has produced a meta-language. Differences of opinion are healthy, so long as those who differ can keep alive a common field of discourse where they may compare the relevance of their views to problems they jointly recognize.

The methods of research are neutral to the ends of man. We could be destroyed by mere research faster than by the lack of it—this irresistible commonsense reflection gives point to the recurrent wish for simpler days. Yet now that so many people are in relation with each other, endowed with so much power to help or harm, haunted by hope for union, the use of research for human ends is the way to a stronger future. Knowledge, what we have of it, is always good, provided we connect it with the questions we are responsible for deciding and with our intuition of the forms of truth that outlast our generations and our centuries. Technical knowledge that is divorced from the kind of truth known to art and to philosophy leads to the bestial experiments of a Dachau or a Buchenwald.

We hear a great many exclamations about the atomic age, but it has brought us no question to decide that was not meaningful always. It has merely lent a certain drama to our doubt. The electrons chastely exploding to our guarded plan, the statistics sealed off from 'value judgments,' the poem of innocent might barricaded with annotations, conceal the life that led us to them. We observe the sense of duty to humanity that has led atomic scientists to organize for the prevention of destructive use of the weapon they have created. They have undertaken association of a political kind to insure the use of atomic energy for the benefit of mankind. That is reassuring; that is admirable. Yet if science had not been isolated from a conception of the way to a good life which for centuries philosophers have debated, perhaps there could have been international agreement long ago not to use scientific research for the production of destructive weapons. If there is to be any recovery from this intellectual and moral isolationism, it can only be through recog-

nition that knowledge gives power and the use of power is a moral and political question which concerns all mankind.

There can be no permanent separation of the methods of knowledge and its human ends or its eternal quality of giving peace and enjoyment to the mind. We can neither measure learning entirely with a moral or political sense of values, nor fail at least to test it and partly to direct it by these values. Pure research, that is to say research at the highest theoretical level, or the exercise of artistic talent, or philosophical speculation, is carried on for its intrinsic interest. But the search for truth which possesses these different activities of the mind is intimately connected with other aspects of good that man is capable of knowing and needs to know.

In the organization of universities there is much that is medieval. We could improve upon it, if we are prepared to use our freedom. At present the process of learning is too passive. President Eliot of Harvard is reported to have said, 'There is too much teaching and too little studying.' It is a fact that we tend to make our students spectators of knowledge by an excessive listening, note-taking, and amassing of information. Whereas the real task is for the teacher and student to inquire, to observe, to add from their own store, to exchange their thoughts. If this were done well, fewer hours would be spent in the classroom. It would be a recognized fact that both teacher and student are to have time for an independent mental life. Lectures would be fewer, classes smaller, discussion more frequent, reflection more critical. It is the special value of the small college that it can approach these conditions. In English and European universities, the student has to assume more responsibility, and scholars have more freedom for their own work because they do not hold so many classes. The excessive use of lectures and of classroom teaching is in part a hangover from an era when there were no printed books, in part a reluctance to trust the initiative of students.

The only result of education that really counts is the communication to the student of an independent method of study which he can use by himself, and will want to use, when his formal training is ended.

The teaching of art and letters and philosophy should be neither a compendium of past knowledge nor a fashion show of modern cults of opinion. In the gusts of opinion that sweep over us when an author is 'revived' or a new apostle of irrationalism sampled, what a plague of homage without conviction, admiration without love, heresy without heart! But this frequent abdication of our native 'intellectuals' from the challenge to make things anew is not unrelated to the condition of knowledge in the universities, and to its Alexandrian characteristics.

In literary studies particularly I fear we encourage in our students habits of thought the opposite of those practiced by the writers they are taught minutely to analyze. There is something unique in the way that life is born again in the picture of it; words are potent and make events. To digest this food heartily requires more than one enzyme of taste; poetry is feebly read without other knowledge of the world it grows in. I question whether in some of the more intensive methods of criticism today we have not brought to birth a new and narrower scholasticism. And in the more conservative graduate schools, to plan advanced literary studies on the foundation chiefly of conventional literary history is to thin the blood of the man of letters and tame his enterprise. Some means are to be sought whereby the literature of the past and the writing of the present may find a more productive relationship, a veritable community of art.

Every university should have within itself a nucleus something like the Institute of Advanced Studies, or the Berlin Academy as it was in the days when it gave not only Einstein but the artist Kathé Kollwitz time for that willing, measureless toil which becomes possible with freedom from routine. There should be, if possible, more research professorships; there might be subsidies for painters and composers provided by cities and towns as well as universities. From such an enlargement of opportunity, travel, leisure time, I believe we might expect a recovery from the barren eclecticism that fetters imagination not only in the journals of opinion and the vast assemblage of courses and pre-digested reading for adults, but in our civic atmosphere.[8] The idea of a separate 'intellectual' elite should be meaningless

in a democracy; the kind of life it feebly represents should be diffused through the whole community and should derive rugged strength from friendly and local association.

The training of citizens is certainly one function of education in a democratic society. But how is it to be done? Because democracy is an open system of values, this training cannot be of the nature of indoctrination—that is to say, selection and restriction of material for study so that the student is led to a point of view or conclusion without having had full access to relevant information or reflection. The responsibility to draw conclusions and to express conviction is undeniable, but it is not fulfilled by doing so either in the absence of evidence or the presence of doctored evidence. Therefore, in considering how to train the student for citizenship in a democracy, we must think more of raising the relevant questions and helping the student to acquire a method of study, rather than of any dogmatic teaching. Democracy is not a dogma; it is a philosophy of many perspectives, a form of government adaptable to new circumstances, and a way of living with others. The only kind of training that is going to help the student greatly is one that encourages independent judgment and responsible choice.

But certainly much more can be done, should be done, to raise the questions for study. I have already given my reasons for thinking the plan of liberal studies should be the basis of education in a democracy. But within this plan, there should be encouragement for everyone to learn how objective methods of analysis can be applied to disputed social questions. The person who does not know what light economic conditions throw upon racial tension or upon the incidence of crime in cities, or something of the structure of industry and of finance, or something of the modern history of Asia as well as of Europe and America, is neither well educated nor well equipped to be a citizen. And above all, there needs to be prolonged reflection upon those works that discuss the problems of political philosophy. We need men and women in public life whose reading in 'the elementary books of public right' is as thorough as that of Jefferson or John Adams was—as up to date now as theirs

was then, and as well digested into their own notes and conclusions.

Democracy poses a hard question for study and experiment: that is, how to use concerted intelligence in the solution of political problems. The chief political problem of the present time is how to build a world government founded upon consent. For upon the solution of that problem the welfare of the people and the future development of arts and sciences depend. In the tendency of democratic people to despise what is called political, we see an expression of failure to connect our best human resources with the problems which affect us all. Back of this contempt for the 'political' is a longing to have some miraculous leader do the work, and an unwillingness to face the responsibilities that belong to every one of us. That it takes so much time and is so uneconomical of human energy to do anything worth while in politics naturally causes the average person to shrug off these duties. In a sense he is right. To make possible more willing and more competent participation in public affairs, we have to use more inventiveness in the setting up of some of our political institutions, and we have to obtain a better informed citizen body.

A conscious attempt to 'instill' loyalty, to 'inculcate' democratic ideals—these are the words being used today—may well defeat its own ends. People value most the conclusions they have a part in making. Repeated slogans, reiterated patterns of thought, deaden the mind. If we wish to train citizens for democracy, the better plan is to give them a chance for serious study of history, of political thought, and when they are ready for it, of philosophy. Certainly there should be discussion of democratic principles, and practice of democratic ways. And there should be a chance for students to observe the workings of the community they live in. Formal education can do more than it has to prepare students to live in a democratic society. Yet we must not shape our plans for this in response to fear, or cultivate a smug complacency. Faith in knowledge and faith in people will build more confidence in democracy than dogmatic instruction possibly can. The distrust and lack of conviction characteristic of many educated people in the period

between the wars resulted in large part from the fragmentation of learning. Recovery from that state of mind came partly from the challenge of a fundamental choice we still had strength to make: the rejection of Nazism. To reject Nazism is to reject also its anti-intellectualism and its repudiation of universal values. The vigor of democracy impelled people to this decision, though they were not consciously aware of all its implications. Full exploration of the meaning of this choice is a major intellectual task. The analysis of communism is no less so. That is why the education of the democratic citizen ultimately depends upon the condition of knowledge rather than upon a simple program of training. Let us not over-train the citizen any more than we would the promising athlete, but trust in his native zest and liking for the race.

Is our attachment to freedom genuine? The state of education, like the sense of responsibility in the press, will show it. The question is whether we value knowledge, and have the courage to believe that knowledge is not without a heart. Democracy needs, above all, integrity of thought and power of judgment. If these are encouraged throughout, both the standard of education and democratic society will be strengthened. The support of study in fields of knowledge we have neglected should be a common enterprise, while we should leave to the scholar and the student individual initiative in tackling them. In the problem of securing good teachers for the schools, which everyone agrees to be paramount, I think the improvement of conditions of work for the teacher will be found to be quite as important in attracting able people as better salaries are.

Far from restricting the field of thought, democracy asks of education its utmost. For it is deeply congenial to the desire for perfection in all those arts and sciences that bear the token of their own meaning, and bring joy to everyone who becomes even their apprentice. Yet at the same time it seeks human welfare as an outcome of knowledge. And the mystery is that while the work must be done for its own sake and not for any utilitarian end, yet its use and testing in life gives every study a farther range.

Everyone who has had a taste of the history or who has read

the poetry or looked at the pictures of the Renaissance, has felt the liberation of thought, the enlargement of imagination, in that period. Democratic culture is deeply enough rooted in the hopes and energies of mankind to open as wide a horizon. Bacon liked to quote a sentence from one of the prophetic books in the Bible: 'Many shall go to and fro, and knowledge shall be increased.' It is a fitting sentence for this age beginning the building of a law and government able to unite the world. And if a wilderness stands between us and that accomplishment, it is a wilderness of prejudice and misunderstanding, which can only be conquered by the communication of ideas and of experience. We have a task that has confronted no other generation of men. Still unprepared, we have nevertheless moved out along the road, and this adventure is a mighty stimulus to the condition of knowledge which is the immortality of mankind. To recover the unity of learning, to make room for independent study and for productive work in the arts and philosophy as well as in science, to make knowledge available to more people without diluting its vital power, these are goals of education worthy of democracy.

11

Democracy and the International Community

O small dust of the earth
that walks so arrogantly
trust begets power and faith is
an affectionate thing.
Marianne Moore, *In Distrust of Merits.*

DEMOCRACY is not a theory of the national state. There is no principle of democracy that is not as valid internationally as nationally.

Throughout this book the word 'community' rather than 'nation' or 'state' has generally been used, in order to indicate that democracy cannot be finally identified with a single country. There could be democratic world government. But until the present time nations have been the largest communities organized according to democratic principles. The continuance of democracy depends upon the continuance of certain governments and unions of men, until they can endow a world community with their faith in equality, freedom, and self-government.

For centuries the nations of the world and its remote tribes could live in some degree apart from each other. War and disaster, or the effects of science and industry, were not world wide in their repercussions. Everyone is now aware that modern technology has brought all the nations together in a common scene, while they are still in different stages of political and economic evolution. A potential world community exists; its

basis is the overwhelming need of all mankind for peace. To explore and test the means of co-operation for this purpose, the United Nations was created. In this world assembly and debating ground two great nuclei of power confront each other, and, lacking a common concept of law, fear and distrust each other. That is the obstacle to peace and to the beginning of a democratic world government.

The essence of peace and of democracy are the same, in that both depend upon a means of reaching decisions by voluntary means. Peace is living only when it is attained by consent and permits freedom. Surrender to compulsion by those who would drive humanity back to slavery is not peace. When a government maintains itself chiefly by the threat of force against its subjects (for they are not citizens if unfree) it has not achieved internal peace. And peace among nations, likewise, will be established only when they have agreed upon a kind of organization that will enable them to settle their conflicts by authoritative decisions, without the loss of essential human rights.

If all the nations of the world were democracies, it would be possible to establish world government now. The challenge to our wisdom and our courage is more severe. Other types of government, hostile to democratic beliefs or unfamiliar with them, share the world with us. The decision to live in peace is not ours alone. What we have to do to preserve the peace is to deal with a state of mind. We have to convince others, particularly Soviet Russia, that their security and their prosperity are attainable within a system of world law. All our policy in the United Nations should be directed to this purpose.

Nothing short of such a forward movement in democratic thinking and in political sagacity will guarantee the security of democratic nations. As long as the democracies are opposed by a great military power, they must of course maintain and improve their own systems of defense. But they should give equal emphasis to the development of statesmanship for peace, for there is no other lasting and dependable means of security than genuine world law. It is imperative, therefore, that thinking on foreign policy should not be dominated by strategic considerations. They cannot be ignored, but they must be subordinated

to the more important aim of securing agreement and understanding, and of piece by piece building the institutions of world government.

Not much thought was given, before this generation, to a democratic system of external affairs, to the means of lasting peace as an integral part of any democratic philosophy. That is not surprising, for democratic government is still young. In Europe and the Americas it has spread, often after intense struggle, during the last century and a half. In Asia and Africa it is an experiment of the twentieth century. The external policies of democratic nations reflect the incompleteness of their realization of democracy at home. Colonialism took root before France and England had achieved political equality for their own citizens, and before the aim of a decent standard of living for everyone had been at all widely accepted. The United States in its dealings with overseas dependencies was quicker to assure them of political freedom. But this country has been slow in striving for a more equitable economic basis of democracy, and slow in achieving racial equality. In world affairs today all these factors interact; international policy is closely linked with the internal policies of all the leading countries.

The problem of emancipation from the status of colonial dependence illustrates the challenge to the democracies to develop a coherent policy in external affairs. But one term in this discussion should be used with utmost caution—imperialism. Expansion of the leading countries of Europe in the nineteenth century took place for England, France, and Germany chiefly overseas. Russian expansion and colonization took place chiefly in the adjoining Asiatic continental area. Nazi Germany tried to acquire a European empire and Russia's effort in the same direction is not least of the causes of friction now. Russia is not invulnerable to the accusation of imperialism she directs against the West. But the democratic nations cannot expect to find allies among the groups striving for self-government and economic betterment in Asia and Africa, unless their foreign policy recognizes the legitimacy of these aims. The establishment of Indian self-government by mutual agreement between England and India is a deed full of promise for the world. The

completion of Philippine independence is another evidence of the constructive co-operation possible between democratic countries and their former dependencies. The philosophy lying back of these acts, wherein freedom was achieved by consent, has to be broadened to take in other regions. For the establishment of world law hinges upon our ability to co-operate with colonial people now striving for self-government as much as it does on our ability to negotiate with Russia. Often they have not, in their religion or their prevailing ethos, developed the ideal of respect for the value of the individual. The discipline of self-government and of the rule of law is new to them. They are going to learn chiefly from seeing democracy in practice—that is, as we practice it in our relations with them and within our own countries.

The substance of the international problem might be summed up as the necessity to attack simultaneously the questions of security, human rights, and economic welfare. These three terms have to be brought into some kind of intelligible equation. Russia and the Western powers (and the nations that have some chance to mediate constructively) lay a different emphasis on these goals. Would it not be true to say that Marxist thought has so far not honestly grappled with the question of fundamental human rights, and has not accepted the value of the individual? Further, would it not be true to say that while democracy embraces all these aims, nevertheless democratic states have not until recently and very imperfectly made the economic welfare of all citizens their goal? Then, the many countries which have as yet hardly attained constitutional government are so beset by the misery and poverty of their populations that civil rights to them lack full meaning unless they include economic improvement.

Now the one aim that all countries accept without question or disagreement is security—that is to say, freedom from attack. For it is a duty of every government to provide for the security of its people; and no government that neglected this function could long stay in office. But the tragic paradox—the one from which alone we can learn, yet the one most difficult to learn from—is that one nation's security is another nation's danger. So

long as nations arm individually, the risk of war is great. So long as nations arm individually, their every other act, no matter how innocent its intention, is likely to be interpreted as a strategic move, and to evoke countermoves. Thus security is absolutely unattainable if pursued as the single or dominating goal, yet so long as a way of life is worth defending measures for security will be taken alone if there is no way to take them in company.

In order, therefore, to achieve security by mutual co-operation rather than by national defense, we must be able to persuade nations that economic welfare and the protection of fundamental human rights are attainable within the framework of a world organization. To this organization could then be transferred the sole power to use security forces of any size.

The way in which economic welfare and the goal of security interact is illustrated by the prolonged and so far unsuccessful negotiations over control of atomic energy. In proposals of far-seeing statesmanship, the United States together with the majority of countries represented on the Atomic Energy Commission agreed that international ownership, management, and inspection of all enterprises using nuclear fuel in dangerous quantities provided the only safeguard against the destructive use of this annihilating force.

No one who has not read the official reports of the Commission, especially Part II of the Second Report, can have a sufficiently lively realization of the far-reaching economic and political nature of these proposals. In agreeing to them, the Western democracies accepted the socialization of what may prove to be a major factor in each nation's economy. By doing so, the United States and some of the other nations transcended the economic principles to which they traditionally adhere, because in no other way could security from atomic warfare be achieved. The key to protection from this danger lies in the principle that 'No nation or person would . . . lawfully be able to possess or dispose of source material after it has been mined.' [1] The majority of the United Nations Commission, which came to these conclusions after prolonged and intense study and thorough consultation with experts, recognized the profound implications of their plan:

> Only if traditional economic and political practices are adapted to the overriding requirements of international security, can these proposals be implemented. Traditional conceptions of the economic exploitation of the resources of nature for private or national advantage would then be replaced in this field by a new pattern of cooperation in international relations . . .
>
> The unprecedented character of its conclusions has not deterred the majority of the Commission from adopting them, since the scientific and technical evidence makes such conclusions inescapable.[2]

That such a plan was evolved, based on the conception of an international agency holding ownership in trust for the people of the world, shows that the need for security completely outweighed traditional conceptions of property, and therefore perhaps opened the door to a new approach to economic welfare. But the irony lies in the fact that while the United States in particular showed courage and a deep sense of responsibility in making and supporting measures of this kind, Russia refused to accept them, partly out of fear that the internal development of a Communist economy would be hampered.

It is worth raising the question whether the majority of the commission, whether the United States in particular, paid sufficient attention to the need to give reassurance on this point. The record of the discussions does not show much emphasis on the special needs of countries with a planned economy.[3] Inevitably the acts of the agency would affect economic policy if atomic power becomes available for industrial use. 'Ownership,' as it would be vested in the agency, "includes the exclusive right to move or lease the materials, the right to use and to produce energy from them and the same rights with regard to all the products formed from them . . . ownership by the agency of dangerous facilities includes the right of the agency to make decisions regarding their allocation, construction and operation.'[4] Finally, we may note the implication of a power of judgment by the agency over economic policy in this statement: 'Dangerous facilities shall be provided for nations only as world conditions of security warrant and *where economic justification exists.*'[5]

Russian unwillingness to join in the recommendations of the majority of the Commission reflected disagreement over several points. Of these, by far the most important was the refusal of

the Russians to consider any effective method of sanctions, inasmuch as they argued that all violations should be referred to the Security Council and would not give up the veto for the purpose of determining enforcement of the measures of control. This goes to the root of their whole attitude towards participation in any international organization and ultimately to their refusal to accept the rule of law. In addition, they were unwilling to allow the proposed agency or any other body to undertake research on atomic weapons, and wished to have the manufacture of such weapons prohibited in the convention. In my opinion, a compromise on this point might be reached. But finally, they were unwilling to vest the agency with ownership or management of atomic energy facilities or with control over prospecting and mining. Lacking such powers, the agency could not be effective.

Yet if one considers carefully the nature of the Russian economy, her present rejection of these safeguards will not seem necessarily to be evidence of hostile intentions, but rather of fear that such a degree of international control would undermine her form of government. The question of safeguards against an abuse of power by the agency itself was discussed, and provisions were suggested whereby warrants from the International Court or from the courts of the countries in question would have to be obtained for certain of its acts.[6] Still, the record of meetings in committee does not show a serious attempt to answer directly the apprehensions of the U.S.S.R. that a coalition of unfriendly powers might act to retard her economic progress.

More self-confidence on Russia's part would I believe have led her to see that nothing short of these proposals in their major elements would protect her security or any nation's. But in the short-term period, it might well appear to her that both security and the Communist conception of economic welfare would be endangered. Although this apprehension is not warranted, its existence must be taken into account, sympathetically and realistically, in order to reach agreement.

The proposals of the Atomic Energy Commission, if accepted by the Security Council and put into effect, would in fact mean

the beginning of limited world government. The decisions of the suggested Agency for Atomic Energy could not be enforced against a recalcitrant nation without a world police force. That is the measure of our need. We should not be utterly discouraged that the first attempt to reach it has failed.

A democratic philosophy for international affairs can only be developed with a fuller exchange of information and thought about economic welfare. The destruction of resources, the famine and the misery which resulted from the last war, caused a beginning to be made on this vast problem. Functional agencies like the World Bank or the Food and Agricultural Organization, agreements like that on the International Trade Organization, prepare for a long-term approach. The Marshall plan recognizes the immediate need for recovery in Europe as the *sine qua non* of the continuance of democracy there. But in important sectors of American opinion a certain naiveté remains, a reluctance to admit that not only can democracy exist without capitalism, but that it cannot flourish where there is feudal landownership and misery for the masses.

The Balkan area illustrates the handicaps to which democracy is exposed if it is defined in formal or institutional terms without reference to the right of the people freely to plan economic policy. Certainly Rumania, Hungary, and Bulgaria cannot be said to have been democratic countries before the last war. Whatever first Germany and then Russia deprived them of, it was not democracy. Although democratic groups were active, Fascist groups controlled the governments of Rumania and Hungary before 1939. Those countries had a chance to develop real self-government; with the loss of the limited rights that they formerly enjoyed, that chance has disappeared. But Russian policy is ending the rule of wealthy landowners who, whether in open alliance with Fascist groups or through conservative monarchist channels, had hindered the improvement of living conditions for the masses of people and had, by their anti-Semitism and their various kinds of repression, hindered the development of political freedom also. The façade of parliamentary institutions was only a shell.

It is our business to show that our conception of freedom and

of civil rights is not at all connected with the preservation of a feudal landowning class or of the private ownership of cartelized industry. This would show that we believe in the freedom of any community to decide upon its own economic policy, limited only by respect for fundamental human rights. Therefore, we would never go to war with any country because of its economic system nor would we attempt through agencies of the United Nations to change that system, except as all countries agree to modifications for the common welfare.

Throughout this book the position has been taken that democracy is an attempt to base community life upon interrelated values—freedom, equality, self-government; that these values by their very nature leave room for the individual to seek knowledge, perfection, and enjoyment in realms beyond the political; that in order to guarantee this freedom to the individual, experience has developed political principles and institutions. But, as they are analyzed here, democratic principles do not indicate any one economic system as logically or morally the best one for democracy. Democratic life does, however, set limits to economic power: these limits would apply whether to capitalism, socialism, or any other system. We rule out arbitrary unlimited control of economic power either by financiers or by the government. That being so, there is much leeway for practice and experiment to work on methods of production and distribution and economic relations generally.

If that argument is accepted, the importance of basing foreign policy upon a broad concept of human welfare rather than on the defense of capitalism or any other economic system can be shown. We should at all times relate foreign policy to our ability to move towards greater welfare within the community, because our faith in equality and in freedom makes it right to do so. In addition, there are practical advantages to be hoped for in our dealing with other nations. The 'ideological conflict' between the Soviet Union and the Western democracies will either be mitigated or clarified by such a program. We shall, furthermore, be better able to share a working concept of democracy with the Asiatic people now emerging from feudal economy or colonial status. Possibly we shall have a better

chance to find a basis of agreement with Russia over control of atomic energy, though the more serious obstacle is her own unreadiness to accept international obligation. But we can aid democracy by answering the challenge of a state that champions one of its ideals—equality—at the expense of the others—freedom and self-government—by ourselves thinking of equality more.

In countries suffering from the devastation of the war, in countries like China, lacking industrial development, or India, a decent standard of living can hardly be achieved without central economic planning. The people and government of the United States have shown a true desire to relieve suffering, and a sensible recognition that chaos in Europe or Asia retards the progress of peace. International economic policy challenges us to develop a tolerance of the desire of other countries to plan their economic welfare in ways that differ from ours. We have a right to urge that democratic parties and groups everywhere should unite, at the sacrifice if need be of temporary advantages, to give the community as a whole a firm economic basis and an unwavering adherence to democratic procedure. Our ability to advocate this convincingly will be weakened if we use our influence in a dogmatic effort to promote the revival of capitalism in countries where it has broken down.

We must make the issue plain between the democratic countries and the Communists. The issue is not Capitalism *versus* Communism. It is not the national interests of Western countries *versus* the Soviet Union. The issue is the integrity of the democratic process and the worth of the individual human being *versus* the totalitarian state. If Russia were a socialist country with respect for civil rights, free from the terrorism of secret police and from censorship of ideas, the antagonism between us would disappear and means would be found for the construction of a peaceful world order. If the protection of rights imposes restraints upon economic activity—as it does—the restraints apply to capitalism as well as to socialism. That socialism may be democratically organized it is the historic privilege of Great Britain to demonstrate, and if France and Italy are not too sharply divided by the false antinomies of reaction *versus* communism, they may take their place by her side.

Recovery from disunity in Western Europe can come only through recovery from the basic error of Marxism, which divorced progress for the masses from the ideals of freedom and self-government. The Fascists in Spain or Argentina, the remnants of Fascism in France and Italy, display a similar disregard for the democratic process. Communists and Fascists, though their eventual goals differ, are alike in their opposition to individual liberty and to a constitutional mode of government. We can convince the large numbers of the working population to whom fascism or communism has seemed to offer economic salvation, if we prove that respect for individual freedom can go hand in hand with co-operative planning for a better standard of living.

The conception of security and that of fundamental rights interact, just as do security and the desire for economic welfare. If Russia had a genuine respect for civil liberties, other nations would not have to fear Russian aggression. A war of aggression is simply the attempt to gain by force what cannot be won by consent. Nations that share a respect for human rights and for the method of law can trust each other not to resort to force. War among the democracies is for that reason unthinkable. The Russians, because they see no real meaning in our concern for freedom, therefore interpret all our actions in terms of a drive for economic advantage which they believe will necessarily lead to war. The problem of security is largely the problem of abating mistrust so that co-operation can be genuinely attempted, and before that is possible we shall somehow have to convince the Soviet Union and its allies of the value of liberty and of its compatibility with their security.

In order to succeed in removing the distrust which now hinders co-operation between the United States and Russia, we must examine the basis for it. Its chief cause is the aggressive threat present in the Communist desire to promote revolution and to establish the 'dictatorship of the proletariat' everywhere. But there is likewise an element of fear in Russian policy. Russia's fear of the West stems from her belief that she may be attacked by capitalist countries. This fear originates from Lenin's theory of the cause of war, as advanced in his

Imperialism, and from the fact that Russia has been invaded three times during the last thirty years, twice by Germany and once by the Allies under the euphemistic term 'intervention,' from 1918-21. At the end of the last war, use of the atomic bomb intensified fear of its possessors. The fact that this catastrophic weapon was completed and used at the beginning of a new administration in the United States also contributed to Russian apprehensions. The death of Mr. Roosevelt, a statesman in whose desire for peace the Russians had learned to believe, made negotiation more difficult. It was inevitably conducted with less experience on the part of the United States and with more recalcitrance on the part of Russia. The increased influence of military men in American foreign policy could not have helped to allay these fears, while the openly hostile statements made by some generals and by other prominent Americans must have increased them. Finally, the extent of war losses in Russia, the privations suffered as a result of destruction by the Nazis seem to have received little attention in comparison to the needs even of former enemy countries. Russian refusal to join the Marshall Plan was an error. But many of her subsequent actions in Germany and Austria show the pressure of economic conditions.

The basis for our deep distrust of Russia is also real. It arises from the hostility to democracy expressed in Marxist literature, from repeated arguments that true peace will not be possible until communism has been established everywhere, from the disregard of elementary civil rights shown wherever communists are in control. It stems from the fact of Russian opportunism, as it was dramatically illustrated in the Nazi-Soviet pact, and as it has continued in the failure to live up to the Yalta agreement. Fear of Russia is caused likewise by her irresponsible use of the veto in the Security Council of the United Nations, by the ruthless use of her influence to overthrow democratic government in a friendly state like Czechoslovakia, by the attempt at economic sabotage and civil disruption in Western Europe in order to prevent the consolidation of peace. It has been said that Russia wants neither peace nor war, but chaos, as the state of affairs that will contribute most to her advantage and to the weakening

of the democracies. Much that has happened in Germany, in Austria, in France and Italy, and in the Balkans, tends to support that interpretation. Finally, lack of confidence in Russia's desire to co-operate results from her inability to conceive any form of international authority superior to her own will, whether for economic reconstruction, control of atomic energy, or the peaceful settlement of disputes. Russia's behavior in the United Nations shows that she insists upon unilateral action for herself, while asking for restraints upon others. Refusal to participate in a system of international control of atomic energy is a great failure of Russian statesmanship. But acquaintance with Marxist theory, with its recent stress on 'sovereignty,' informs us of some of the reasons for this failure.[7]

Of all the difficulties that must be surmounted before a peaceful world order can be firmly established, the most serious is the fact that we do not share a common concept of law with the Russians. The Marxist view gives law only a temporary validity based upon the use of state power by a party dictatorship, excludes from it the aim of impartiality, and fails to relate it to a general ideal of justice.

The Marxist theory of law, as it was adumbrated in the writings of Marx himself and of Engels, is almost purely relativistic. Law, to Marx, was a 'superstructure' which grew out of the relations of production, concretely, a system by which the ruling class used the state power to protect its interests and to repress the proletariat. Marx assumed, as Hobbes did, that force is the basis of law.[8] To this interpretation of government there was added the quasi-anarchist notion of the 'withering away of the state.' When the classless society was achieved, the state would wither away, and presumably law also would wither away. Lenin on the whole followed these teachings; he sharpened the conception of the state as the instrument of power used by the ruling class. In his writings and those of Stalin, the proletariat (now abbreviated in size to its 'vanguard,' the Communist party) is supposed to avail itself of the repressive instrument of state power to end all remnants of bourgeois economic and social organization. Law, therefore, is merely a means to this end, and would presumably disappear when the reign of the proletariat

was fully established. No independent validity can be ascribed to it.

But a change of emphasis has taken place in Communist thought about law, reflecting the actual development of the Soviet state and its attitude towards international problems. In the first place, the earlier view of all law as bourgeois law, and of the consequent 'disappearance' of law, has largely been repudiated in recent years.

> The previous official Marxist dogma, that the law was only a superstructure built on existing economic or productive relations . . . proved detrimental to the prestige of the Soviet State, and falsified the evident fact that a tremendous economic revolution was being carried out by means of that very law.[9]

Further, the Russian defense in the 'thirties of a policy of collective security made desirable an assertion of the validity of international law.

Some of the jurists whose writing had earlier been accepted as authoritative in Soviet Russia, for example Pashukanis, were purged or removed from all position of influence. To give due recognition to the Constitution of 1936 and to take account of the fact that relations among the various state enterprises were regulated by law, a new analysis was formulated. In this movement Vishinsky was a leader. The new approach to law stressed its derivation from the will of the proletariat, and its importance in the construction of a socialist society.[10] Prophecies of the 'disappearance of law' were relegated to the background, although verbal conformity with Marxist teaching was maintained by arguing that there would be no disappearance of the state or of law so long as capitalist countries still existed.[11]

It is too early even to venture a guess about the further direction to be taken in this new line of thinking. Several points may however be noted. In the first place, the new emphasis upon the utility and importance of law stresses its derivation from the state. The expression 'the will of the proletariat' is, to be sure, the idiom chosen. But Stalin has made it abundantly clear in his speeches, as have all the actions of the Russian government, that the will of the proletariat is no other than the will

of the Communist party leadership. Thus a more absolutist conception of law is evolving. The obligation of the government itself to respect the supremacy of law is denied. 'The dictatorship of the proletariat,' Vishinsky proclaims, 'is authority unlimited by any statutes whatever.' [12] The Soviet state makes use of law as a means of order but neither violence nor 'administrative repression' is excluded as an alternate means. For no guaranty of individual rights exists. They are nominally recognized in the Soviet Constitution, but always one must read the articles on rights keeping in mind the other articles giving special power to the Communist party and restricting every right to the actions compatible, in its judgment, with the continuance of its own power.

In international affairs, the Russian concept of law makes agreement on an effective method of international government quite impossible for the present. This is demonstrated not only in the U.S.S.R.'s insistence on the veto power but also in its failure to adhere to the obligatory jurisdiction of the International Court of Justice. In speeches and official papers the U.S.S.R. hangs on to an absolute notion of national sovereignty at a time when other nations at last begin to see that this concept must be greatly modified.[13]

The position of Marxist governments in discussions of the Commission on Human Rights reveals the effect of the assertion of state power which appears in their revised notion of law. In earlier meetings of the Commission, the Soviet delegate expressed a lack of interest in such rights as those of personal life and liberty, prohibition of slavery and compulsory labor, the right to petition national governments and the United Nations, and freedom of movement. In later meetings, the Soviet representative agreed to many of the proposed articles of the Draft Declaration of Human Rights, insisting, however, that all those rights that would effectually guarantee freedom to the individual should be limited by 'the rights and sovereignty of States.' After the statement of such rights as that of freedom of speech, the Soviet representative wished to have inserted a qualifying phrase such as 'in accordance with the laws of that State.' [14] Thus, if the

laws of a particular state actually failed to protect the right, the individual would have no redress. In the end the U.S.S.R. abstained from voting for the Declaration, which was accepted by the overwhelming majority of nations of the earth.

There may be ground for hope in the fact that, just as Russia now likes to arrogate to herself and other Marxist governments the term 'democracy,' so she is unwilling to appear to oppose human rights—though she refuses to admit the value of the individual, to whom rights must attach if they are to have any meaning. The refusal to admit any restriction on the power of the government and the denial that the government itself is subject to law constitute totalitarianism. But unlike Nazism or Fascism, Marxist thought does not repudiate all democratic ideals. Equality is an accepted aim. Education and enlightenment are warmly supported, although attacks upon the integrity of scientific research and upon artistic freedom show that freedom in intellectual matters does not exist. The goals of racial equality, of cultural development for minorities, of the economic welfare of all, offer a basis for common ground with the democracies.

The democratic countries are now the only safeguard of the rights of individuals; until world government, able to guarantee these rights, is brought into being, the chance to transmit them to the future depends upon the security of the democracies. Democratic nations will never agree to a form of political organization that does not recognize these rights, and so long as no international authority exists capable of controlling aggression, democratic nations will not disarm. For to do so would be to open the way to conquest by a tyrannical power. The protection of civil liberty must be the foundation stone of world organization, for there is no other way to attain either lasting peace or world government based on the consent of nations and their people.

Everything in the end hinges upon the question whether we can maintain the peace while the work of abating mistrust, of reconciling opposed systems, and of building a genuine world law with the assurance of freedom goes on. The democracies have two tasks: to develop unity among themselves—and that

means to explore the beginning of world government—and to spread understanding of their ideas, taking the calculated risk that if we can make the choice so it is their own, people will choose to be free.

12

Towards Democratic World Government

Are means to any end
Themselves in part the end?
Robert Browning, *The Ring and the Book.*

HOWEVER discouraged we may be by the failure of postwar relations with Russia, we cannot attribute solely to that cause the absence of world law. The beginning of it will come when several nations surrender to a united representative body of their creation power in specified spheres of action to govern them and their citizens. The federation brought into being in this manner should be open to all who accept the obligations defined in its charter and place the required resources at its command. Now the democracies have enough in common—enough common interest in the preservation of peace, enough common experience in government based upon consent—to take the initiative in making this experiment. The question is how it may be done without increasing the friction and antagonism between the democracies and other powers, and without undermining the United Nations as the only universal meeting ground we have. That is principally a question of timing and of diplomacy, but we must not use it as an excuse for postponing all work on the construction of world government and world law.

To say that international law requires a police force to back it up is to abbreviate a difficult question. There can be no police force without government, and just government is a structure of power defined by consent. The political process must be linked with the process of law in such a way that basic decisions are

made by the representatives of the majority and enforced through the methods they have authorized.

If there is no acceptance of the method of decision by majority rule (and majority rule is always understood in this book as including individual rights), then of course it will not be possible to arrange for enforcement. Certainly, until measures for enforcement exist, law is incomplete and government is wanting. But to propose to settle the methods of enforcement before you have agreed on the way to make binding decisions is to put things in an improbable sequence. If the nations can trust a body of genuinely international character to make decisions they will obey, they will not hesitate to put the necessary material force behind that body. They will then at last be ready to give up all but a token military force, because they will not have to fear that their liberties and their very existence will be taken away from them by another nation. But how to constitute such an authority? How to move towards it, from our present stage of halting and imperfect co-operation?

Roughly speaking, there are two routes to the goal of collective security under law. One is by strengthening the United Nations Charter. The other is by assembling within the Charter a smaller union composed of those members who are willing to assume greater obligations towards each other than the Charter itself calls for. No one can predict which of these routes will be usable, but at least in the beginning the routes are the same and the steps that might be taken in the foreseeable future would advance us towards either goal. Because of its wide membership, and for the sake of continuity, the strengthening of the United Nations is most to be desired.

The United Nations Charter as it now stands has several major obstacles to the establishment of genuine world law. The first of these is the lingering of the concept of national sovereignty, though somewhat softened, in the statement of principles according to which the Organization shall act (Article 2). Here one finds not only the statement that 'The Organization is based on the principle of the sovereign equality of all its Members' but the restriction that the Organization cannot act in matters 'essentially within the domestic jurisdiction of any state.'

If sovereign equality is interpreted as the equality of states, large or small, before the law, the right of all of them to share in making the law, and their equal right to independence from aggression or domination by any other state, it is not incompatible with international government. But the point at least needs to be clarified. It bears on two vital questions: one, the problem of a system of representation; two, the jurisdiction of all international authorities. And jurisdiction is the heart of law. On this point the second of the clauses I have quoted above is even more disabling. For if a state has the unlimited right to define its own domestic jurisdiction, it can escape all international obligation. The capacity of national associations to regulate their internal affairs deserves to be protected. But a real international organization will have to try to define what subjects are *not* matters of domestic jurisdiction, and in the case of a dispute over this point, an international court should have power to decide the issue.

These are not small matters. 'Sovereign equality,' if it allows states to claim the prerogative of being above the law by defining at will the extent of their own jurisdiction, is as harmful as the famous veto. What one wants to see emphasized at the beginning of a charter for international government is the powers that states surrender. From the start, the chief international court should be assigned the function of deciding any dispute between national governments and the union of nations about their respective spheres of competence.

In its earlier history the doctrine of national sovereignty had some beneficial results. It symbolized the right of states to be free from invasion; one might say that it implied a moral criticism of war. But it is unfortunate that this constructive effort to describe some of the implications of independence should have attached itself to a term which stood for the illimitable power of an autocratic state. It has already been argued in this essay that the conception of 'sovereignty' is unnecessary and undesirable as a description of determinate legal authority within any country.[1] The term is an even greater handicap to discussion of international government.[2] We want to acknowledge the right of every national group to freedom from domination by other powers, the integrity of its territory, the responsibility of its

citizens to direct their own concerns. But we cannot argue for the independence of any state from the international community. Each must be subordinate to the law made by the world community according to a system upon which they have all agreed. No union can persist in which the constituent parts have authority to define their relation to the whole. The definition of the relation of states to a federation must be made by them all in some original covenant, and thereafter interpreted by an international authority they have set up. Otherwise there is no union, and no common law.

The destructive effects of the conception of sovereignty cannot be overcome until there is a transfer of power from nations to a world government, and this transfer hinges upon the problem of representation. Back of the stubborn insistence of Russia upon the validity of sovereignty—a notion one would have thought incompatible with Marxist theory—lies a fear that submission to the rule of the majority would entail a loss of independence and therefore of the chance to develop the Communist system. Democratic nations, until recently, manifested a reluctance to entrust the continuance of their institutions to a full-fledged international government. The system of representation is the key to the solution of this problem, for a means of reconciling the protection of national independence with the making of decisions by majority rule must be found. That question will eventually be the subject of lengthy negotiation, and is bound to be a complex business. In the meantime, the nearest approach to a representative body is the General Assembly.

The General Assembly of the United Nations is in many respects democratically constituted because it operates by majority vote (though in some instances a two-thirds majority) and while it gives equal representation to states great and small, a vote that would stand for the judgment of a majority of the world's population is attainable. However, so long as it would be theoretically possible for a collection of small states to outvote the larger powers, with their greater numbers of people, the Assembly in its present structure could not be considered a wholly satisfactory legislative chamber. A further defect is that it lacks power, since it cannot make binding decisions but can only recommend. In

spite of these defects, the Assembly is potentially the most important part of the United Nations Organization. It comes nearest to democracy in methods and nearest to a universal judgment in the measures it adopts. It offers, too, a possibility of softening conflicts between the great powers. As Trygve Lie has stated, 'the practice of observing the will of the General Assembly should be extended and more firmly established year by year.' [3]

The danger that large nations will combine to dominate small ones is not the trouble in the world today. Nor is there danger that former enemy states will rise up again and defeat us. The danger is that large nations in their conflicts with one other accept no binding authority; their co-presence, armed so mightily as they are, is explosive, a continual risk of war. Except as a by-product of the conflict between Russia and the Western democracies, there is not much danger of the large states deliberately setting about to dominate the small ones. Small states can threaten each other even as large states threaten them, and, as the conflict in Palestine or in Indonesia shows, they can create situations that could lead to war. A limitation of sovereignty is to the advantage of small states because it is the only way to deal effectively with disputes among the major countries in which their neighbors are inevitably involved.

The plan of the Security Council shows a misreading of these relationships, involving the disposition of power to support the method of law. The function of the Council, as outlined in the Charter, resembles that which Mr. Roosevelt once sketched on a pad in Teheran, when the structure of the United Nations Organization was first being discussed. He drew three circles, one 'the 40 nations,' two, 'the Exec. Co.,' three, the 'four policemen.' [4] In the plan as it was finally worked out at Dumbarton Oaks and San Francisco, the Assembly became the spokesman of the 40 nations and the Security Council came to stand for the 'four policemen,' though it was enlarged to 5 permanent members and 7 others. No separate executive council was created. The Security Council was conceived of as a body 'with primary responsibility for the maintenance of international peace and security' (Article 24) and was also charged with furthering disarmament. It was

given the task of recommending measures for the peaceful settlement of disputes, and, if these failed, of applying sanctions including the use of armed force. The member governments undertook to negotiate agreements by which they would place armed force at the direction of the Security Council.

Thus it will be seen that the Security Council has some quasi-judicial functions and also the responsibility of enforcement, but neither it nor any other organ of the United Nations is empowered to make decisions binding upon all by majority vote. If, as we have since realized, the dispute arises among the permanent members of the Security Council itself, there is really no body constituted to make an authoritative settlement. The Security Council, in short, has been given functions which could only be carried out by a court with obligatory jurisdiction—and the veto power deprives it of the means of making such decisions.

In its deepest sense law means that man accepts the idea that his own will shall not be supreme, and likewise that he shall not abandon his freedom but shall co-operate with others in a method of co-operative decision. He neither acts autonomously nor submits to the commands of another, but joins in defining mutual rights and responsibilities. This general principle applies to nations as to individuals. When international law develops from its present incomplete and tentative stage, it will rest upon a legislative process in which all nations and all men share, and a guarantee of rights to individuals and to national groups. Nations must surrender their claim wholly to define their sphere of action, in order that all men may know true independence.

The Security Council is so constituted that law can neither be made nor enforced except in the absence of controversy among the great powers. But the situation we need most to provide for is precisely that kind of controversy. When we have discovered how to do it, a line can be more intelligibly drawn between the executive and the judicial function in international affairs.

It should not be necessary to retrace the history of the conventions that brought the United Nations into being or to describe the state of opinion among the citizens and in the legislative bodies of the great powers at the time when the Charter was drafted.[5] That the United States and Great Britain as well as

Russia wanted the veto power is well known. In the four years since the United Nations organization was established it has become abundantly clear not only that the veto has been abused by Russia, but that as a device it hinders the chance of democratic decision. A body in which one member can thwart the will of all the others is not only undemocratic, it is also impotent. Except where its members are unanimously agreed—and they are likely to be that not in relation to each other, but only in relation to some force threatening them all—they can neither make nor carry out a decision.

The permanent members of the Security Council need not fear any threat from the Nazi and the Fascist nations they defeated, except as their own disunity tempts them to make use of the manpower and resources of former enemy states before reaction has been uprooted. But this would be confirmation of the fact that the threat to the great powers is their failure to co-operate with each other and arises from their lack of common traditions and common principles of government. The threat is from within not from without. This being so, their only hope is to employ the technique of mediation until the time when they can acquire more confidence in each other's good faith. Whatever the shortcomings of the United Nations as it now is constructed, this process of mediation can best go on within its councils, for there we have the opportunity and the duty to meet and to discuss our common problems.

The United Nations Charter establishes an International Court of Justice which is described as 'the principal judicial organ,' but its functions are not further specified except in the statement that *'legal* disputes should as a general rule be referred by the parties to the International Court of Justice' (Article 36). If, however, the obligatory jurisdiction of the Court were accepted by all nations, and if the misleading distinction between 'legal' and other disputes were dropped, the Court would have greater strength and it might well perform with success some of the work of preventing or settling disputes that the Security Council cannot resolve.

The implied difference between 'legal' and other disputes—presumably 'political'—is a carry-over from the distinction in

international law between 'conflicts of right' and 'conflicts of interest,' sometimes referred to as 'justiciable' and 'non-justiciable.' [6] There is some basis for this distinction—we do not expect a court to settle, in the first instance, the purposes for which power shall be used. That is truly a political question which must, in a democracy, be acted upon by the community through its representatives. In short, we do not expect the court to take the place of a legislature, even though its decisions will in the long run have a legislative as well as a conciliatory effect.

In an international government we should not expect a court to make decisions committing the financial resources or military force of member countries to new policies. Once an international representative body is functioning, its acts will lay the ground for the settlement of political disputes. Political disputes would become, as they are in domestic government, differences of opinion over what law is to be applied to a given situation, and if the majority of people are not content to let the conflict be settled by judicial interpretation of existing law, or judicial procedure on the basis of equity, then they have it in their power to amend an old statute or to make a new one.

Uncertainty on this question is the outcome of failure to see that the political process and the process of law must be linked through assignment of judicial and legislative functions to particular bodies, and that the whole system thus put together gives us the rule of law. Professor Lauterpacht has written most helpfully on this point. Limitations that may be placed upon the freedom of judicial decision, he argues, must not be confused with a limitation of the rule of law.

> Law, like the State, does not embrace the totality of human relations . . . Yet the limitation of the scope of positive legal regulation is not identical with the limitation of the rule of law. Relations which are outside the scope of legal regulation are indirectly under the rule of law, inasmuch as the latter will protect them from interference by, and encroachments of unauthorized force. There is in this respect no limitation upon the rule of law in civilized society.[7]

In international government, then, we must not conceive of any type of dispute between states which is not subject to the process of law. But whether the direction of this process will be

determined by legislation or by the judicial function will differ in different times and circumstances, according to the wish of the majority of nations and peoples. So long as we are tempted to say, as traditional language has it, that questions affecting the 'independence, honor, and vital interest' of nations are not legal disputes, and are therefore 'non-justiciable,' we must have the courage to admit that no rule of law exists in the world, but only a set of incomplete conventions incapable of preventing the outbreak of major war.

To sum up, the United Nations lacks a legislative body and hence it lacks a channel for the political process that would give law its scope and permit it to adapt itself to change. The result is that in this organization the institutions of government are too incomplete for the responsibilities they are encountering.

If we could put the question to every man and woman in the world, 'Do you want a limited world government to be established, with power to make and to enforce law governing international conflicts, and to determine the terms under which nations would have to accept the compulsory jurisdiction of the international court?', I think that the majority of mankind would vote in the affirmative. There is no other way of extricating ourselves from anarchy and the perpetual danger of war so destructive that no country could expect to survive it with hope for the future. The United Nations carries the hope of all the world, as the council that must temporarily keep the peace while it promotes the growth of confidence and trust that do not now exist. When trust is great enough to impel us to put ourselves under a system of law, then, and only then, will we have peace. To strive for that trust, to build that system of law, is the greatest political responsibility that has ever rested upon statesmen and upon citizens.

What the structure of world government ought to be, if amendment of the United Nations Charter or gradual expansion of any smaller union within it should lead us to that goal, is impossible to decide abstractly. The institutions of an eventual world government will be evolved through the experience of existing organizations and will also be a subject of debate and negotiation among the nations. But if we cannot profitably en-

gage in drafting constitutions, we can and should discuss the principles that ought to animate a democratic world government. By a democratic world government I do not mean a government of democracies alone, but one that would guarantee the existence of democracy where it now flourishes and give a chance for its extension to other parts of the world.

Of all the difficult problems that would have to be negotiated in preparing a world federation, that of the method of representation would be the hardest. For if, as I have argued, the greatest need is for a body empowered to make binding decisions having the force of law, then the acts of any representative council would determine the disposition of power. By its work new standards for conflicts of interest would be provided, permitting peaceful change, and the rule of law would no longer be breached by the reservations that now thwart its effectiveness.[8]

It is sometimes thought that the answer to this question is to be found in the Tennysonian vision of a 'parliament of mankind.' A little reflection will suggest that the problem of representation is more complex than this. A world government would be helpless unless it could count on support of its actions by all the member governments. That means that world-government councils must contain representatives able to commit the executive and legislative authorities of the home governments to carry out decisions agreed upon in the union. At least in the beginning, this direct representation of the national governments must exist; there could be no other kind of transition from nationalism. In effect, this means that at least one group of representatives to a world-government legislative body must be chosen by the President or Prime Minister of participating countries. Otherwise, there would be a lack of co-ordination between international policy and supporting legislation in the member nations.

But if loyalty to a world federation is to be developed, and if we are to learn to think in terms of its success rather than of the competing strength of nations, we shall want to devise some way in which individual citizens all over the world can vote for people to represent their hopes and aspirations, people not necessarily of the same nationality as themselves. If world government

is ever going to be a reality our mental habits will have to change, and we shall have to think of representatives there, from whatever country they come, as responsible to us all. They will have to think of themselves in that way, too. If one set of representatives is to be chosen by the executives of national governments, another set might be elected by the people of the world from international lists. People would be asked to vote for not more than a stated number of candidates of the same nationality as themselves, and for an additional number to be chosen from people of a different nationality. Those receiving the highest number of votes would become the representatives of the people. What an honor and a test of statesmanship it would become, for men and women to be elected by this kind of world-wide vote, in which they would be chosen because a majority of people regardless of nationality had placed trust in them. Such representatives would by a solemn affirmation pledge to fulfil their responsibilities without regard for the national interests of any country. They would of course have to resign from any national political office.

Thus it might be possible to combine two principles, representation of nations and representation of the people of the world as individuals. In working out the principle affecting the representation of nations, it would be necessary to take into account such elements as literacy, industrial strength, and capacity to assume responsibility. For we could not risk the future of democracy by allowing a preponderant weight to millions who have not yet achieved self-government or even literacy. But they would have equal representation in the other group, representatives of the people.

The defects of systems of political representation are not incorrigible and and it is to be hoped that a conference making plans for world government would take into account the faults and the strength of existing national legislatures. The total number of representatives should be small, so that real deliberation may be possible. Extraneous duties should be rejected; no representative should ever be allowed to intervene with an administrative bureau. But to arrange for public scrutiny of administrative practices would be a part of the legislative function.

The international legislature should elect the executive from its own members, but until we have had more experience of the working of the United Nations and of other international organizations related to it, we cannot expect to see what form the executive should take, except that it should be responsible to the legislative body and removable by it.

Beyond the legislature, the executive, and the International Court of Justice, with its possible subsidiaries, it is doubtful whether there should be any other branches of international government. Special agencies would be made directly responsible to the executive, acting on authority given by the legislature.

People are not going to support an international government intelligently unless they understand what is going on. For that reason, as well as for the sake of efficiency, its structure should be as simple as possible. Some proposals for world government, which multiply council upon council and board upon board, would quickly deprive the people of any chance for a judgment of policy. Such cumbersome and unwieldy mechanisms remind one of the diagrams for a Legislative Yuan, an Executive Yuan, a Control Yuan, a Board of Censors and so on, which cluttered up the unused map of Chinese democracy. When the outer building of government is so intricately constructed, power is usually concealed and is the more easily manipulated by a small minority behind the scenes. In a democratic government, the derivation of authority should be plain and it should be possible to fix responsibility.

In the world government two lines of authority should stand out in relief: one, from the member countries and from the people to the legislature; two, from the legislature to the executive and through it to all functional agencies. A direct co-ordination of international policy with the program of the elected executive of each participating country has the advantage that the sponsors of a given action can be identified. Whereas if all the representatives were elected at large, their policies would not necessarily coincide with those of the people sent to the different functional bodies or with the department heads of the home government. And there would be no way to hold any of

them responsible for the acts of any one of these competing authorities, or to direct the co-ordination of their plans.

One of the puzzling problems of democratic government today is going to be even more acute in international government. That is, the growth of administrative groupings, with work to do that is either technical in nature or full of detail. The ordinary citizen will be even more remote from the decisions of such bodies than he is from the administrative bureaus of his own government. Further, all the hindrances that modern industrial society imposes upon the thorough consideration by the citizens of political topics will be present in the field of international policy, doubled in effect because of the magnitude of the field and the inadequacy of our knowledge.

For that reason, the view that world government will grow like Topsy out of the functional agencies, such as the World Bank, the Food and Agriculture and International Trade organizations, is not convincing. To be sure, what these agencies do is of immense importance. Their success or failure will be crucial, for they hold the key to economic co-operation, and that will lead to friendlier relations among states whose interests now conflict—though it will not take the place of mutual understanding on political principles. The functional agencies, likewise, will be the proving ground of an international civil service; they will train people whose loyalties will be to the international system of government. But except as they are supported by legislative action and financial help from the member countries, these agencies lack effective means of achieving their purposes. In many cases they have only the right to recommend. Wherever an international problem can be successfully tackled by a functional body of the United Nations, whether a permanent commission or one created *ad hoc* for a special purpose, we have moved that much closer to effective co-operation. The constructive aims of these bodies, the fact that they are set to grapple with world-wide conditions of need on a scale that has never before been attempted, is sufficient reason for giving them full support and placing hope in the outcome of their labors. But we delude ourselves if we think they can substitute for a system of

law, or even that they can survive unless there is over them an international authority capable of maintaining the peace.

To think the functional agencies will make world government for us is to put the emphasis the wrong way round. They stand for the constructive work world government will accomplish, when it is actually in existence. They now manage to get some of that work done by voluntary co-operation. Let us not forget the excellent record of some of the functional agencies operating under the League of Nations—nevertheless they could not save the League from failure. They did not, and functional agencies never can, solve the one unavoidable question: how to transfer to the world government from the national states enough power so that all men may live in freedom, and no nation can disrupt the peace. That is a political question, and the people of the world must solve it by making a political choice.

It is not something that will happen without their attending to it, and it is not something that will happen merely by wishing for it. In a divided world, we cannot obtain the consent of Russia and her satellites merely by resolving that world government shall exist. It will not exist, until Russia and the United States are members of the same federation. Nothing at present gives us ground to hope for that outcome in this generation.

But, the reader will object, you argue that only limited world government will assure peace, that the United Nations is not a government or capable of being one without amendment of the Charter, and you acknowledge that consent to amending it is lacking not only from Russia but also from the Western powers. What then?

The obstacles are there, the necessity of peace is likewise there, and the only solution is to understand our dilemma and step by step, as the way opens, to move towards the aim of world law. The United Nations is not strong enough, but it is the best we have, and we should use it to the hilt. Meanwhile two further steps are possible: open discussion by governments within the United Nations of a stronger union, and more adventurous efforts at conciliation with Russia. Both these policies entail confidence in the practice of democracy as the best way to insure its continuance, rather than a standpat defense that in-

volves us in self-righteousness, smugness, and alliance with reaction.

If, in the Marshall plan, we could initiate concerted economic action across national frontiers, we can also look towards ways and means of political federation. So long as the initial steps towards federation do not indicate any exclusive basis for it, whether geographic, political, or economic, it could favor the mood of unity rather than of division. Just as the Marshall plan was open to any countries willing to participate, and to undertake the obligations that go with co-operative planning, so should the proposal to associate in a stronger union be open to all nations willing to adopt the necessary common measures for the prevention of war. A world federation limited in scope to the work that nations cannot manage alone need not and ought not to require political uniformity, beyond those minimum standards represented by the obligations towards each other they mutually assume; but these of course must include the means of making a decision by majority rule. Fascism is the only type of political system that could not be included, since the exaltation of war and the denial of human rights is an integral part of Fascist thought. But a constitutional monarchy, a democratic republic either of socialist or capitalist economy, and a communist state ought to be able to co-operate, provided only that they respect each other's independence and are willing to make decisions by majority rule. It is up to the Communists to decide whether they will accept these standards and work with us for unity in behalf of peace, or whether they will make it necessary for the rest of the world to start on the way to union without them.

The movement towards federation is more likely to gain momentum if its major purposes are clearly seen, and if interim policy is designed to fortify the common means of carrying out these purposes. The major functions of a limited world government would be to support an authoritative system of world law based on an international legislature and a world court with compulsory jurisdiction, to bring about disarmament including first the control and then the abolition of all instruments of mass destruction, to safeguard fundamental human rights, and to

promote economic co-operation among all nations. By giving clear support to these purposes within the framework of the United Nations, we increase the possibility that real world government can one day be achieved.

It would not take over the functions that national governments can best perform. With respect to rights, for example, the main responsibility of protecting them should be carried by national governments and national legislation should be brought up to the standard of the Universal Declaration of Human Rights. Aggrieved groups or minorities which could demonstrate that national governments had failed to extend to them the rights enjoyed by other citizens would have recourse to an international court.

Each country would maintain the kind of economic system that in the judgment of its citizens was best, modified only by the measures taken to conform to international agreements on matters of common concern, as suggested in the charter of the International Trade Organization. Each country would maintain its own system of law enforcement, but would have no national military establishment capable of aggressive war.

The experience and loyalty attaching to the governments, to the land and to the customs of the countries of the world, are of immense value and we shall want to preserve them while we develop a new sense of loyalty to the world community. First-hand acquaintance, local knowledge, the deeper kind of courtesy possible when small matters can be taken for granted are much of life, and world government will succeed the better if it respects them. In fact, it is unlikely ever to begin unless there is fair acknowledgement of the reality of national traditions. But all that we most value in these homely associations is of nought in this modern time, unless peace preserves it. No national government can by itself provide its citizens with security, or the prospect of scope for their individual plans and interests. National loyalties no longer protect nations; peace, their necessity, is the work of the world.

The most dynamic policy the democracies can develop, the only imaginative extension of the democratic idea, is the resolve to attain world government by voluntary federation. Openly to

declare this as our policy would give positive evidence of the life and vigor of democratic principles, provided that we show our understanding that federation is to be universal in character. Meanwhile it is axiomatic that our full support is due to the United Nations. The only world forum is there, and if countries cannot learn to co-operate successfully in the United Nations, there is no reason to believe they could co-operate without it. But nothing in the United Nations Charter forbids study of the suitability of its structure to its declared purposes. That is the least that could be done: to set up a United Nations Commission for serious study of means to improve the oganization. A beginning of federation could also take place under the Charter. Countries within the United Nations that are willing to assume more binding obligations towards each other for the preservation of peace are free to do so; but such associations must conform to the existing provisions granting the ultimate power of military sanctions to the Security Council, once it takes on that responsibility.

The United Nations cannot be built to greater strength, and the aim of world government will not be advanced, if a series of regional organizations competing for influence and power should develop. It is imperative to understand that further moves towards union must be on a general, not regional, basis and should not be confined to nations of the same political or economic system. The North Atlantic Pact is a potentially constructive league for mutual defense; it helps to build the peacetime unity of democratic forces. But the North Atlantic is only a part of the world. The North Atlantic countries should be able to find a basis for closer association with friendly nations on other continents. A stronger union within the United Nations should be open to any nation whatsoever, including Russia, the one test of membership being willingness to assume the obligation of common defense and the protection of basic human rights. Certainly Russia would not join such a union now; but if it were always open to her, the eventual hope of union would be greater, and in the meantime the atmosphere of hostility would be less. A disadvantage of regional groupings is that they tend to emphasize cultural differences, which should not be per-

mitted to divide the world politically. Geographic regions do not make efficient economic units. And they leave unrealized the stimulus and leadership that would develop in a general union including India as well as America and Western Europe. A general union of the kind I am proposing might find its beginning in a voluntary committee of the United Nations, authorized by the Assembly to formulate proposals for the mutual guarantee of rights and for means of mutual defense, until such time as the Security Council should succeed in establishing a United Nations Armed Force. From such a nucleus it is within the realm of possibility to evolve out of the United Nations a system of world law based upon consent. For every nation, including Russia and the United States, that would be a gain, not a loss, and when we see it so, we shall be able to do it.

Can we ever see it so? In this interim period of uncertainty, everything depends upon keeping discussion alive and availing ourselves of all the chances of mediation. If the democracies put their minds on the problem, they should be able to improve the atmosphere in which negotiations take place. We can stand upon our defenses, as we now do, and keep our military force intact. Necessary in the short-run, that policy is self-defeating as a means to peace. Persistent, patient negotiation and the fullest communication of thought rather than mere propaganda are the only methods than can break down hostility, misunderstanding, and mistrust.

The United Nations Charter suggests a good many avenues to conciliation. Some have been used, but so far no major dispute has been referred to the International Court of Justice. That is one of the resources placed at the command of the Security Council. One would like to see it called upon. Our willingness to submit to the judgment of an impartial body would be a beginning of the expansion of international law. Even though our opponents should refuse to take a dispute to the Court—and it is not certain that they would—they would be refusing something with a much stronger appeal to world opinion than our keeping the right to say the last word on our own case in the Security Council.

But until the Court has won the confidence of the world in

the impartiality of its proceedings, the technique of mediation by states not directly involved in the dispute is of great value. The first attempts at this procedure in the Security Council, even if not wholly successful, have shown its advantages in serving to delay irrevocable action by the great powers.

In its first few years the United Nations Organization has been the scene of rough disputes as well as the center of influence making for peace. At very least, it has been a place of meeting, when other means of negotiation have broken down; Russia and the Western powers, the Israelis and the Arabs, the Dutch and the Indonesians sit at the same table and debate the issues that divide them. These conflicts and others must be expected to take place because no nation yet has the vision to come forward and say, 'The authority of the United Nations is superior to our authority.' But of all the acts of the organization, some constructive, some disappointing, none excels in accomplishment and in promise the passage of the Universal Declaration of Human Rights.

In this document the principles of equality, freedom, and self-government, which so many generations have striven to formulate and to maintain, have been accepted by the vast majority of nations, representing the majority of the world's population. And these principles are so stated as to bring economic welfare within the scope of human rights. Of the 31 articles in the Declaration, the first two affirm the equality and freedom of all, base this premise on the sense of brotherhood and on man's capacity for reason and responsibility, and declare the universal applicability of rights without distinction of race, religion, nationality, or status. Articles 5 through 22 define and describe the aspects of freedom essential to the democratic process—from freedom of the person through freedom of speech, religion, and assembly. The right to own property and not to be arbitrarily deprived of it is also included here; this presumably does not endorse any particular system of property but bars that monopolistic control of it by any source which is inimical to freedom. In Articles 23 through 28, economic, social, and cultural rights are linked with the conception of the value of the individual human being, whose needs for food, shelter,

clothing, education, medical care, and insurance from the risks of serious disability are declared to be valid and deserving of protection by government. The last three articles of the Declaration show the interdependence of these rights, the responsibility that attaches to them, and the obligation to use them so as to support the aims of the United Nations, their first world-wide protector.

When the Declaration is implemented by a set of treaties, it may give standing to the individual in international law, and if recourse to an international court for the enforcement of these rights is eventually provided, the whole democratic process will be immeasurably strengthened. As the forty-eight countries that have accepted this Declaration succeed in incorporating its standards in their domestic legislation, the unity of thought and experience indispensable to world government will grow. It will become clear that political action based upon consent and respecting individual freedom permits valuable and stimulating differences among national groups. Russia cannot forever deny to her citizens rights that the rest of the world will grow strong in practicing—rights that in many instances her own Constitution affirms. For the first time it may become possible to demonstrate that individual liberty is compatible with community action through the whole field of social responsibility, and thus to suggest an interpenetration of ideas that could one day reconcile the Communist and the democratic countries. And if we know that any such development is far away, we know also that to live up to our part in this Declaration of Human Rights will be the most honest way we can serve democracy.

No nation that is willing to accept for itself the standards described in the Declaration of Human Rights should be excluded from the privilege of adhering to this document. For if countries that have been autocratic accept these obligations, it will be a beginning of change to more democratic methods. Evidence that such nations—for example, former enemy states, or a country like Spain—have in fact revised their domestic legislation so as to protect these rights should be required before admission to membership in the United Nations. In this way, acceptance of the Declaration and of the Covenant which

is to follow can become the path to universality of membership.

The philosophy of fundamental human rights and that of peace are ultimately the same, for both depend on the belief that 'there is a right independent of force.' Both the democratic conception of rights and the policy leading to democratic world government seek to make discussion and persuasion replace the threat of force in the conduct of civic life. This process will spread through every meeting of the United Nations, for what is done there must be done by consent or not done at all. The real challenge is, not to justify ourselves but to make it possible for others to agree.

The method of persuasion is the democratic method *par excellence*, and we can never regret resorting to it. Nor should we be reluctant to explore different channels of this process. Though the United Nations is our major hope for the growth of world law, it would nevertheless be a mistake to think that direct negotiations between the heads of governments or their foreign ministers or other representatives could not sometimes accomplish more than the meeting of larger international bodies. Discussions are apt to be guarded, even artificial, when the men who conduct them must constantly check back with those who really wield the authority of the governments they represent.

Sometimes the records of international meetings give the effect of a game of chess played by mail. The moves are slow, the strategy of each laborious, and the end sought too often resembles a checkmate. But in world affairs we want no checkmates by either side, and the sense of the game to be learned is the mutual feeling that however the decision goes on any one issue, democratic methods will give more constructive results to the whole group. When friction and hostility become acute, direct negotiation should pave the way for a fresh approach to the problem. Dismayed by the magnitude of the danger to peace after invention of atomic weapons, and distressed by the breakdown of relations with Russia, Secretary Stimson, his biographer records, urged upon the President and the Cabinet a return to 'the great principle of direct negotiation on basic issues which had been so long pursued by Franklin Roosevelt and upon which Stimson's whole experience in forty years of public service had

led him to rely.'[9] The method has by no means been exhausted.

Apart from the techniques of mediation and negotiation, there is the broader question of the communication of ideas. Upon this, in the last analysis, everything depends. Armies stand ready to repel aggression, but our real need is to remove the very threat of war. To remove the threat of aggression means to create a different state of opinion in the world.

> For WARRE, consisteth not in Battell only, or the act of fighting; but in a tract of time, wherein the will to contend by Battell is sufficiently known . . . For as the nature of Foule weather, lyeth not in a showre or two of rain, but in an inclination thereto of many days together; so the nature of War, consisteth not in actuall fighting; but in the known disposition thereto, during all the time there is no assurance to the contrary. All other time is PEACE.[10]

Whether we can construct the conditions of lasting peace hinges upon our ability to improve the terms of communication between democratic countries and potentially hostile, non-democratic ones.

The pressure of events has caused us to conceive our part in the interchange of ideas largely as a refutation of something we are opposed to. Rebuttal is a part of orderly debate. But there are other methods of winning the assent of an opponent, as well as of the supposedly neutral audience. There is the possibility of presenting a constructive democratic approach to the new and difficult questions for decision with which we are confronted. The criteria for the conduct of our foreign policy should be not 'Does it contribute to defense? Does it put our opponents in the wrong, or place them at a disadvantage?' but rather, 'Does it advance democracy elsewhere? Does it offer any eventual possibility of agreement with Russia, if that country will accept basic rights? Does it meanwhile strengthen the institutions of the United Nations?'

To formulate and to act upon such a policy is not easy. The temptation is to avoid risks, to prop up existing institutions in the face of attack, even where we know them to have failed in meeting human needs. Looking at either international or domestic problems from the point of view primarily of security

inclines us to refuse concessions that could be made, to seek allies among those who are enemies of democracy, and to become self-righteous in justifying our own ways. Suddenly we find ourselves adopting many of the restrictions upon travel and the free circulation of thought for which we have condemned others. We become

> beam-blind, yet to a fault
> In a neighbour deft-handed.[11]

Democracy, however, is a generous faith. It would never have won out in its first days of struggle if there had not been daring in its political conceptions. To translate the democratic process of self-government to a wider scene asks us to develop the ideals and the methods of democracy further, not to contract them.

To share with the vast millions of Asia and Africa our reasons for believing that equality and freedom are attainable only through self-government under law, to aid them in their struggle for these goals, to learn from them of their thinking and their conditions of life, is a definite challenge. No less so is the effort to communicate to the Russians a better sense of the democratic process than they can find in their political literature, which was written by men who had never known democracy in practice, and who were reacting against the economic misery and political inequalities of nineteenth-century Europe and Czarist Russia.

The citizens of other lands should hear about America from our statesmen, from our economists, philosophers, poets, scientists, engineers—our ablest people from every walk of life. Foreign broadcasting from the democracies will encourage the formation of a world community if it conveys the highest quality of democratic thought and art. Marxism is a tough intellectual structure, and the best way to answer the aspects of it that in our view are destructive is through the presentation of democratic life in its wholeness and in the richness of its thought, not in the narrower knife-edge we walk when alarmed.

Serious consideration should be given to the possibility of a conference of social scientists and jurists from 'East' and 'West' (misleading labels), who should be charged with the formula-

tion of recommendations to their respective governments for the lessening of antagonism and the increase of understanding. Such a conference should meet with the full authorization of the member governments, and its deliberations should be secret, so that there could be no exploitation of the discussions for the purpose of propaganda. Final recommendations would of course be public, and might serve as a preliminary to the beginning of a stronger union within the United Nations.

It would be unjust to suppose that in every concrete dispute between Russia and the other major powers, our position is necessarily the only tolerable solution to the problem. We are handicapped, however, in proposing compromise, because we have not seen evidence that Russia is willing to abide by democratic procedures. It appears that the Russian conception of the United Nations and of international law is that both are forms of combat, and that it is desirable that they should be used as an arena of militant struggle to advance communism and win out over the democratic nations whom they label bourgeois or imperialist.[12] Since they have no experience of the functioning of a democratic assembly in their domestic government, they have not encountered the fortifying and enlightening discovery that the outcome of a meeting of free minds often provides a better decision than anyone could have evolved singly. One looks in vain for their realization that compromise in discussion often results in a new solution.

If we could succeed in conveying to the Russians this conception of democratic procedure, and if they would abide by majority rule, the severity of the conflict would abate without, I venture to say, essential loss to the strength of any power, great or small. In fact, if the Russians were to learn to abide by democratic procedures, they need not fear that the majority would always go against them. On many questions their views might prevail, if other countries could trust the peacefulness of their intentions and their respect for the rights of their opponents. Then the vote could be on the issues, instead of being as now a test of potential strength in which both sides shrink from compromise as a sign of weakness.

In the present stage of international debate we ourselves too often use meetings of the United Nations as a forum in which to present a case against Russia. We are in danger of falling into the Russian habit of conceiving these gatherings as a kind of contest, in which we must defeat every proposal made by our rivals for world power. That is why, of all the measures we might take to reawaken our first hope in the United Nations, the most important would be a sign of our willingness to abide by the decision of either the Court of Justice, or of some other mediatory body. Confidence in the democratic process should impel us to give up a portion of our power in the Security Council. We can offer to surrender the veto—an offer we have not yet made, although we criticize its use by others. Although an offer to give up the veto is unlikely to move the Russians immediately, their need for peace is great enough to cause a change of attitude in the long run. For that to occur, immense patience will be called for.

To convince those who differ with us that we seek neither to undermine their independence nor to lessen their opportunity for a better life, and that democratic processes of negotiation could enable us to seek our common welfare and to live in peace, is the necessary preliminary of world government. That is what the growth of reliance upon a world community would amount to, and we have not yet cemented the bonds of a world community. However irksome long discussions are, and the friction and uncertainty of this time of great change, who would hesitate to endure the trials of international negotiation rather than to cause war? It is true that democratic nations risk some attrition of their strength by a long period of disorder in the world. The democratic discipline is being tested by confusion, mistrust, and economic sabotage. But the political conflicts of the present are as nothing compared to the destruction of modern warfare and the grim prospect of rebuilding after it. We are engaged in a contest to win the assent of hostile or indifferent nations to the good of freedom and self-government, without which equality is meaningless. Our aims offer more to people and demand more from them. Our only risk of failure is that we should confine ourselves to a negative definition and

use of these aims. Often, however, and we have observed it, when the future of democracy seems puzzling and discouraging, beyond our resources, a simple resolve takes place among the people and its direction is towards faith in themselves.

Notes

INTRODUCTION

1. Thomas Mann, *The Beloved Returns* (*Lotte in Weimar*, trans. by H. T. Lowe-Porter), pp. 266-67, New York, Alfred Knopf, Inc., 1940. Quoted by permission of the publisher.

CHAPTER 1

1. Cf. A. N. Whitehead, *Adventures of Ideas*, New York, 1933, p. 26: 'The ideal in the background is promoting the gradual growth of the requisite communal customs, adequate to sustain the load of its exemplification.'
2. *Politics*, III. 12. 1.
3. George Sabine, *A History of Political Theory*, New York, 1937, p. 150.
4. The early Stoics thought that wise men were equal, regardless of social distinctions which might appear to separate freeborn and slave, or Greek and barbarian. In a later period, Panaetius stressed a more universal concept of equality in which 'despite differences of natural endowment and moral character there is a sense in which all men are equal. They are equal at least in the possession of a common humanity, a common affinity to the divine reason, and a common subjection to the eternal principles of right and justice' (Cicero, *On the Commonwealth*, translated with notes and introduction by G. H. Sabine and S. B. Smith, Columbus, Ohio, 1929, Introduction, p. 31). Cicero follows the view of Panaetius.
5. 'So, when you see or hear of my ruthless democracy on all sides, you may possibly feel a touch of a shrink . . . It is but nature to be shy of a mortal who boldly declares that a thief in jail is as honourable a personage as General George Washington. This is ludicrous. But truth is the silliest thing under the sun.' Herman Melville to Nathaniel Hawthorne, 1851, in Raymond Weaver, *Herman Melville*, New York, 1921, p. 320.
6. *Of Civil Government*, Everyman ed., p. 142.
7. *Political Debates between Hon. Abraham Lincoln and Hon. Stephen A. Douglas*, Columbus, 1860, p. 23. (Speech at Chicago, 10 July 1858.)
8. Ibid. p. 63. (Speech at Springfield, 17 July 1858.)
9. Speech at Springfield, 26 June 1857, in *The Life and Writings of Abraham Lincoln*, ed. Philip Van Doren Stern, New York, 1942 (Mod. Lib. ed.), p. 422.

10. See his speech at Charleston, 18 Sept. 1858, in *Political Debates*, p. 136.
11. Ibid. p. 23.
12. Ibid. p. 234 (Speech at Alton, 15 Oct. 1858).
13. *On Liberty*, ch. III, in *Utilitarianism, Liberty, Representative Government*, Everyman ed., p. 121.
14. The legal fiction that permits a corporation to be regarded as a person may be useful and convenient, but it cannot mean that corporations are moral persons, entitled to claim the rights that protect the participation of the individual in political life. See Hague *v.* C.I.O., 307 U.S. 496 ff.
15. 'The American Scholar,' in *Works*, Boston, 1883-93, I, 110.
16. See, for example, the result of Army experiment in forming mixed companies of whites and Negroes. White soldiers who had served in such units showed less prejudice after serving with Negroes than before, and less prejudice than troops who had served in segregated units, even though the white soldiers were not recruited from men who had specially volunteered for this purpose. 'The conclusion can be stated simply: the closer white infantrymen had been to the actual experience of working with Negroes in combat units the more willing they were to accept integrated Negro platoons in white companies as a good idea for the future. Moreover, the sharpest break was between groups which had even the slightest contact with the experience of integration, and those which had none at all.' *To Secure These Rights, The Report of the President's Committee on Civil Rights*, New York, 1947, p. 84; see also pp. 82-7.
17. Aristotle, *Politics*, III. xii. 4-8.
18. Hector St. John de Crèvecœur, *Letters from an American Farmer*, Everyman ed., p. 44.
19. *General Education in a Free Society*, Report of the Harvard Committee, Cambridge, Mass., 1945, p. 30.

CHAPTER 2

1. The term 'causes' is used here to mean events of which the temporal relationship to other events can be described analytically, statistically, or by ordinary observation in such a way as to permit reliable prediction of the conditions under which a repetition of the sequence will occur.
2. *Das Capital*, III, 954; quoted in A. D. Lindsay, *Karl Marx's Capital*, London, 1925, p. 36.
3. Karl Marx, *The Eighteenth Brumaire of Louis Napoleon*, tr. by Eden and Cedar Paul, London, 1926, p. 23.
4. Mr. Toynbee uses this expression in *A Study of History*.
5. F. Engels, *Socialism: Utopian and Scientific*, in Karl Marx, *Selected Works*, Prepared by the Marx-Engels-Lenin Institute, English edition, ed. C. P. Dutt, 2 vols., New York, n. d., I, 185-6.

6. For the doctrine of the Communist party as the 'general staff' of the proletariat see Stalin, *Foundations of Leninism*, Little Lenin Library, vol. 18, New York, 1939, pp. 840-55.
7. Marx, *Selected Works, ed. cit.*, I, 421-2.
8. Ibid.
9. Ibid. I, 383. (F. Engels to Joseph Block, 21 Sept. 1890. The whole letter is important.)
10. For an amusing but shrewd description of this state of mind see Max Wertheimer, 'A Story of Three Days,' in *Freedom, Its Meaning*, ed. Ruth N. Anshen, New York, 1940.
11. *Process and Reality*, New York, 1929, p. 74.
12. Ibid. p. 41.
13. F. W. Maitland, *Collected Papers*, ed. H. A. L. Fisher, 3 vols., Cambridge, 1911, I, 79.
14. *Of Civil Government*, Everyman ed., p. 143.
15. *Lord Acton and His Circle*, ed. Abbot Gasquet, New York, 1906, p. 254.
16. Ibid. p. 227-8.
17. *Tracts on Liberty in the Puritan Revolution*, 1638-1647, ed. William Haller, New York, 1933-4, I, 10.
18. Speech in the House of Commons, 16 Aug. 1945; text as given in *The New York Times*, 17 Aug. 1945.
19. Locke, op. cit. pp. 127, 187.
20. Milk Wagon Drivers Union *v.* Meadowmoor Dairies Inc., 312 U.S. 293.
21. Robert Jackson, J., in West Virginia State Board of Education *v.* Barnette, 319 U.S. 642.
22. Schenck *v.* United States, 249 U.S. 52.
23. Zechariah Chafee, Jr., *Free Speech in the United States*, Cambridge, Mass., 1941, p. 35.
24. Whitney *v.* California, 274 U.S. 375-7. The whole opinion should be read.
25. David Masson, *The Life of Milton*, London, 1859-94, 7 vols., III, 108.
26. 278 U.S. 72.
27. De Jonge *v.* Oregon, 299 U.S. 364-5.

CHAPTER 3

1. *Collected Legal Papers*, New York, 1920, p. 129-30.
2. *The Essentials of Democracy*, Philadelphia, 1931, p. 20.
3. *The Social Contract*, Everyman ed., p. 14.
4. Edward Burroughs, 'A Testimony concerning the beginning of the work of the Lord,' printed in A. R. Barclay, ed., *Letters, &c., of Early Friends*, London, 1841, pp. 305-6.

5. Douglas Steere, 'A Religious Minority in Action,' in *Group Relations and Group Antagonisms*, ed. R. M. MacIver, New York, Harper & Brothers, 1944, pp. 101-2.
6. J. G. Heinberg, 'History of the Majority Principle,' *American Political Science Review* xx (1926), 68.
7. Speech at the Paris Peace Conference, 8 Aug. 1946; text as given in *The New York Times*, 9 Aug. 1946.
8. Letter to Edmund Randolph, 18 Aug. 1799. Quoted in John Dickinson, *Administrative Justice and the Supremacy of Law*, Cambridge, Mass., 1927, p. 95 n. As a characterization of the historical process by which the English common law won acceptance in America, Jefferson's comment is hardly accurate. But it is a clear expression of the principle that legal tradition could be changed by political action, if the people so desired.
9. There are two problems involved in this discussion: (1) when does a rule of law exist; (2) what is the relation between the nature of law and political obligation?

   (1) Dicey's classic definition of the rule of law seems to me a good beginning of an answer to the first question. The rule of law, he says 'means in the first place that no man can lawfully be made to suffer in body or goods except for a distinct breach of law established in the ordinary courts of the land,' and he adds 'that no man is above the law, but that every man, whatever his rank or condition, is subject to the ordinary law of the realm and amenable to the jurisdiction of ordinary tribunals . . . With us, every official, from the Prime Minister down to a constable or collector of taxes, is under the same responsibility for every act done without legal justification as any other citizen.' (*The Law of the Constitution*, 8th ed., p. 183). There are two points on which I should wish to amend Dicey's definition. One is his notion of ordinary courts, which may have to be modified—but not abandoned—to describe relevant standards for administrative law. In the second place, I should stress as a characteristic of the rule of law the way in which law, to be valid, must be made or confirmed. This brings us to the second of the two problems set forth at the beginning of this note.

   (2) I maintain that the citizen has no obligation to accept as law for himself rules in the shaping of which he cannot as a citizen participate; this, I think, is the distinctively democratic concept of law.

   In order to be perfectly clear we must first acknowledge the fact that there is an enormous body of law which the citizen has little opportunity to express an opinion about or perhaps to be aware of. Much of it is not in any case derived from legislation. It is either based on past judicial decisions—in Anglo-Saxon countries the common law, that 'custom of the courts'—or upon new decisions rendered by judges meeting new circumstances with a rule which from analogy with existing law or from standards of fairness and reasonableness seems most ap-

propriate. Thus, in addition to legislation, we have traditional law and 'judge-made' law. In the making of new legislation the citizen has a chance to affect the outcome in a sense in which he cannot be said to participate in other channels of the legal process. But as long as the process by which judges are chosen and the standards by which they judge are ultimately controllable through the political process in which the citizen participates, he has a part in the making or sustaining of legal norms.

As long as he approves of the method by which law is made, confirmed, or maintained, the citizen has an obligation to accept it unless it would cause a grave injustice to himself or another. At this point the citizen's opinion reacts directly on law, either by his protest or his refusal to obey. A lawyer would say that even in this instance he has a legal obligation to obey, but this means only that force will be applied if he does not, so the term obligation is not helpful here.

The position I have taken is different from that of Duguit or Laski in that I do not refuse to recognize a determinate legal authority or to describe as law anything that fails to meet a subjective standard of justice. This position is even farther from that of Austin, John Chipman Gray, or Kelsen. (I do, however, agree with Kelsen that in a democracy all law is valid law; on my terms this is a tautology). The expression 'process of law' is used in this discussion as better adapted than 'rule of law' or 'supremacy of law' to express the responsiveness of the law to the political process and to express the fact that the determination of what is law is complex, not simple, and involves a kind of equation between responsible authority and public opinion. Ihering, Ehrlich, Roscoe Pound have done much to throw light on the relation of law to changing social need; I am indebted to their discussions although I have felt it necessary to define more explicitly the relation of public law to the democratic political structure and to suggest that, although more slowly, private law is affected by the same channels of political decision.

It could be objected that such a position as mine fails to recognize as law the procedure of the courts under a tyrannical rule; I admit this. Social regulation backed up by force, but without an independent judiciary, without the responsibility of officials to the law, without known general standards of judgment, in my view is not law. Without participation in the making of the norms it is not democratic law.

10. 'Of the slave as man, we learn that while, *iure naturali*, he was a man, like any other, he was *pro nullo* at civil and praetorian law. But this gives a false picture of the law of the Empire. In the Republic a slave had not protection against his master . . . but the Empire brought restrictions. Criminal slaves were to be tried by public courts. A *l. Petronia* forbade masters to punish slaves by making them fight with beasts, except by a magistrate's authority. Claudius provided that if a master

abandoned a sick slave the slave should be free and a Latin. Hadrian . . . laid down many restrictions: in particular, he forbade masters to kill slaves without magisterial sanction. These provisions are analogous to modern laws against cruelty to animals, but Pius took a great step forward. He allowed slaves cruelly treated to take refuge at a temple or a statue of the Emperor and required the magistrate to investigate the case, and, if he found cruelty proved, to sell the slave on the terms that he was not to return to his old master, a rule which gives the slave power to move the law in his own protection.' (W. W. Buckland, *A Text-Book of Roman Law from Augustus to Justinian*, Cambridge, 1931, pp. 64-5.) The last sentence of this passage gives the only exception to my statement that the slave could make no claim in his own behalf. He benefited sometimes by restrictions against the conduct of the master. But he never was the subject of rights nor did he have any opportunity to participate in the making of legal norms.

11. *Puritanism and Liberty*, ed. A. S. P. Woodhouse, London, 1938, p. 66.
12. This point has been well expressed by Julius Stone in a comment on the doctrine of natural rights: 'When its revolutionary phase was over, it still continued to operate, endowing traditional legal rights with the authority of natural rights, and these natural rights with the force and immutability of a rigid constitution' (*The Province and Function of Law*, London, 1947, p. 248). The use of natural rights or natural law to support a conservative judicial interpretation of conflicts over property interests is discussed in C. H. Haines, *The Revival of Natural Law Concepts*, Cambridge, Mass., 1930 and in B. H. Wright, *American Interpretations of Natural Law*, Cambridge, Mass., 1931. This development was a corruption of the tradition of natural law, which for the most part had a liberating influence. The affinity between the doctrine of natural law and some of the basic ideas of democracy is discussed in L. Stapleton, *Justice and World Society*, Chapel Hill, North Carolina, 1944.
13. *Social Control through Law*, New Haven, 1942, p. 29.
14. 'The Rights of Man,' *United Nations Weekly Bulletin*, III (1947), 521.
15. Ibid. 555.
16. Cf. Aldous Huxley, *Brave New World*, New York, 1932, ch. II.
17. One of the clearest descriptions of the legal implications of the term 'rights' is given in W. H. Hohfeld, *Fundamental Legal Conceptions*, New Haven, 1923, pp. 35-43. His table of 'jural opposites' and 'jural correlatives' does service in pointing out the relation of 'rights' to terms connected, but often too loosely associated with it—such as 'privilege,' 'power,' 'immunity,' 'liability,' and 'duty.' In a discussion of political rights we need not take account of all the connotations that such a term has in the law courts, though we must be able to translate the one level of thought into the other if necessity demands it. A good working definition of rights from the lawyer's point of view is that given in Holmes, *The Common Law*, Boston, 1945, p. 214: 'A legal right is noth-

ing but a permission to exercise certain natural powers and upon certain conditions to obtain protection, restitution, or compensation by the aid of the public force. Just so far as the aid of the public force is given a man, he has a legal right.' Such a definition is too positivistic to serve as the basis of fundamental rights, which as we have defined them are moral claims, based on need, and deserving protection as legal rights (in Holmes' sense). Cf. also Pound, 'Legal Rights,' 26 *Internat. Jour. of Ethics* (1915) 92.

18. It is desirable for law to recognize rights arising out of many relationships; but we do not think of them as fundamental in the same sense as those which are necessary to protect the integrity of life and of the democratic process.
19. D. G. Ritchie, *Natural Rights,* London, 1895, p. 103.
20. Letter to P. S. Dupont de Nemours, 24 Apr. 1816. *Writings,* ed. P. L. Ford, New York, 1899, x, 24.
21. 319 U.S. 641.
22. In the past the idea of sovereignty served two purposes. First, it served to defend unified legal authority within a given territory. Secondly, it served in international law to symbolize the independence of the nation-state and to mark it out as a political unit in its relations with other states. Modern conditions do not require its use as a concept in either sense, although until world government is achieved it will no doubt remain in the language of international law.

The question of the history and use of the concept is too large for discussion here, but I venture to comment on two recent developments.

The political pluralists, especially H. J. Laski in his early writings, helped to expose the shallow fallacies of a purely positivistic legal theory. But in their awareness of the multiplicity of interests and loyalties in modern society, the pluralists underestimated the need for coherence in government. In Mr. Laski's *Grammar of Politics,* however, there is recognition of the co-ordinating function of government when contrasted with other types of association (see pp. 66-74). The contrast Mr. Laski often draws between a group that expresses the individual's moral choice, on the one hand, and an authoritarian, positivistic conception of sovereignty, on the other, is only one of the possible contrasts. As easily might one envision a dominating, exploiting group and a government sensitive to individual rights checking that group's arbitrary power. Mr. Laski has also observed the second contrast but has failed to place it side by side with the first. (This remains true of his more recent writings.) I agree with his negative criticism of the doctrine of sovereignty but am not wholly satisfied with his treatment in later books of the relation of law to power and of power to consent.

The effort to save the doctrine of sovereignty by distinguishing between its legal and political aspects (the approach of Dicey, and, from a purely historical point of view, of C. H. McIlwain) is ably set forth

by John Dickinson in his 'A Working Theory of Sovereignty' (*Political Science Quarterly* XLII (1927), 524ff. and XLIII (1928), 32ff. '*Sovereignty in the legal sense,*' he says, 'is after all nothing more or less than a logical postulate or presupposition of any system of order according to law.' But I do not think it is a necessary postulate. There must be a determinate legal authority, but such an authority (in the United States, the Supreme Court, in Great Britain, the House of Lords) need not and in fact does not possess the attributes usually ascribed to sovereignty. I quite agree with Mr. Dickinson's statement that 'we can never proceed toward getting the best rule until we first consent that there shall be at least a rule, and we will never consent that there shall be a rule if we insist on having what we privately regard as the best rule, or else on having no rule at all.' The willingness to have a rule and to be bound by it (provided the rule is reached through a given method) is the essence of the process of law. But it does not presuppose or entail the doctrine of sovereignty.

The doctrine of 'popular sovereignty' was evolved in order to show that law must be responsive to the 'will' of the people. But there is little merit in tracing this complex relationship through an imaginary entity.

Let us, then, grant that a determinate legal authority—a court of last resort—is a useful and necessary part of democratic government, indeed of any orderly government. But let us forego the idea that such an authority possesses sovereignty. It derives its authority from political bodies of another sort; the law it delivers can be changed through political action. It possesses no unchecked, indivisible power to command, though it does exercise a special and valuable function in producing one type of authority which is binding on all. For when an unpopular opinion is handed down by the highest court, and public opinion forces changes in the law or in the composition of the court, 'sovereignty' has moved on and at any given moment in the life of a political society we should be hard put to say who has it, or where to find it. For this reason I have said that the whole discussion is riddled with the fallacy of misplaced concreteness, and the term should be dropped. On the Soviet use of the term see ch. 11, notes 7, 13.

23. Eugen Ehrlich, *Fundamental Principles of the Sociology of Law,* trans. Walter L. Moll, Cambridge, Mass., 1936, p. 56 (translation of *Grundlegung der Soziologie des Rechts,* München und Leipzig, 1913).
24. Ibid. p. 73.
25. See Ehrlich, op. cit.; Ihering, *Der Zweck im Recht,* Leipzig, 1887-93; (Vol. I is translated by Isaac Husik in the Modern Legal Philosophy Series under the title *Law as a Means to an End,* Boston, 1913); Pound, 'The Scope and Purpose of a Sociological Jurisprudence,' 25 *Harvard Law Rev.* (1911), 140ff. and 489ff., also his *Social Control through Law.*

26. Typical of the 'realist' school in modern legal philosophy were such books as Karl Llewellyn's *The Bramble Bush,* New York, 1930, or Jerome Frank's *Law and the Modern Mind,* New York, 1930. The point of view expressed in these books has been modified in later writings of these men and others of a similar point of view. See especially Llewellyn 'Some Realism about Realism,' 44 *Harv. Law Rev.* (1931) 1222ff.; Edwin Garlan, *Legal Realism and Justice,* New York, 1941; 'The Normative, the Legal and the Law Jobs: The Problem of Juristic Method,' 49 *Yale Law Jour.* (1940), 1355ff. For further bibliography see Pound, 'Fifty Years of Jurisprudence,' 51 *Harv. Law Rev.* (1938), 777ff. A good statement of the point of view of this group is Llewellyn's: 'The realists prove the value, for the normative, of temporarily putting the normative aside. They return from their excursion into the purest description they can manage with the demonstration that the field of free play for Ought in appellate courts is vastly wider than traditional Ought-bound thinking had ever made clear' ('Some Realism about Realism,' p. 1252). But in this enterprise it is questionable whether the 'realists' have contributed much beyond Cardozo except for the filling in of detail.
27. In *Justice and World Society.*
28. Lindsay, *The Modern Democratic State,* Vol. I, London, 1943, p. 93.

CHAPTER 4

1. Works, London, 1826, III, 18-20.
2. Walter Bagehot, *The English Constitution,* New York, 1930, p. 201.
3. *Parliamentary Government in England,* New York, 1938, p. 70.
4. But see his article in *The New York Times Magazine,* 26 Aug. 1945.
5. Bagehot, op. cit. p. 176.
6. *Republic,* IV 441 E-442 D.
7. This point of view is admirably brought out in David Lilienthal's book, *T.V.A., Democracy on the March,* New York, 1944. See especially ch. 12, 'Experts and the People.'
8. H. J. Laski, *Democracy in Crisis,* Chapel Hill, North Carolina, 1933, p. 79.
9. See *Democracy and the Organization of Political Parties,* 2 vols., trans. Frederick Clarke, London, 1902.
10. See *Behind the Ballots,* New York, 1938.
11. *Constitutional Government and Democracy,* Boston, 1941, pp. 279-30. The classic treatment of proportional representation is F. A. Hermens, *Democracy or Anarchy.* A very good, briefer discussion may be found in ch. XV of Mr. Friedrich's book.
12. Laski, op. cit. pp. 56-7.
13. *Politics,* III. iv. 4.

CHAPTER 5

1. William James, *The Principles of Psychology*, 2 vols., New York, 1893, II, 314.
2. Lucy Hutchinson was a seventeenth-century Puritan whose devotion to her husband, keen sympathy with the Parliamentary cause, and very real intellectual ability led her to create one of the most unusual and enjoyable literary portraits. See *Memoirs of the Life of Colonel Hutchinson . . .* by his widow Lucy . . . with notes by C. H. Firth, London, 1906.

   Joseph Hawley (1723-88), a Northampton lawyer, was 'the guiding spirit of the American Revolution in the Connecticut Valley.' His letter to John Adams on the eve of the latter's departure for the Continental Congress is evidence of his objectivity, his resolution, and his sagacity in considering how men may learn to work together in a great council. See *The Works of John Adams*, ed. C. F. Adams, 10 vols., Boston, 1850-65, IX, 342-46. For an account of Hawley see the article on him in *The Dictionary of American Biography*, VIII, 420-21 and for a fuller study, E. F. Brown, *Joseph Hawley, Colonial Radical*, New York, 1931.
3. Although Carlyle's edition of Cromwell's letters, S. R. Gardiner's historical studies, and David Masson's *The Life of Milton* laid the foundations for a better understanding of the richness and complexity of the Puritan movement, the Calvinist stereotype still exists in the mind of many readers. A few more recent works that cast light on the potentially democratic elements in Puritan thought, or upon its experimentalism, or on the depth of insight manifested by some of the Puritan divines are G. P. Gooch, *English Democratic Thought in the Seventeenth Century*, 2nd ed., Cambridge, 1927; Rufus Jones, *Mysticism and Democracy in the English Commonwealth*, Cambridge, Mass., 1932; Perry Miller, *Orthodoxy in Massachusetts*, Cambridge, Mass., 1933, and *The New England Mind*, New York, 1939; William Haller, *The Rise of Puritanism*, New York, 1938; A. S. P. Woodhouse, Introduction to *Puritanism and Liberty*, London, 1938; Ralph Barton Perry, *Puritanism and Democracy*, New York, 1944. On the derivation of Quaker thought from the larger current of Puritan speculation see the valuable study of Geoffrey Nuttall, *The Holy Spirit in Puritan Faith and Experience*, Oxford, 1946.
4. *The Letters of William James*, ed. Henry James, Jr., 2 vols., Boston, 1920, II, 105.
5. *The New York Times*, 21 Sept. 1947.
6. Hearings before the Joint Committee on the Organization of Congress (Seventy-Ninth Congress, First Session), Washington, 1946, p. 219.
7. Ostrogorski, op. cit., II, p. 577.
8. George Herbert, 'The Elixir.'
9. *L'Esprit des lois*, V, iii.

10. Virginia Constitution of 1776, Bill of Rights, Section 15. F. N. Thorpe, *The Federal and State Constitutions . . . and other Organic Laws,* 9 vols., Washington, 1909, VII, 3814.
11. Milton, *Areopagitica.*

CHAPTER 6

1. To Joseph Cabell, 2 Feb. 1816; in *The Best Letters of Thomas Jefferson,* ed. J. G. de R. Hamilton, Boston, 1926, p. 21.
2. *You're the Boss,* New York, 1947.
3. *The Public and Its Problems,* New York, 1927, p. 126-7.
4. E. E. Schattschneider, *Party Government,* New York, n.d., p. 52.
5. A. D. Lindsay, *The Essentials of Democracy,* Philadelphia, 1931, p. 40.
6. The growing importance of social organization received a good deal of attention from the nineteenth-century writers who developed the 'organismic' theories of the state. (A summary of the most notable of these writers can be found in F. W. Coker, *Organismic Theories of the State,* New York, 1910.) Because of their tendency to describe social phenomena in metaphors rather uncritically drawn from biology, and even more, because of their anti-rationalism, many of these writers endowed groups with somewhat mystical properties. Nazi and Fascist thought tended to nourish itself from this source, since here could be found ready justification for the denial of individual liberty.

   In *The New State* (New York, 1918), Miss Mary Follett stressed the importance of groups as effective centers of political action; she tended to displace other categories of political experience by her emphasis on groups and perhaps also to romanticize their function. More recently, much valuable material has been brought together in such books as Pendleton Herring, *Group Representation before Congress,* Baltimore, 1929; Donald Blaisdell, *Economic Power and Political Pressures* (Temporary National Economic Committee Monograph no. 26), Washington, 1941, and V. O. Key, Jr., *Politics, Parties and Pressure Groups,* 2nd ed., Baltimore, 1947. I do not, however, agree with the point of view that interprets democracy primarily as a means of compromise among conflicting groups.

   For further material of interest on this point see also Hearings of the Joint Committee on the Organization of Congress, cited above, *passim;* Estes Kefauver and Jack Levin, *A Twentieth Century Congress,* New York, 1947, pp. 153-70; Mary E. Dillon, 'Pressure Groups,' *American Political Science Review* XXXVI (1942), pp. 471 ff.

   Most of these studies concentrate on lobbying and the activities of the 'pressure boys' or on the conflict of groups. Lord Lindsay's *Essentials of Democracy* stresses the aspect I have taken to be of equal or greater importance, the nature of the group as voluntary association.

7. *Democracy in America,* The Henry Reeve text as revised by Francis Bowen, now . . . edited by Phillips Bradley, 2 vols., New York, 1945, II, 116. By permission of Alfred A. Knopf, Inc., publishers.
8. Cf. G. O. Trevelyan's comment on the effectiveness of the Anti-Slavery Society: 'with their May meetings, and African institutions, and anti-slavery reporters, and their subscriptions of tens of thousands of pounds, and their petitions bristling with hundreds of thousands of signatures, and all the machinery for informing opinion and bringing it to bear on ministers and legislators which they did so much to perfect and even to invent, they can be regarded as nothing short of the pioneers and fuglemen of that system of popular agitation which forms a leading feature in our internal history during the past half century' (*The Life and Letters of Lord Macaulay,* London, 1877, II, 75).
9. For an account of the activities of lobbies in behalf of business interests see Blaisdell, op. cit.

   Pendleton Herring cites an excellent example of a lobby cloaking itself in the guise of an association of citizens. The Farmers' States Rights League 'was a so-called national association, set up ostensibly to represent the opinion of the farmers of the South towards the proposed child labor amendment. Actually the Farmers States Rights League was an association of the cotton mill operators of the Carolinas, organized for the sole purpose of maintaining the labor conditions in the mills as they are. These manufacturers disguised their real intent by representing themselves as a society of farmers protesting against the spread of the federal power into the states. There was hardly a farmer in the entire outfit' (op. cit. p. 27).

   The test of widespread membership and disclosure of sources of funds helps to show the difference between such a lobby and a true voluntary association.
10. C. H. Wooddy, *The Chicago Primary of* 1926, Chicago, 1926, p. 8.
11. W. E. Mosher, *'Party and Government Control at the Grass Roots,' National Municipal Review* XXIV (1935), p. 16.
12. Abundant illustrations of this statement may be found in J. T. Salter, *Boss Rule,* New York, 1935. The manipulations that are achieved through patronage are further documented by those bosses who have taken to autobiography, James Farley and Edward Flynn. The practice of cementing political fidelity by getting people out of jail on a 'copy of the charge,' so well described by Professor Salter, is still a technique of Philadelphia ward leaders.
13. Schattschneider, op. cit. p. 56.
14. 'Who Controls Municipal Elections in Philadelphia?' Civic Affairs Letter of the Committee of Seventy, Philadelphia, December 1947.
15. Aristotle *Politics* II. iii. 4.
16. *Journals of Ralph Waldo Emerson,* edited by E. W. Emerson and W. E. Forbes, 10 vols., Boston, 1909-14, VI, 299-300.

17. Lindsay, op. cit. p. 45.
18. The pluralists have attacked the problem from the question whether or not the authority of the state is supreme over that of other associations. (For a comment on pluralist criticism of doctrines of sovereignty, see note 22 to ch. 3, above.) In this chapter, however, I am not discussing the question of the relation of political obligation to the authority of government, but the social obligation to act and to participate, by which alone authority may really be evolved from consent. While agreeing with the pluralists in their emphasis on the importance and potential value of associations, I am maintaining that the individual, when acting as a member of a voluntary organization, must place his obligation as a citizen before other loyalties. Since democratic citizenship is built upon civil rights this will not require him to deny his convictions, but it will ask him to practice the greatest possible objectivity in comparing the interests of his group with the interests of the community.

CHAPTER 7

1. *The Writings of Thomas Jefferson,* ed. by P. L. Ford, 10 vols., New York, 1892-9, x, 10.
2. Ibid. VII, 35.
3. Lord Keynes led in the development of this conception, which furnishes the basis of the British White Paper on Employment Policy (Cmd. 6527), put forth by the Churchill Government, and of the Full Employment Bill (S. 380) presented to the U.S. Senate by Senator Murray. The Employment Act of 1946 reflects a similar line of thinking but has no provisions for implementation.
4. This point has been clearly and forcibly stated by E. H. Carr: 'The struggle for political rights has been fought in the past mainly as a struggle for emancipation from arbitrary military power. It has now to be reopened as a struggle for emancipation from arbitrary economic power' (*Conditions of Peace,* New York, 1935, p. 34.). I do not agree with Mr. Carr's analysis of the crisis of democracy in its entirety, but he has put this point very well.
5. For evidence of the 'decline of competition' in the U.S.A. see the report of the Federal Trade Commission on The Present Trend of Corporate Mergers and Acquisitions, Washington, 1947, and on The Merger Movement, 1948; also Clair Wilcox, *Competition and Monopoly in American Industry* (Temporary National Economic Committee Monograph no. 21), Washington, 1940.
6. For a statement of the essential aspects of freedom in which rights are grounded see above, ch. 2, pp. 48-65; for the conception of rights, see ch. 3, pp. 79-89. The excellent 'Draft Declaration of Human Rights' prepared by the Commission on Human Rights of the United Nations

Assembly shows that a high degree of agreement can be reached by people of different cultures and nationalities on a statement of these basic rights. See *United Nations Bulletin*, v (1948), 522-4.

7. See, especially, J. M. Keynes, *The General Theory of Unemployment, Interest, and Money*, New York, 1936; Sir William Beveridge, *Full Employment in a Free Society*, New York, 1945; Alvin Hansen, *Economic Policy and Full Employment*, New York, 1947; Barbara Wootton, *Freedom under Planning*, Chapel Hill, N.C., 1945. The last three books can more easily be tackled by the layman than Keynes' treatise, but this conception owes most to him. See also Joan Robinson *Introduction to the Theory of Employment*, London, 1938, and Oxford University Institute of Statistics, *The Economics of Full Employment*, Oxford, 1947.
8. On this point see Clinton Golden and Harold J. Rutenberg, *The Dynamics of Industrial Democracy*, New York, 1942, ch. I. Cf also A. D. Lindsay's statement: 'Social reformers have often in the past concentrated on one aspect of the economic system, the private ownership of capital, as though once that aspect were changed all would be well. But in so far as certain evils in the present system arise from the fact that the type of organisation prevalent in industry treats men as mere cogs or mere instruments, then so long as that type of organisation remains those evils will remain whether in a capitalist or Bolshevist State' (*Christianity and Economics*, London, 1933, p. 118).
9. Sir William Beveridge and Barbara Wootton, in the works cited above, have done a great deal to bring out concretely the kinds of freedom that can and should be preserved, and the kinds of freedom that would have to be limited, in order to achieve certain goals of economic security for the whole community. There is a great need for more thinking and where possible, for experiment to determine the social and political results of certain kinds of economic measures.

CHAPTER 8

1. From a paper, 'Has everything beautiful in Art its original in Nature?', read by Clerk Maxwell at the Apostles Club in Cambridge. Quoted in *The Life of James Clerk Maxwell*, by Lewis Campbell and William Garnett, London, 1882, I, 231.
2. Emerson, *Journals*, IX, p. 305. The incident is described more fully in James E. Cabot, *A Memoir of Ralph Waldo Emerson*, 2 vols., Boston, 1888, II, 598.
3. *Democracy in America, ed. cit.* II, 59.
4. Ibid, pp. 58, 59.
5. Ibid. p. 61.
6. Conrad Aiken, 'The Great Audience is Ready,' *The Saturday Review of Literature*, XXX (1947), p. 8.

7. After Mr. Whitehead's death, *The Atlantic Monthly* reprinted from *The Harvard Crimson* a brief article by Paul Weiss. During Whitehead's lifetime, magazines of general circulation (as distinguished from the 'learned journals') made virtually no attempt to bring a serious interpretation of his work to their readers. Two articles were, however, published in *The New Republic*. In the first of these (30 December 1925) it is interesting to find Edmund Wilson observing, 'Dr. Whitehead, I suppose, is scarcely known at all.'
8. See an interesting article by Malcolm Cowley, 'Magazine Business: 1910-1946' in *The New Republic* CXV (1946), pp. 521 ff. Cf. also R. P. Blackmur's excellent discussion in 'The Economy of the American Writer,' *Sewanee Review* LIII (1945), pp. 175 ff.
9. *Dissertations*, New York, 1882, II, 141.
10. Emerson, op. cit. X, 474.
11. 'Southern Publishing,' in *The Sewanee Review* LIII (1945), 170.
12. Emerson, 'Walter Savage Landor,' *The Dial* II (1841), 264.

CHAPTER 9

1. *Bread and Wine*, New York, 1937, p. 241.
2. Quoted in *Nehru on Gandhi*, a selection . . . from the writings and speeches of Jawaharlal Nehru, New York, 1948, p. 22, n.
3. John Saltmarsh, *Dawnings of Light*, London, 1646, p. 53. The view that there might be progress in religious knowledge was often expressed by Saltmarsh and others close to the Seeker movement. Cf. also *Areopagitica*.
4. *Journal, ed. cit.* IV, 300.
5. See especially Whitehead's *Religion in the Making*, New York, 1926, and his *Process and Reality*, New York, 1929; see also Samuel Alexander, *Space, Time, and Deity*, London, 1920.
6. George Norris, *Fighting Liberal*, New York, 1945, p. 405. Cf. Sir Stafford Cripps, *Towards Christian Democracy*, New York, 1946.
7. Whitehead, *Religion in the Making*, p. 16.
8. *The Writings of Henry David Thoreau*, Walden ed., Boston, 1906, XI, 263-5 (*Journal*, ed. Bradford Torrey, V).

CHAPTER 10

1. *Writings, ed. cit.* IV, 269.
2. *Selected Writings of John and John Quincy Adams*, ed. A. Koch and W. Peden, New York, 1946, p. 18.
3. See Frederic Lilge's illuminating study, *The Abuse of Learning*, New York, 1948, especially ch. III, 'The Idolatry of Science.' Mr. Lilge traces

the abandonment of a humanist ideal in the German universities, the subsequent over-emphasis upon science and technology, and the anti-intellectualism of twentieth-century German thought as reasons for the weak surrender of German universities to Nazi domination.

4. *The Works of Ralph Waldo Emerson,* Standard Library edition, 14 vols. Boston, n.d., II, 316.
5. O. W. Holmes, *Collected Legal Papers,* New York, 1920, p. 38. Justice Holmes describes the specialist at his best as one who furnishes 'a perfect type of the union of democracy with discipline.'
6. Louis Trenchard More, *Isaac Newton, A Biography,* New York, 1934, p. 138.
7. *Memories of Old Friends,* ed. H. N. Pym, Philadelphia, 1884, p. 245.
8. Cf. Graham Wallas, *The Great Society,* New York, 1917, pp. 188-9.

CHAPTER 11

1. Atomic Energy Commission, Second Year, Special Supplement (Second Report to the Security Council, 11 September 1947), p. 19. (Hereafter cited as A.E.C. Second Report).
2. A.E.C. Third Report, p. 4.
3. Mr. Baruch at an early meeting of the commission stated that once effective control was established, 'there should be as little interference as may be with the economic plans and the present private, corporate and state relationships in the several countries involved.' This statement was promptly interpreted by the Ukrainian representative as implying that, at an earlier stage, there would be wide interference. He said, 'The U.S.S.R. has in mind a position where the governments and people concerned . . . will be deprived of the possibility of deciding their own political and economic questions . . . Such decisions will be taken for them by someone else—nominally speaking an international organ but actually one of the groups of governments which has at its disposal the majority of votes' (A.E.C./C.1/P.V 41, p. 26). The minutes of the committee meetings on the commission reports do not show that there was thorough discussion of this issue.
4. A.E.C. Second Report, pp. 20-21.
5. Ibid. p. 54 (Italics added).
6. Ibid. pp. 67 ff.
7. In their writings on the nationality question, Lenin and Stalin stressed the right of nations to self-determination. They were concerned chiefly with the dependencies of Czarist Russia and the groups of the Austrian Empire seeking for independence; their analysis, which cannot be said to be wholly consistent, was developed before the First World War. In *Marxism and the National Question,* Stalin stresses sovereignty as a characteristic of national independence. The interest of these Soviet

leaders in the movement for independence is based on the premise that all movements for national liberation are blows against imperialism. If the U.S.S.R. can effectively sponsor them, its power will be enhanced while that of its potential enemies will be weakened.

The term 'sovereignty' is used in the U.S.S.R. constitution of 1936, where it is attributed to the autonomous republics, but said to be limited by the jurisdiction of the Soviet Union (Articles 14 and 15).

In United Nations debates national sovereignty is invoked by Russian representatives as a reason for not submitting to a majority vote of the Security Council. The Russians have not yet seen that, as in their own country, sovereignty must be limited by the requirements of international organization.

8. Cf. his statement in *The German Ideology*, quoted in A. Vyshinsky, *The Law of the Soviet State*, tr. Hugh Babb, New York, 1948, p. 13.
9. Max Laserson, *Russia and the Western World*, New York, 1945, p. 128.
10. See the general definition of law given on p. 50 of Vyshinsky, op. cit.
11. Thus Stalin has stated that even when the supposed final stage, communism, has been reached, the state will not wither away so long as capitalism exists in other countries. See John Hazard, 'Drafting New Soviet Codes of Law,' *The American Slavic and East European Review*, VII (1948), p. 36; Vyshinsky, op. cit. pp. 39, 40, 52, 60-62, etc.
12. Ibid. p. 48.
13. For emphasis on national sovereignty by Russia's representatives in the U.N., see for example A.E.C./C.1/P.V.41, pp. 23-4, or see the summary records of the Commission on Human Rights, or see discussions in the General Assembly on proposals to limit the use of the veto power in the Security Council. Also see such articles in the Russian journal of legal theory, *Gosudarstvo i Pravo* as that of Prof. I. D. Levin, 'The Problem of Sovereignty in the Charter of the United Nations Organization' (January 1947).
14. See the summary records of the working committee of the Commission on Human Rights. The objections of the Russian representative to the Draft Declaration in its final form are summed up in the Report of the Third Session of the Commission on Human Rights, May-June 1948, pp. 29-35.

CHAPTER 12

1. See ch. 3, pp. 89-93.
2. Cf. L. Oppenheim, *International Law*, 5th ed. (Ed. H. Lauterpacht), London, 1935, I, 116-18, and authorities cited; David Mitrany, *The Progress of International Government*, New Haven, 1933, ch. II.
3. Third Annual Report to the General Assembly of the United Nations by the Secretary General, Introduction.

4. See R. E. Sherwood, *Roosevelt and Hopkins,* New York, 1948, pp. 785-6. The drawing is reproduced on p. 789.
5. See *Documents of the United Nations Conference on International Organization,* New York, 1945, vol. XI (Commission III, Security Council), especially pp. 118-19, 126-7, 170-71, 314, 318-19, 320-22, 332-3, 348-50, for some objections to the use of the veto expressed by the small powers, and replies by representatives of the proposed permanent members of the Security Council. See also 'Statement by Delegations of Four Sponsoring Governments on voting procedure in the Security Council' (pp. 710-14). It is well known that in the debate on acceptance of the Charter in the U.S. Senate, the veto was defended as an instrument making the Charter compatible with the U.S. Constitution. See also the commentary on the United Nations Charter issued by the British Foreign Office (Cmd. 6666), where it is stated that 'At least until some system is worked out and accepted by the majority of states ensuring that votes in a Council represent both the population and the real power of states, the special position which has been granted to the Great Powers for more than a century must be maintained.'

   Recently, however, four of the Great Powers have sponsored a resolution calling for limitations on the use of the veto (General Assembly, Nov. 1948).
6. Cf. H. Lauterpacht, *The Function of Law in the International Community,* Oxford, 1933, Part V; Hans Kelsen, *Peace Through Law,* Chapel Hill, 1944, ch. 6.
7. Lauterpacht, op. cit. pp. 390-91.
8. For a useful comment on the connection of the problem of peaceful change with the need for a system of representation, see Bryce Wood, *Peaceful Change and the Colonial Problem,* New York, 1940, pp. 159-60.
9. Henry L. Stimson and McGeorge Bundy, *On Active Service in Peace and War,* New York, 1948, p. 648.
10. Hobbes, *Leviathan,* Everyman ed., p. 64.
11. *Poems of Gerard Manley Hopkins,* ed. Robert Bridges, London, 1930, p. 46 ('The Candle Indoors').
12. See John L. Hazard, 'Cleansing Soviet Law of Anti-Marxist Theories,' *American Journal of International Law,* XXXIII (1938), pp. 244ff.; and 'The Soviet Concept of International Law,' in *Proceedings of the American Society of International Law,* XXXIII (1939), pp. 33ff.

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