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PROBLEMS OF
MODERN SOCIETY

PROBLEMS OF MODERN SOCIETY

An introduction to the social sciences

By

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FIRST EDITION

McGRAW-HILL BOOK COMPANY, INC.

NEW YORK AND LONDON

1938

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THE MAPLE PRESS COMPANY, YORK, PA.

Preface

The purpose of this book is to provide an introduction to the study of contemporary society for college students. The method employed is the balanced discussion of controversial interpretations of problems that have been persistently before the American public over a period of years. Stress is laid on the frictions in modern society which limit the smooth operation of its parts and thus postpone the attainment of maximum individual and social achievement. All sides of controversial questions arising from these issues are presented so that the student may reach a considered solution based upon all the pertinent arguments.

The aim is also to undermine the complacency of the student by making him aware of current social trends. This interest when once engendered leads the student to specialized books and documents for descriptive and factual materials which explain the operation of the social agencies involved in the problems surveyed. To familiarize the students with such sources the authors have included an unusually large number of quotations and many references.

The general plan of the course for which this text now provides was outlined by Mr. Oppenheimer in 1924. He conducted the course and prepared the early textual materials up to September, 1930. Mr. Paus-tian has continued the development of the course and textual materials since 1931. In its present form this book represents the seventh revision and is based upon experience gathered from instructing several thousand college freshmen.

In the preparation of the early manuscripts of this book important research studies dealing with modern contemporary social problems were used in determining the organization and materials. The general outline of the problems was determined from W. W. Charters' *Women's Education: A Functional Analysis*. A detailed study of trends

in American life was made through the examination of titles of articles found in the *Reader's Guide to Periodical Literature* by five-year periods from 1900 to 1930.¹

It should be emphasized that this book represents an effort to introduce the student to the field of human relations. There is no discernible limit to the number of problems that might be included in such a book. The intent of the authors has been to offer a sufficiently large sampling of social problems and the literature pertaining thereto to enable the student who has had this introduction to continue using similar methods in subsequent study. We believe that the problems discussed and the methods of investigation here presented give a sufficient training in the analysis of social problems to make possible for the interested student intelligent study of any similar problems.

We are under heavy obligations to many persons who have helped make this book possible. To President James M. Wood of Stephens College for his patient and continuing interest in developing this course; to Dr. W. W. Charters for his detached but sympathetic criticism of every step in the years' experimental growth of the text; to the several thousand students who valiantly struggled through six successive experimental editions while the course was being established.

The studies accompanying the development of this project at Stephens College through the years were made possible by grants from the General Educational Board.

In the fullest sense this book represents the cooperative efforts of many persons. The testing of the content, approach, and organization of the course materials was accomplished with the aid of a group of instructors who worked enthusiastically on this academic venture. Mr. Oppenheimer collected the material and produced the first three revisions of this manuscript. Among the cooperating instructors in the period prior to September, 1930, were Dr. Mabel Elliott, Mr. Walter Essman, and Dr. Willis Carter Beasley. All these assisted in the collection of the materials and aided in the preparation of the early revisions of this book. Among those cooperating in offering this course in more recent years are Messrs. Henry A. Bowman, John C. Crighton, John A. Decker, Thomas K. Hitch, and B. Lamar Johnson; the Misses Virginia

¹ Other research studies that should be mentioned are those of H. Meltzer, *Children's Social Concepts*, Contributions to Education, Bureau of Publications, Teachers College, Columbia University; John A. Hockett, *Determination of Major Social Problems of American Life*, 1927; Neil Billings, *Determination of Generalizations Basic to the Social Studies Curriculum*, Warwick and York, 1929; Department of Superintendence, *The Social Studies Curriculum*, Fourteenth Yearbook, 1936. For a detailed account of a problem approach to the social studies the reader is referred to B. L. Johnson, *What about Survey Courses?* Henry Holt & Company, Inc., 1937, Chap. XXII.

Brown, Dorothy Martin, Harriet J. Nordhem, and Wilma Pugh. Professor Erwin C. Paustian read the last three revisions of the manuscript. For assistance in research and secretarial work acknowledgment should be made to the Misses Bernice Linderman, Mabel Cowan, Frieda Hollis, Margery Hitchings, and Mary McHarg and to Mesdames J. E. Cropp, A. F. Kuhlman, Mary Asbury McKay, and the Messrs. Walter Essman and John R. Foster. Miss Loeta L. Johns compiled the index.

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COLUMBIA, MISSOURI,
LOUISVILLE, KENTUCKY,
August, 1938.

Acknowledgment

One purpose of this book is to enable the student to sample the current literature comprising the social studies. The authors wish to express their sincere appreciation to the many publishers who treated with generosity and kindness the requests for permissions to quote from their publications. In every instance where quotations are made from published works credit is given to author, book or article, and publisher. We are grateful to the following for permissions to quote from their publications: American Book Company; American Civil Liberties Union; American Genetic Association; *American Journal of Physical Anthropology*; *American Journal of Sociology*; *American Mercury*; *American Political Science Review*; *Annals of the American Academy of Political and Social Science*; D. Appleton-Century Company, Inc.; *The Atlantic Monthly*; Brookings Institution; *Business Week*; *The Christian Century*; Stuart Chase; Oxford University Press; Columbia University Press; *Common Sense*; *The Courier-Journal and Louisville Times*; F. S. Crofts & Company; *Current History*; *The Digest*; Doubleday, Doran & Company, Inc.; E. P. Dutton & Co., Inc.; *The Eugenics Review*, London; Farrar & Rinehart, Inc.; Food Research Institute, Stanford University; *Foreign Affairs*; The Friendship Press; The Forum Publishing Company, Inc.; Harcourt, Brace and Company; Harper & Brothers; Harvard University Press; D. C. Heath & Company; Henry Holt & Company, Inc.; Houghton Mifflin Company; *The Kansas City Star*; Alfred A. Knopf, Inc.; J. B. Lippincott Company; Longmans, Green & Company; The Macmillan Company; Marshall Jones Company; *The Nation*; National Academy of Sciences; *The New Republic*; *The New York Times*; *The Newsletter*; W. W. Norton & Company; *Political Science Quarterly*; Princeton University Press; G. P. Putnam's Sons; Paul R. Reynolds and Son;

Acknowledgment

Russell Sage Foundation; Charles Scribner's Sons; *Scribner's Magazine*; *The Social Frontier*; The Stratford Company; *The Survey and Survey Graphic*; *The United States News*; University of Chicago Press; University of North Carolina Press; Vanguard Press, Inc.; Viking Press, Inc.; *World Almanac*; *The Yale Review*; Yale University Press.

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Part I . *Problems of Wealth and
Social Organization*

Chapter I

Problems Confronting Consumers

Among the more intimate problems of family life is the perennially recurring difficulty of balancing the family budget. Whether it is a small item such as the purchase of toothpaste, a bar of candy, or a small box of thumbtacks or the more important question of renting a house, buying a farm, or purchasing an automobile a problem in consumption is involved. Have you ever paused to consider the variety of difficulties confronting the American homemaker in purchasing the many individual items that constitute the daily demand schedule of even moderately situated Americans? Has it ever occurred to you that selecting the things to be purchased and the actual buying of goods are almost entirely left to chance as far as any guidance, education, or protection for the consumer is concerned? In this chapter the plight of the consumer in the United States is briefly surveyed.

THE CONSUMER'S INCOME IS LIMITED

Practically everyone is subject to a limited money income. Hence, consumers' problems affect each and every individual who has even as much as a nickel to spend. In a sense the consumer's problem is one of "getting his money's worth," as Stuart Chase and F. J. Schlink have suggested in their book, *Your Money's Worth*. Achieving the ability to consume wisely and with satisfaction is a goal worthy of the efforts of every student of contemporary affairs. For in the last analysis, if the consumer is subjected to underconsumption over any long period of time, his dissatisfaction may eventually force him into action to bring the limiting conditions under control in the interests of the underprivileged consumers. This seems to be true of consumers in their present insistence on action to better their status.

THE AIM OF PRODUCTION IS CONSUMPTION

Consumption is the sole end and purpose of all production; and the interest of the producer ought to be attended to, only so far as it may be necessary for promoting that of the consumer. The maxim is so perfectly self-evident, that it would be absurd to attempt to prove it. But in the mercantile system, the interest of the consumer is almost constantly sacrificed to that of the producer; and it seems to consider production, and not consumption, as the ultimate end and object of all industry and commerce.¹

THE PROFIT MOTIVE AND THE CONSUMER

We live in a money economy in which our whole economic activity is geared to the production of goods for sale. The sale of goods at a profit is the chief motive for economic endeavor of the American people. It is true that certain by-products have arisen from this complex economic activity in pursuit of profit. Among them are the achievement of economic power through the control of the means of production, the production of serviceable goods, and the attainment of social position and prestige in the community. To anyone who studies contemporary economic life it is clear that the driving force is the profit motive and that any socially desirable results of that drive are more or less incidental. However, if we consider economic life from a social point of view and seek to discover a rational basis for the production of wealth, we come to the conclusion that production is not and cannot be an end in itself. The aim and goal of production must be defined in terms of human welfare; in other words, the end of production is consumption.

It may seem strange to the student upon entering this field of study to experience difficulties in discovering and defining the consumer for whom the whole economic system supposedly exists. We have said that goods are produced only in order to be consumed. Opposed to this statement, however, is the fact that in modern economic life, economic activity is carried on in order to achieve a profit from the sale of the goods produced. Unless the consumers gain control of sufficient purchasing power to buy the goods produced, it is evident that the producer will not be able to make a profit without readjusting his scale of production. Furthermore, unless the consumer who has purchased goods receives satisfaction through the act of consuming those goods, additional goods of the same type will not be purchased by the same consumer. To this extent at least there is a possible connection between the production of goods for sale at a profit and the production of goods to be used by satisfied consumers. The whole stress, however, in most economic literature has been placed upon the study of how to increase profits rather than upon how to increase consumer satisfaction.

¹ SMITH, ADAM, *Wealth of Nations*, 1776, Book IV, Chap. VIII.

THE BUSINESSMAN'S DILEMMA

The writings of Thorstein Veblen graphically present the dilemma of the American businessman in search of profit; on the one hand a certain amount of goods must be manufactured in order that the productive machinery may be kept operating; on the other, the desire for profit leads the businessman to seek to produce as little as necessary in order to insure a good profit. In the minds of many producers, according to Veblen, the conflict resolves itself into a choice between making goods and making money.¹ Whenever this conflict in the mind of the businessman results in a vote for money profits in preference to an increased production of goods, the consumer suffers. To some extent this appears to be the dilemma of the politically motivated planners in 1933 who harbored the illusion of an overproduction of goods. One need only consider the extent to which the profit search may dictate a course of action contrary to social welfare to realize how far we have still to progress before we reach a rational conception of the meaning of wealth. Wealth production and social welfare have been assumed to be complementary. But unless as much as possible is produced and distributed to consumers at prices that they can pay, the production of wealth may lead to social "illth" instead of health.

ARTIFICIAL SCARCITY AS A PRICE-RAISING DEVICE

In 1933, the Roosevelt administration, seeking to create a better market price for goods, asked cotton growers to plow under one-fourth of the growing cotton crop. Those who complied were compensated by the government. The purpose of this action was to reduce the amount of cotton offered for sale on the market in order to increase its price. Since that time the federal authorities have sought to reduce wheat production by renting marginal land from farmers so as to reduce acreage devoted to wheat. With fewer bushels of wheat offered for sale the price would tend to rise. For the same purpose the government in the fall of 1933 paid a premium to farmers who brought brood sows to market in order to reduce the quantity of pork products and thus raise the price of hogs.

It is evident from these examples that the government's activity was centered largely upon the creation of an artificial scarcity of agricultural products and thus the elevation of price levels. With rising prices, higher profits could be attained, and the economic system could again be assured of prosperous activity. However, an artificial scarcity, whether it is blessed by federal government direction or is manipulated

¹ Cf. TAYLOR, H., *Making Goods and Making Money*, The Macmillan Company, 1928, for a penetrating discussion of the problem posed by Veblen.

by private monopoly, results in the levying of higher prices against the consumer for a smaller quantity of goods. "The forgotten man"¹ in our economic system is the *consumer*.

Out of the pockets of the consumers must come the support of the whole economic structure. Too often have consumers been looked upon as sheep ready for shearing, or, to change the figure of speech, the consumer has been considered as the source of profit for the producer rather than as the one who was to benefit from commodity production. This type of thinking is not consistent with the burden that economic activity places upon the consumer. Let us pause for a moment to see why the consumer has been so long neglected.

WHY THE CONSUMER HAS BEEN NEGLECTED

Until about the turn of the century the United States offered an unsurpassed field for the exploitation of natural resources. As long as population was relatively sparse, the resources available for exploitation seemed inexhaustible. With a half continent available and ready to be utilized, practically everyone with ambition, some ability, and good health was in a position to go into the wilderness on the frontier and carve out a productive domain on which to support himself and his family. After he had chosen his plot of land, the pioneer was confronted with the task of clearing it for cultivation in order to produce what he needed to feed, clothe, and shelter his family. The limit to consumption, in a situation such as this, was the combined productivity of labor and the soil. The whole emphasis in such a situation was on the production of wealth of a useful, immediately consumable nature.

Since each producer tended to consume practically all that he produced or traded his surplus with some other producer for goods that he needed, the consumer's stake in the new world was permitted to take care of itself. Relatively little effort was expended in the production of goods not immediately needed or consumable. Furthermore, since the methods of production were relatively simple, the problem as to the value of the goods produced related almost entirely to a man's estimate of the worth of his labor. This is not to say that our frontiersman lived in a completely isolated barter economy but rather to emphasize the fact that in a relatively simple economic organization the problem of the exchange value of goods gave rise to few disputes between buyers and sellers. Producer and consumer were often the same individual, and in most cases consumers lived close enough to the producers of needed products to see the labor value of goods purchased.

¹ This phrase coined by W. G. Sumner of Yale; see his *What Social Classes Owe to Each Other*, Chaps. IX, X.

LAISSEZ-FAIRE AND THE CONSUMER

The American colonists were imbued with the competitive spirit. Free competition was an honored slogan in their whole economic sphere. Each man sought to order his own economic activity in such a way as to win maximum satisfaction from his efforts. With free competition as its slogan and *laissez-faire* as the government's policy to support competition, the public domain of the United States was rapidly exploited. Its natural resources in land, timber, minerals, and fisheries were rapidly sought out. As the years passed, railroads were constructed, canals and highways built, and a thriving industrial community developed. Through the first century of American history, free competition was considered a sufficient guide to economic progress as well as effective protection of the consumer's interest.

Adam Smith, in 1776, had sung the praises of *laissez-faire* and free competition in his *Wealth of Nations*. Smith felt that in a free competitive system where each man sought to further his own best interest without governmental interference the maximum good to the largest number resulted, and the economic system functioned in a smoothly cooperative way "as though guided by an unseen hand." Such faith in the doctrine of free competition was perhaps permissible as long as abundant economic opportunity existed. But when the frontier had been pushed out to the limiting Pacific and free lands had been claimed by settlers or squatters from Canada to Mexico, it became evident that competition was not a sufficient control over the greed of men. For this much is evident from a study of American history: there is no visible limit to the ambitions that American men and women can develop in the direction of adding wealth to their personal holdings.

ABSENTEE CONSUMPTION

Thus the position of the consumer is fairly clearly defined in early American history in relation to the problem of exchange value. However, with the passing of the frontier and the cumulatively complex division of labor which have characterized our economic and industrial development the consumer has been separated more and more from the place at which a commodity is produced. In this country we have had not only a development of the absentee owner of the means of production but also an accompanying increase of absentee consumption. Thus the consumer is more and more at a disadvantage in seeking to establish for himself any adequate criteria for measuring and determining exchange values. In this development another interesting change has occurred in the consumer himself. No longer does the consumer produce chiefly for his own con-

sumption; now practically his whole effort in the field of production is directed toward the eventual salability of the things produced.

Many people have expressed astonishment at the skill and efficiency that Americans have developed in the production of goods in contrast to the small amount of progress thus far made in solving the problem of intelligent consumption. This may be explained, partially at least, by calling attention to the relative specialization of individuals in the production of wealth as contrasted with the necessity of being practically a Jack-of-all-trades in consumption. Most people are dependent for their money income on the production of one or, at the most, a very few items, although every consumer in our modern system is practically forced to judge the relative merits of literally thousands of different consumption goods. Little wonder, then, that as consumers their efficiency is much lower than their productive efficiency. Very briefly stated, the consumer's problem narrowly defined consists of the translation of his money income into maximum satisfaction to be derived from his consumption of goods. The large variety of goods available, however, compared to the limitation of his money income complicates the consumer's problem.

During the early days of our economic development it was assumed that the consumer was capable of protecting his own interests. Free competition among producers of commodities coupled with free competition among consumers was supposed to operate automatically to achieve a fair return for the producer and a fair price to the consumer. It was not until 1887, with the passage of the Interstate Commerce Act, that the federal government took into consideration the plight of at least one class of consumers,¹ clarified the position of the railways, and indicated the limitations on rate making by public utilities. In 1890, with the passage of the Sherman Anti-trust Act, the federal government expanded at least its philosophy of control in the interests of the consumer; but, broadly considered, the wording of the Sherman Act evidenced continued acceptance of the faith in competition as the consumer's chief protective device.

THE CONSUMER UNDER THE NATIONAL RECOVERY ADMINISTRATION

The passage of the National Industrial Recovery Act in 1933 was tantamount to a confession that free competition could no longer be relied upon to protect the consumer or to regulate business effectively. Each

¹ Among the provisions of the Interstate Commerce Act was one prohibiting discrimination among persons, places, and commodities; railroad officials granting discriminating rates were made subject to fine and imprisonment. Furthermore, the act required the railroads to publish their rates and were permitted to change them only on public notice. Up to this time, American shippers were forced to rely upon their ingenuity as bargainers with the railroad companies to discover rates for carrying their freight.

industry was invited to draw up codes of free competition. The government was to act as arbitrator among capitalists, laborers, and consumers as well as to coordinate all industries in the interest of economic recovery.

A Consumers' Advisory Board was set up as a part of the National Recovery Administration. Its function was to study the effects of the industrial codes on consumers and to recommend remedies. From its initiation the board labored under difficulties which were enhanced because the consumers whom it was supposed to protect were unorganized. The board thus received little support from any quarter. Furthermore, the Consumers' Advisory Board was not permitted to make public the advice that it offered to the N.R.A.¹ This prevented the consuming public from gaining access to the information and guidance that the board had developed. Finally, the board was given only advisory powers, and these were ineffective without organized support from the unorganized consumers.

During the brief existence of the N. R. A., criticism of the lack of effectiveness of the Consumers' Advisory Board was vocal but quite as ineffective as the board. Many began to insist that the consumers in self-defense would be forced to organize boycotts of industries whose prices were advancing more rapidly than the consumer's money income. Others suggested that some aid for the harrassed consumer lay in the imposition of a federal tax on the excessive profits of industry. Most of the critics of the N. R. A. insisted that the broad social interest in maximum production of commodities was the real consumer interest. But this was not the program of the N. R. A. which fostered controlled production in the interests of artificial scarcity accompanied by higher prices.

GROWING INTEREST IN CONSUMERS' COOPERATIVES

Since 1933 a considerable increase in interest has been evidenced in cooperation among consumers to achieve their interest. Much has been written of late concerning the success of consumers' cooperatives in Sweden, Denmark, and England.² Americans recently have become

¹ Cf. BURNS, ARTHUR R., *Recovery for the Consumer*, *Survey Graphic*, May, 1934, pp. 225-228.

² CASSAU, T. O., *Consumers' Cooperative Movement in Germany*, trans. by J. F. Mills, T. Fisher Unwin, 1935.

CHILDS, MARQUIS W., *Sweden, the Middle Way*, Yale University Press, 1936.

FOWLER, BERTRAM, *Consumers' Cooperation in America*, Vanguard Press, Inc., 1936.

HUGHES, H. J., *Cooperation Here and Abroad*, Northern States Cooperative League, 1933.

WALTER, KARL, *Cooperation in Changing Italy*, P. S. King & Son, 1934.

WARBASSE, J. P., *Cooperative Democracy*, 3d ed., Harper & Brothers, Chap. III, 1936.

interested in learning about the methods whereby consumers in other countries have protected their interests. The experience of consumers' cooperatives in Sweden has been described and analyzed in books, magazine articles, and newspaper accounts. In 1936 President Roosevelt sent a research group to Europe to study the various aspects of the cooperative movement and to report their findings to the administration.¹

However, to compare the success of the movement in Sweden with the slow progress of consumers' cooperatives in the United States requires an understanding of significant differences between the two countries. Sweden is a constitutional monarchy. The government is definitely leftist in tendency, as is shown by the following statements. Government monopolies have been established in industries such as water power, public utilities, telegraph and telephone, state railways, and forestry. With so much government socialism already operative, the organization of consumers' cooperatives was not a violently radical movement. It should also be remembered that in Sweden labor has long enjoyed the right to organize, to strike, and to sign working agreements. The development of consumers' cooperatives was in line with the general trend toward the establishment of state socialism. Under such conditions the cooperatives have flourished so that in 1933 the turnover amounted to \$91,000,000, and it is now estimated that approximately 40 per cent of the business of Sweden is conducted by cooperatives.²

Cooperation is viewed by some students as the solution of many of the problems confronting modern capitalism. The basis of cooperation is organization of consumers who purchase shares in the cooperative society; voting is limited to one vote per shareholder regardless of the number of shares he holds, and the profits from the group purchasing are returned on a prorata basis in accordance with the amount of goods that each member has purchased. Thus, instead of profits' being drained off into the hands of an individual enterpriser, under cooperation the profit is returned to the consumer in the form of a rebate on his purchases. However, this movement hardly offers a serious challenge to the present distribution of American wealth. In the United States it is still too early to note the degree of success that the cooperative movement may achieve.

THE CONSUMER DEFINED, AND HIS POSITION ANALYZED

The consumer, as every American knows, is a little, respectable, suburban clerk, with glasses, an umbrella, a lot of packages, and a worried expression.

¹ *Report of the Inquiry on Cooperative Enterprise in Europe*, Superintendent of Documents, Washington, D. C., 1937. A well-organized report, clearly presented, a valuable introduction to the subject of cooperatives.

² For an interesting account of the success of consumers' cooperatives in Sweden see the article by H. G. Leach, *Where Consumers Produce*, *The Forum*, September, 1934. A sympathetic and popular study of consumers' cooperatives is M. W. Childs' *Sweden, the Middle Way*, Yale University Press, 1936.

At the risk of destroying a time-honored national figure I submit that the picture is all wrong. The consumer is not a man but a woman—women buy at least three quarters of all goods for ultimate consumption—and, far from being puny, she is an Amazon, towering, portentous, blocking the whole economic horizon of the years before us.

She stands thus in my mind despite the miserable role she has frequently played in the past. Totally unorganized, she has time and again paid scandalously high prices for sleazy goods and services. Shrewd advertisers have shamelessly exploited her conscious and unconscious hopes and fears, promising her beauty by the jar, health by the bottle, sex appeal by the vial, superiority to her neighbors by the yard, well-being for her children by the pounds . . . at good, round prices per jar, bottle, vial, yard, and pound. She has lived in a vast, impersonal, highly specialized economic world, where vendibility has completely overshadowed serviceability; where all face-to-face relationship between buyer and seller has been lost. She has not, save for a few local services, like that of the village dressmaker or cobbler, the slightest idea who makes the products she buys, or what sort of persons they are; while the maker in turn will probably never lay eyes on her, and she becomes simply a sales ticket for posting to his journal, and thus to ledger and profit-and-loss account. Under handicraft conditions the face-to-face relationship prevailed. The producer had to be careful of his reputation for workmanship and fair value. But under modern conditions, as Veblen says: "One can with an easier conscience and with less a sense of meanness take advantage of the necessities of people whom one knows only as an indiscriminate aggregate of consumers. . . ."

Here is the economic apparatus, drawing raw material from all over the world, great ships bearing it, locomotives straining at it, vast mechanical operations grinding and processing it, jobbers, wholesalers, retailers bargaining for it, bookkeepers recording it, long-distance calls hastening it, bankers financing it, trucks delivering it—all into a gigantic hopper with a little valve in the bottom. The consumer has her finger on that valve. If she pulls it open the hopper discharges, to fill again. If she fails to pull it, or pulls it only half way, the hopper chokes; the ships, the locomotives, the main hoists, the processing machines, the trucks, the jobbers, the banks, the very telephone girls, must bring their operations to a halt.

She opens the valve if she is willing and able. By and large she is willing enough, though stupid salesmen have grossly overestimated her saturation point in certain departments. So long as the capitalistic formulas worked, she was able to buy—not to the extent of her willingness, God knows, but enough to keep the hopper reasonably clear. With the collapse of expansion in the capital-goods sector in 1930, she was no longer able to buy in sufficient volume. The hopper choked and will remain choked until she is able to buy again.¹

THE PROBLEM OF RECOGNIZING QUALITY

The private consumer, buying many things in small quantities, cannot maintain the technical laboratory equipment which alone can determine the qualities

¹ CHASE, STUART, *The Consumer's Tomorrow*, *Scribner's*, December, 1933, pp. 333-338.

of his purchases. These have become so numerous, so complicated, containing so frequently synthetic materials, and so packaged for selling that the chances for informing examinations are practically nil. What our grandmothers could tell by the touch of their fingers, only the test in chemical and mechanical laboratories can now ascertain. An ordinary consumer cannot maintain the apparatus necessary to determine the percentage and quality of wool in a blanket or a suit. Even if he could, he would have to have other apparatus to determine the wearing quality of shoe leather or socks, the combustion properties of gasoline and so on indefinitely. Under the conditions of modern industry, the individual small consumer, operating under the old principle of "buyer beware," cannot protect himself from being duped.

To restore his equality of bargaining power, the consumer must turn from self-dependence to a demand that the seller share with him his knowledge of the product offered for sale. It is not the technical impossibility of knowing quality which keeps the consumer in ignorance. The producer is well informed, but he does not pass his knowledge on to the buyer. The U. S. Bureau of Standards stated in 1930 that "in general it may be said that the producers are experts in their own commodity field, but seldom is the consumer given the full benefit of this knowledge. . . . Under present conditions this group knowledge is suppressed and the tendency is all too frequent to give the buyer merely what he asks for."¹

WANTED, MORE PURCHASING POWER

Since 1929 it has become customary to speak of underconsumption as one of the causes of business depression. But the purchasing power of the consumer did not suddenly collapse on a particular day in 1929. Students of changing business conditions had been busy preparing their interpretive charts of business activity which plainly indicated the growing lag between the consumer's power to purchase and the producer's ability to increase goods offered for sale. In 1929 our national income was estimated at between 80 and 90 million dollars. In that year, however, slightly less than 5 per cent of the population of the United States paid income taxes. This would seem to be conclusive proof that even during a so-called "prosperous" period, the distribution of our wealth and our income in any given year left much to be desired with less than 5 per cent of our people possessed of a taxable income. It is evident that the flow of the national income to consumers was insufficient to keep our economic machinery operating at 1929 levels.

The distributive mechanism of our economic system is so defective that it breaks down with alarming regularity. Whenever there is a business depression, the consumer naturally is in a position to consume less than previously unless he happens to be among the fortunate few who can take advantage of very low prices to increase consumption and their standard of living. The interest of the individual as consumer, if not

¹ WARE, C. F., Implementing the Consumer, *Survey Graphic*, February, 1934, p. 71.

as producer, would seem to dictate an attitude favorable to the development of an economy geared to equalize purchasing power of consumers generally in order to stabilize business and industrial activity.

THE CONSUMER'S BURDEN

The consumer bears the burden of financing the whole economic system, and yet, as a consumer, the individual citizen is constantly at a disadvantage when it comes to trade and bargaining, since our whole legal structure has been operating on the assumption that the buyer can take care of his own interests. The validity of that assumption has been subjected to serious questioning. It is apparently time to raise the question as to how the consumer is to protect himself.

Who are the consumers? The consuming group, in which we are here interested, includes every man, woman, and child in the United States plus those in foreign countries who consume any goods produced in America. Business, industry, and trade depend upon the demand of consumers for products manufactured and offered for sale. But consumers are not individuals only; very often the consumers of the product of one industry are other industries. For example, the coal industry supplies fuel which produces motive power for the manufacture and processing of steel products; these, in turn, may be used in many different industries in the further production of goods destined for use by the ultimate consumers.

It need hardly be argued that the consumer is divided in his interests. To the extent that he produces something for sale, he seeks the highest prices for his goods, whereas, as a consumer of many goods, he seeks the lowest prices commensurate with quality, inasmuch as every customer's money income depends either upon his services or upon his inheritance of the right to consume the fruits of the labors of an earlier generation. Most consumers seem more inclined to fight for high prices for the goods that they produce than for the lower prices of goods that they consume. It seems easier for them to visualize their own interest in high prices of particular goods in the production of which they specialize than to work for lower prices of the thousands of things that they buy. It is now manifest from even a cursory study of contemporary economic conditions that competition among consumers whose income is limited cannot effectively achieve a sufficient buying power to support a rising standard of living.

Consumers' efforts at getting their money's worth are doomed to failure as long as there exist nationally organized producers who can command monopoly prices for their goods. Thus far consumers have not organized effectively to increase their bargaining power in the American market. Too often has the margin between legitimate cost of produc-

tion and the selling price been too great to permit the smooth flow of goods to consumers. Hence, there has been an insufficient curb on the semimonopolistic price-fixing proclivities of big businesses. This partially accounts for the periodic breakdowns of the whole economic organization because of the inability of consumers to purchase the goods produced.

LIMITATIONS ON CONSUMPTION

From the discussion thus far it is clear that consumers, in so far as they are aware of their own good, are interested in an abundance of goods available for consumption at a price within their ability to pay. This fact is supported by the economist's distinction between money income and real income. What money will buy is of more importance to the consumer than the amount of money that he receives, although there is a close relationship, since money income is translated into real goods. This gives rise to the question as to what limits the consumer in gaining control and ownership over his share of the national income.

Obviously, one of the limits under which the consumer labors is his inelastic income in the form of wages, salaries, interest, or profit. Whatever the limits, the consumer's money income necessarily places the outside limit on his consumption of goods to be purchased. If this income in dollars is insufficient to permit purchase of goods produced for sale, and if a large proportion of the consumers are in the same condition, there will be a tendency for goods to multiply rapidly; warehouses will be filled with goods that cannot be sold at the moment, and business will come to a standstill.

This chain of events tends to lower the purchasing power of the consumer still further; and this, in turn, aggravates the situation characterized by underconsumption. This is the portion of the consumer's problem that is emphasized in the orthodox books on economics in expositions of the theory of distribution of income among rent receivers, wage receivers, interest receivers, and profit takers. We are interested in the position of the consumer as an individual. It is evident that one of the obvious limits on the individual's consumption schedule is his money income in the current economic system. It may be added that a mere increase in the money income of the consumer will not by necessity be reflected in an increased ability to purchase more goods, since the prices of goods may conceivably rise in direct proportion to the supposed increase in the money incomes of consumers. This is a fallacy that underlies most of the superficial thinking brought forth in support of a policy of currency inflation.

IGNORANCE OF THE CONSUMER

Another very serious limitation burdening the consumer is his ignorance. In the complex economic system of which the consumer is a

part, one of the most difficult problems is the determination of the price of a good. It is not enough to convince him that the given price just covers the cost of production of the good in question plus a slight return to the owner of the business establishment in which the consumer makes his purchase. To view the price problem from the cost of production angle is likely to lead us into a long regressive journey in search of the original ingredients whose costs of production can be definitely measured.

The effort to trace the cost of production of such a relatively simple commodity as a cotton handkerchief purchased in a ten-cent store will illustrate the devious reasoning and the extremely complex series of productive processes that are covered to some extent in the price of the finished product. The 10-cent handkerchief supposedly brings to the establishment that sells it a small proportion of the profit of the business, and it must pay its proportionate share of the rent of the building that houses the business. A portion of the 10 cents goes to the payment of wages and salaries within the particular store; a portion of the income is diverted to advertising, interest payments, taxes, and costs of lighting and heating the store. The 10 cents must contribute to the transportation charges of the finished product as well as the raw materials from which it is made, the wages and salaries of those employed in the transportation industry, and the costs involved in the mill in which the handkerchief was manufactured. This chain of reasoning is practically endless, but eventually in the search for the price-determining factors of the 10-cent handkerchief we reach the original producer of the cotton who sells the raw cotton to the gin. If the cotton farmer is asked what determines the price of the raw cotton, he will be quick to see that the old familiar argument as to cost of production will not explain the price that he receives for his raw cotton.

If we follow the argument from the demand side of the bargain, we shall be in no better position to understand the particular price that we are asked to pay for a relatively simple finished article such as the handkerchief in question. Neither is it satisfactory to the practical consumer to read in books on economics that prices are fixed at the point where the marginal supply and the marginal demand balance. The fact of the matter is that the consumer is only slightly less ignorant in relation to the complex price-determining problem than is the producer. The consumer can hope for relatively little aid from orthodox economists in his search for the answer to the question as to the causes, conditions, and determining factors underlying the particular prices of commodities that he desires to buy.

Even if the technical price problem were less complex and more easily understood, most consumers would still need to accept on faith the variously priced articles that they purchase and assume in an optimistic vein that they were getting their money's worth. After all, how many con-

sumers are at all aware of ways of testing the quality of the goods that they buy? Furthermore, how many consumers have even developed a skepticism of the whole price system sufficient to prompt them to ask questions as to the relation existing between the quality of the good and the price that they are asked to pay for that good when they purchase it? How many consumers are capable of reading intelligently any scientific analyses of standards of goods that they contemplate buying? In how many communities are there available testing laboratories for the prompt, honest, and inexpensive testing of consumer's goods? The answer to each of these questions remains largely negative.

Evidently the consumer's welfare has not been the goal of the economic system in which he lives. We have noted that business and industry are organized on the principle of getting from consumers a price for each article offered for sale sufficient to increase or at least to continue profits. Industry has undoubtedly been more interested in devising means of winning consumer's enthusiasm leading to the purchase of certain goods offered for sale than in informing the consumer as to the exact content, structure, quality, or standard of the particular goods sold.

ADVERTISING CONFUSES THE CONSUMER

One of the means constantly utilized by the producers in developing a demand for particular goods has been advertising. It will not require any very serious or extended study of contemporary advertising practice and techniques to discover how little emphasis is placed by the advertiser on the effort to describe honestly a given commodity and how much effort is expended in playing upon the consumer's pride or ambition in order to break down his sales resistance. The advertiser is naturally biased in favor of his own goods. Furthermore, advertisers in the United States are not sufficiently curbed in their enthusiasm in selling goods to limit their sales appeal to the truth about the goods that they are selling.

All too often a slogan and a brand name, a label, or some pseudo-scientific claim that "20,672 doctors can't be wrong" in supporting this particular item or that "it floats" or "I'd walk five miles for this or that" or "four out of five have it" or "fifteen minutes a day" or "what others have done you can do" creates in the mind of the gullible consumer the name of a product which more likely than not he will remember and buy the next time he needs anything of that type. The consumer is without adequate knowledge of any standard specifications of the thing that he needs. This is not said in order to belittle the important role that advertising may play in educating the consumer to insist upon high-quality goods. It is evidence, however, of a wasteful extravagance of competitive advertising which tends to confuse the consumer still further and permits shoddy materials to be offered for sale in the market to tempt

the unwary and poorly prepared consumer to get less than his money's worth.

THE PROBLEM OF CONSUMERS' CHOICES

A third limitation on the consumer is that his choices of goods to be purchased are not well organized or rationally determined. The consumer is not educated to choose wisely from among the many competing goods offered for sale. Advertisers, at least until recently, have been under no serious obligation to the public in this country to state the truth in their advertising. The difficulties involved in amending the Pure Food and Drug Act of 1906 is evidence of the truth of this statement. And, as has been stated previously in this chapter, consumers are often not aware of their interests as consumers as opposed to their interests as producers. Little attention is paid in any period of the child's educational experiences in the public schools, high schools, or colleges to the task of improving his efficiency as a consumer. Buying and consuming are apparently taken for granted as natural functions of the individual not subject to training or improvement.

It is rather surprising that consumers have fared as well as they have in the almost complete absence of a critical attitude based on knowledge of what they are seeking to buy at a particular time and place. Until the consumers signify their interest in getting their money's worth and organize themselves into consumer's cooperatives or mass-buying syndicates and prepare themselves to buy according to specifications just as the government and big business have organized in order to achieve their ends, there will probably be slight, if any, improvement in the general condition of the consumer. The unorganized consumers need not experience feelings of inferiority in the economic struggle with organized producers and vendors of commodities, inasmuch as the profits provided by consumers subsidize continuance of the present productive system. The policy of exploiting consumers for the benefit of the producers will continue as long as consumers permit themselves to be duped. To some extent labor in the United States has imitated big business and industry by organizing in order to achieve certain desirable goals for the laboring class.

The task of organizing the consumers, however, will be much more difficult than the organization of big business or labor because the consumer finds himself allied at one and the same time to two camps—the producers and the consumers. This reflects the conflict within the consumer himself which has been mentioned. Much will depend upon whether or not the consumer believes or can be convinced that he will be achieving larger returns for himself by joining an organization of consumers bent on getting their money's worth than by supporting the

organized producers to protect and expand the profit margin. In the United States, consumers have made but little progress toward getting their money's worth; but if the concentration of wealth and income continues at the rate that has characterized that process in the last half century, it is probable that the consumer's interest will be largely divorced from the producer's interest in the mind of the masses. Not until then will the consumer be in a position to achieve his share of the real income of the nation in return for his services and his money income. There is a possibility that the federal government may take heed of the consumer's plight and help him to achieve the power to insist upon getting his money's worth, but to date the consumer continues to be very much forgotten.

CONSUMPTION IS BEING STANDARDIZED

The consumers in the United States must somehow free themselves from the fear of being counted queer if they do not eat the same food, wear the same style and material in their clothing, or build and live in the same kind of houses that their neighbors live in. They must overcome the influence of habit in purchasing many of the goods that they consume. Just because a person has purchased the same grade or trade-marked goods for 10 years is no sign that there are no better goods on the market. The consumers must become more adventurous and experimentally minded and must realize their importance in the whole economic organization by occasionally organizing boycotts against purchasing goods that are untruthfully advertised, shoddy, dangerous to health, or too high priced. When once the consuming public is finally aroused and convinced of its power to dictate to industry what shall be produced and what shall be sold to the consumers, then business will take heed. But the consumers probably find themselves in the plight that now troubles them simply because they have permitted the present system of business and economic organization to thrive at their expense. They have been too complacent to care about getting their money's worth.¹

It should not be inferred from this discussion that either the producer's or the consumer's interest can be achieved without taking the other into consideration. Even in a planned economy it would be necessary to insure that a balance between production and consumption be achieved. It is amazing to consider the degree of success that has attended the development of the present form of economic organization, which seems to be based on the assumptions of opposing interests of consumers and

¹ It is suggested that you read some of the codes of industry that were drawn up under the N. R. A. Attempt to find even one among the hundreds of codes that seems to have catered to the interests of the consumer.

producers and the ability of each of the opposing factors to take care of and protect their own interests sufficiently to permit indefinite progress.

THE MODERN CONSUMER

In public practice and in such scientific fields as economics, political science, and sociology, this ancient practice of the deification of institutions—Society, Business, the State—into entities independent of the people whose habits of these institutions has been perennial obstruction to clear thought and action. It has invited preoccupation with honorific abstractions as self-sustaining things in themselves: The individual laborer has been lost in the discussion of labor; the urgent eccentricities of the voter have been overlooked in generations of high talk about sovereignty—while Tammany, knowing better, attended to the voter and carried home the swag.

And nowhere has this obfuscation due to preoccupation with abstracted entities such as "society," "national welfare," and "public good" been more disastrous than precisely in this field of consumption. If society's welfare is placed first, there is a perfect justification for the General Johnsons who would block action by a Consumers' Board on the ground that the latter represents a special group; for, they maintain, "society" is not consumers *or* industry *or* labor, but everybody. But this abstracted "everybody" is, in the hurly-burly of practical affairs, nobody. Only under some such false rationalization as the claim that "everybody's" welfare is best fostered by the concentration of governmental attention upon general business prosperity can this impossible abstraction be made to come alive and function; and then only at the cost of allowing a special group, business men, to preempt the right to speak for "everybody." . . .

He stands there confronted with vastly more choices than any previous generation of consumers had to make. There are 350,000 possible choices in a store like Macy's; and in a single city the size of Milwaukee the consumer must choose from among some 250 kinds of toothbrushes, 100 kinds of washing machines, 160 kinds of fountain pens, 50 kinds of motor oil, and so on through the long list of things he must buy. In this age of advanced fabrication he has lost the old thumb-and-finger familiarities with silk, calico, and flour which his grandfather had. The rival makes of vacuum cleaners and electric washing machines are harder to appraise than were the brooms and the washboards of two generations ago. Synthetic materials like rayon, and slick processes like the artificial weighting of silk with tin, are less readily judged than were the silks of an earlier day. Science has discovered hosts of new and perplexing necessities for health and welfare—vitamins, intestinal flors, ultra-violet lamps, and posture furniture and educational playthings for the children.¹

REGARDING CONSUMER INTEREST

We have referred at various points in the discussion to the need of consumers' organizing to protect their interests as consumers. Several of the writers from whose works we have previously quoted also emphasize

¹LYND, R. S., *The Consumer Becomes a "Problem," Annals of the American Academy of Political and Social Science*, May, 1934, pp. 3-6.

the distribution of consumers' organizations. Professor Means draws an interesting distinction between the consumer interest and the public interest in the following quotation:

However, it completely overlooks the fact that the important thing is not to organize *individuals as consumers* but to organize the *consumer interest*. This would involve the recognition by existing organizations of the fact that consumers can no longer adequately influence the economic process through the market place; that they must exercise influence not only through the market place but also directly upon the managers of industry. The organization of consumer interest would be accomplished as individuals used their influence through their existing organizations. While the organization of individuals as consumers is important, the diffuseness of consumer interest seems likely to make such organization slow. Until strong consumer groups exist, perhaps as a part of a permanent consumer movement, the use of many existing organizations seems not only possible but essential.¹

THE CONSUMER IS FAR REMOVED FROM THE PRODUCTIVE PROCESS

Reference has been made to the increasing difficulty of direct contact between consumer and producer. With the increasing complexity of the productive processes, which often requires industrial cooperation covering several states, it is evident that no consumer can be aware of the whole series of processes that must be covered as to cost in the price of the good that is eventually offered him. If the consumer is dissatisfied with the quality of the good that he purchases, it is no longer possible for him, in most cases, to bring the matter to the attention of the owner of the business or industry in which the good has been produced.

More and more is the consumer becoming merely the final link in the long chain between the production of the raw material and the consumption of the finished good. This being the case, the individual consumer is constantly at a disadvantage in seeking to affect the price of whatever he buys. Thus the whole consuming community in America is coming to be characterized by what may be called "absentee consumption." In such a situation the consumer is permitted to take or leave the goods that are offered for sale at a given price. However, if the goods are necessary to the consumer's well-being, and if he has the purchasing power to translate his desire for goods into ownership, then his potential veto of a particular good at a particular price is at best but an isolated negative attack, which brings slight results to the consumer himself or to the producer. It is undoubtedly true that the modern consumer has less

¹ MEANS, G. C., *The Consumer and the New Deal*, *Annals of the American Academy of Political and Social Science*, May, 1934, pp. 15-17.

influence in determining and limiting price than consumers had in this country in earlier times.

AVAILABLE CONSUMER AIDS

The position of the consumer as described and analyzed in the foregoing discussion leads naturally to the question as to what aids exist for the consumer who is seriously interested in seeking to better his bargaining position. Reference has been made to the lack of success of cooperative consumers' groups in the United States, but lack of success in the past need not prove insurmountable barriers to the efforts at bettering the consumer's condition through cooperation. Under the present administration there is available to every consumer who desires to avail himself of the service the opportunity of cooperating with the Agricultural Adjustment Administration in checking up on the prices of consumers' goods in his own community to provide the basis for a careful comparative picture of the prices in various other parts of the United States for similar goods. The published results of this service appear every two weeks in the *Consumers' Guide* issued by the Consumers' Counsel of the A. A. A. The guide is not regarded as highly valuable in the consumers struggle. Its main use seems to be the provision of general information to consumers. It is also useful as an organ supporting the cooperative movement.

The Consumers' Guide believes that consumption is the end and purpose of production.

To that end the *Consumers' Guide* emphasizes the consumer's right to full and correct information on prices, quality of commodities, and on costs and efficiency of distribution. It aims to aid consumers in making wise and economical purchases by reporting changes in prices and costs of food and farm commodities. It relates these changes to developments in the agricultural and general programs of national recovery. It reports on cooperative efforts which are being made by individuals and groups of consumers to obtain the greatest possible value for their expenditures.

The producer of raw materials—the farmer—is dependent upon the consuming power of the people. Likewise the consumer depends upon the sustained producing power of agriculture. The common interests of consumers and of agriculture far outweigh diversity of interests.

While the *Consumers' Guide* makes public official data of the Department of Agriculture, Labor, and Commerce, the point of view expressed in its pages does not necessarily reflect official policy but is a presentation of governmental and non-governmental measures looking toward the advancement of consumers' interests.

Another source of assistance for consumers is Consumers' Research, Inc., a nonprofit organization seeking to interest consumers in the United States in solving the problem of getting their money's worth. Con-

sumers' Research specialists have begun the publication of what may prove to be a startling series of books exposing the disadvantages under which the consumer labors. Two of the popular books published under its auspices are *100,000,000 Guinea Pigs* by A. Kallett and F. J. Schlink and *Skin Deep* by M. C. Phillips.

The Consumers Union of the United States, Inc., provides a similar consumers' information service. An additional emphasis is its interest in the laborer's viewpoint. Both organizations offer their members confidential service reports giving the results of analyses of a large variety of consumers' goods with definite suggestions as to which are the better goods in the various price classes and grades.

PRESENT STATUS OF THE CONSUMER BRIEFLY REVIEWED

Thus far in the discussion, consumption has been limited to the round of economic exchange in which price tends to limit the individual's consumption of goods and services. It is evident that consumption might be considered in a much broader sense to include not merely the purchase and consumption of goods and services but the whole experience of the individual in seeking to achieve for himself a satisfactory life. Thus consumption would include a study of the individual's leisure-time activities, his reading habits, his recreational pursuits, his interests in the social life of the community in which he lives—in fact, one might conclude that consumption is living when viewed in its broadest implications. However, little enough is known even of the simpler economic aspects of consumption, and so it may not be out of place to list in a summary fashion the characteristics of the modern consumer as an individual as he faces the task of fulfilling his needs and desires in the economic realm. The individual consumer is like a man who goes out to purchase goods almost entirely in the dark without much guidance and without even the elementary knowledge of where the market exists for the goods that he wishes to buy.

Consumers are not really awake to their own interests in the economic life of which they are such an important part. Much educational effort needs to be expended upon study and discussion of specific problems confronting the consumers in local situations. Discussion and study groups might well be utilized to a much larger extent than they have been up to the present in the effort to clarify the idea of the consumer's interest in our economic affairs. A series of introductory discussions and studies might be built up in every community. A portion of the platform of the Social Legislation Club suggests certain phases of the problem that need clarification:

The Consumer Interest. We believe that insofar as a government concerns itself with economic affairs its officials should be conscious of the consumer

interest and should direct government programs in harmony with consumer interest.

We do not favor the destruction of goods under any circumstances; and we do not favor measures which are intended to retard production.

We recommend a reorganization of the Federal Departments making the Department of Commerce and the Department of Agriculture mere bureaus under a Department of the Consumer. (In their present adjustment they attempt to aid some groups at the expense of a majority of individuals.)

We desire legislation making available to the public in its consumer interest the services of the United States Bureau of Standards. We also favor the organization of bureaus of standards by States, to work solely in behalf of the consumer interest.

We favor the abolition of billboard advertising; and we favor the prohibition of all puffing in advertising. We advocate legislation to wipe out the practice of advertising by means of endorsements; and we object to appeals resting primarily on emotion.¹

SUMMARY OF THE CONSUMER'S PROBLEM

1. The individual consumer generally purchases goods in small quantities according to the label, brand, or trade-mark and therefore is not in a position to take advantage of quantity discounts.

2. It is usual for the consumer to enter upon the task of purchasing the necessary goods for himself or his family without any intelligent conception or honest description of the material to be purchased clearly defined in his own mind. Frequently the consumer purchases that which appears to accommodate his desires without any very serious consideration of its adaptability to his general needs or standard of living.

3. At least up to the present, there has been an almost complete absence of standard grades in most consumers' goods. The various phrases used to describe the goods, such as first quality, extra special, superfine, first class, select, best, do little more than confuse the consumer in making his choices.

4. The individual consumer rarely, if ever, purchases consumption goods according to specifications drawn up with reference to the exact standard required. This often results in his purchasing a substitute that does not fulfill his needs.

5. As already indicated, brand names, labels, and trade-marks are used extensively to influence the consumer into thinking that the high quality claimed for this particular good is monopolized under a patented trade name.

6. The consumer has no control over the quality of the good purchased until he has purchased at least one unit of it, and in the case of

¹From the platform of the Social Legislation Club in a pamphlet issued by E. Pendell and J. E. Barron.

some injurious goods the consumption of one unit makes further consumption impossible owing to the elimination of the consumer.

7. The individual consumer does not have available testing facilities or the requisite techniques for using such facilities even if they were available to discover for himself the exact quality of the goods that he purchases.

8. Most consumers must buy their goods from middlemen who generally know as little as the consumers about the quality, standard of excellence, or unfavorable characteristics of the goods that they are selling. Thus the salesman is of little aid in educating the consumer to insist upon getting his money's worth.

9. If the consumer takes advertising at its face value, he will find himself completely at a loss to choose among the many superlatively described goods offered for sale. Advertising often appeals more to the emotions of the consumer than to his intelligence, and rarely do the advertisers seek to do much more than popularize a name instead of giving an accurate analysis of the product that the advertiser hopes to sell.

10. The consumer too often buys according to habit and custom rather than according to a minimum standard of excellence.

11. It is beginning to dawn upon the consumer that there is no necessary relation between high quality and price. When it comes to estimating the exchange value of the good, the consumer is almost completely at sea in discovering the basis for differences in prices of similar commodities for which the salesman claims especially high qualities.

12. The consumer has during the past 10 years been persuaded to fulfill many of his wants through the deferred-payment or installment-buying plan. In return for the privilege of immediate consumption the consumer tends to forget, in part at least, his critical demand for absolute satisfaction in the goods purchased. It requires no mythical genius to discover the fact that installment buying has brought an additional middleman, the financing agency, into the long chain of productive and distributive agents that stand between production of the finished product and its delivery to the ultimate consumer. The financing companies that specialize in the installment purchase plan naturally exact pay for their services. This increases the price of goods so purchased and in the long run reduces the quantity of goods that each consumer will eventually be permitted to consume. It is by no means clear that any real advantages have accrued to the consumer through the dubious privilege of mortgaging his future income to pay for goods to be consumed in the present.

Many other aspects could, of course, be given regarding consumer problems. This chapter represents only a brief introduction to a study of that long forgotten man the consumer.

QUESTIONS AND TOPICS FOR DISCUSSION
AND STUDY

1. Briefly list the elements or factors making up the consumer's problem.
2. From your experience in your home community, list the available aids to consumers in your home town.
3. Students in the course on Consumers' Problems at Stephens College have made complete inventories of their belongings; the market price of the student outfits ranged from \$376 to \$4,150. What does it cost your parents to equip you for college attendance in terms of money spent for clothes, luggage, books, room furnishings, cosmetics, other school supplies and miscellaneous items? To what extent do you purchase personal items on your own initiative? Do you feel that you are an intelligent consumer and shopper?
4. What was the last purchase you made? Why did you buy that particular thing? Do you think you received your money's worth? How do you account for the fact that occasionally you feel you have received a bargain and at other times you are convinced that you as a consumer have been exploited?
5. What can college students and local consumers do about increasing their efficiency in consumption?
6. Why have consumers' cooperative societies proved so unsuccessful in the United States up to the present time?
7. How does the absence of the actual producer affect the consumer's ability to get his money's worth?
8. What is meant by the phrase "the absentee consumer"?
9. How has the consumer been aided under the Roosevelt administration?
10. Read the Pure Food and Drug Act of 1906. How does it happen that it is so difficult to amend that act? Are consumers interested in having this act brought up to date? Who is hindering the Congress from passing an act to supersede the act of 1906?
11. Are producers and middlemen, as a rule, interested in educating the consumer into getting his money's worth? How do you account for the attitude of the producers in this matter?
12. In your estimation, are consumers insisting upon achieving higher efficiency in the purchase and consumption of goods and services?
13. What is your reaction to the platform of the Social Legislation Club in so far as it relates to consumer interest?
14. To what extent do consumer interest and the public interest coincide? To what extent do the two conflict?
15. Discuss the problems raised by advertising in relation to the individual consumer.
16. Discuss: The individual consumer can increase his efficiency as a consumer to some extent by keeping to a carefully constructed budget.

TERMS

consumption
consumer
installment buying
profit motive
price
stability of the price structure
exploitation
absentee consumers

laissez-faire
under-consumption
buying power
real income vs. money income
Consumers' Advisory Board
"open price clauses" in codes
consumers' cooperatives

SUGGESTED READING

- BRANCH, M. S. *Women and Wealth*. University of Chicago Press, 1934. A discussion of the economic position of women in relation to wealth in the United States. Some highly significant statistical data are included.
- CHASE, STUART, and SCHLINK, F. J. *Your Money's Worth*. The Macmillan Company, 1927. This book is important as a forerunner of many others seeking to educate the consumer by a process of debunking consumers' goods and advertising appeal.
- CHASE, STUART. *The Tragedy of Waste*. The Macmillan Company, 1926. A forthright appeal for conservation of natural resources in the consumers' interest.
- . *The Economy of Abundance*. The Macmillan Company, 1934. A criticism of current efforts to create artificial scarcity to bolster the profit system and a plea for a general increase in production of goods.
- FILENE, E. A. *The Consumer's Dollar*. The John Day Company, Inc., 1934. An intelligent discussion of consumers' expenditures by a successful businessman interested in consumer welfare.
- FRIEND, M. R. *Earning and Spending the Family Income*. D. Appleton-Century Company, Inc., 1930. An interesting study of budget problems.
- HARAP, H. *The Education of the Consumer*. The Macmillan Company, 1924. An early analysis of consumer problems and the efforts of educators to help consumers meet their difficulties.
- KALLET, A., and SCHLINK, F. J. *100,000,000 Guinea Pigs*. Vanguard Press Inc., 1932. In which the consumer is invited to become aware of the dangers and pitfalls of consumption of mass-produced goods.
- KYRK, H. *Economic Problems of the Family*. Harper & Brothers, 1929 and 1933. An analysis of current economic problems confronting the American family.
- LEVEN, M., MOULTON, H. G., and WARBURTON, C. *America's Capacity to Consume*. Brookings Institution, 1934. The most comprehensive study of consumption in its broader aspects thus far completed. Especially noteworthy are the statistical tables and graphs illustrating the major points of emphasis.
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Chapter II

American Labor Problems

In order to continue to consume goods and services it is necessary for most individuals to earn a money income. This, in turn, involves work. In this chapter our attention is directed toward the study of some of the problems confronting labor in the United States. First of all, attention is centered on the so-called "labor problem" which is briefly defined and described. A discussion of the development of the labor movement in America follows. Some effort is devoted toward gaining an understanding of the conflicting aims of laborers and capitalists. The position of labor under the New Deal is briefly analyzed, and some discussion of the more recent labor legislation is included. The fundamental purpose of the chapter is to discover what the labor problem is and some of the trends that characterize its development today.

SOME ASPECTS OF THE LABOR PROBLEM

Americans have long since achieved the distinction of being good, efficient, hustling workers. Of our population ten years of age and over, 49.5 per cent was gainfully employed according to the 1930 federal census. Slightly over three-fourths of the males and 22 per cent of the females ten years of age and over were gainfully employed in 1930. The total number of employed individuals in the United States in 1930 was 48,829,920. With approximately two workers for every five persons in our population it is evident that the problems relating to labor affect practically every family in the United States.

We are inclined to think that prosperity is a normal condition in the United States in which workers are satisfactorily employed, enjoying high standards of living, with practically everyone busy at a gainful occupation. We are accustomed to think of the United States as a country from which poverty is eventually to be eliminated. However, even during prosperous times two or three millions of our population are

normally unemployed. Since 1930 during the recent depression the estimate of unemployment has ranged from about 8 to 15 million people. On the relief rolls of this country there were in June, 1935, 24 million individuals. Much of this burden of relief grows directly out of a condition of unemployment that necessarily deprives many families of any earned income. To make matters worse our unemployed masses have not saved enough out of their earnings in the past to cover the cost of supporting their families during long periods of unemployment.

Unemployment brings in its train a loss of morale, poverty for the worker's family, undernourished children, unpaid rents, and cessation of credit for the unemployed. Furthermore, it brings privation and lowering of the worker's standard of living and lack of food, clothing, and decent shelter. Unemployment also leads to loss of civic spirit, to pessimism, and to the development of mental attitudes more likely to accept radical doctrines demanding social and economic change of a revolutionary nature.

The *causes* of unemployment are generally listed in two categories: those in which the fault lies with the worker himself and those that are due to the will of the employer. Among the causes that lead a worker to leave his employment voluntarily are fits of temper, disagreements with his foreman, dissatisfaction over wages, excessive hours, lack of opportunity for advancement, poor housing accommodations, the wanderlust, poor health, or a belief that more attractive opportunities exist elsewhere. Causes of unemployment over which the worker has no control and in which major responsibility rests largely with the employer are seasonal shutdowns, business failure or bankruptcy. Employers and workers are frequent victims of two forces over which they can exercise little effective control, depressions and inventions. The worker may also be discharged because of inefficiency, insubordination, unreliability, and union agitation or affiliation. Unemployment over which the worker has no control is occasionally created by orders from his union to join in strikes.

But the labor problem is by no means restricted to the difficulties arising from unemployment. In addition to the worker's task of finding employment, the labor problem includes his attainment of a satisfactory standard of living, achieving healthy and safe working conditions amidst sanitary surroundings and safety devices. It includes his efforts to win bargaining equality in making satisfactory agreements with employers concerning wages, hours of work, and overtime pay. The achievement of shorter working days and a shorter work week, stability of employment, old-age pension plans, and health and unemployment insurance are part of the problem. It includes also the efforts of labor to attain legal rights to organize unions, to select representatives of its own choos-

ing, and to win a share in the determination of industrial policies with the management. Labor's legal struggle relates also to the status of its weapons in industrial disputes: strikes, picket duty, and boycott. From the laborer's point of view the labor problem is legislative as well, since he insists upon protection against industrial hazards, insurance of his civil rights, and protection against contracts that he considers unfair and the injunction that prevents him from using the weapons of organized labor.

From the employer's angle the labor problem is part of the task of management. He is interested in buying the services of labor to be used in his efforts to make a profit out of his economic adventure in business, industry, or commerce. To the employer labor is one of the necessary agents of production which management must so utilize as to produce goods for sale. Naturally, labor is considered by the employer as a cost of production of whatever commodity he is placing on the market.

No discussion of labor problems would be realistic without at least a brief reference to the extremely wide differences in standards of living that prevail in the United States. It appears that to a large extent the problems of labor arise from the unequal economic opportunities confronting various classes of our population. Economic poverty lies at the root of much of labor's difficulties. In order to indicate the seriousness of certain aspects of the labor problem, several excerpts from various sources are quoted. One refers to violence in labor disputes; another describes life among the unemployed in the American "jungle" during the recent depression; a summary of an article in a radical journal concerning an American heiress is presented; finally excerpts are quoted from an article, biographic in nature, describing the impact of poverty and unemployment on a victim of the depression.

LABOR VIOLENCE

Nine dead and a dozen wounded make up the latest casualties in the private war which has been raging in Kentucky. Three of the killings occurred in Harlan County, when James Jones and the notorious gunman-deputy, Bill Randolph, were fired on by men in ambush, Jones being killed and Randolph wounded. Randolph thereupon summoned a group of his fellow-deputies to aid him, and while he was telling them his story, was shot dead by Clarence Middleton, described as a "storekeeper for a coal company." This was the signal for a general free-for-all, in which shots from ambush answered shots from deputies. Meanwhile in neighboring counties fights occurred in which indiscriminate deaths and gunshot wounds were the results. Whether or not these were motivated by animosity between miners and deputies is not clear. Perhaps they were merely the time-honored Kentucky way of settling an argument. Randolph was a typical bad man with six notches on his gun. But his death, with that of the others, cannot fail to have an unfortunate effect on the trial of

thirty Harlan County miners which is now going on. The fourth trial, that of F. M. Bratcher, owing to the sudden interest of one of the defense attorneys in the accused, resulted in a hung jury, eleven to one being in favor of acquittal. The prosecution was reported to be noticeably disconcerted thereby, but it has probably been very handsomely reinforced by the murder of one of the upholders of law and order.¹

IN THE JUNGLE (by Harold M. Ware and Lement Harris).

On a trip through the agricultural byways of the country we have seen revealing things. We have seen one of the leading citizens of a small town, head of the local Red Cross office, brutally ignore the appeal of an unemployed farm worker—a young father, forced for the first time to ask for charity because his child was ill and needed medicine. We watched that man redden, then turn a long grim look upon the Red Cross worker who had handed back the doctor's prescription with the curt statement: "The Red Cross issues no funds for patent medicines!" Below his prescription the doctor had added, "One jar of Vick's Salve—Tom Ridgeley's baby has pneumonia and needs these remedies."

In the streets of villages we have seen husky men armed with ordinary house brooms. In talking to them one senses the white-hot resentment and shame they feel at becoming a public show as they pretend to sweep up imaginary horse manure among the omnipresent Fords. They are the personification of the theory that the poor must not be pauperized by a dole lest they prefer charity to labor. If the object is to make Americans hate charity, those who administer charity, and the people responsible for poverty, then the method is signally successful. . . .

Crossing the plains of our country we have learned much about the "jungle"—that waste spot on the edge of the American city where the unemployed can camp. In Stockton, California, it is on the city dump along a drainage canal back of the wharves of the Sacramento River. When we saw it, smoke was rising from the shelters made by many groups, or "combinations" of several nationalities. For, "rugged individualism" notwithstanding, man is a social animal, and misery is making him more sociable in many ways. Each little group of unemployed was intent upon cooking messes of "food." The whole situation was fantastic. There, in sight of the city with its shops, an elevator storing grain on one side, a sugar plant on the other, and the food warehouses along the city wharves, these men, able and anxious to work, had scratched over the garbage piles of the warehouses, retrieved half-rotten carrots or onions or beans, peeled away the worst of them, and were boiling them in any old tin can they could salvage. We have been taught in the good old American fashion that this is a free country, and it is. These men had a free choice of three alternatives: they could steal, starve, or become scavengers. . . .

We have gone from one end of the Main Streets to the other. But nowhere have we found agricultural leaders or bankers looking far ahead for a solution.

¹ *The Nation*, vol. 135, No. 3497, p. 21, July 13, 1932. Harlan County miners have recently won certain civil rights under the Wagner Labor Act. Labor conditions in Harlan County appear to be improving at the time of writing.

Instead, some of them are looking backwards a hundred years and fatuously prescribing the self-sustaining farm unit of covered-wagon days. All shake a pious head at the "extravagance" of farmers and workers who enlarged their farms or bought radios and bathtubs on the installment plan. But to anyone who knows the "jungle" folk today this platitudinous hocus-pocus fails to dispel the conviction that unless something is done, the imaginary lines that separate masses of hungry men from great reservoirs of food will be broken.¹

At the other extreme in the scale of living there are a few people who continue to live extravagantly. Their number is not large, as is indicated in two books of recent date, Josephson's *The Robber Barons* and Lundberg's *America's 60 Families*. Concerning one member of this minority the *New Masses* published a statement of which the following is a summary: In 1918 Barbara Hutton's grandfather, Frank Woolworth, left her an estate valued at \$18,472,290. Her father, Franklyn Hutton, took such excellent advantage of the stock market boom and Hoover prosperity that in 1931 his daughter's estate was worth an estimated \$40,856,614. In 1918 he held his daughter Barbara's annual expenditures down to \$7,000, she being six years old; at nine years her allowance was raised to \$12,000; she was spending \$35,000 at the age of thirteen and \$60,000 at age sixteen. The problem of appropriate living quarters became pressing for her father, and so, in 1927, he addressed a petition to the surrogate, requesting permission of the court to spend \$300,000 on remodeling the Fifth Avenue apartment.²

In sharp contrast with such a high standard of living the next quotation describes the lot of a man who has become a public charge.

I AM A PUBLIC CHARGE (by Theodore Poresch).

Nothing can be more insecure than the life of a man who lives under the spell of defeat. I am a public charge. My name is entered on the relief rolls. This is bad enough, but it does not explain satisfactorily the amazing consequences of my involuntary pauperization. The basic trouble is that I have lost much more than my job, social status, savings and precious self-respect. I am no longer what I used to be—my former self, but an entirely different individual. Therefore, why worry? At all events, I need not be ashamed to confess that I have struck the proverbial bottom. And Oh, Lord! What a lot of strange distorted creatures I see crawling and struggling all around me way down below the foundations of our proud social structure. . . .

Did you ever stop to look at a breadline?

Curious spectacle, isn't it? Pathetic—yes. Grim and sinister, too, at first sight. There are perhaps hundreds of men standing patiently in line. They are silent and appear utterly unconcerned and indifferent. Downhearted? Oh, no! Just indifferent. Now and again a few words are spoken in an undertone,

¹ *The Nation*, vol. 135, pp. 55-56, July 20, 1932.

² *Cf. The New Masses*, Jan. 9, 1934, p. 23.

then—silence. All at once there is heard a sharp bark—"ready!" and with a quick jerk the long line becomes animated and creeps forward slowly and fitfully like a wounded snake. . . .

Accustomed as I am to observe the submissive attitude of the majority of the men in the breadlines, I sometimes wonder why our destitute unemployed are so utterly inarticulate and meek. It seems they have nothing at all to say. Their endless capacity for suffering keeps them in leash. And yet, the question naturally arises—how do they live? By what means do they get by?

Curiously enough, they manage to survive by two simple expedients:

1. Retreat to the Jungle.

2. Beggary. (And this includes all known methods of beggary from dignified work relief to plain panhandling.) . . .

But still and all—such retreats to the jungle are only minor details in the major operation which is now being performed on the sorely afflicted body of our American nation. My gorge rises in anger because I realize that we are at present in the midst of the birth of a nation within a nation. A fullfledged BEGGAR NATION.

There is not the slightest reason to doubt that the stupendous growth of this heterogeneous nation of destitute idlers is perhaps the most outstanding marvel of all times. In fact, we know that our largest industrial centers can be compared to huge ant-hills in which more than one-third of the worker-ants live on relief. They live the life of involuntary idlers and are disciplined and directed by a small army of especially trained relief-ants who provide them with a modicum of their daily needs. . . .

Here we are—many millions of miserable human beings, crowded together in communities where none of us can claim a rightful place of his own, unless it be the city dump. Moreover, we occupy a lot of valuable space that could be utilized more profitably for ornamental purposes. Just think of the beautiful golf links, parks, bridle-tracks and refreshment pavillions that could be erected on the land which is now marred by nasty city slums.

Is there really any valid reason or plausible excuse for the existence of idle slaves?

I often think that if it were possible to exterminate several millions of our neediest unemployed by dissolving them quickly and painlessly into gas, air and other component parts, a great wave of joy and thanksgiving from many influential quarters would sweep the land. After all, what this country needs is a generous sprinkling of supernatural miracles of the most spectacular sort. But—alas—it is futile to expect too much from such humanitarian speculations. They are too visionary. Our darling depression is still running amuck, and along its path are strewn the wrongs and errors of mankind. . . .

Where do I sleep? In the parks? Oh, no! . . . In the Municipal Lodging House? No again! Please, don't forget that I am an incurable individualist. You can't stable me like an animal, if I can help it. However, I wish to make note that I have been unable to find anybody who would be willing to provide me with decent shelter free of charge. And so I have been forced to remove my few belongings to the local jungle-town . . . a flourishing squatters' colony of rugged individualists who live on the old city dumps. . . .

This reminds me that there is at this moment a lot of talk about another business boom in the air. Our eloquent lawmakers and certain smart professors in the White House are on the warpath to catch the elusive dodo-bird Prosperity by its slippery tail. Those clever boys mean business, and you have got to give them some credit for their simple and childlike belief in the rationalization of modern progress. Yet, in spite of their loud ballyhoo and interminable incantations the wise old bird Prosperity is still at large and cannot be coaxed back to its appointed nest.

And there you are—delighted by another big boom in Wall Street, a boom that may strip the public's wool to the bare skin.¹

The foregoing excerpts indicate a few of the elements in the labor problem. Strikes, unemployment, poverty, loss of respect, ill health, utter despair—these are but a few of the human elements involved. The labor problem is basically one of achieving for the men and women, who have nothing to sell but their labor, a sufficient share of the material benefits of life to permit the maintenance of a home on a decent standard of living. This implies the establishment of wages sufficient to insure purchasing power requisite to support such a standard of living and also the development of some plan whereby the laborer may be assured of reasonable security of tenure of employment. To some the labor problem suggests the necessity for devising a workable plan of industrial democracy wherein worker and capitalist cooperate in management and operation of any industrial plant in the interests of an equitable division of the product of capital and labor. Proponents of various utopian panaceas for the solution of the problem of the relations between capital and labor are not lacking. However, we shall not pause to consider such schemes at this time.

WHY LABOR ORGANIZES

For many people not in the laboring classes it is difficult to understand why laborers should seek to organize themselves into unions. Labor organization to some represents an obstacle to the smooth functioning of the industrial machine. Strikes, lockouts, boycotts, and industrial strife seem illogical, wasteful, inexcusable interruptions to economic activity. These result in loss of profits to the owners, cessation of wages to workers, and inconvenience to the public which is confronted by a relative scarcity of goods by insecurity due to violence in some labor disputes. Some observers say that since labor organizations have not always existed, society would function more peaceably and efficiently without them and their use of the weapons of striking, picketing, and boycotting to enforce their demands.

¹ *Common Sense*, September, 1933, pp. 25-26.

While the Fathers of the Constitution were wrestling with such weighty problems as the type, form, content, and powers of the new government of the United States, the masses of the people were busily engaged, as they generally are, in the necessary tasks connected with earning a living, making social adjustments, seeking a satisfactory philosophy of life, and carrying on the ordinary everyday activities of existence. In the eighteenth century the vast natural resources at the disposal of the people of the new nation considerably simplified the problem of earning a living. Work was available for all. It was possible for almost any ablebodied individual to fare forth into the wilderness, erect a home, and carry on the battle of life amid fairly favorable circumstances. So abundant, in fact, were the opportunities for earning a satisfactory living that it became an almost universally accepted maxim of American thought that "any man who honestly seeks work can find it" and that "poverty is the just reward of the laggard, dullard, and lazy," that "God helps those who help themselves," and that "this is a free country in which every man needs only to set out with determination to succeed and work industriously in order to achieve economic independence."

However, as our eastern seaboard became more heavily populated, opportunities to labor on the pioneering level became relatively scarce. The frontier, though receding rapidly, beckoned to any discontented worker in the East, and free land of fairly good quality located in a favorable climate proved a boon to those who sought to evade the responsibilities of citizenship in a settled community. The frontier provided a ready field of endeavor for those workers who chafed under the restraints and disabilities of relatively restricted opportunities in the older communities. Thus, the development of an American labor movement was delayed, since no great body of disgruntled, discontented, disillusioned workers remained in the industrialized centers to set up effective opposition to policies and methods of owners of capital goods distasteful to the workers.

In spite of available free land and economic opportunity a labor movement slowly developed. Late in the eighteenth century men employed in Philadelphia in the printing trade organized a typographical union. By the middle of the nineteenth century labor organizations, mostly local in scope, had been founded in many of the skilled trades. The first giant labor organization in the United States was the Knights of Labor. This unusual labor organization was established in 1869 among the organized tailors of Philadelphia. It appears from a study of the records that the standards of these tailors had been seriously lowered during the Civil War by cheap government contracts. The tailors lost their faith in craft exclusiveness and embarked on a more inclusive labor movement.

The Knights of Labor was first a secret association employing an elaborate ritual. After 1881 the organization openly proclaimed its program and won the support of large numbers of workers throughout the country. By 1886 this organization could boast of approximately 700,000 members. The Knights of Labor was thus essentially an industrial union which any workers, skilled or unskilled, could join upon payment of dues.

The general aims of the Order were stated in terms of the whole laboring class: the substitution of a cooperative society in place of the conflicting groups as found in the existing wage economy; the uplift of all mankind; the securing for workers of a fuller enjoyment of the wealth they create. Yet the Knights were not revolutionary. A reading of their constitution and by-laws convinces one of their acceptance of the main principles of the present economic and social order. They conceived the economic conflict as a struggle with the "money power" (the banking system) rather than with employers.¹

As a political movement the Knights of Labor never achieved great distinction. They never quite formed a political party. Their aims for labor were occasionally confused with political efforts, and thus the rank and file of labor who sought a truly dynamic labor movement in this country became disgruntled and began thinking in terms of a nonpolitical labor organization.

In 1881 such an organization was founded. It was named the American Federation of Labor. Its organization was based upon trade and craft unions already in existence. The A. F. of L. is thus a federation of labor unions. The federation itself has no members except its affiliated unions. Individual members of local unions owe allegiance, even after their union has affiliated with the A. F. of L., to their own local craft unions. The federation has no powers except those given to it by the organizations (local, state, or national unions) composing the federation. From its origin the federation's aims have been focused on the economic betterment of its members. It has not been a radical critic of American industrial organization, even though it has consistently sought to gain a larger share of the wealth produced in that system for its affiliated unions. Its methods have been to achieve its ends by means of business dealings with the employers.

By 1920 the unions affiliated with the A. F. of L. numbered some 4,000,000 members. After 1890 the Knights of Labor quickly dropped out of the scene of labor organization. The federation, with but one exception, namely 1924, has kept rather severely out of politics in its efforts to achieve its aims. Since July, 1933, the organization of labor into unions within and without the federation has been progressing rapidly.

¹ DAUGHERTY, CARROLL, *Labor Problems in American Industry*, Houghton Mifflin Company, 1933, pp. 439-440.

The A. F. of L. was established on a craft or trade basis. Its chief concern has been to protect and expand the advantages of the skilled workers. But within the federation the largest single union was that of the United Mine Workers under the leadership of John L. Lewis.

During the late years of the depression following the 1929 collapse of business John L. Lewis organized the Committee for Industrial Organization. This committee, financially supported largely by the United Mine Workers, set about the task of organizing the relatively unskilled workers in the mass-production industries such as automobiles, steel, textiles, and many others. So successful was this committee that the A. F. of L. leaders felt that their organization was threatened by this new movement. Effective Sept. 5, 1936, the 10 industrial unions affiliated with the C. I. O. were suspended from the A. F. of L. Thus history tends to repeat itself. Fifty years previously Samuel Gompers led the secession of the craft unions from the Knights of Labor. What effect will the expulsion of the industrial unions have upon the A. F. of L.?¹

In our brief sketch of the development of the organized labor movement in this country we have said very little about the reasons underlying the efforts to solidify labor into national unions. To understand why such a movement arose we must glance briefly at the development of commerce and industry in this country during the nineteenth century.

In colonial times and until roughly the middle of the nineteenth century business in the United States was carried on by relatively small business units, owned, controlled, and operated by individuals. During this period the privately owned business unit was sufficiently flexible and efficient to develop the resources of the nation in response to the demand for services and goods. As business expanded and the possibilities of larger scale activities became manifest, the partnership form of business organization became more prominent. Although the partners could supply more funds and offer more detailed supervision over a larger business venture than could an individual owner, even the partnership was not sufficiently elastic to permit the full development of business and commercial opportunities which were rapidly opening up. It remained for the corporate form of business organization to prove its superiority over other forms.

Prior to the Civil War a decided trend toward the corporation as a form of business organization was evident in the United States. The corporation lent itself as a plausible and effective instrument for the formation of trusts. During the eighties of the nineteenth century the trust movement got well underway. By 1900 our industries had been

¹ For a critical comparison of the methods and aims of the A. F. of L. and the C. I. O. the student is referred to an address by Representative E. E. Cox in the *Congressional Record*, vol. 81, No. 123, pp. 8566-8572, June 30, 1937.

organized into trusts and corporations, many of which were national in scope, aiming frankly at monopolistic control over certain phases of industry. Our basic industries were rapidly coming under the control of closely knit monopolistic concerns.¹ This trend toward and the achievement of industrial control on a national basis had serious implications for labor.² Large-scale industrial organizations could develop the techniques of mass production which resulted in a huge expansion of productive power in practically every line of industrial activity. Machinery became the increasingly important agent of production at the expense of skilled labor which found itself at a growing disadvantage in bargaining for its share of the industrial income.

When industry was once organized on a national basis it became practicable for any such industry to black-list workers who failed to cooperate willingly with big business. When once black-listed the worker experienced extreme difficulty in getting similar employment anywhere else in the country. Nor could the workers who remained sufficiently docile to hold on to their employment effectively influence their employers in granting them higher wages, better working conditions, or insurance protection. With employers organized on a national basis the workers were at a disadvantage in bargaining for a share of the product of capital and labor. These conditions made the workers' lot increasingly uncertain and difficult. No longer could the dissatisfied worker avoid conflict with his employers in adjusting unsatisfactory conditions by the simple expedient of chucking his job and going west to a frontier farm. American labor discovered that the time had arrived to seek a more equitable bargaining power with owners of capital in order to determine the share of the national income that workers were to receive.

It is no coincidence that the period from 1880-1890 which witnessed the rapid expansion of the trust movement also marked the beginning of a nationwide labor movement. Mass-production techniques and the corporate form of business organization combined to make the workers seek refuge in collective bargaining through the formation of strong labor unions. Only through a national organization of labor which aimed at monopoly control of the labor factor in production could freedom of contract between workers and employers continue to have meaning in the American economic order.

Large-scale industrial organization preceded the development of the labor movement in the United States. The trust movement in industry

¹ Cf. SEAGER, H. R., and GULICK, C. A., JR., *Trust and Corporation Problems*, Harper & Brothers, 1929, Chap. V.

² Cf. JOSEPHSON, MATHEW, *The Robber Barons*, Harcourt, Brace & Company, 1934.

was beginning to affect the labor situation and to influence the thinking of laboring groups. A study of dividend payments to stockholders of the large industrial units from 1880 onward tends to support the contention of the followers of Karl Marx that owners of capital were building up a surplus at the expense of labor. By means of their successful trust movement the industrialists provided both the stimulus and the method for labor organization and its monopolistic aims. As the economic power of owners and workers moves toward equality, the shares of the national income that fall to the workers and to owners and lenders of capital undergo continuous readjustment.

WHAT ORGANIZED LABOR DEMANDS

We may now pause to ask just what organized labor demands in the United States. Laborers are those who have but one commodity to sell, and that is their labor. The American laborer has apparently taken seriously the oft quoted words from the preamble to the Declaration of Independence that "men are by nature endowed with certain inalienable rights—life, liberty and the pursuit of happiness." The laborer seeks first of all to live. In order to live respectably as a member of the community of which he is a part he must earn a living by offering his services in exchange for wages. If he has the physical and mental strength and abilities requisite to the business of earning a living, he feels that he is entitled to the opportunity of exchanging his strength and services for a living wage. However, when the laborer is confronted with business and industry organized on such a closely knit national basis as the trust and huge corporation units in this country represent, he finds that big business dictates the terms according to which he must work. When there is nothing left to him but to accept or reject the conditions of labor and wages offered, then the pursuit of happiness, and even the right to live, become rather dubious theoretical abstractions. In the light of such conditions confronting the workers the labor movement appears as a part of the normal American struggle for high standards of living rather than as a radical departure from tradition.

Organized labor seeks for its members steady employment at wages which will support an American standard of living for workers' families. It seeks the power to sit with employers at conferences to participate in decisions affecting working conditions, wages, and the length of the working day. Above all, organized labor today seeks power and status to make its collective bargaining efforts successful.

OPPOSITION TO ORGANIZED LABOR

It has been evident to the reader that the discussion of the labor problem thus far has been presented from the point of view of labor. This

is by no means the only interpretation of the problems of labor and the aims of the labor organizations. Workers are themselves by no means of one mind in their attitude toward labor organization. Less than 15 per cent of industrial workers even today are members of labor unions. This fact indicates that workers are not all convinced of the advantages that the unions promise them.

But the chief opposition to the labor movement comes from certain employers and from portions of the public who view any changes in economic organization with considerable apprehension. Many employers feel that the defects, excesses, and current abuses of labor organizations prevent effective cooperation with the workers in their aspirations to achieve a better status for labor. Among the elements in the labor situation that these employers abhor are:

Their frequent abuses of power; their strikes in defiance of the public need; their walking delegates', union organizers' and union leaders' frequent lack of self discipline and of a due regard for the legitimate interests of employers and the public; their occasional acts of violence; their reluctance to surrender policies for restricting production; their tendency to harass business with restrictions and regulations; their rash demands in many collective bargaining conferences; their occasional repudiation of contracts with employers—all need to be corrected before the public or the employers will be willing to trust labor with the coveted status of power. All of the excuses and explanations for such abuses which can be conceived of by the best labor apologists are practically futile as a means of convincing the rest of the economic community that a new status of labor power is safe. The highest ambitions of labor will certainly be opposed and thwarted in countless ways by the public as well as employers, until labor accepts seriously the obligation to eliminate the excesses and abuses which are now all too prevalent in labor organizations.¹

Later in the same chapter Dr. Edie states that "by the very nature of things the labor movement is on the aggressive, whereas employers are on the defensive." This tends to frighten at least a portion of the public which quickly finds its sympathy on the side of the defender. Organized labor has been slow to realize this. Dr. Edie also calls attention to certain psychological difficulties which tend to prevent employers generally from approving the demands of organized labor.

The powerful impulses of employers towards self-assertion, domination and freedom of action are thwarted by the demands of labor unions for group self-assertion in deciding industrial issues. Habits, traditions and customs have constituted a steady psychological influence on the business man to make him feel that there is one and only one way to manage business efficiently and that is to run it as he pleases, free from outside restraint; labor unions challenge this

¹ EDIE, L. D., *Economics, Principles and Problems*, 2d ed., The Thomas Y. Crowell Company, 1932, p. 323.

accumulation of precepts and habits in business, and it is inevitable and natural for the business man to resist the violation of these business principles which he has come to believe are axiomatic. But the greatest psychological force in shaping the attitude of the business man toward labor unions is fear. The business man fears that if he concedes an inch to labor unions they will take a mile. He has no assurance that if he attempts to cooperate with labor in a constructive way he may not find himself soon at the mercy of predatory unionism. It is this universal fear that labor unions will cling to their abuses and faults if employers do freely and frankly admit them to a share of industrial control which primarily accounts for the fighting attitude of hostility and resistance to the tactics of labor unions. These psychological obstacles to the advance of unionism are at the heart of the problem. As a matter of fact, it would doubtless be disastrous for employers generally to turn over full powers to labor unions suddenly.¹

LABOR'S STATUS UNDER THE NEW DEAL

According to labor's spokesmen, by organization of workers into potential monopolistic units of specialized labor the unions hope to reduce the fears of losing jobs and health and of a poverty-stricken old age.² However, the success of the labor movement until recent years has been meager. Under the New Deal, labor's right to organize has been legally established. The right to strike has not been clearly defined, but strikes have occurred with amazing frequency as labor has attempted to make effective demands upon employers. The legal status of picketing is still unsettled. Boycotting is a weapon that has been relatively little used during recent years. The Social Security Act provides at least a portion of the protection against poverty in old age that organized labor has long been advocating. Some progress has been made in setting up federal unemployment insurance funds.

According to Section 7a of the Blanket Code for Industry, employees were granted the right to organize and to bargain collectively through representatives of their own choosing without supervision, dictation, or intimidation by employers of labor. In spite of this clear-cut statement of labor's rights, even before the annihilation of the codes promulgated under the National Recovery Administration by the unanimous decision of the Supreme Court in May, 1935, organized labor had fought a losing battle in attempting to have those rights validated in the courts. The effort toward the organization of independent unions was met by employers' organizing "company unions" to such an extent that the latter were growing more rapidly than the former. In the so-called "heavy" indus-

¹ *Ibid.*, p. 840.

² Cf. FITCH, J. A., *The Causes of Industrial Unrest*, Harper & Brothers, 1924, Chap. III.

tries such as steel and automobiles,¹ independent labor organizations made but slight progress prior to 1936. Although the administration at Washington was disposed to favor labor's aspirations, the New Deal attitude was not clearly defined even in the codes. Now that the N. R. A. codes have been invalidated, one of the tasks of the National Labor Relations Board is to define the rights of labor and capital in industrial disputes. The board is being subjected to considerable criticism because of what employers claim is its bias in favor of labor in disputes that it has been called in to settle. The clash between the policies and programs of the A. F. of L. and those of the C. I. O. tends to make the board's duties even more difficult. But not only the employers are calling the board biased.

On July 22, 1937, Senator Gerald P. Nye is reported to have charged: "The National Labor Relations Board has such a pronounced pro-C. I. O. bias that the average man regards it as an adjunct." Senator Rush Holt on Aug. 15 declared: "NLRB is just another alphabetic way of spelling C. I. O."²

WEAPONS OF ORGANIZED LABOR

THE STRIKE.—The first important railway strike in this country occurred on the Baltimore and Ohio in 1877. A 10 per cent reduction in wages was the cause. The state militia joined the strikers, and the strike was not suppressed until federal troops appeared on the scene. Trouble of a similar nature arose shortly thereafter in Cumberland and in Pittsburgh. In the latter city the strikers destroyed millions of dollars worth of property during the course of the strike. Two roundhouses, 1,600 cars, and 125 locomotives of the Pennsylvania Railroad are said to have been ruined before the violent strike was suppressed.³ It is important to note that these early strikes were not called by unions. Apparently working conditions had become so unsatisfactory that even unorganized laborers resorted to mass action to better their condition. This was the period in which great trusts and corporations were beginning to be formed by industrialists and financiers. It was also the period that witnessed the

¹ The Roosevelt Administration's attitude on the labor problem is indicated in the following clause from the Automobile Code: "Without in any way attempting to qualify or modify, by interpretation, the foregoing requirements of the National Industrial Recovery Act, employers in this industry may exercise their right to select, retain or advance employees on the basis of individual merit, without regard to their membership or non-membership in any organization." (Section VII of *The Code of Fair Competition for the Automobile Manufacturing Industry*, Aug. 27, 1933.)

² PRAY, K. L., *What Price Labor Strife?* *Economic Forum*, Autumn, 1937, p. 29.

³ Cf. HARDMAN, J. B. S., and associates, *American Labor Dynamics*, Harcourt, Brace & Company, 1928, pp. 349-350.

beginning of the labor movement on a national scale. An industrial America was in the making. The problems of a relatively simple agricultural community were giving way to the class struggles of an industrial economy.

Strikes have been recurring features in the news since the days of the early strikes noted above. According to the U. S. Department of Labor there were, in 1933, 1,562 industrial disputes involving 812,137 employes, or an average of 520 per dispute. For 1935 the figures read 2,014 disputes and 1,117,213 employees affected, or an average of 554 per dispute. During recent years the big strikes have occurred among the longshoremen, textile workers, steelworkers, automobile workers, and taxicab and streetcar operators.

In 1936 and 1937 a new version of the striking technique was instituted, namely, the "sit-down." In previous controversies that resulted in strikes the workers left the mines, factories, and plants of the concern against which they held a grievance. When the sit-down strike is employed, the workers continue to occupy their places of work in mine, factory, or plant. As the name implies, the strikers just sit down and thus prevent any other workers from taking their jobs. This form of strike proved successful in the case of the General Motors strike of 1936 as well as the succeeding Chrysler Motors strike. In the Republic Steel strike of 1937 picketing was the chief weapon of the striking employees. Violence occurred when strikebreakers attempted to receive food within the walls of the picketed plant of Republic Steel. Many other strikes utilizing the sit-down as well as the older strike techniques occurred during 1937.

Public opinion was slow to crystallize on the validity of the sit-down strike. Some people felt that labor engaged in a sit-down strike was guilty of a serious infringement of private property rights and should be forcibly evicted by the police or the militia. Others thought that laborers had a legal right to their jobs and that the rights of labor were on a par with those of the owners of capital in whose factories the strikers sat. The General Motors strike was settled before the legal aspect of the sit-down technique was established. After that the steel companies affiliated with the United States Steel Corporation signed an agreement with the C. I. O.¹ The largest part of the steel industry under the leadership of Myron C. Taylor, chairman of the United States Steel Corporation, signed an agreement with the C. I. O. By this action these companies avoided serious interruption of their production schedules, but Tom W. Girdler, president of Republic Steel Corporation and spokesman for three

¹ Four hundred thirty-one agreements had been signed by the C. I. O. and various steel companies by October, 1937. See *The C. I. O.*, Committee for Industrial Organization, 1937, p. 26.

other large independent steel companies,¹ refused to sign an agreement. Violence, bloodshed, and a complete tie-up of production followed. Governor Earle of Pennsylvania and Governor Davey of Ohio found the problem too complex to cope with successfully without the assistance of the federal government. A federal mediation board was set up, but the independent steel companies led by Mr. Girdler insisted that the C. I. O. was not a responsible organization and that a signed agreement would merely lead to further demands for a closed shop and the checkoff. The checkoff is a system by which the companies collect union dues and turn them over to the union treasury.

A considerable body of opinion developed that held that the unions must show more responsibility before they could be allowed to exercise more power. In their struggle for rights and legal status the unions have been striving for needed power to enforce their demands. But power to be exercised intelligently must be coupled with responsibility. The public is beginning to demand of unions not only legal responsibility toward employers but moral responsibility toward the community as well.

In discussing the problem of labor's demands in the steel industry Representative H. S. Bigelow of Ohio stated on the floor of Congress:

Organized employers are trying to keep labor in a helpless state of disorganization. I not only believe that labor has the same right of organization as employers of labor, but that the democratic organization of labor is in the interest of the general public, and is especially important in the mass-production industries.

We owe something to the frankness of the Tom Girdlers. Their spokesman has said that they buy labor as they buy scrap iron, and that the only kind of labor organization they propose to tolerate is the kept kind, that will eat out of their hand. This attitude is bad enough in the case of an employer of a small labor force, when personal relationships are possible, but in the case of the management of a plant of thousands of workers, this dictatorial attitude is intolerable. Such industrial feudalism fairly swears at political democracy.

Political democracy and industrial feudalism cannot exist side by side; one or the other must go.²

As this is written, neither the genuineness of the conciliatory attitude of certain large corporations toward labor nor the outcome of the struggle for power between the competing labor factions has been established. Out of these recurring industrial controversies there may come legislation requiring public accounting for union funds, incorporation of unions, and efforts to make contracts and agreements binding on both labor unions and employers.

An editorial from a prominent business weekly indicates the apprehension of many as they view the current labor-capital struggle. To

¹ Inland, Bethlehem, and Youngstown steel companies.

² Representative H. W. Bigelow, *Congressional Record*, vol. 81, No. 122, p. 8509.

many people in this country the problem resolves itself on the necessity to decide the relative merits of the right to strike or the right to work.

What can business reasonably expect in its labor relations? Business can reasonably expect unionization, if the New Deal has its way. It can expect compulsory bargaining with lawless unions. It can expect the use of troops to close factories instead of giving those factories and their employees the protection of state and federal law.

And unionization is only a means to President Roosevelt's goal. Business can expect him to use all his power for a vast redistribution of wealth. That fact is made overwhelmingly plain by his recent comments on this subject, his spectacular "tax evasion" drive, and his renewed efforts to force radical legislation through Congress.

It should now be obvious to the blindest man that Mr. Roosevelt has sided with the steel strikers from the start. During all their violent picketing he remained silent and inactive, but finally, when they needed it, he provided moral support by urging a signed agreement. And when the steel companies had made adequate preparations to break the picket lines, Mr. Roosevelt intervened by having his secretary of labor appoint a Mediation Board whose opinions are pro-labor. Its most conservative member, Charles P. Taft, is an advocate of industrial unionism. By means of this board it was the President's intention to overawe the companies. But the companies went ahead with plans to reopen their mills. . . .

This is really a new deal! This is what business can expect. Troops are used not to protect property and the right of willing workers to work, but to violate property rights and force unionization! Business can expect more of this sort of thing unless it puts up a resolute resistance.¹

A labor strike is a temporary cessation of work agreed upon by organized labor in order to force favorable consideration of some demand that it has made of employers. In normal times there are thousands of strikes annually in this country. And yet the legal right to strike is still somewhat dubious. In other words, our laws are not at all clear in their definition of the rights of organized labor in relation to strikes.

What the courts have to decide is whether the combination of workers, in conducting a strike or boycott and exercising its rights, is justifiably interfering with the rights of employers and non-unionists or merely inflicting intentional injury on them without justification. An analogy from the world of business makes the issue clear: When employers compete with one another for sales, each is exercising his own rights and at the same time is in conflict with the others' rights. As a result of competition certain employers may be financially ruined, but they have no legal redress against their successful rivals so long as they have not been injured intentionally or by unfair methods; the interference with their rights has been justifiable. But the question still remains. In business or labor conflicts what constitutes "justifiable" interference? In the last analysis it

¹ From *Business Can Expect This*, *Business Week*, June 26, 1937, p. 64.

will be found that the courts must scrutinize the motives and find whether the damage done was maliciously and immediately intentional or merely incidental to the hoped-for ultimate benefit.¹

The courts must decide whether the motive of any given strike is to benefit the workers' economic condition while not basically and intentionally harming the employers. It requires but little imagination to see to what lengths the courts may occasionally be forced in order to differentiate between the relative weights of the two possible aims of a given strike. It is hardly conceivable that the workers would strike in order to strengthen their employers' position, nor will the employers generally escape some economic loss from a strike. Still, the courts must decide whether inflicting damage on the employer is the dominant motive in a given strike or the motive is predominantly that of bettering the condition of the striking workmen. This problem also continues to remain in an unsatisfactory state of legal vagueness.

Evidently a strike is a weapon to be used only as a last resort. Strikes are economically wasteful. K. L. Pray estimates that strikes during 1936 cost the workers in wages lost \$68,676,000. His estimate of the wages lost to workers because of strikes for the first half of 1937 is \$96,311,000. He suggests that the loss of industrial profits probably amounts to 25 per cent of all the wages lost. Thus he would add a profit loss due to strikes in 1936 of \$17,169,000 and for the first six months of 1937, \$24,078,000. He makes no effort to estimate the property loss incident to the strikes of the period referred to. However, that, too, would increase the cost of strikes considerably. Goods and services that are denied the public as consumers because of a strike are another loss which is estimated at 5.92 times the amount of wages lost. Thus our figures for 1936 are increased by \$406,562,000, and for the first six months of 1937 by \$570,161,000. Pray quotes authorities to support his estimate of an additional loss equal to 12 per cent of the wages lost which would go to taxes if the workers spent the money instead of losing the wages during their strikes. This enables him to add additional losses of \$8,241,000 for 1936 and \$11,557,000 for January to June, 1937. He concludes with the comment that "the uneconomic history of American labor strife is not a record deserving acclaim" and that "labor strife is a disease."² Thus it seems that workers, employers, the public, and the government all lose heavily in terms of dollars and cents because of strikes which slow down the wheels of industry.

This gives point to the questions Shall workers have the legal right to strike in order to achieve their demands? Is this the only way out of the

¹ DAUGHERTY, *op. cit.*, p. 367.

² PRAY, K. L., What Price Labor Strife? *Economic Forum*, Autumn, 1937.

dilemma? Who wins from the industrial disturbances called "strikes"? At present the legal status of the strike is left for determination to the courts. In each case that comes up for review and trial the court is left to determine the motive underlying each specific strike. But it does seem as though both labor and management as well as the public would naturally seek some alternative and less wasteful method of arriving at solutions to disputes which now lead to strikes.

PICKETING.—This is a rather vague term as interpreted by the courts. In general, picketing is organized labor's method of informing would-be strikebreakers and consumers that a strike is in progress in a given establishment and to seek to dissuade strikebreakers from taking the jobs left temporarily vacant by the strikers while the dispute in question is being settled. The laborers' point of view is that the worker has a right to defend his own job, even to the extent of keeping another from taking that job when left temporarily vacant because of a strike in which the individual worker is cooperating. Picketing is one means of defending the worker's job. It is also a means of informing the public that a particular business or industrial establishment is judged unfair to labor by organized workers. Owners and managers of industry would insist that the only way for the worker to protect his job is to stay at that job even though others with whom he is working may go on strike. It remains for the courts to judge the merits of individual strikes in which picketing has been used.

The state courts have generally refrained from defining the practice of picketing. In fact, the word is generally not used in the courts' decisions. Instead the question is raised and debated as to whether or not the workers used "peaceful persuasion" in their efforts to keep others from taking their jobs. In some states workers are permitted to seek by peaceful, persuasive methods to prevent others from breaking the strike. Some state laws have declared that only a single striker may stand at the gate or entrance of a striking factory or store and that he must peacefully seek to persuade strikebreakers to give up their intention of taking the strikers' jobs.

Some cynical students of this problem have come to the conclusion that "peaceful picketing" or "peaceful persuasion" is legal in labor disputes when it is ineffective but illegal when the picketing is effective. This is probably treating the matter too lightly in view of the serious questions involved. In most strikes, picketing is used to make the walkout more effective. The legal vagueness surrounding these two weapons of organized labor weakens the labor movement.

BOYCOTTING.—Another controversial method utilized by organized labor to enforce its demands has been that of the boycott. The boycott is merely an organized buyers' strike. Occasionally organized labor has

decided not to patronize certain establishments that were deemed unfair to organized labor. As long as the boycott is restricted to the striking or immediately affected workers in a labor dispute, and as long as it can be shown that the motive in instituting the boycott is the lifting of labor's condition and not the infliction of irreparable damages on the employers, the boycott is generally deemed permissible or legal. This type of boycott is called a "primary boycott." If, however, the workers involved in the dispute are able to interest a fairly large group of nonunion members of the public in the boycott, it becomes an "illegal secondary boycott."

This is illustrated in the now famous Danbury Hatters' case, decided against the union in 1908, wherein the members of the United Hatters' Union were fined \$300,000, or triple damages as alleged by the plaintiff.¹ This case involved a labor dispute between the hatters' union and D. E. Loewe and Company, a Connecticut hat-manufacturing firm. The boycott was proved to have extended into 21 states, and the Supreme Court declared that the union's activities definitely fell into the category of unlawful restraint of interstate trade under the Sherman Anti-trust Act of 1890. Each member of this union was furthermore considered as a partner, since the union had not been incorporated. This made each member liable for the whole fine imposed on the union as a whole and resulted in the confiscation of each member's property until the fine was collected by the court. This case showed the very untenable position that organized labor occupied in the United States. There have been relatively few boycotts since that time engineered by organized labor in this country. This decision also proved a real hindrance to the organization of labor on a larger scale, since workers were inclined to look with doubt upon the value of accepting such additional liabilities as the Danbury Hatters' decision implied.

THE NATIONAL LABOR RELATIONS ACT

In July, 1935, the National Labor Relations Act was passed by Congress. Section I of this act states:

Experience has proved that protection by law of the right of employees to organize and bargain collectively safeguards commerce from injury, impairment, or interruption, and promotes the flow of commerce by removing certain recognized sources of industrial strife and unrest, by encouraging practices fundamental to the friendly adjustment of industrial disputes arising out of differences as to wages, hours, or other working conditions, and by restoring equality of bargaining power between employers and employees.

It is hereby declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce and to mitigate and eliminate these obstructions when they have occurred by encourag-

¹ *Loewe v. Lawler*, 208 U. S. 274 (1908); *Lawler v. Loewe*, 235 U. S. 522 (1915).

ing the practice and procedure of collective bargaining and by protecting the exercise by the workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.

The act creates a National Labor Relations Board of three members whose duty it is to administer the act, to hear cases, to render decisions, and to report its activities annually in writing to Congress. The purpose of the act is the establishment of collective bargaining of employees on a legal basis. The board is authorized to forbid under penalty certain unfair labor practices of employers definitely defined as (1) dismissal of employees because of membership in a union or because of their union activities, (2) the financial support of company unions or the organization of such unions, (3) bargaining with any employee group other than the one chosen by his workers' majority vote, (4) refusal of the employer to bargain with the labor organization chosen by a majority of his employees. Selection of the bargaining agency of workers is provided for through secret balloting elections arranged and conducted by the National Labor Relations Board.

It remains to be seen how effective this act will prove in settling and eliminating industrial disputes between employers and their employees. The strike in the independent steel companies provided a difficult test for the new board.

POSITION OF ORGANIZED LABOR STILL UNSETTLED

From our brief study of various phases of the labor problem in the United States it is evident that organized labor's legal status and the rights of laborers remain poorly defined. Much remains to be done in educating public opinion to view objectively, intelligently, and sympathetically the economic and human factors involved in the complex problems of labor.

President Wilson in his first inaugural address, in referring to the problems of labor, said:

We have been proud of our industrial achievements, but we have not hitherto stopped thoughtfully enough to count the human cost, the cost of lives snuffed out, of energies overtaxed and broken, the fearful physical and spiritual cost to the men and women and children upon whom the dead weight and burden of it all has fallen pitilessly the years through. The groans and agony of it all had not yet reached our ears, the solemn, moving undertone of our life, coming up out of the mines and factories and out of every home where the struggle had its intimate and familiar seat. With the great Government went many things which we too long delayed to look into and scrutinize with candid, fearless eyes. The great Government we loved has too often been made use of for private and selfish purposes, and those who used it had forgotten the people. At last a vision has

been vouchsafed to us of our life as a whole. We see the bad with the good, the debased and decadent with the sound and the vital. There has been something crude and heartless in our haste to succeed and be great. Our thought has been, "Let every man look out for himself, let every generation look out for itself," while we reared giant machinery which made it impossible that any but those who stood at the levers of control should have a chance to look out for themselves.

Woodrow Wilson was probably viewing the American scene in the glow of his ambition to lift the masses of factory, mine, and agricultural workers in this country to a higher level. In his idealism on that inaugural day in 1912 Woodrow Wilson sought to center public attention on the unsatisfactory condition of American labor. That he was a friend of labor is evident to all who scan the record of his administration. Almost a quarter of a century after Wilson's inauguration the "human cost, the cost of lives snuffed out, of energies overtaxed and broken, the fearful physical and spiritual cost to the men and women and children upon whom the dead weight and burden of it all has fallen pitilessly" has not been thoughtfully weighed.

Not organized labor, organized employers, or the public has yet worked out a plan whereby a just compromise between the conflicting interests can be equitably achieved. The labor problem resolves itself into the task of giving due recognition and reward to the cooperative factors of production, labor, and capital. But how is this to be done?

QUESTIONS AND TOPICS FOR DISCUSSION AND STUDY

1. Briefly characterize and define the so-called "labor problem" in the United States.
2. How do you account for the vagueness of organized labor's legal status in this country?
3. Differentiate among the trade union, the industrial union, and the company union. Which type of union organization will probably tend to become most effective in furthering the aims of the working classes in the United States? Give reasons for your answer.
4. What is a trade agreement? What is the legal status of a trade agreement? Who are the parties to such an agreement?
5. What opposing philosophy underlies the closed- vs. the open-shop controversy? Discover a specific example of each in recent American labor history.
6. How does freedom of contract enter the discussion of the legal status of labor unions? Is freedom of contract an important principle to be considered in present-day labor difficulties?
7. It is suggested that you study the famous "Danbury Hatters' case" and then answer the question. What is the importance of the court's decision that a labor union is a partnership?
8. Organized labor insists that labor should receive its fair share of the products of industry. Study this demand of labor, and then work out a brief for each side of the argument, namely, that American labor receives its just share of industrial

production and American labor does not receive its earned share of the annual production of wealth in the United States.

9. What is the function of government in labor disputes? Give examples illustrating your definition of governmental functions in such controversies.
10. Is the movement aimed at organization of American labor into national unions a threat to the system of private property and private profit and individual initiative responsibility? Defend your point of view.
11. Why was the labor movement so late in getting started in this country?
12. Suggested topics for individual study:
 - The use of court injunctions in labor disputes.
 - History of workmen's compensation acts in the United States.
 - Status of labor under the N. R. A. as indicated by recent court decisions.
 - Status of child labor in the United States since 1900.
 - History of violence in labor disputes since 1850 in this country.
 - Radical labor groups in the United States since 1900.
 - Unemployment insurance.
 - Old-age pensions.
 - Minimum-wage legislation in the United States.
 - Women workers and organized labor movement.
 - Public opinion and labor as reflected in magazine articles and editorial comment in newspapers in the United States since 1914.
13. What is your attitude toward organized labor's demands?

TERMS

gainfully employed	strike
labor movement	lockout
trade union	C. I. O.
industrial union	boycott
the "jungle"	picketing
capitalism	Knights of Labor
a living wage	A. F. of L.
vested interest	capitalist

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Chapter III

Money and Modern Life

Up to this point in our study we have taken money for granted. We have not raised any serious questions as to the meaning of money. We have described and studied problems in which money is an important factor, but we have not attempted to understand the money that all of us use constantly. As long as we have enough of it to satisfy our needs and desires, relatively few questions rise in our minds concerning it. Everyone uses money. Everyone knows that it is necessary to have money in order to achieve command over the goods and services that he wishes to buy. However, few of us understand what money is, what its proper functions are, and why it is a relatively unstable thing. Most people look upon money as a constant in an otherwise changing world. To most people, as long as the dollar, the pound sterling, the franc, the lire, the piaster, the rupee, the yen, or any other monetary unit keeps the same appearance or weight or definition by law, it is accepted as a standard unit assumed to possess unchanging value. A little thought on the matter will convince anyone interested in the money problem that the dollar is not a stable unchanging unit in the measurement of the exchange value of goods and services.

Everyone knows that from time to time prices change. For example, during the later portion of the World War period, the American farmer received \$2.50 per bushel of wheat sold on the market; in the summer of 1932 many farmers received only \$0.25 per bushel of wheat of the same grade for which they had received \$2.50 in 1918. The farmers thus discovered that the dollar had greatly expanded in its purchasing power over wheat and that in 1932 a dollar was ten times as efficient in buying wheat as it had been in 1918. Similarly, since 1933, during a period of rising prices, the dollar as a purchasing unit has been losing efficiency if we define the efficiency of the dollar in terms of its purchasing power over goods and services. Strangely enough, many people prior to and even

since the devaluation of the dollar have continued to think that the prices of goods and services are changing but that the American dollar is still the stable unit in our economic system. It is evident that a changing price level either upward or downward reflects a changing value in terms of goods and services of our standard unit of exchange, the dollar.

We live in a money economy. Practically every commodity that is produced and practically every service that is rendered is exchangeable in terms of money. We live in a system in which the relationships between goods and services are constantly expressed in a statement of price. Price may be defined as the exchange ratio between goods and money or as the power of any good to command money in exchange. In a money economy, price is an important factor. Exchange values are determined at the point where goods or services are exchanged in the market.

In the chapter on consumption reference was made to the complex chain of events and transactions that make up the price-determining process. However, it will be remembered that in that chapter no question was raised concerning the variable nature of the unit of measuring exchange, of the dollar. This becomes one of the central questions in the discussion upon which we are now embarking.

In this chapter we devote attention to the questions about the definition of money, its functions, what gives money its value, what causes the value of money to fluctuate over a period of time, certain fallacious assumptions concerning money, the meaning and some methods of inflation, and the theories underlying the argument of those who favor inflation. The chapter concludes with a brief reference to certain proposals directed toward the achievement of monetary reform and the inflationary powers of the federal government.

MONEY TERMS DEFINED

By definition, money may be defined as a generally accepted medium of exchange. In every country a particular monetary unit is customarily chosen as the standard for the measurement of all exchange values within the boundaries of that country. For example, in the United States the monetary unit is the American dollar. In 1834 the American dollar was defined in terms of gold as 25.08 grains of gold $\frac{9}{10}$ fine. As far as the definition of the dollar in terms of gold was concerned it remained unchanged until 1933, when in accord with the powers delegated to the President by congress¹ the dollar was redefined by an executive order. The American dollar was made equivalent to $15\frac{5}{21}$ grains of gold $\frac{9}{10}$ fine. During the major portion of our history as a nation we have had in

¹See the Agricultural Adjustment Act of 1933 for the legal definition of these powers.

circulation gold dollars and silver dollars, each of which was acceptable to creditors in the settlement of debts.

Since 1879 we have not had free coinage of silver dollars. By free coinage of silver or of gold is meant the legal obligation of the government mints to accept all of the gold or silver bullion that is brought to the mint to be coined. Free coinage implies unlimited coinage of bullion into coin. After 1879 silver dollars were no longer freely coined; a limit was placed on the amount of silver dollars that could be issued during given periods of time, according to various acts of congress.¹

Bimetallism, the free coinage of both gold and silver coinage, was the prevailing monetary system in this country during most of its history. It was not until 1900 that the United States by definite legislative action went on an unequivocal gold standard.

It should not be assumed from the foregoing discussion that our chief mediums of exchange were either gold or silver coins. We have long been accustomed in the United States to use substitutes for metallic coins in buying or selling goods and services. Among those substitutes were gold certificates, which by definition were warehouse receipts for an equivalent amount of gold held in the United States Treasury; silver certificates, which were similar warehouse receipts for silver held in the Treasury; various types of bank notes ranging from notes issued by "wildcat banks," of dubious integrity, to national bank notes, Federal Reserve bank notes, and Federal Reserve notes. In addition to these substitutes, greenbacks were issued during the Civil War, and Treasury notes were issued from 1890 to 1893.

It is evident that the American people have had a variety of mediums of exchange or substitutes for the dollar to use in making whatever purchases their money income permitted. But the most important single form of dollar substitute that was used by its people in carrying on the business and commerce of the United States has been the bank check. Later in this chapter we shall consider certain characteristics of the bank check in some detail, but at this point we need only emphasize the fact that bank checks, "bankers' money," provide approximately 90 per cent of our purchasing units during normal times.

BANK-NOTE MONEY

In the preceding section reference was made to various bank notes. How do bank notes differ from money coined by the government? How did bankers achieve the power to issue bank notes?

For approximately 2,000 years, up to about 1650, coining money was considered a strict monopoly of kings. During that period the coinage

¹ Cf. the "Crime of 1873," the Bland-Allison Act and other legislation concerning silver purchases.

of money by a private individual was a capital offense. Thus the crown issued practically all of the money used up to about three hundred years ago. Since 1650 most of the money has been issued by bankers. Coinage is still a government monopoly, but coins are relatively less important than they used to be in the economy of individuals and nations.

During the seventeenth century financial difficulties were encountered by the successive kings of England. The Stuarts were forced to borrow money, and in their need they turned to the goldsmiths of London. It must be remembered that the goldsmiths of that period performed the task of accepting for safekeeping valuables in the form of gold, silver, and jewels of the rich people. Merchants also used the goldsmiths' vaults when they had gold that they wished to store in a safe place.

In return for the gold and valuables received, the goldsmiths issued receipts to the depositor. The receipts for gold on deposit with the goldsmiths were transferable in trading transactions. In fact, people preferred to accept gold receipts rather than gold bullion in payment of debts due. Soon the goldsmiths found that relatively little gold was required to redeem the certificates or receipts that they had issued to individuals who had entrusted the gold to their vaults. As a result, goldsmiths began issuing and lending more certificates than the gold in their vaults would justify. However, the goldsmiths defended their practice by keeping enough gold on hand to redeem any receipts that were presented by depositors of gold. In this way the goldsmiths were lending something that they did not have and that was nonexistent; but as long as they could redeem their certificates on demand, all persons involved in the transaction were satisfied. Probably the goldsmiths made an effort to keep the general public in ignorance of this practice.

In 1863 the National Banking Act established a new banking system in the United States. The Secretary of the Treasury borrowed money from private bankers. In return he gave them United States government bonds. Naturally these bonds earned interest for the bankers. The bankers were further permitted to issue bank notes up to 90 per cent of the value of the bonds. Thus the bankers loaned money to the government and received interest as stated on the bonds received as security for the loans, and in addition they had \$90 in national bank notes for every \$100 that they had loaned to the government. The result was the equivalent of a \$190 loan for every \$100 that the bankers originally turned over to the government. Several times since 1863 the reserve requirements for the notes issued were changed. In 1929 it was estimated that on the basis of a legal reserve of 4 billion dollars American banks issued 60 billion dollars of currency or bank credit. It is evident that bankers have developed the technique of lending that which is nonexistent to a point

beyond that which the goldsmiths of London in the seventeenth century would have dared.

In recent years the monetary cycle has again been reversed, at least in the United States. Congress decreed in 1933 that gold was to be nationalized, in other words, recaptured from the banks to be placed in the federal treasury. The responsibility for the utilization of gold has been reclaimed by the federal government. Gradually the federal government is assuming more and more functions formerly exercised by the private bankers. This gives to congress stricter control over money than it has had since 1863. It remains to be seen just how effectively government control over gold and currency can be used to limit the fluctuations in the general price level.

THE FUNCTIONS OF MONEY

What are some of the more important functions of money? What do we expect money to do? In the light of the introduction to this discussion it is evident that money is expected to provide an available practical accepted measure of exchange value. In the United States, for example, the dollar is looked upon as the unit according to which all values are measured. It is sometimes said that the dollar is a yardstick for measuring exchange value. However, it is not quite analogous to the yardstick used in measuring three feet of distance, because the dollar is a more variable measure than is the yardstick. If the yardstick varied as violently as the dollar, it would at certain times measure three feet, whereas at other times it would measure all of six feet. Evidently people would soon lose their respect for such a variable yardstick.

This leads us to the second function of money, namely, that the dollar, if it is to be a measure of exchange values, must be a relatively stable unit so that it may be applied to the measurement of deferred values as well as to immediate, or spot, exchanges. This point will be stressed later in discussing some of the fallacies that characterize the thinking of a great many people in relation to money. It is evident that unless the dollar achieves a certain degree of stability of exchange value or purchasing power it cannot be used efficiently as a measure of long-term contract values, nor can it be used as a store of value. If long-term debt contracts are to be used effectively in our economic activities, it will be necessary to devise a system wherein the dollar will remain relatively stable over long periods of time.

When we think of money as a medium of exchange, we expect the dollar to function efficiently in making possible the transfer of goods and services between people. Thus, money is not an end in itself but merely an agent of transfer. People are interested in the transfer of goods and the purchase of services. If money provides an easily available, readily

accepted, practically universal method for keeping goods and services moving toward efficient consumption, the dollar is quite satisfactory. An important factor to keep in mind is the degree of efficiency that the dollar attains in shortening the time between the production of goods and services and their use by the consumer. If goods are consumed in the quantities produced and if the masses achieve a satisfactory standard of living through their share of goods that are distributed, the dollar may be said to be functioning in a satisfactory manner as the mechanism promoting an exchange of values. We are then confronted with the problem of determining the exchange value of the dollar in terms of goods and services.

THE VALUE OF THE DOLLAR

What is it that determines the purchasing power of the dollar? By definition the dollar is the standard universally acceptable medium of exchange in the United States. Practically all of our desires for goods and services are contracted in terms of the American dollar. In order to maintain its status as money, the dollar must have the confidence of the people to the extent of being universally acceptable. During the closing months of 1932 and the first few months of 1933 the confidence of the American people in the American dollar was shaken to such a degree that relatively large amounts of gold dollars and bullion were exported to England and certain other European countries whose money unit appeared to these exporters of American gold more likely to remain stable than the dollar.

As long as people have confidence in the stability of their government and in its integrity in fulfilling its contracts and supporting legal contracts between individuals, the monetary unit will continue to hold their confidence; in the absence of such confidence no monetary system can function efficiently. Even though people have confidence in the money of their country and even though they accept that money without question in the fulfillment of their debt contracts, that monetary unit will not necessarily remain a stable purchasing unit.

When prices in general change, the purchasing power of money changes simultaneously but inversely. The changing purchasing power of money need not reflect any loss in the confidence of citizens in their government. The price of wheat tends to fall when the quantity of that commodity offered for sale increases more rapidly than the demand for it. The price of cotton tends to fall when the quantity offered for sale increases more rapidly than the demand. In the same manner the purchasing power of money will tend to fall if the amount of money in circulation and in use increases more rapidly than the amount of purchasing that we expect it to do. Evidently those who favor a great increase in the amount of

money in circulation and who think that debt burdens should be reduced through making money more abundant often fail to take into consideration the relationship between the quantity of money in use and the value of each unit of that money.

If the efficiency of exchange and production and distribution of wealth remains unchanged and if the only factor in the situation that varies is an increase in the amount of money in circulation and in use, the purchasing power of each dollar in circulation necessarily tends to fall. This must not be construed to mean that if the amount of money is doubled prices will double or that if the amount of money in circulation is cut in half the price level will fall by 50 per cent. In our complex economic system no isolated change ever occurs, and it is impossible in our system to measure exactly the effect of an increase in the quantity of money in circulation on price. However, it is evident that *if* this were the only change that occurred in our economic system, the resultant change in price could be logically attributed to the changed amount of money in circulation. Hence, *if* by act of congress the number of dollars in circulation were suddenly increased by the issue of several billions of new greenbacks and *if* the habits of the people in relation to the use of currency and credit remained unchanged and *if* the amount of goods and services purchased and sold did not increase, then surely would there be a considerable increase in the general price level.

The inclusion of these "ifs" in the statement indicates the unlikelihood of all other factors in the problem's remaining the same. It is conceivable that a huge increase in the number of dollar certificates issued by the government might coincide with changes in the habits of the American people so as to nullify any apparent change in the purchasing power of the dollar. In a problem composed of so many variables, subject to change according to the unpredictable activities of millions of human beings, it is rather foolhardy to speak too authoritatively about the exact degree of change that the introduction of one controlled function in the equation causes. None of these statements, however, needs deter us from accepting the conclusion that among the factors affecting the purchasing power of the dollar over goods and services is the changing quantity of dollars in circulation.

From the foregoing discussion it is evident that the purchasing power of the dollar is dependent to some degree upon the amount of work that we expect the dollar to do. If each dollar in circulation were used but once during a year and if there were no substitutes for the dollar, then the total value of goods and services sold during one year would be equal to the total amount of money in circulation. However, we have various substitutes for the dollar, and a moment's reflection will show that we expect each dollar to change hands more than once during a year.

It is impossible to estimate with any degree of accuracy the number of times each dollar is used during a year, but if we are thinking in terms of an equation between money units or purchasing units spent and the quantity of goods and services purchased in addition to the mere number of dollars in circulation, we must take into consideration also the number of times each dollar is used, or its velocity of circulation. Thus, a million dollars that turned over five times during a given year would make our equation read five million purchasing units, called "dollars spent," equal five million dollars worth of goods and services purchased (see footnote 1, page 62). This is an important item to keep in mind in studying the determination of the value of the dollar. We may conclude that if no other factor in the situation were to change except that the rate of turnover of money were doubled, the result would be the same on the price level as though the amount of money in circulation had been doubled.

To some extent the velocity of circulation increases during periods of prosperity when people in general have confidence in the future of business and harbor optimistic hopes of reaping a profit; they spend money more freely than in periods when business is at a low ebb. In such cases the turnover of money, or the velocity of circulation of the dollar, tends to increase more rapidly than does the production of goods, with the result that prices in general tend to rise. This should not be interpreted as implying that the increased turnover of money is the only element in the situation that gives rise to an increase in prices, but it evidently is one of the factors that cause a general rise in the price level. When we speak of the purchasing power of the dollar, we must keep in mind two factors to which we have now referred, the quantity of dollars in circulation and the number of times each dollar is used during a given year.

DEFINITION OF CREDIT

Today the most important factor in the determination of the value of the dollar is credit. Credit may be defined as the "positive side of debt." Every time that a credit is established in a transaction a debt simultaneously appears. It is sometimes said that we no longer live in a money economy but live instead in a credit economy. From the foregoing statement it appears that we live in a *debt* economy. This is to a large extent true when we are reminded that during normal times no less than 90 per cent of our economic transactions are carried on in terms of credit rather than in terms of actual cash. One of the basic purposes of money is to facilitate the exchange of goods and services and thus to increase both the production of goods and services and their consumption.

It appears that substitutes for money negotiated in terms of money in the form of promissory notes, bills of exchange, book credit, and bank

checks have provided the American people with the mechanics for carrying on trading transactions to a greater extent than actual coin or legal currency. This fact should emphasize the truth of the statement made earlier in this discussion that money is not an end in itself but is chiefly an agent of exchange. It should also help us to see that the real values exchanged are goods and services which are arbitrarily defined in terms of dollars. The important factor in the transaction, from the point of view of the individual interest or social welfare, is the satisfaction to be derived from the use of the goods and services. The money or credit utilized in making the transaction possible are certainly secondary considerations.

BOOK CREDIT

One of the simplest forms of credit is book credit. An example of book credit is represented in the transaction between an individual and the corner store in which goods are purchased from day to day to meet the needs of a family but are not paid for until the end of the month when a bill for the total is rendered by the merchant. The existence of book credit makes possible an immediate transfer of the goods from the shelf of the merchant to the home of the consumer. An exchange has taken place the moment the goods are shifted from the shop to the consumer's residence. As far as the consumer is concerned, credit thus utilized⁴ as purchasing power is as effective as cash.

From the point of view of the merchant, such credit transactions, if they are closed at the end of the month by means of cash payments, are practically as satisfactory as cash transactions from day to day would have been, discounting for the moment the negligible interest losses on the book credit during the intervening period of less than one month. Credit in this simple example made possible an immediate consumption of goods and had the same effect on the movement of goods from producer to consumer as a transaction based on immediate money payment would have had. This example of book credit leads us to another form of credit far more important, the check.

BANK CHECKS

Most consumers in the United States, when they are using book credit, meet the payments when due by means of a check drawn on their personal checking account in a local bank. Furthermore, a very large proportion of all consumers in the United States receive their weekly or monthly pay in the form of checks. Now, checks are not money in the strict sense of the word. A check is an order on a bank to pay to the bearer on demand the indicated sum of money. It is true that only those checks will be honored which represent a demand on a checking account in

existence in that bank. Only a relatively small proportion of the total amount of checking accounts in any given bank during a normal period is called for in cash on any particular day by its depositors. The bankers are thus quite safe in assuming that the habits of the banks' clients will not change radically during a short period of time, and it is often possible for a banker to carry on the business of meeting the demands on his bank for cash on a margin of only \$20 to \$50 (2 to 5 per cent) of cash for every \$1,000 deposited in his bank. The particular percentage of cash that the banker will hold ready to cover his depositors' demands depends upon the money and banking habits of the community in which the bank is located.

It is evident that the check is an elastic means of increasing the efficiency of the dollar in facilitating the exchange of goods and services. A dollar deposited in a bank may easily give rise to purchasing-power units in the form of bank credit to the amount of \$10 or more. Hence we need to add checks and book credit as well as all other forms of credit to our list of factors affecting the purchasing power of the dollar. Not only does the amount of money in circulation plus the number of times each dollar is used affect the purchasing power of the dollar, but the quantity of credit created and used at any time affects the price level in the same way as though the quantity of dollars had been increased by an amount equivalent to the newly manufactured credit. Some forms of credit are used to make more than one purchase; some checks are indorsed by successive receivers of the check in return for goods or services rendered. Similarly, a bill of exchange may, through discount and rediscount, be used in several transactions before it matures. It now becomes necessary to bring into our discussion another factor on the money side of the equation of exchange, the velocity of credit circulation. This means the number of times each unit of credit tends to be used within a given period of time. Just as it is impossible to measure accurately the number of times that each dollar is used in a year, it is also impossible to measure the number of times that each credit instrument turns over or changes owners before it matures.

THE QUANTITY THEORY OF MONEY

We are now in a position to understand to some extent at least a portion of the equation of exchange that is explained in every economics textbook discussing the value of money, the so-called "quantity theory of money."

This equation reads as follows:

$$MV + M'V' = Tp$$

M, amount of money; *V*, its velocity of circulation;

M', total amount of credit; *V'*, its rate of turnover;

T , total trading transactions of goods and services;

p , price at which each unit was exchanged.

This equation is interpreted in the footnote.¹

It must be remembered that every function in the equation is subject to change and that each function is likely to be affected by a change in any other one item; hence the quantity theory of money represents a more or less academic approach to the problem of the value of money through the construction of an equation made up of a series of unknown quantities whose interrelations are not accurately discernible. This does not mean that the equation is worthless, but it should prevent our placing on it more weight in our thinking and in our discussion than the discernible factors warrant. Practically every discussion of the changing purchasing power of the dollar involves some assumptions as to the validity of this equation of exchange.

Since nine-tenths or more of the purchasing in the United States is carried on in terms of credit during normal times, any efforts aiming at

¹ 1. The total amount of money M spent plus the total amount of credit M' used in a given year is equivalent to the exchange, or market, value of the goods and services purchased Tp in the same period of time. In other words, the total amount of money and representatives of money spent is equivalent to the total amount of money and credit instruments received for goods and services.

2. *If* it could be assumed that only one function in the equation changes at a time and all of the other functions remained stable, then the following conclusions could be drawn:

a. *If* the amount of money only is increased and all other factors remain unchanged, the result will be a general rise in prices.

b. But *if* the amount of money in circulation only is reduced and all the other factors in the equation remain stable, prices in general will tend to fall.

c. Similarly, *if* the velocity of circulation of money is the only item that increases the price level will tend to rise.

d. But *if* the velocity of circulation of money is the only factor that changes and this velocity is reduced, prices will tend to fall.

e. *If* credit is the only item that changes and if credit is expanded, the price level will tend to rise.

f. Whereas *if* credit is the only item that changes and *if* credit is reduced, the price level will tend to fall.

g. Furthermore, *if* the velocity of circulation of credit increases and *if* this is the only change, prices in general will tend to rise.

h. Whereas *if* the velocity of circulation of credit is reduced and *if* this is the only item that changes, the price level will tend to fall.

i. *If* the money and credit side of the equation remains unchanged, but *if* the total number of trading transactions or the amount of business increases, prices will tend to fall; whereas, vice versa, *if* nothing on the money side of the equation changes but if the total amount of trading transactions is reduced, the result will be a rise in the price level. In each of these statements it will be seen that as the price level rises or as prices increase, the purchasing power of the dollar falls; and, vice versa, as the price level falls or as prices in general fall, the purchasing power of the dollar increases.

the control of the exchange value of the dollar will need to be focused very largely on the control of credit. The efforts of the government to date appear to have been devoted chiefly to the manipulation of the defined value of the dollar in terms of gold and to some extent increasing the amount of circulating mediums. Relatively little national control of credit and the rate of interest has yet been attained. Until a much more definite and clearly defined policy of credit control is developed by either the federal government agencies or the Federal Reserve banks, it will be impossible to control the price level in any satisfactory sense.

From our discussion of the meaning of the quantity theory of money it might be inferred that we have omitted taking into consideration the time element that must elapse between the institution of a change in any one function of the equation and the achievement of the desired result, such as a specific change in the price level either upward or downward. None of these presumed effects of a controlled change in any of the items referred to will be instantaneous. And, since it is impossible to isolate any one factor in order to create a particular desired effect and since it is impossible to state accurately the probable amount of time required for a particular cause to produce the desired effect, it is dangerous to assume too great a simplification of the problem. We may conclude that any changes possibly predicted in the value of the dollar will require indeterminate amounts of time varying in accordance with the degree of stability and change characteristic of the many factors in a given situation.

POPULAR FALLACIES WIDELY HELD BY PEOPLE THINKING UNCRITICALLY ABOUT MONEY

Keeping in mind the foregoing discussion of the importance of the problems relating to the use and efficiency of money in the modern economy, as well as the various functions of money and the brief exposition and criticism of the theory for the determination of the exchange value of the dollar, we now take up a discussion of certain popular fallacies concerning money. We have referred to several of them in passing, for example, the illusion of the stability of the value of the dollar as long as the definition of the dollar in terms of gold remains unchanged and the illusion, which seems to lurk in the minds of a considerable number of people, that the purchasing power of the dollar can be easily, quickly, and equitably controlled by some central authority. Growing out of such superficial thinking about money matters has arisen an illusion that we may refer to as the acceptance of the principle that the individual can insure himself against the changing economic conditions that naturally confront him as he grows older. This tendency is exemplified in the almost universal effort put forth by individuals in

the United States to insure against the vicissitudes of a rainy day by means of systematic saving.

Thus, we have a large number of institutions ranging from savings banks, building and loan associations, and insurance companies, each of which seeks to provide the service of husbanding the savings of the individual so that these may presumably be available at a time when he needs them. Large numbers of people industriously and consistently apportion a part of their earnings from week to week and month to month to a savings account. Many individuals who thus save a part of their income over a relatively long period of time assume that the money they take to the savings bank or to a commercial bank is kept intact in a growing fund in the vaults of the bank. This would be quite unprofitable for the banker and would preclude the possibility of any interest's being paid on the savings thus hoarded, to say nothing of preventing the economic and social utilization of these savings dollars in useful enterprise.

INDIVIDUAL SAVINGS ACCOUNTS, A SOURCE OF PROFIT FOR THE BANKS

What actually happens is that all but a very small proportion of the savings accounts received in a bank are invested by the banks in such a way as to permit the earning of an interest rate above that which is promised to the depositor. As long as business conditions remain stable and the flow of savings to the banks continue and as long as there is a constant demand for capital funds for new investments, the banks have relatively little difficulty in meeting the interest charges that they have promised to their depositors as well as the demands for withdrawal of funds in the savings departments. However, when business optimism falters and the demand for new funds falls off, bankers normally tend to restrict their offering of new funds by increasing the interest rates on new loans. This causes curtailment of their loans, which in turn makes it difficult for the banks to continue to pay interest on the accounts in their banks. When business conditions grow relatively unstable and the confidence of the public fails to support its previous habits of saving, investment, consumption, and exchange, the depositors in savings and commercial banks begin to lose faith in the soundness of the particular banks in which their funds are kept, and there is a tendency for them to call for larger proportions of the deposited funds than had hitherto been the case.

If the banks cannot meet the depositors' demands for the withdrawal of their funds, the confidence of the public is still further reduced, with the result that increasing numbers of depositors call for their money, and then many are surprised to find that the demand for cash is larger than the total amount of cash in the bank's vaults or even in circulation. The

point of this whole discussion rests upon a realization that bank depositors are to a large extent credit depositors, that a very large proportion of the deposits in all banks really represent loans that the bankers have made to individuals or corporations out of the accumulated credit and cash that the depositors have placed in the banks for safe keeping. This leads certain individuals to lose all confidence in money as a store of value and as a means of measuring the worth of deferred payments or time contracts.

Money, in order to function at all acceptably in a community, is based almost entirely on the confidence of the people in their monetary, economic, and governmental system. The illusion to which we have been referring is one that is still quite prevalent in this country, that money deposited in a bank is kept intact in a fund within the bank's vaults. This illusion is also based on a feeling still held by many that the chief function of a bank is to provide a place of safekeeping for funds that individuals temporarily do not require to meet their immediate current needs. It should now be clear to the reader that the banks, to a very large extent, merely provide a mechanism for impounding and gathering together the credit resources of a community and that they are able to make a profit from their transactions mainly through lending this group credit to individuals and companies that desire such funds and whose prospective ability to pay on the date specified on the lending contract is deemed satisfactory to the bankers.

It may be added that a considerable public opinion has been marshaled to support a policy for the nationalization of all banks because the banks are peculiar institutions affected to a large degree with the public interest. Banks, when successful, make a profit out of lending other people's money. Bankers, of course, manufacture far more credit than the equivalent of the amount of actual money that they receive as deposits. A considerable portion of the public is beginning to insist that inasmuch as the power to issue money and to control its value is vested in the Congress of the United States by the Constitution, the control of credit, which is the most important single factor in the determination of the purchasing power of the dollar, should also be completely under the control of governmental rather than private agencies. The controversy on this issue has grown more acrimonious, especially during the years of the economic depression in this country.

If banking ever becomes a national governmental institution, it will probably be accompanied by or bring about a radical change in our whole economic system. If such a shift were to occur, it would no longer be necessary for the banks to insure themselves of a profit in their lending capacity but merely to cover the expenses of carrying on the banking functions in terms of service to the public. That such a change is

fraught with immense possibilities for graft, politics, and antisocial action is beyond dispute. It is possible that the development of the Reconstruction Finance Corporation and the policy of guaranteeing bank deposits may provide a sufficient control over private banking practice to permit a continuance of banking along lines with which we are familiar and yet insure to the individual depositor as well as the borrower from the banks a degree of security that has not been characteristic of American banking practice.

BONDS

Another illusion that characterizes the thinking of many people is that it is possible to invest one's funds in bonds of corporations or of governmental units and thus insure the availability of the face value of the bond in cash at any time that the individual desires to make use of the immediate purchasing power represented. The liquidity of stocks and bonds is largely dependent on the confidence of the investing public in the soundness of business practice. It should not be difficult since 1929 to convince individuals that bonds are in many cases not the liquid assets that some have assumed them to be. Many people once held to the idea that the face value of a bond was somehow an insurance that the market value of such a bond would not fall below the amount stated and that a 6 per cent bond would always yield 6 per cent on the investment. That such is not the case is illustrated by the fall in the price of many bonds on the market far below their face value when business conditions change.

The only circumstances under which the income from bonds in the form of interest and the market value of the bonds do not fluctuate are those in which business conditions remain practically unchanged until the maturity of the bond. A bond is a certificate of indebtedness and is no more insured against a fluctuating market value than are any other time contracts involving the obligations to pay at some future date a specified sum of money plus the interest indicated in the bond or contract. In general, when prices tend to fall and the earning power of business decreases, the purchasing power of the interest and the principal of the maturing bonds tends to increase just as the purchasing power of the dollar tends to increase during a period of falling prices. As long as corporations during such periods remain solvent and are able to meet their contracted interest payments, the market value of the bonds will tend to remain stable, or the bonds may even sell at a price above par. But there is no insurance against loss in purchasing a bond. The illusion that we have been discussing is one relating to the assumed safety and stability of the exchange value of bonds and interest payments received from bond investments.

INSURANCE PROBLEMS

Another type of fallacious reasoning relates to the various forms of insurance policies that the individual buys over a long period of time. The assumption here is that one can insure the receipt at some future period, for example, 20 or 30 years hence, of a fixed income which has been purchased through the payment of stated sums until the end of the period specified in the insurance contract. Relatively few individuals realize that during a period of years the purchasing power of money tends to fluctuate rather widely. It is true that one can enter into contract with a conservative, well-established insurance company so as to purchase a fixed income of a given amount of dollars at the conclusion of the contract period. But we have yet to evolve an insurance contract that will guarantee a specified income in terms of guaranteed purchasing power equivalent to that desired at the time the contract was first accepted by the insured individual. Thus, a period of inflation might destroy the whole purchasing power of an insurance contract that runs for 10, 15, 20, or more years. In fact, such was the experience of holders of maturing German insurance company policies in 1923.

THE MONETARY UNIT IS STILL SUBJECT TO FLUCTUATION

No nation has yet evolved a scheme for controlling and guaranteeing the purchasing power of its monetary unit for any considerable length of time. It is thus evident that insurance contracts do not offer security against loss of purchasing power in terms of a legally purchased future income. The same may be said of annuities, endowment policies, long-time savings accounts that aim at building up an estate of a particular amount of guaranteed purchasing power, as well as any other long-time contracts specifying the payment of a stated amount of money to the holder of a contract maturing a number of years in the future. There is no guarantee against the fluctuation in the purchasing power of dollars at any time in the future.

THE GENERAL PRICE LEVEL IS SUBJECT TO VIOLENT
FLUCTUATIONS

During the past few years an increasing amount of attention has been devoted to the problem of controlling the price level. When prices in general have a tendency to fall, it is evident that those whose money income depends upon a rising price level are disappointed and suffer losses. When prices in general tend to rise over a considerable period of time, it is equally evident that those whose income is fixed or relatively slow in adjusting to a rising price level are subjected to losses, which in turn create dissatisfaction. It is probably true, however, that the

majority of the people favor a rising rather than a falling price level. This preference may be explained by the fact that a very large proportion of the population of modern societies receive their money income from producing goods and services for sale, and it is relatively easy to make a profit when one is selling goods or services on a rising market. Even though prices do not rise at the same rate or in the same proportion when the average price level goes up, it is nevertheless true that profits are quite easily made in the period of rising prices. This may account for the recurring insistence of debtors that the government adopt a policy of controlled inflation. Much has been written about inflation, and there is hardly a person in the United States who is not familiar with the word, even though there is a great variation in the interpretation and definition given to it by various individuals. ~

QUESTIONS ABOUT INFLATION

What is inflation? What are the indications that inflation has occurred? What are some of the methods whereby inflation can be brought about? Is inflation desirable for a nation? Who tends to gain from inflation, and who tends to lose? Are the gains of those who profit from inflation sufficient to overbalance the losses incurred by those who are penalized by inflation? What chances are there for the nation as a whole to profit from a period of inflation? Can inflation be controlled?

DEFINING INFLATION

Inflation may be defined as a relatively rapid increase in the price level of a nation unaccompanied by an equivalent increase in the amount of goods and services produced and sold. This definition can be understood more easily in the light of our discussion of the theory of money. Inflation means an increase in prices not accompanied by any increased industrial and business activity. In other words, an increase in price not accompanied by a proportionate increase in industrial and business activity increases the bookkeeping activities of a people without necessarily implying an accompanying increase in economic well-being.

INFLATION INDICES

Whenever there has been a general rise in the price level, there has been some degree of inflation; whenever there has been a general decrease in the price level, deflation has occurred. Since there is a tendency for the general price level to fluctuate over a long period of time, some degree of both inflation and deflation are relatively common phenomena in our economic life. The point at issue is the propaganda in favor of a conscious control of the price level in an upward direction according to some accepted policy of the federal government.

It is not at all unusual for businessmen to hope for rising prices or for consumers to appreciate falling prices; a distinctive feature in the situation of recent years is that an increasing proportion of the people in the United States apparently favor some artificial manipulation of the money system in such a way as to increase prices and furthermore to control this definite increase in prices so as to bring back a price level approximately equivalent to that which existed during 1926. Controlled inflation is demanded in order to bring back a price level that has been arbitrarily selected as a generally desirable one. At this point we are not arguing about the desirability or otherwise of a policy of inflation; we are calling attention to the growing demand voiced in numerous newspapers, magazines, and books and often reiterated by spokesmen for the federal government that the price level must be raised and that the rise in price must be controlled.

HOW INFLATION MAY BE ACHIEVED

Inflation may be brought about through a variety of means and is rarely the result of only one contributing factor. Most people when they think of inflation think of a sudden increase in the amount of money in circulation. This type of inflation occurred during the Civil War when the federal government issued several hundred million dollars worth of greenbacks whose only claim to consideration as a part of the money of the United States was the government's pronouncement that the greenbacks were legal tender and, as such, were to be accepted by the people in the settlement of debts. These greenbacks were not secured by either gold or silver in the federal treasury and were a sudden addition to the number of paper dollars in circulation in the United States.

During recent years many individuals have proposed something similar to the issue of fiat, or unsecured, paper dollars in order to meet the growing demands of financing the government as well as to raise the general level of prices. Recently congressmen were debating the desirability of issuing 2,225 million dollars worth of "new money" in order to pay the soldiers' bonus in cash. When it is realized that in normal times as well as in a period of especially profitable business such as we experienced from 1922 to 1929 the total amount of money in circulation in the United States has been approximately \$5,500,000,000, it is evident that the sudden pumping into circulation of 2,225,000,000 additional dollars would probably have some effect in lifting the general price level.

An amendment to the Agricultural Adjustment Act, 1933, gave the President certain permissive powers to inflate the currency. For instance, he was empowered to ask the Secretary of the Treasury to issue 3 billion dollars worth of treasury notes and to request the Federal Reserve banks, to issue 3 billion dollars worth of Federal Reserve notes; and permission

was granted to the Secretary of the Treasury to accept silver to the extent of 200 million dollars from European nations on war-debt account, this silver to be accepted at a value not exceeding 50 cents per ounce. The silver thus received amounting to a maximum of 400 million ounces, was to become the basis for the issue of additional silver certificates, each dollar's worth of silver currency to be backed by one ounce of silver in the treasury vaults.

The potential increase in the circulation of dollars made possible in these three parts of the amendment to the Agricultural Adjustment Act, amounted to 6,400 million dollars. In addition to this the President was empowered by the act to remonetize silver and to fix the ratio between gold and silver at his discretion. This would give an indeterminate but potentially large additional increase to the amount of money in circulation in the United States. Finally, the inflation amendment to the Agricultural Adjustment Act delegated power to the President to devalue the dollar by a maximum of 50 per cent in terms of its gold equivalent.¹

The President acted on this delegation of power with the result that the dollar in the United States was now defined as $15\frac{5}{21}$ in contrast to the 25.8 grains of gold $\frac{9}{10}$ fine prior to 1933. Through the devaluation of the dollar in terms of gold, the gold reserves in the United States Treasury were automatically increased by 2,800 million dollars. A portion of the profit from devaluation of the dollar was designated for the retirement of the 672 million dollars of national bank notes from circulation. However, on Oct. 1, 1937, there were still 253 million dollars in circulation. This substitution of one note for another in our currency does not affect the amount of currency in circulation. It simplifies our monetary system by eliminating one type of currency note.

Approximately two billion dollars of the profit from devaluation was earmarked for use in a stabilization fund to control the exchange value of the dollar in terms of foreign currencies. This two billion dollars remains, however, as a potential basis for a further increase in the amount of currency in circulation. While the increase of circulating currency is not the only means of bringing about inflation, it is evident from the foregoing that without the enactment of any new laws by Congress the President of the United States and the Secretary of the Treasury have had permission since 1933 to increase the amount of money in circulation by approximately nine billion dollars.

One of the aims of the devaluation policy was to lift the general price level in the United States. Apparently some of the President's advisers on devaluation assumed that by devaluing the dollar by 40 per cent, in

¹ Since January, 1934, the federal government has impounded not only the gold reserves of the Federal Reserve banks but all gold coin and bullion in the United States.

other words, by cheapening the dollar in terms of gold, the general price level would be increased by approximately the same percentage. The failure of prices to respond immediately to the devaluation of the dollar probably created more suspicion concerning the validity and practicality of schemes to increase prices suddenly than anything that had happened in monetary practice for many years. The feature of our monetary system and our money habits that proponents of devaluation failed to take into consideration sufficiently was the time that would need to elapse before any redefinition of the dollar in terms of gold would be translated into a changed price level. After approximately two years the general price level rose about 35 per cent; now the argument concerns the effect of dollar devaluation on domestic prices.

A mere devaluation of the dollar, even though the dollar was made cheaper in terms of gold, resulted in no immediate increase in the number of dollars in circulation, and as far as domestic purchasing power was concerned the cheapened gold dollar was unchanged. At the same time the devaluation of the dollar had no immediate effect on the velocity of turnover of the dollar then in circulation in this country or on the amount of credit newly issued or upon the rate of turnover of credit instruments already in existence. The immediate effect of the devaluation of the dollar as far as the domestic price level was concerned was almost entirely negative and unsatisfactory. The only immediate gains derived from devaluation would seem to have been a fall in the price of American goods and services when measured in terms of any foreign currency based on gold and a book profit for the Treasury of the United States of 2,800 million dollars.

CREDIT INFLATION

Another method of inflation relates to an expansion of credit to an extent greater than that which would be justified by the demands of business expansion. This is the type of inflation that characterized the United States between 1922 and 1929. Although production of goods and services increased during that period, the price level, thanks to a more rapid turnover of money and credit and a relatively rapid expansion of credit, increased more rapidly than did the amount of business transactions. The result of that increase in prices which we may now call "inflation" was to create in the minds of the people of the United States a false estimate of the degree of economic well-being that existed. In other words, the number of purchasing units, whether in cash or credit, had increased to such an extent that each purchasing unit had grown relatively cheap, so that it took an increasing number of dollars to purchase goods. Theoretically, the expansion of credit can be controlled by an increase in the rates of interest charged on new loans during a

period of expanding economic activity. But if, in spite of the increasing interest rates, the optimism of the people and of the bankers keeps pace with the rise of interest rates, the diminution in the expansion of credit does not take place until credit has been expanded far beyond the margin of prudence. This is what happened during the last period of prosperity in this country. From our discussion of money and the determination of the value of the dollar it should now be clearly understood that any policy aiming at the control of the dollar must inevitably include a drastic control of credit.

SUMMARY OF DISCUSSION ON METHODS OF INFLATION

Inflation may be brought about by an excessive increase in the amount of money in circulation or by an undue increase in the amount of credit extended to individuals and business corporations for the purpose of increasing economic activity. The problem of controlling inflation is a difficult one. That inflation may be a more difficult and more lengthy process than has often been imagined is to be concluded from the relatively slight domestic effects of the policy of devaluing the dollar in terms of gold. During the depression following the 1929 crash, private credit expanded very slowly, and so government credit was expanded to an extent calculated to cause a general rise in prices. Evidently this was merely a variant of the credit-inflation policy.

It should be kept in mind that every increase of the federal debt through the issue of federal bonds makes possible in the United States a potential increase in the amount of Federal Reserve notes issued, backed by federal government bonds. By October, 1937, the federal debt of the United States amounted to approximately \$37,000,000,000. If this huge federal debt should be completely covered by federal bonds, with but slight changes in already existing laws the existence of those bonds could make possible an expansion of the currency to the full extent of the federal debt. This is not written with a view to exciting the fears of readers to the possibilities of excessive uncontrolled inflation. It should, however, be kept in mind by every student of the money problem in the United States that we have already laid the foundation for an expansion of credit and of currency that may create the foundation for a business boom in terms of inflated prices to such an extent as to make any past periods of apparent prosperity pale into insignificance. Furthermore, it should be remembered that no period of rising prices has ever continued for any long extended time period. If we should have a period of inflated prices equal to the potential expansion of currency and credit now possible, we would undoubtedly need to expect a violent collapse of the price structure subsequent to such an inflation spree.

INFLATION IS NO ECONOMIC "CURE-ALL"

Inflation is not a sure cure of our economic ills, nor is it at all certain that the community as a whole tends to gain from inflation. The point that the inflationists fail to take into consideration is that those individuals who sustain losses due to deflation of prices are rarely the same ones who gain during a period of inflation. By the time inflation gets underway a very large proportion of those who have been injured through falling prices have already accepted their losses and are not in a position to take advantage of the new state of affairs. This fact is to some extent accepted by the proponents of recent monetary policies, inasmuch as they demanded reflation rather than inflation. By reflation is meant a temporary inflation of exchange values until a particular stage is reached, and then it is assumed that it is possible to stabilize the price level and the purchasing power of the American dollar and thus prevent any further serious general price fluctuations in the future.

WHO GAINS FROM INFLATION?

Gains from inflation accrue only to those who are benefited by the general rise in the price level. This includes debtors whose income is derived from the sale of goods on a rising market and whose percentage of profit remains fairly constant regardless of the particular price that is charged for the goods that they sell. It would not include those who had lost their land or other physical property prior to the beginning of the general rise in prices—thus the farmers who had been expropriated and dispossessed for inability to meet their debt obligations prior to the period of inflation would not benefit from inflation.

The community as a whole would never gain from inflation unless generally rising prices were accompanied by a corresponding increase in the production of goods and services and also by a more equitable distribution of the new goods produced. However, the rise in prices would not necessarily be balanced by an equivalent increase in production. We have already indicated that the individual whose income is relatively fixed naturally loses during a period of rising prices. In such a period it requires more dollars to purchase goods; and since his money income is not elastic, such an individual must simply reduce his standard of living. Financing consumer indebtedness has not been the outstanding characteristic of American banking practice in the past. In this class would be included all salaried individuals as well as those whose income is dependent upon investments in bonds with interest rates fixed.

A period of rising general prices or inflation also tends to reduce the purchasing effectiveness of income from endowment funds invested at

fixed interest. Thus, endowed institutions which meet a considerable portion of their operating expenses from bond investments find their incomes seriously curtailed during periods of inflation.¹ A policy of inflation, although it appears to be a method of reducing present governmental indebtedness and also provides a means of apparently lessening the burden of taxation, in the long run becomes a very burdensome and inescapable form of taxation which, if carried to extremes, results in the confiscation of property rights and the transfer of property to individuals holding a lien on such property at the beginning of the inflation period. This discussion to some extent answers the sixth question above by throwing doubt upon the ultimate value that the community as a whole might receive from even a controlled inflation. It is by no means certain nor can it be accurately demonstrated that in periods of inflation in the past the profits of those who gained from inflation were sufficient to overbalance the losses incurred by those penalized by a rapidly rising price level.

We have briefly analyzed the dubious value of the arguments in favor of inflation and questioned the position of those who say that the nation as a whole must profit from such a policy. It is very difficult to measure and to balance gains and losses arising from a period of either increasing or decreasing prices, and the conclusion seems plausible that the desirable thing for which to strive is a controlled nonfluctuating general price level. This raises the whole question as to the possibility of inflation's being controlled in the interests of the people's welfare.

Past experience with efforts to manipulate the price level either in the form of credit control or in the amount of money in circulation does not give ground for much optimism as to the efficiency of any controls that have been devised. Inasmuch as there is grave danger that inflation if accepted as a national policy will prove uncontrollable, wisdom would seem to dictate the exertion of extreme caution before launching upon any scheme of managed currency based upon controlled inflation in this country. This suggestion of caution should not blind us to the fact that our price system even in the past has been subject to the control of certain minorities in our population who have profited from the violent fluctuations in the price level.

It is doubtful whether any large proportion of the business and commercial population of this country, even now, favors a controlled price level. Until the American people in large numbers have reached the conclusion that they definitely favor a drastic change in their economic system, such as a stabilized price level would imply, it would seem

¹ Cf. KEMMERER, E. W., Endowments in Jeopardy, *Atlantic Monthly*, December, 1937, pp. 729-739.

reasonable to suggest the continued search for less revolutionary changes¹ than inflation, reflation, devaluation of the dollar, changing the monetary standard from gold to silver, the commodity dollar, the tabular standard, the symmetrical standard, the gold-exchange standard or any other schemes now proposed to remedy the immediate situation that has arisen due to a relatively long period of falling prices.

That the American family is deeply affected by variations in the general price level and the fluctuating purchasing power of the dollar is not even a topic for debate. That few individuals realize the necessity for devising a monetary system less subject to the defects of our present dollar is also true. Few problems of today are more fraught with dangerous possibilities in the way of social instability than this basic issue of the source and purpose of the control of the dollar. A stable society in the modern world requires a unit of value steady enough to permit long-term contracts to be made among individuals, corporations, and governments capable of honest fulfillment.

SUMMARY OF DISCUSSION OF MONEY

1. Money is a complex institution which relatively few people understand and concerning which most people ask few questions. The demand of the man on the street concerning money is that it function in such a way as to increase his welfare.

2. Many people still seem to think that money is an automatic mechanism unaffected by governmental or private manipulations aiming at the control of its purchasing power.

3. The gold standard is not perfect, and it is not improbable that the United States will evolve a new monetary system within the relatively immediate future.

4. Inflation and deflation are evidences of changing general price levels.

5. The new feature of recent efforts to inflate the currency was that the federal authorities definitely and publicly announced their intention to lift prices through artificial means. In most periods of inflation in the past those in charge of the monetary system of a nation have sought to keep secret their intentions in bringing about price changes.

6. The exchange value of the dollar is dependent to some extent upon what the American people expect the dollars to accomplish in exchanging goods and services and in measuring future values.

7. No nation has yet succeeded in devising a monetary system characterized by constant purchasing power over a long period of years.

¹ Cf. GARIS, R. L., *Principles of Money and Credit*, The Macmillan Company, 1933, Chap. XI, for a brief exposition of various proposed remedies for our monetary difficulties.

8. The preoccupation of the American people with the phenomena of prices may blind them to other factors in the economic scene that may prove even more basic in terms of social welfare. One of these is the desirability of increased production and more equitable distribution of wealth annually produced in this country.

9. It is doubtful whether we can have a system of stabilized money under centralized control without changing our whole economic order in the United States.

10. Most schemes aiming at monetary reform are projected on the assumption that the dollar can be stabilized and that such a nonfluctuating dollar is desirable in the interests of the whole people.

QUESTIONS AND TOPICS FOR DISCUSSION AND STUDY

1. Define the dollar.
2. Describe and characterize the monetary system now prevailing in the United States. What do you call that system?
3. Discuss: The monetary standard and the domestic medium of exchange need not be identical. Give examples.
4. Why are consumers more or less interested in fluctuations of the general price level? How is a rising price level likely to affect the wage earner, the salaried worker, the businessman's wife, and the American taxpayer?
5. What is inflation? How can it be effected in this country?
6. How may the devaluation of the dollar help bring about inflation?
7. Inflation is generally accompanied by an increase in debts within an economic system. If this is the case, do you think that inflation will bring the United States back to prosperity?
8. Which of the schemes of monetary reform do you favor? Be explicit. Explain the plan carefully, and then present a logical defense of your point of view. Some of the references in the Suggested Reading will prove helpful in getting data for this question.
9. What is the "tabular standard"? How do you think such a scheme would work in the United States?
10. Why is inflation so difficult to control? In the light of the dangers of uncontrolled inflation what is your estimate of the publicized efforts at inflation of prices characteristic of the Roosevelt administration?
11. To what extent have general price fluctuations affected you personally during the past 10 years? Give definite examples to support your contentions.
12. We have said that the purchasing power of money depends to some degree on the confidence of the people in their government's monetary integrity. What effect is the devaluation of the dollar likely to have on economic activity in the United States? Have such changes as you have enumerated already occurred? Be as specific as possible.
13. Does the theory of money satisfy your questioning as to what gives the dollar its purchasing power over goods and services? Explain your answer in some detail.
14. What is credit? How can it be controlled? How does credit expansion affect prices? What is credit inflation?
15. Why is it probable that a period of inflation, even if controlled, will not correct the losses to individuals who have suffered from the effects of deflation? What conclusions do you draw from your answer to this question?

TERMS

money	Federal Reserve notes
the American dollar	National bank notes
the money economy	Federal Reserve bank notes
price level	book credit
inflation	credit
deflation	debt
devaluation of the dollar	mortgage
bimetallism	bond
gold standard	share of stock
bullion	fiat money
bank reserves	

SUGGESTED READING

General Discussions of Money

- BRADFORD, F. A. *Money and Banking*. Longmans, Green & Company, 1935.
 EDIE, L. D. *Dollars*. Yale University Press, 1934.
 KEMMERER, E. W. *Money*. The Macmillan Company, 1936.
 RUFENER, L. A. *Money and Banking in the United States*, rev. ed. Houghton Mifflin Company, 1936.
 STEINER, W. H. *Money and Banking*. Henry Holt & Company, Inc., 1933.
 WILLIS, H. P., and EDWARDS, G. W. *Banking and Business*. Harper & Brothers, 1925.

Critical Studies Suggesting Monetary Reforms

- EDIE, L. D. *Money, Bank Credit and Prices*. Harper & Brothers, 1928. Especially Chap. III on the "Gold Standard," XV on "World War and Theory of the Value of Money," and XXI on "Inconvertible Paper Standards."
 FISHER, I. *Stabilizing the Dollar*. The Macmillan Company, 1920. This book is important since it is one of the earliest in America urging domestic stabilization of the dollar in terms of commodity purchasing power rather than a fixed gold content.
 FOSTER, W. T., and CATCHINGS, W. *Money*. Houghton Mifflin Company, 1927. A criticism of the failure of money to facilitate efficient exchange and distribution of material comforts for mankind. See especially Chap. XVII, "Money in Consumption."
 GARIS, R. L. *Principles of Money and Credit*. The Macmillan Company, 1933. Chapter XI on "Monetary Reform" gives in brief compass the outlines of several plans for improving the efficiency of money as a stable purchasing medium.
 HUBBARD, J. B., ed. *Current Economic Policies*. Henry Holt & Company, Inc., 1934. A critical study of certain recent economic policies. Chap. II on "Money" describes Britain's monetary policy, inflation, the rigidity of the gold standard, and the depression.
 STROVER, C. *Monetary Progress*. American Money League, 1937. A plea for an American money of stable purchasing power. See Chaps. XI and XIV.
 JEROME, E. *Governments and Money*. Little, Brown & Company, 1935. Financial legislation in the United States is here reviewed. The student is referred to Chap. VIII, "A Discussion of Principles," and Chap. IX, "Reorganization."
 MORGAN-WEBB, SIR CHARLES. *The Money Revolution*. Economic Forum, 1935. A discussion of British monetary policy with especial emphasis on the effects of Britain's going off of the gold standard.

Chapter IV

Marriage and the Family

The family bears the brunt of the burden of most social problems. If taxes rise, the family income is affected adversely; if unemployment throws the family on the relief roll of the community, each individual member is profoundly involved in the resulting adjustments; when prosperity returns, family budgetary problems are eased, more recreational activities can be enjoyed, clothing, food, and shelter increase in quality, and life takes on new meaning for all members. The home is thus a barometer of social change. Every such change involves the family. In the intimacy of family life the individual receives his most important education. In the family councils the child's philosophy of living is gradually formed, his attitude toward civic affairs is molded, his character is developed, and his personality evolved.

Whether the immediate problem is an economic depression, a political catastrophe such as war, a matter of individual citizenship rights and duties; a labor struggle resulting in riots, picket lines, loss of income; or more intimate family difficulties leading to a lowering of group and individual morale, it is within the family circle that the effects of the problem are most heavily felt. In this chapter we begin with a brief analysis of the family, its functions, its institutional limitations, its role as the provider of the intimate environment in which the child is reared, group loyalties develop, and a sense of social responsibility gradually evolves. Social stability to a very large degree depends upon the stability of the more intimate human relationships which flower within the family group. The "good life" begins in the home.

MARRIAGE IS IMPORTANT

Marriage is important because it is probably more closely related to that elusive thing we call happiness than any other social institution, unless it be perhaps the church. Our economic organization brings us physical comforts

and material well-being, but it does not always bring happiness. At least one is not impressed by the intense happiness that one meets among one's wealthy acquaintances. The close relation of marriage to happiness is attested by the common phrases, "a happy marriage," and "an unhappy marriage." Marriage has been so conceived by the dramatist, the essayist, and the novelist. Probably most of the writing on the subject of marriage has been done by these groups, but it ought to be the province of science as well as of literature. It is hoped that in the future it will be the concern of the physiologist, the psychologist, and the sociologist as well.¹

Marriage is the concern of these three specialists to a certain, and no doubt growing, degree, even now. Like all other aspects of the social studies, however, the study of marriage is still in its early stages. It is only within comparatively recent years that human behavior (and marriage is a type of behavior) has been considered subject to scientific analysis at all. And there has always been and still is a veil of obscurantism surrounding matters involving sex. The result has been that marriage has been taken more or less for granted—hands off, and no questions asked. But the importance of marriage can hardly be gainsaid. Not much stir is made over it, and little is said about it in the newspapers, for marriage does not make news except in unusual and sensational instances. But long after the depression, Hitler, Mussolini, the "crime wave," the "new deal," Germany's rearmament, inflation, and other items which at present fill the newspapers and make ready topics of conversation have become matters of history (and this is not meant to minimize their current importance), marriage will still be presenting problems pertinent to human welfare and happiness which will challenge everyone interested in making the most of his own life and in helping others to make the most of theirs.)

MARRIAGE IS NORMAL

Marriage is not only important; it is normal. Most people desire it and find greater happiness within it than in that so-called "single blessedness" about which so much is written and said.

(No desire is more universal nor more strongly felt among young people than the wish to be happily married. It may perhaps be too much to say that all young men and women hope to achieve marriage happiness, but so few are without this yearning that one can safely say that normal youth usually looks forward to being some day happily married. . . .)

It has long been customary for many young women to conceal from others the strength of their desire to be happily married, partly as a precaution in case they never achieve marriage, and partly in the hope of gaining a heightened pres-

¹ GROVES, E. R., and OGBURN, W. F., *American Marriage and Family Relationships*, Henry Holt & Company, Inc., 1928, p. 125.

tige by winning a desirable mate without seeming to exert themselves. This reticence to confess their feeling has misled no one, since it has been taken for granted that, however reluctant the individual may have been to express her matrimonial ambition, she like others has expected to find a desirable mate.¹

For many no ideal has had such a command of behavior as this looking forward to a successful marriage. It is true that society has never used to the utmost the enormous impetus offered by this youthful expectation. But in spite of that no thought of future experience has rivalled in its impression upon character this normal expectation of young people that somewhere there is for them the proper mate for a life union that will provide happiness.²

This confidence of youth in matrimony as the goal of happiness has been, it must be confessed, roughly shaken of late, and there is abroad a considerable amount of pessimism with reference to the desirability of marriage. Much of this is not to be taken seriously, since it is only a surface reflection of the skeptical trend naturally prevalent in a restless civilization such as ours. Accustomed to rapid change in manners, speech, and clothes fashions, young people think it smart to be always ready to exchange anything old for that which is labeled NEW. Since marriage as an institution is unmistakably ancient, it naturally invites their critical inspection and tempts them to experiment, conversationally at least, with up-to-date alterations in its form. Since it is easier to tear apart than to remodel, most of the criticism is bare condemnation that does not lead to suggestion for new ways of doing. The scathing comments of one person are glibly repeated by another, as an effortless way of making an impression.

To a considerable extent this expression of doubt regarding marriage is merely a current method of covering up the depth of feeling that most young men and women have regarding their hope of a successful marriage. In an age when sentiment dates one as belonging to the past, and must therefore never be publicly exposed, a hardboiled veneer is spread over any fundamental emotion whose intensity might prove embarrassing. Some, especially young women, assume this attitude in order to attract attention with the desire, which they may not fully make conscious to themselves, of having a more favorable opportunity to choose a mate. Since to be modern adds a flavor of distinction, they naturally seize upon any of the earmarks of sophistication as a means by which they can have greater opportunity to draw the attention that is necessary if they are to have hope of winning the interest of some young man who may become a possible candidate for matrimony.³

Changes in the happiness or unhappiness of married couples are difficult to measure in the mass. Attempts have been made, nevertheless, to assess happiness in married life by means of small sample studies. In one such study, among 1,000 married women, largely graduates of women's colleges, who had expressed a willingness to cooperate, 872 reported their marriages as happy and 116 as unhappy. In a more recent study 7,412 marriages were rated according to the degree of happiness and unhappiness by a number of different persons who knew the couples "very well." Seventy-two per cent were rated as happy or

¹ GROVES, E. R., *The Marriage Crisis*, Longmans, Green & Company, 1928, pp. 1-3.

² *Ibid.*, pp. 5-6.

³ *Ibid.*, pp. 6-8.

very happy and only 9 per cent as unhappy or very unhappy. Comparison of these two studies reveals very little difference between self-rating and rating by others on the question of happiness in marriage. Such studies, however, show reported opinion rather than reality, and it is difficult to know how far the two are parallel, though there may be a high correlation. In any case it is interesting to note that about three-quarters of the families of these groups from the well to do classes are reported as happy. Another inadequacy of this material is that it fails to show trends. That so large a proportion of these educated groups are reported as happily married is, nevertheless, an important observation lying at the heart of family problems.¹

The field of study covered by or included in the term "marriage" is so broad that an individual might make it his major interest during his whole life and yet not exhaust its resources. With no lack of material even at the present stage of knowledge college courses can be built up around it. Naturally, then, in a few pages one can do no more than briefly touch on some of the high spots, and in this discussion we shall limit ourselves very largely to certain aspects of marriage in present-day America.²

HISTORICAL BACKGROUND

Within the past two centuries, especially during the last hundred years, the civilization of the Western world has undergone tremendous and far-reaching changes. Without undue exaggeration one might say that the life of city dwellers today differs more from that of the people of the eighteenth century than the life of those eighteenth century individuals differed from that of, say, the early Christians. In some ways civilization has taken enormous strides, and the changes have ramified into every nook and corner of social life.

The conditions of life under which these increasing numbers live have undergone a corresponding change. In 1870 three-fourths of the American people were rural; the 266 cities and towns had a total population of eight million. Fifty years later there were 924 cities and an urban population of over forty-six million. Today, approximately 75 per cent of the population is urbanized,

¹ *Recent Social Trends*, vol. 1, OGBURN, W. F., "Family," Whittlesey House, McGraw-Hill Book Company, Inc., 1933, pp. 700-701.

² Various aspects of marriage or subjects closely related to marriage are considered in other college courses: certain psychological factors related to the general subject of personality adjustment in *general psychology*; certain economic aspects in *general economics*; the origin and development of marriage, the forms of marriage, the status of woman, the relationship between marriage and other institutions, and related topics in *general sociology*; the problems of the woman as a consumer and spender of income in *consumers' problems*; *child study*; the various courses in home economics; *interior decoration*; *clothing*; *hygiene and physiology*; and *physical education*.

and the conditions of life in many small places is more highly urban than it was in the larger places a generation ago.¹

Another change or series of changes reflected, to be sure, in the growth of cities is the so-called "industrial revolution," the keynote of which is the development of the machine and machine culture. The machine makes possible large-scale production of many contrivances which greatly affect housework and also makes it possible for women to work for wages in a way they never before were able to do. Automobiles, a typical product of the machine age, have had a marked effect on the location of homes and on recreation, which in turn has affected family organization. The various means of communication that the machine age has developed have also affected family organization. The industrial revolution is spoken of in the present tense because it is a continuing phenomenon; it is not simply a matter of past history. Underlying all of the problems discussed in this study is the fact of changes brought about by the continuous industrial revolution.

Another change has occurred; the frontier has practically disappeared in this country, and with it have gone frontier conditions of life. With the disappearance of the geographical frontier the customs, institutions, ideas, and habits that were means of adjusting to it will also tend to disappear.

CHANGED FUNCTIONS OF FAMILY

As we have already suggested, marriage and the family are changing because they are phases of a changing social structure. Changes in these aspects of life have occurred in their functions rather than in their forms.

In the Colonial type of home the family formed a fairly stable unit. The relations and mutual responsibilities of husband, wife, and children are well understood. The family was patriarchal in organization, its headship being vested in the husband, who bore without protest the duties and the responsibilities of that position. Children were, both economically and socially, an asset, and they enjoyed all the advantages of being an asset instead of a liability. The school merely supplemented the home in the education of the children. There was a well-established sex division of labor. The women did practically all the spinning, dyeing, weaving, and sewing. They had general charge of the preparation of the food supplies and did much of the brewing and baking. The status of women was not questioned; it was in harmony with the customs and traditions of the time. The wife was subservient in a gladsome, womanly way to the head of the family. Only the unmarried spinster occupied an uncertain status, attested to by the fact that she has been popularly called an old maid.

¹ REUTER, E. B., and RUNNER, J. R., *The Family*, McGraw-Hill Book Company, Inc., 1931, p. 3.

In the modern family all of this has been changed; the relations of husband, wife, and children are no longer so completely patriarchal in character. The wife is much less subservient to the husband; not infrequently the bride stipulates that the word "obey" shall be omitted from the pledge in the marriage ceremony. A new order of things has altered the relation of woman to the institution of marriage.¹

The family has always performed important economic functions. Indeed, in the past a rather large amount of the total production of foods and manufactured articles was produced by families in households. We know of course that spinning and weaving have left the homes for the factories, but there are certain statistics that indicate that other economic functions are being lost to the family. For instance, since 1900 (to 1920), the number of waiters in the United States more than doubled (increased 113 per cent) while the population only increased a little over one-third (39 per cent). The number of waiters increased, therefore, about three times as fast as the population. At the same time the number of domestic servants has actually decreased 15 per cent. During the same period the number of restaurant keepers has increased 158 per cent, about four times as fast as the population increased or about three and one-half times as fast as the urban population which grew 46 per cent during this time. The services of the home in feeding the population are shifting rapidly to outside agencies. Man is less dependent on the wife for food.

There are other statistics to show the decreasing preparation of food in the home. The product of bakeries in the United States increased 60 per cent (in stable money) during the decade from 1914 to 1925 while the population probably increased less than 15 per cent during that time. The number of delicatessen dealers increased from 1910 to 1920 by 43 per cent or three times as fast as the population. Canning and preserving also seems to be done less in the home, for from 1914 to 1925 the number of persons engaged in canning and preserving fruits and vegetables increased 37 per cent while the value of the product (in 1914 dollars) increased 100 per cent, a very marked growth for only 11 years.

In the washing of clothing and household linen, one notices a similar shifting of function from family to industry taking place at the present time. The number of launderers and laundresses not working in laundries decreased from 1910 to 1920 by one-quarter, while the amount of work done in laundries (as measured in values of money of the same purchasing power) increased from 1914 to 1925 by 57 per cent, despite the fact that the value of washing machines and allied paraphernalia increased in value from 1919 to 1925 by nearly three times. (The total amount sold, however, was small.)

The value of sewing machines for both factory and home sold in 1925 has not increased as compared with the sales in 1919, which probably means that the sales for use in the home have declined. The number of factories making sewing machines, the number of wage earners, and the amount of horsepower used have all declined markedly since 1919.²

In other words, a great many of the things once done in the home are now being done by outside agencies. This is true, also, of other functions

¹ *Ibid.*, CUTLER, J. E., "The Changing Home," p. 15.

² *Ibid.*, OGBURN, W. F., "The Family as an Institution in Modern Society," p. 153.

of the family. It is quite apparent in the case of education. Children now receive most of their formal education in public and private schools rather than in the home, and the growth of the nursery school has extended this movement even to children of very early age. Religious education has also tended to shift from the home to the Sunday school and in some instances to the public school. The home and family used to be agencies of protection for the sick, the aged, the incapacitated of one type or another; but there has been a tendency for such protective functions to be assumed by other agencies such as the hospital, state institutions for the aged and insane, the feeble-minded, and the crippled, old age insurance, and public health service. Recreation is no longer centered in the home to the extent that it once was. The automobile, the movies, and other commercialized recreation have tended to take this particular type of activity away from the family and the family dwelling. This is especially true in cities.¹

There have been several results of this trend, two of which we shall consider, namely, the new emphasis on the personality functions of the family, and the increased leisure of the housewife.

PERSONALITY FUNCTIONS OF THE FAMILY

Today there is a tendency to think of the family less as an institution performing economic, educational (in the formal sense), protective, religious, and recreational functions and more as an organization for providing happiness and for developing personality. But it must be remembered that this represents only a trend and that the other functions of the family have by no means disappeared completely.²

In the displacement of the economic aspect of family experience, a larger place was made for the motive of affection. The desire for an intense, trustworthy, and reciprocating comradeship is not only fundamental in human craving, but the very stress of individuality that accompanies modern culture tends to elevate this motive and make it more and more compelling in the life of the thoroughly modernized person. This is fortunate, since the need of affection becomes a support to the family as an institution, and to marriage as its method of entrance. When this interest is consolidated with that of sex and parenthood, the combination is so strong as to make the home supreme in the enduring satisfactions it provides.³

Much of this happiness and personality development within the family depends, of course, upon the relative roles of the husband and wife and their relations to each other, a subject that we can but touch on here.

¹ See *Recent Social Trends*, vol. 1, Chap. XIII.

² Cf. GROVES and OGBURN, *op. cit.*, p. 25.

³ *Ibid.*, p. 29.

That the modern wife has a more difficult problem than her mother is generally recognized, but that the husband's role as compared with that of his father has also become more difficult is often forgotten. This statement does not mean merely that his responsibilities as producer of the family income have increased, but rather that the man, looked at strictly from the husband role, has a more complicated and delicate task than have husbands in the past. Not only do women demand more of life; they also demand more of their husbands. The husband-wife relationship has itself become more complex, and it is easier for the husband at some points to fail, and by his failure to wreck the family happiness.¹

In speaking of the "new woman" the same authors say further:

It might at first seem that only a small number of women, belonging to the group of the educated and well-to-do, are afflicted with a point of view so divergent from that of their husbands as to cause trouble. The movement, however, has been too fundamental to be restricted to any class. Found as it is in larger proportion among the educated, it nevertheless runs all through social experience and only extremely isolated and traditional women are entirely devoid of protest when they find themselves assigned a secondary role in the family enterprise.

The situation has not resulted from agitation or any deliberate effort on the part of women to make marriage a more reasonable partnership. It is the product of social conditions outside the home that have operated upon the woman more than upon the man and made her insistent upon privileges for which her mother and grandmother would not even have dared to ask, had there been any inclination on their part to break away from the conventions that were so firmly fixed. Woman, by living a freer and more self-expressing life in ordinary occupations, has naturally as a result of the habit and experiences of earning a living or getting an education come to demand, after marriage as before, a larger scope for her special abilities and a more just distribution of opportunities.²

MARRIAGE AND THE FAMILY CHANGE, TOO

It is not surprising, in view of the foregoing, to find that marriage and the family, also, are subject to change.

Whenever we speak of marriage as being in transition in an effort to adjust to new conditions, we mean that people who have changed in other forms of social experience are also changing in their matrimonial association. Sometimes it seems as if marriage, when it is spoken of as being in the process of change, is conceived of as something abstract that exists independently of the people who are married. It helps to clarify the problem if it be remembered that marriage merely means a special relationship of a man and woman, and that it changes only as they do in this peculiar association. Naturally if their manner of living has greatly changed from that characteristic of the preceding generation, in their life together as married people differences are also found.

¹ *Ibid.*, p. 30.

² *Ibid.*, p. 33.

When, therefore, the specialist who studies the family declares that marriage is going through a rapid adjustment, he merely means that the character of people has so greatly changed that its expression in the marriage relation is necessarily taking a new form. Such a statement does not in the least denote that marriage is being shattered, or that the family is in the process of disappearing. Because people who are married live in houses unlike those of their fathers, eat food that was to a large extent unknown to a former generation, dress differently and entertain themselves in recreations that formerly did not exist at all, or at least have greatly changed, it is inevitable that the form of their experience together as members of a matrimonial alliance should be characteristic of their time rather than of bygone days.¹

Granted, then, that marriage and the family present a picture today different from that presented in the recent past, what are some of the outstanding aspects of that picture, and just where have changes occurred and where have they not occurred?

THE NUMBER MARRIED

Of the total number of men and women who had reached the age of forty-five in 1920, 1 in 10 (10.4 per cent) had never married; and very few people marry for the first time after attaining the age of forty-five.

So high a percentage of single men and women is in marked contrast to the behavior of man in primitive society where the unmarried adult is all but unknown. That about one out of every ten persons never marries is in itself an interesting comment on our human nature or else on our human institutions, as well as being a commentary on the scarcity of families. In the agricultural life of earlier times in America, there was not so large a percentage of those who had never married. There was a census taken in New Hampshire in 1773 which collected data from which it is possible to estimate perhaps rather accurately the percentage of women sixteen years old and over who were married at the time the census was taken. There were 66.7 per cent of the women over sixteen married. In 1920, the percentage was 63.7 per cent for the United States as a whole. The scarcity of marriage in modern times is further shown by the very probable fact that at the age period when most persons are found married only about five out of every six are married.²

In other words, approximately 90 per cent of our population marry before they reach the age of forty-five.

The marriage rate (number of persons per 1,000 of our population who marry in a given year) has increased slightly during the last half century, but the change has been very gradual. In 1887 the rate was 8.56; in

¹ GROVES, E. R., *The Marriage Crisis*, Longmans, Green & Company, 1928, pp. 28-29.

² REUTER and RUNNER, *op. cit.*, OGBURN, W. F., "The Family as an Institution in Modern Society," pp. 150-151.

1927, 10.12; in 1928, 9.85; 1929, 10.14; 1930, 9.15; 1931, 8.55; 1932, 7.87. The marriage rate during the depression years 1930, 1931, 1932 showed a steady decline.

It is a well-known fact that the marriage rate responds quickly to changes in economic conditions, increasing in periods of prosperity and decreasing after a commercial crisis or during hard times. The slight drop in the marriage rate in 1893 and the striking decline in 1894 undoubtedly reflect the influence of the financial panic of 1893; the reduced rate in 1904 probably reflects the recurrence of a financial depression during the first part of that year; and the sharp decline in the rate in 1908 doubtless reflects the influence of the then prevailing financial depression. Likewise, the decline in the marriage rate in 1921 and 1922 may be attributed in part to the commercial depression of 1921; and the decline since 1924 in part to the depression existing in certain industries during the period covered by the reports. To some extent, however, the declines in the marriage rate in recent years have been but the natural regression from the abnormally high rates of 1917, 1920, and 1923.¹

If we look at this problem from still another angle, we find that during recent years the percentage of our population that is married has actually been increasing. On this point Prof. Ogburn writes:

In 1890 the percentage of the population 15 years of age and over that was married was 55.3 and at successive ten year intervals the percentages were respectively 55.7, 57.3, 59.9, reaching 60.5 in 1930. This increase in the percentage married is due in part to the fact that the proportion of the middle aged has increased during the period, for this is the age period in which the highest proportion of married are found. But if there had been the same percentage of middle aged in the population at the successive census periods that there was in 1890, there would still have been an increase in the percentage of married persons. The percentages would then have been 55.3 in 1890, 56.8 in 1920, and 57.6 in 1930. In other words there would have been an increase in marriage even if the age distribution of the population had remained the same. The rate of increase in the number of marriages was less in 1930 and in 1931 as is usually the case during a business depression.²

All of this may be due to a lowered death rate or decreased birth rate's making for a larger proportion of older people in the population or to some other similar cause. But the fact remains that marriage is about as popular today as (perhaps even a bit more popular than) it has been at any time during the last 50 years. Certainly, even in the face of an increased divorce rate, there is no indication that marriage is losing its popularity. It is interesting to note, too, that a slightly smaller proportion of city dwellers are married than are people living in rural districts.

¹ REUTER and RUNNER, *op. cit.*, p. 206.

² *Recent Social Trends*, OGBURN, W. F., "Family," p. 680.

AGE AT MARRIAGE

If there has been in recent years any change in the age at which people marry, that change has been inconsiderable. In some classes in the population, the working classes, there may be a slight tendency toward early marriage because in the modern factory a young man needs only a very short period of training in order to be able to work as efficiently and to earn as much as an older man who has been on the same type of job for years. On the other hand, among other classes, there may be a tendency toward later marriage. A lengthening of the period of formal education would tend to postpone marriage. This is especially true in the cases of individuals who are preparing to enter professions.

The fact remains, however, that in present-day America the biological and the economic age for marriage do not coincide. Biologically, or physically, young people are ready for marriage soon after puberty (sexual maturity), long before they reach the age of twenty. But our society is so constituted that it is difficult for a young man to support a home at such an early age (in spite of what was said above) and so complex that there is good reason to doubt that a couple who marry too young are equipped in ways other than economic to establish a home and rear a family.

Of the young men eighteen years old, only 1 in 37 was married in 1924, while among the young women 1 in 5 are married. Of the men twenty years old, one-eighth were married, as compared with three-eighths of the women of that age. Between twenty-five and twenty-six years of age, one-half of the men were married, and two-thirds of the women. Thus there is considerable postponement of marriage beyond a suitable biological age for beginning marriage.

PERCENTAGE OF THE POPULATION, FIFTEEN YEARS OLD AND OVER MARRIED, BY SEX AND AGE, FOR THE UNITED STATES, 1930*

Age groups, years	Married		Widowed	
	Male	Female	Male	Female
15-19	1.7	12.6	0.2
20-24	28.1	51.6	0.3	1.0
25-29	61.3	74.3	0.8	2.1
30-34	76.0	81.5	1.3	3.3
35-44	81.5	81.5	2.5	6.5
45-54	81.6	75.2	5.2	14.0
55-64	78.0	62.0	10.2	27.8
65-75	68.7	41.8	20.9	49.0
75 and over	50.4	18.2	41.5	73.9

* NIMKOFF, M. F., *The Family*, Houghton Mifflin Company, 1934, p. 257.

There are, no doubt, many social consequences of such a postponement about which it would be interesting to speculate.¹

The preceding table indicates that the tendencies described by Prof. Ogburn continued in 1930. The tendency for young women to marry younger than men is manifest in the figures given. While only 1.7 per cent of the male population of the United States between the age of fifteen to nineteen were married in 1930, 12.6 per cent of the women of that age were married. The table also bears testimony to the relative longevity of wives in comparison to husbands. Widowed females exist in larger percentages of each age grouping than widowed males. This discrepancy in the survival of wives over husbands will need to be taken into consideration in any equitable social insurance scheme which may be devised for the United States.

CHILD MARRIAGE

In connection with the subject of the age at marriage, it is worth noting that there are cases, many cases—too many—of actual child marriage in this country. One usually thinks of child marriage as being a phenomenon found only among primitive or backward peoples, but such is not true.

. . . there were 18,388 married girls who were still under 16 when the 1920 census was taken. Of this number 11,959 were native white girls of native parentage, and only 2,452 were either foreign-born white or else native-born white of foreign or mixed parentage. Even more striking are the facts as to the girls included in the foregoing figures who were under 15. There were 5,554 girls so enumerated, of whom the native white girls of native parentage constituted 62.1 per cent and the first and second generation foreign white girls only 17.9 per cent.²

It has been estimated that there are several hundred thousands of women who began their married life as child brides. It is apparent from this that child marriage is not found only, or even chiefly, among the immigrants or Negroes as some writers suggest. Usually in a child marriage it is the girl who is the younger. In a study of 60 child marriages, it was found that at the time of their marriage 4 of the girls were eleven years of age, 3 were twelve, 14 were thirteen, 17 were fourteen, 22 were fifteen years old.³

¹ REUTER and RUNNER, *op. cit.*, OGBURN, W. F., "Eleven Questions concerning American Marriage," p. 188.

² RICHMOND, M. E., and HALL, F. S., *Child Marriages*, Russell Sage Foundation, 1925, p. 74.

³ RICHMOND, M. E., and HALL, F. S., *Marriage and the State*, Russell Sage Foundation, 1929, p. 129.

One finds such records as the following:

A girl of 13 married with her mother's consent. When her baby was born it weighed only two pounds and soon died. Her husband has left her.

A girl of 13 who was married with parental consent to a man twice her age is now reported by a social agency to be a physical wreck.

The marriage of a man of 25 to a girl of 13 was arranged by the girl's mother, who gave the child's age as 16 at the license office.¹

There is no need for going into detail as to why child marriages should not be permitted. But how does it happen that they are permitted? In the first place, the law is at fault, and legislators are not greatly interested in revising it, although there have been a few improvements in recent years. All states now require that both boys and girls be at least eighteen, and many of them twenty-one, years of age to marry without parental consent; only North Carolina, Michigan, and South Carolina permit men eighteen years old to marry without parental consent. New Hampshire and Hawaii require men to be twenty years old before they are permitted to marry without parental consent. In all other states the required age for men to marry without parental consent is twenty-one. In 37 states women are permitted to marry without parental consent at the age of eighteen. In the remaining states the required age for women is twenty or twenty-one if they marry without parental consent. But with parental consent in eight states (Colorado, Florida, Idaho, Louisiana, Maryland, Mississippi, New Jersey, and Rhode Island) a girl may marry at the age of twelve; in nine states (Alabama, Arkansas, Georgia, Iowa, Kentucky, New York, South Carolina, Texas, Utah) and the District of Columbia a girl may marry at the age of fourteen; in the rest the minimum age is fifteen or sixteen. With the boys the minimum age with parental consent is usually higher than with girls, but in nine states even today it is only fourteen years.²

Another factor making child marriages possible is carelessness in administering the law. Almost no effort is made by license issuers to check up on an applicant's age; an affidavit by the individual or parent is deemed sufficient. In some states the applicants must wait a designated three to five days after receiving the license before the marriage ceremony may be performed, but by no means the majority of the states have such a law.³

¹ *Ibid.*, pp. 138-139.

² *Ibid.*, adapted from table on pp. 370-371. Data refers to a study completed in 1921 by Russell Sage Foundation.

³ For details the student is referred to Richmond and Hall, *Child Marriages*, and Richmond and Hall, *Marriage and the State*.

WOMAN'S LEISURE

In most fields of business and industrial activity during recent years the worker has been accorded an increasing amount of leisure, and whether that worker be a man or a woman the wise and advantageous use of that leisure presents an ever growing problem. Nevertheless, it is not so closely related to the subject of marriage and the family as is the leisure of the housewife. As we have seen in earlier paragraphs, a great many of the activities that were formerly centered in the home have been taken over by outside agencies. It must also be remembered that the machine age has produced a multitude of mechanical appliances which tend to lighten housework. Not only does the modern housewife not do many of the things that her grandmother and perhaps even her mother did, but what she does do she does with many mechanical aids. Furthermore, in cities especially, dwellings tend to be smaller than formerly, and a great many people live in apartments where at least some of the work of cleaning is done by janitors. Families, too, tend to be smaller nowadays. There seems to be only one conclusion in the light of these facts, and that is that the modern housewife has more leisure than her predecessors had, the only possible exceptions being women of low economic status and women with large families or families of small children; but even in these cases the situation has changed to some degree. What she does with this leisure is one of the important problems that the modern housewife faces. Does she waste it, or does she utilize it for some worth-while purpose personal, domestic, or social?¹

Fortunate is the woman who combines with her work as housewife and mother one or more worth-while avocations which aid in developing her personality by adding breadth and richness to her life.¹ Such activities and interests tend (unless, of course, they are permitted to be too all-consuming) to make for more successful wifedom and motherhood, because being a successful wife or mother or housekeeper is more than a matter of "putting in time."

Perhaps there is no more forlorn and pathetic spectacle than that of the woman who has devoted her whole life to her home and children to such a degree that she has shut out all other interests. Such a course may appear successful at first, but too often there comes a day when such a woman has become uninteresting to her husband, or else she has allowed her children to fill so much of her life that when the time comes for them to marry and leave the parental home she finds that she cannot adjust herself to the new situation; she is left high and dry, so to speak,

¹ For an account of the difficulties that women experience in attempting to continue an independent existence even though they are married, the student is referred to Ruth Reed, *The Modern Family*, Alfred A. Knopf, Inc., 1929, pp. 104 *et seq.*

with nothing to do. Or, on the other hand, she may have bound the children to her so closely, psychologically speaking, that they cannot break away and adjust to the new situation of making an independent home. The implication here is not that a married woman should pursue avocational interests while neglecting her husband, home, and children but rather that to be most successful in the long run, both as a wife and as a mother, she must continue to develop herself. Doubly fortunate is the young woman who chooses a vocation of such a nature that she can engage in it before marriage and that it will carry over into her married life both in the home and avocationally, and that, in case of necessity, she may reenter that vocation later in life.

WAGE-EARNING WOMEN

The "working woman" is no new phenomenon; women have always worked. But women who work for wages outside the home are comparatively recent products of our changing civilization, at least in so far as they are found in any appreciable numbers. Taken as a whole, women as wage earners present problems peculiar to themselves because they are women whether they are married or single. In this section, however, we shall concern ourselves with only the wage-earning married woman in her relationship to her home.

The numbers of married women in employment have grown greatly, as is shown by the census figures. In 1900 there were 769,000 married women at work, in 1910 the number had increased to 1,891,000, and in 1930 it had reached 3,071,000. Between 1900 and 1930 the total number of employed women doubled but the number of employed married women increased four-fold. Moreover the ratio of married women who work to the total number of married women has more than doubled, the figures showing that 5.6 per cent of all married women were gainfully occupied in 1900 and 11.7 per cent in 1930. This increase is six times that for single women of the same age period, 15 years and over, during the same thirty years. In 1900, 43.5 per cent of the single women were gainfully employed and 50.5 per cent in 1930, an increase of only 16 per cent as compared with 100 per cent for married women. The proportion of all working women who are married has also shown a striking increase since the beginning of the century. In 1900 the married constituted 15 per cent of all working women. In 1930 the proportion had increased to 29 per cent or twice that of the earlier date.¹

Why do married women work outside their homes? The answer is that some do it because they like it; some do it because the husband does not earn enough to maintain the standard of living that the married pair desires to maintain; some work because they are forced to by eco-

¹ *Recent Social Trends*, vol. 1, OGBURN, W. F., "Family," p. 715.

conomic pressure, the husband being unemployed or incapacitated. The number of married women in the last group is larger than is generally realized.

For centuries the family has been adjusted to the fact that the man worked outside the home, but the woman's place has been traditionally in the home. Consequently her becoming a wage earner, with its necessary absence from the family dwelling for at least part of the day, has created a situation to which the family has not yet completely adapted itself. Opinions differ as to the effects of married women's wage-earning activities outside the home. There are arguments both pro and con, due to the fact that public opinion tends to be conservative and that there are not yet sufficient reliable data upon which to base a judgment uncolored by emotion, bias, and personal preference.

In the following excerpts concerning the effects of the employment of married women will be found instances of that conservatism and also of that emotional coloring. There is the statement, for instance, that the work which the employed married women do is mentally stimulating rather than simply unstimulating routine or even drudgery which must of necessity be the case with the work of a very large proportion of the wage-earning women. There, also, the assumption is that wage earning as such can be dissected out of and separated from all the other concomitant influences on family life. What is meant is this: Each woman who becomes a wage earner does so for a particular reason. If the reason is poverty, then we must remember that poverty in that case has great influence on the family life, and we must not attribute to the activity of wage earning effects that are caused by the poverty or the whole situation that poverty impels and constructs. If the reason is the restlessness of the married woman, then that fact as well as the fact of wage earning must be taken into consideration. The difficulty arises in separating the relative influence of the various factors in particular instances. Evidently it is too early to generalize broadly on this question.

From the point of view of the man, woman's employment outside the home represents a distinct loss of power and is so interpreted by the average husband. In the past the supremacy of the male in the family rested upon his command of the family income and the prestige that has been his from being looked upon as the producer of the family funds. When the woman herself earns, and her maintenance is not entirely at the mercy of her husband's will, diminishing masculine authority necessarily follows. The reactions of men range from relief that they do not alone carry the burden of the family upkeep, or satisfaction in knowing that the wife has attained a measure of practical equality, to the feeling of persistent irritation that she is not content with being a housekeeper, and inner protest such as Anderson's hero in *Dark Laughter* feels regarding his

journalistic wife, which eventually reaches such intensity that one night when his feelings have been especially violent, he walks out of the apartment, never to return.¹

The husband who is modern in his sympathies and well prepared to meet the testing of present-day matrimonial conditions sympathizes with his wife's desire to work, as does he, in more fascinating activities than she can discover in her housekeeping tasks. Not only does he feel the justice of her demand for satisfying normal self-expression in her labor, but he also rejoices that her business experiences may afford a better basis for comradeship. . . .

In matrimony as elsewhere we find differing tastes and just as there are men who prefer wives that reproduce a wife's status of the past, so there are others who can find matrimonial satisfaction only in a life fellowship with a woman whose demands are in accord with a stage of development which is prophesied but not yet attained by most women. This modern type of husband realizes that if woman's status is to have a strictly biological determination she can be kept in her place only by denying her education and all the privileges of modern life that sap her content as a creature sentenced to social inferiority because of her physical function in life.²

She who works away from home gains an appreciation of the point of view of the man of the house. With greater understanding comes naturally increased tolerance. The woman who knows what it is to be exhausted after a day of trivial contacts with people is not likely to be annoyed by her husband's preference for a quiet evening at home; when her own daily contacts were mainly limited to the butcher, the grocer, and the peddler she may have felt herself ill used if her husband did not always respond to her suggestion for an evening with friends. The greater importance of an equable disposition and an unobtrusive household regime over the certainty that every housekeeping task is done thoroughly on schedule time is usually recognized by the woman who, like her husband, has work to be done outside of the home.

On the other hand, the nervous strain of swinging the double responsibility of home cares and outside work makes some mothers irritable beyond what they would be if they stayed at home. This is especially true if the woman feels that she is not able to do full justice to either responsibility. . . .

The woman who works outside her home need not lessen her affection for husband or children or in any degree lose respect for her husband because of her own success. Rather she also comes to see how much more she has in common with her husband than before she had the experience of being in competition and how much more wisely she may meet the responsibilities that devolve upon her as a mother. No one would deny that her task is difficult as compared with man's, but if the more difficult program brings her greater satisfaction and a richer personality as she carries on work outside the home, she must attempt both to win matrimonial success and, as a human being with awakened ambitions, to advance in the career of her choice.³

¹ GROVES and OGBURN, *op. cit.*, pp. 67-68.

² *Ibid.*, pp. 69-70.

³ *Ibid.*, pp. 71-72.

In another study of this problem it was concluded that:

The children whose mothers were employed were found to suffer in a number of ways. The care that was provided for them during the hours when the mother was away was subject to wide variation and though apparently satisfactory in some cases was very unsatisfactory in others, while in a large number of instances no provision at all was made for the care of very young children. The school records of the children in school were on the whole unsatisfactory and compared very unfavorably with those of a group of children not selected on the basis of the employment of the mother. Among the older children, cases of behavior problems were found, sometimes a clear connection with the employment of the mother being indicated. In less tangible but possibly more important ways the children suffered from the fact that their mothers were under the strain of carrying a double job, for it was found that most of the women, though working at factory work of average difficulty, did not escape the burden of domestic duties. In some cases this meant that the children lived in disorderly and untidy households or had tasks thrust upon them which they were too young to perform. On the whole, however, there was surprisingly little of this; for the most part the mothers kept their homes clean and in order and wore themselves out in order to spare the children. Numerous instances of overfatigue and ill-health of the mother were reported, and attention has been called to the loss to the children which this involved.

The study of the family income and housing conditions showed moreover that in somewhat over half the families the inevitable disadvantages attendant upon the mother's employment away from home were not compensated for by an "adequate" family income or sanitary material surroundings. On the other hand, it was true that in a large number of cases the mothers had succeeded by taking gainful employment in bringing the family income up to a minimum of adequacy, and in securing decent homes for their families. It is, of course, impossible to balance the very real gain to the children thus accomplished with the equally real though less material loss occasioned by the mother's absence from home.¹

The following is an argument on the other side of the same question:

The whole discussion about working mothers is in fact heavily weighted with sentimentality. The opponents of the working mother invariably assume that mothers are in the habit of spending the greater part of the day with their children. Yet we all know that the very laws of the country make this impossible, and that all children are legally compelled to spend the greater part of the day in school—a period that already very closely corresponds with the mother's working hours and that might by slight social readjustments be made to correspond exactly. It is true that this leaves Saturdays and the children's summer holidays unaccounted for. But the recently secured Saturday half holiday in summer is yearly being extended backward and forward. It is probable that a little combined social pressure will soon make it a year-round custom. The

¹ ELMER, M. C., *Family Adjustment and Social Change*, Ray Long & Richard R. Smith Corporation, 1932, pp. 245-246. (Now published by Farrar & Rinehart, Inc.)

public school children's holidays last only a trifle over two months. I believe that it is infinitely easier to evolve some community scheme for outdoor care of the children during the usual school hours at this time, than it is to endure the social and psychological maladjustments that spring from keeping woman in the house throughout the year in order to have her there these two months. In case the social solution does not appeal to a given mother, there are many individual ones. Certain industries, to take only one example, find work slack during the summer. They would be only too glad to give a two months' leave of absence to those working mothers who are unable to make other arrangements for their children's holidays.

I have also left unaccounted for the children under school age. The new tendency to have the schools take children at two—a tendency by the way, that developed with the children's needs in mind rather than with the mothers'—could, and I have no doubt very shortly will, be developed to bridge this gap. Or the woman might wait until her children are of school age before going back to work. With the small proportions of the American family, this would not take so many years out of her working life as we might at first suppose. This method would be as desirable for some women as it would be undesirable for others.

As a rule children are much happier in school than they are playing around under some adult's feet and being constantly reprov'd, even by the most patient of mothers, for failing to adapt themselves to a world to which they don't yet belong, while the mother who finds herself suddenly transferred from an active life to the supervision of one, two and seldom more than three children, rejoices at first in the joys of an unaccustomed leisure, and of watching the developing lives, but after a short time, is far too often almost inevitably demoralized by it. The depth of her demoralization is often measured by her capacity for more taxing occupations. And we cannot hope that a woman demoralized by the disuse, or the very partial use, of the faculties with which nature endowed her, can successfully help the child to solve those thousand and one complex difficulties that attend his hopeful but unsteady and inexperienced progress through the wilderness of life.¹

MARRIAGE VS. CAREERS

The above arguments, inconclusive as they are, suggest several questions: Should a young woman definitely plan and train for a profession that she will pursue for the rest of her life without ever marrying? Should she train herself for a profession that she plans to pursue only temporarily, making marriage her chief and permanent occupation in life? Should she attempt to combine marriage and a career?

Here again one finds a great deal of sentimentality, of bias and prejudice, of rationalization, of inconsistency, of coloring the facts or suppressing some of them, of oneness. And one must be careful in

¹ REUTER and RUNNER, *op. cit.*, PARSONS, A. B., "Changing Conditions and Changing Mothers," pp. 476-477.

generalizing, because marriage is in a large measure a matter of individual personality, and what is one man's meat may be another's poison. There are some persons who should never marry just as there are some persons who should never try to become artists or athletes or anything else that requires a set of characteristics that they do not possess.

In the discussion of marriage vs. careers the argument for careers often takes this form: Women have in many fields of endeavor ability equal to that of men, and with the new freedom that is theirs they may find in a career a new means of self-expression. Homemaking and child rearing are looked upon by such persons as lacking in opportunity for self-expression and as being in large part routine drudgery which are assumed to be less prominent in the "career." In such an argument several facts are overlooked. In the first place, most occupations entail a certain amount of uninteresting, unstimulating routine or detail. In the second place, unless she is her "own boss" a woman who works for wages finds herself subject to all sorts of restrictions just as men workers do. In the third place, the proponents of careers are sometimes inconsistent: teaching other people's children, for instance, is a "career," a profession; but teaching one's own children is only part of the drudgery of motherhood; painting pictures makes one an artist, but making a home beautiful makes one only a housewife; being a dietitian is a profession, but applying the same knowledge and technique to the more restricted family group is only "cooking"; being a "businesswoman" is considered more respectable than managing a family income. In order to be a success in marriage and all that marriage involves a woman must be versed in physiology, psychology, sociology, dietetics, teaching, art, economics, and a host of other subjects in so far as they have a bearing on the marriage situation, yet by many people marriage is not considered a profession or a career.

On the other hand, the proponents of the woman's-place-is-in-the-home argument forget that there are many women who are happier unmarried and in a wage-earning occupation in which they, with their particular personality make-up, find greater satisfaction and self-expression than they would find in marriage and homemaking. The combination of marriage and career was discussed above under the heading "Wage-earning Women."

· MARRIAGE AND THE LAW

Happiness and success in marriage cannot be created by legislation, yet the setting up of legal restrictions may tend to prevent some of the mistakes and ward individuals off from some of the pitfalls from which marital unhappiness and failure arise. As we have seen, present-day marriage is a changing aspect of a changing civilization. Usually,

however, changes in law tend to come more slowly than changes in other phases of social life; law tends to lag behind. This is true of the laws pertaining to marriage. Many of our statutes are quite out of date; they were the outgrowth of social conditions of the past and have not been changed or adapted to present needs. We noted this in an earlier section of this chapter in the case of the age of marriage. This does not mean that no changes in legislation have been made within recent years; there have been changes; nevertheless the law is still "behind the times." What the present trend is and its probable future are indicated in the following excerpt:

Social wisdom obliges more deliberation in the case of young people seeking a marriage license on their own initiative and perhaps after a very brief acquaintance. There is a strong demand that a certain period shall elapse between the request for the license and its granting and that sufficient publicity be secured to make it easy for interested parties to ascertain any facts concerning both the man and the woman involved, which might make the marriage either illegal, as bigamy, or a catastrophe, as uniting one unfit for marriage with an unsuspecting person blinded by sudden attraction. More than this, many states of our Union are beginning processes of law to require certificates of physical fitness, of freedom from infectious or dangerous disease, and some statement of fact as to previous obedience to law and ability for self-support such as alone would make marriage successful. Ministers of religion of various sects are taking more and more a stand against marriage of persons whom they know are of bad habits or otherwise likely to give a married partner an unhappy life. Insanity in the family is now considered in some states a disqualification for marriage, and statutes requiring some family testimony to facts concerning that inheritance are coming into enactment and enforcement. The tragedy of marrying ignorantly into a certain and hopeless fate of union with one who can never be of sound mind is so terrible that the state itself is trying to safeguard carelessness on that point. The medical profession is more and more acting a parental part in requiring the registry of diseases that are most unsocial in their effect—diseases incident to vice, and which make any man while suffering from them unfit for marriage. It is proposed by many, and by law required in some states, that no marriage license shall be given without a certificate of both mental and physical fitness, to be handed to the officer before registry of the application, in order that there may be no public refusal on such grounds of unfitness after it is known that license to marry has been sought. This would be far better than, as has been proposed by some persons, for clergymen to take the initiative in requiring such physical and mental tests after a request to marry two people and after a license has been secured. After a matter has gone so far as to result in a request to a clergyman to officiate at the marriage ceremony, the exaction of an examination which the state has not previously required, would inevitably, as has been already shown in some instances, lead to suspicion and bad feeling. The duty of the state, which alone in our country gives power to marry (the clergyman performing the ceremony pronouncing the couple married "by virtue of the

power invested in him by the state"), is clear. That duty is to take all initiative in all previous inquiries aimed at preventing the marriage of unfit persons. If the state does take such initiative and for all alike, no matter what their social standing or reputation may be, then there is no stigma for any individual and no suspicion aroused to injure any class of persons. There seems as good reason why a compulsory physical and mental examination, together with an inquiry into the main facts of a person's life in order to prevent fraud and exploitation, should always precede the giving of a marriage license as for the required physical and mental examination of children when they enter the tax-supported public school. It is, in both cases, a way by which society secures itself, in the interest of the family and of social life, against the fostering or continuance of evils that may be prevented from poisoning the sources of moral and intellectual growth.¹

One of the outstanding defects in American legislation pertaining to marriage is the diversity of law in various parts of the country. In 22 states, for example, a wife can be forced to pay for family necessaries ordered by her; in 2 states such necessaries are charged to the community; in the remaining 25 she cannot be held financially responsible for necessaries so ordered.²

In 16 states common-law marriages have been abolished; in 8 they are not recognized, though there is no statutory provision abolishing them; in the other 24 states they are still valid.³

Only 12 states require health certificates before the issuance of marriage licenses.⁴

With respect to divorce (as we shall see in the next chapter) there are also many legal differences and variations. Some people attempt to justify these variations in marriage law on the basis of the differences in population, economic status, predominant occupations, and degree of urbanization in various parts of the country. There is reason to doubt, however, that so far as marriage is concerned these differences are as important as is sometimes asserted. On the other hand, there is ample reason to believe that, since our population is gradually being knit into a more or less homogeneous whole, and since the means of travel are making for a high degree of mobility, more uniformity in marriage laws is needed.

For questions, word list, and suggested further reading concerning topics included in this chapter, see conclusion of the next chapter.

¹ SPENCER, A. G., *The Family and Its Members*, J. B. Lippincott Company, 1923, pp. 131-132.

² National League of Women Voters, *A Survey of the Legal Status of Women in the Forty-eight States*, 1930, p. 12.

³ *Ibid.*, pp. 15-16.

⁴ *Ibid.*, p. 16.

Chapter V

Family Disorganization and
Disintegration

In the previous chapter some problems affecting the family in America were briefly discussed. The modern family was shown to be laboring under difficulties different from those which characterized the family of yesterday. It was pointed out that many of the functions formerly performed by the family have now been accepted by commercial institutions quite outside the family. The problem of utilizing newly acquired leisure, especially by the wife in the American home, was introduced.

It was also pointed out that the family itself has been subjected to change. No longer is the father's role that of patriarchal dictator in most families. Neither is the mother so subservient and passive as she seems to have been in the past. The inference was drawn that children are now often looked upon as liabilities rather than assets in the struggle of the family to achieve economic and social security.

In this chapter attention is directed toward an analysis of causes and results of family dissolution. It becomes evident as our study proceeds that many families are unable to combat the disruptive forces within the present social system. Such families break up on the rocks of economic stress, social discord, and the rapidly shifting demands of modern life. But it should not be concluded that family breakdown is anything but the abnormal experience of a considerable minority of American families. However, since that minority which experiences marital disaster is growing, this problem needs to be considered.

Family disorganization and disintegration may be considered from two slightly different points of view: (1) As we saw in the preceding chapter, marriage and the family are changing aspects of a changing civilization. The functions of the family are slowly altering somewhat, and the relationships between husband and wife and between parents and children have changed to some degree. If we use marriage and the family of the recent past as a norm, these changes seem to point (as some say) toward disorganization and disintegration, so that we may say

that this is true of American marriage and families in general. In other words, marriage and the family in this country are undergoing changes that, by using certain norms or criteria, may be considered as tending toward general disorganization and disintegration. (2) Or we may consider this topic from the point of view of the individual married pair or individual family. If we use as the norm or standard those families which remain intact and apparently happy, we see that there are other families, either with or without children, that "break down" partially or completely. In his chapter entitled "The Study of Family Disorganization" Ernest Mowrer helps clarify the issue when he writes:

The family is not merely a group of individuals living in close proximity, as formal studies of divorce and desertion seem to assume. It is also an organization of attitudes and ideals which each family develops independently and which characterize the family as a cultural group. Family pride, family prejudice, the jokes and proverbs intelligible to no outsider, and the hopes and ambitions that distinguish families from one another help to make up what may be called the "family complex." It is this identification of interests which makes of the family a cooperating unit, felt by its members and recognized by the community. The unity of the family lies, in other words, not in any formal obligations which the law imposes, but in the interaction between its members.

The establishment of a family is the process of building up organized attitudes in which all concur. Family disorganization represents the converse process in which the family complex breaks up and the ambitions and ideals of the individual members of the family become differentiated.

Family disorganization may be defined, then, as far as it concerns the relationship between husband and wife, as that series of events which tends to terminate in the disruption of the marriage union. It is, in other words, the individualization of behavior in marriage relations, as contrasted with family organization, which is the tendency toward identification of behavior in those relations.

The disintegration of the family may be thought of, accordingly, as the loss of family consciousness, *i.e.*, a disintegration of the familial attitudes which make up the family complex.¹

In this chapter we shall concern ourselves chiefly with family disorganization and disintegration considered from the viewpoint stressed by Mowrer in the "tendency of the family to lose its unity." Family disintegration is thus viewed as a social process.

TYPES OF FAMILY BREAKDOWN

There are several types of family breakdown, which, however, are not mutually exclusive. In fact in many instances two or more of these tend to supplement each other to bring about a family breakdown:

¹ REUTER, E. B., and RUNNER, J. R., *The Family*, McGraw-Hill Book Company, Inc., 1931, p. 481.

1. Families that were never organized. In one sense such a family could not break down; but when there has been a legal marriage, it may be said to break down.
2. Husband and wife incompatible.
3. Breakdown due to death of husband or wife.
4. Breakdown due to or resulting in marriage annulment.
5. Breakdown due to or resulting in desertion.
6. Breakdown resulting in separation.
7. Breakdown resulting in divorce.

FAMILIES THAT WERE NEVER ORGANIZED

Much of the disorganization which we charge up to the family is actually a public confession of the impossibility of two specific individuals succeeding in their attempt to establish a family. In other words, many of our so-called families were never organized, because they never had a basis of sympathy which permitted them to establish genuine family associations.

Experience shows that there can be mutual and strong attraction as the result of the contact of a particular man and woman without any substantial basis for persistent comradeship. Here sex intrudes, and provides a compulsion that brings together in matrimony persons who, except for physical attraction, have nothing in common. The complexity of the modern marriage status prevents a satisfactory start in matrimony for such persons. Legally they establish a family, but actually neither from a psychic nor a social viewpoint can they do more than legalize a temporary sex attraction, which, unable to progress into marriage comradeship, ends in anti-climax. When such an unsuitable union breaks down and is finally registered as a divorce, it can be more accurately described as a failure to organize a family, rather than as evidence of family disorganization.

This fact is an important one for the student of the family who is interested in problems of reconstruction. The primary need is the building of vital families. Even though it is true that the most promising marriage has severe testing, its difficulties are the product of life, while in the case of the other sort of family, there is from the start no element of vitality. If progress is to be made in the reconstruction of family life, attention must be directed primarily to the problem of establishing families that have a reasonable chance of becoming successful. Since marriage selection cannot, even under the most favorable circumstances, be regulated to any great extent, and since there is no hope of preventing many marriages motivated by mere sex desire, there can be no easy or completely successful method of preventing the attempt to establish families that are bound to be hopeless undertakings.¹

BREAKDOWN DUE TO INCOMPATIBILITY

Incompatibility often lies at the root of those types of breakdown numbered three through seven above, but we shall consider such types

¹ GROVES, E. R., and OGBURN, W. F., *American Marriage and Family Relationships*, Henry Holt & Company, Inc., 1928, pp. 106-107.

later. On the other hand, husband and wife may be incompatible and still live together even though most normal marital and family relationships have partially or wholly disappeared. In the following quotation Prof. Groves describes some of the implications of the problem we are here considering:

Incompatibility, like its opposite, good adjustment, is relative. The significance of family discord is measurable by its consequences. In all family life, as in every other intimate human association, there are differences of opinion, occasional tensions, and even downright antagonisms. These experiences of friction may go along with the building and the maintenance of a cooperative fellowship or they may be evidences of failure to establish harmonious relations. The incompatible family reveals itself not through the quantity of dissension but by the effect that these collisions of personalities have upon the character of the family members, their attitudes toward each other, and their satisfaction in their life together. These consequences are determined both by the characteristics of the personalities involved and by their social situation. For example, if such contention is rather common in the set or neighborhood to which the family belongs, the family discord will usually have a smaller effect than when this lack of harmony is very unlike the experiences of friends and neighbors. Particularly does this relativity show itself in the results that come to the child from family incompatibility.

Every human relationship makes a peculiar test of the ability of those entering it to get on together, and furnishes its own opportunities for incompatible reactions. Business partners, friends, and lovers have their cooperation tested differently, and when disharmony arises its results are in accord with the characteristic features of the relationship. The family also brings not a general but a specific type of testing. Its peculiarities come chiefly from the constancy and the intimacy of the relationship.

In the forms they take, the consequences of incompatibility are myriad and not always on the surface. They must be sought in the individual members of the family and rarely, if ever, is the causal connection such as to show in any contention all the influences leading to the reaction of the husband, wife, or child. The harm of the experience must be sought in the individual, but it must be interpreted in the light of his total social situation. An incompatibility that will drive one person to suicide and another to alcohol, and the third to a neurotic illness, may in the fourth merely harden the will and lead to greater aggressiveness outside the family. In judging incompatibility, there must also be a recognition of the difference between its effect upon family members and their satisfaction, and the consequence it has for society. An illustration of the latter is the delinquency of a child when this appears to be in part at least a consequence of the quarrels and hate between the father and mother.¹

Marriage demands a considerable amount of adjustment between the partners to its bonds. Often the early period of marriage presents the

¹ GROVES, E. R., *The American Family*, J. B. Lippincott Company, 1934, pp. 284-285.

most difficult adjustments and adaptations. Many a marriage is wrecked during the honeymoon because of the emotional state of the contracting parties. Often it is during the honeymoon period that unmistakable signs of incompatibility manifest themselves. In his discussion of this phase of the problem Prof. Groves writes:

It must not be thought from this that there is a definite procedure through which husband and wife pass in the readjusting process of the honeymoon. Human nature does not operate by a fixed rule. Some individuals slide with little difficulty into the new relationship. Others have considerable trouble, but once they come to their new understanding all goes well and they remember with a smile their serious efforts to meet problems that as they look backward appear so trivial. Still others appear most fortunate in their ease of adjustment, but the passing of time reveals that they were really only extending courtship into marriage and postponing their inevitable disillusionment. When they finally settle down in grim earnest to meet the problems of living together it grows increasingly clear that they cannot be happy. Then there are some who at once discover the folly of their marriage, their unfitness for one another, and a cleavage begins immediately and widens in time. Whatever the situation at the beginning of marriage, the current starts flowing toward or away from a successful family life.

Instruction as to marriage problems cannot prevent this necessary process of adjustment, but a previous understanding of possible difficulties does help to make the transition easier and its dangers fewer. The greater risk of committing some costly mistake falls upon those who have no insight into the testing they are receiving in their attempt to find happiness together.¹

BREAKDOWN CAUSED BY DEATH

Eventually all families are broken up by the death of their members. When death occurs early in the development of a family and either the father or the mother is removed, the broken family with children presents a very difficult problem. Regardless of the heroic efforts of the surviving parent in keeping the family together the loss of the deceased can never be fully covered. It is evident that such a broken family group labors under serious handicaps. If the mother has died, the handicap is probably greater in some respects than if the father dies, since the mother's contribution in the intimate care of her children in the home is considerably greater than the father's.

A fatherless family generally encounters severe economic difficulties which the mother and her children can surmount only by means of consecrated sacrificial effort. However, it is evident that children tend to cling to and help their mother in preserving their home more generally than they would if the father survived. Society appears to have developed certain aids to the fatherless family which fail to function smoothly

¹ *Ibid.*, pp. 286-287.

in the case of the motherless family. In the latter case the father may consider remarrying, but this presents social difficulties as well as the "stepmother problem." Or the father may hire a paid housekeeper. However, the housekeeper rarely performs the function of the mother. The father may delegate housekeeping duties to his oldest daughter. However, if she is under sixteen, the chances are good that she will find the task of caring for her smaller brothers and sisters too burdensome and too far beyond her ability to permit success. Finally, the father may break up his family by making what arrangements he can for the care of his children by relatives, friends, or public institutions. In any case the problem of the family broken by death remains in a measure unsolved.

BREAKDOWN RESULTING IN ANNULMENT

Annulment is the legal voiding of a marriage. There are cases in which persons go through a regular marriage ceremony and think themselves legally married but find later that owing to some technicality of the law they were not eligible for marriage. For example, there have occurred rare cases in which a brother and sister, separated from early life, have later met and married without knowing of their consanguineous (blood) relationship. The discovery of that relationship later meant that their marriage was void; they had never been legally married. In cases in which one person still legally married and with spouse living marries again, the second marriage is void, and that person is guilty of bigamy. Other grounds for annulment are insufficiency of age at time of ceremony, use of force or fraud, mental incapacity, and similar factors. Even though the parties participate in an apparently legal marriage ceremony, if the marriage is annulled it is assumed that it never really existed. And if children have been born between the time of marriage and time of annulment, they are usually considered illegitimate.¹

DESERTION

Desertion is not a new phenomenon; it has been known throughout history and in all parts of the world. It is one of the common grounds upon which divorces are granted and will be considered from that point of view later. But it also occurs in cases not culminating in divorce. Sometimes it is the wife who deserts, sometimes the husband. In some cases desertion is a cause of family breakdown; in others it is the result. If, for example, a man becomes mentally unbalanced and deserts his wife and family, such desertion could be considered as the cause of family

¹ For a discussion of the legal effects of divorce and the enumeration of the grounds for annulment, the student is referred to Isabel Drummond, *Getting a Divorce*, Alfred A. Knopf, Inc., 1931, pp. 46-48.

breakdown. If, on the other hand, a man deserts because of domestic discord or husband-wife incompatibility, desertion in such a case would be the result of family breakdown. To ascertain the exact number of desertions occurring every year is not possible, because the statistics are confused in part with statistics on divorce and otherwise are very difficult to procure, since state laws differ in their definitions of desertion. Desertion is not at all uncommon; thousands of cases occur each year.

The causes of desertion are those conditions or situations which tend to make for domestic discord and family breakdown on the one hand and those which tend to produce maladjusted personalities on the other. Joanna C. Colcord summarizes the causes as follows:

1. Actual mental deficiency. The amount of mental deficiency among deserters is not found to be higher than among other offenders who get into the care of the Court or social agencies, but the deserter is very apt to be a psychopathic personality. Feeble-mindedness in a man shows itself in industrial inefficiency, inability to earn enough to support a family, and inability to plan to spend money wisely. In a woman it reflects itself in bad housekeeping and unwise spending. There may be a lack of control in either case.

2. Faults in early training. Low ideas of home life and personal obligation, and overindulgence, may reflect themselves in an inability to get along in marriage.

3. Differences in background. When a man and woman come from different types of home it is difficult for them to live together. Ideas and standards conflict. Though both may come from good homes, the standards of the homes may differ. Differences in race, religion and age are potent factors in causing misunderstandings. In a study by Lillian Brandt in New York City in 1905, it was found that 28% of deserters were of different nationality from their wives as against 8.5% mixed marriage in the United States as a whole and 13% for New York City. In 19% of the cases there was a difference in religion. In 27% of cases there was a difference of more than six years in age, the woman being the older in 15% of the cases. Among immigrants the man frequently precedes his wife to America. This combined with the fact that he has more opportunities for absorbing American ways, leads to different standards of living.

4. Wrong basis of marriage. Incompatibility is usually found when marriage was entered into hastily or through coercion due to pregnancy, mercenary or other considerations. Common law marriages are sometimes recognized as legally binding on a man but seldom does he feel morally bound.

5. Lack of education. While insufficient schooling on the part of either man or wife may lead to incompatibility, more important in producing incompatibility are ignorance of the physical and spiritual basis of marriage and limited occupational preparation.

6. Occupational faults. A man may not be prepared for any particular kind of work and, therefore, have irregular employment, or he may be lazy and incompetent. Laziness on the part of the wife or inability to keep house may also lead to the trouble.

7. Wanderlust is frequently stated as an important cause of desertion, but its importance has been greatly exaggerated.

8. Money trouble. Low wages are responsible in some cases for non-support. But the greatest amount of trouble over money arises from poor handling of the money in the house.

9. Ill health: physical debility. Ill health in a man lowers his vitality and causes irregular work. In a woman it causes poor housekeeping, loss of attractiveness and irritability. Continued ill health brings financial burdens that are discouraging.

10. Temperamental incompatibility. Such difficulties may center about standards of right and wrong, or the idea of possession and control. Extreme self-righteousness, jealousy, nagging and sulking are important disintegrating factors.

11. Sex incompatibility. This may involve physical or mental maladjustments or even sex perversion.

12. Vicious habits. Sexual immorality has a degenerative effect on personality and lowers ideals of marriage. It is often associated with venereal disease. Alcoholism and gambling also produce situations in the family which are unbearable.

13. Interference of relatives. Relatives within the home as well as outside often have a bad influence on the home, if they attempt to take too great an interest in the home or attempt to direct either the man or woman.

14. Racial attitudes towards marriage. The attitude of the race of the individual helps to determine his attitude regarding the sanction of marriage and the position of women.

15. Community standards. When the community makes light of or ridicules married life the effect on young married couples is bad.

16. Lack of proper recreation.

17. Influence of companions. The contrast between one's living conditions and those of unmarried companions may lead to dissatisfaction.

18. Expectation of charitable relief. This was more frequently found before we had the present standards of treatment, and when deserting men were less vigorously followed.¹

The results of desertion are similar to those of other types of family breakdown and will be discussed under the latter topic. There is, however, an economic phase which is not found in all the others. In cases in which the man deserts there is usually no provision for the support of the wife and children. This means that the wife must either become a wage earner or become a burden on the state or on some private charitable agency.

In the treatment of desertion, especially when it is the man who has deserted, a change of attitude is evident. Formerly the law was stressed; an attempt was made to force the man to reassume his domestic duties.

¹ ELMER, M. C., *Family Adjustment and Social Change*, based on *Broken Homes* by Joanna C. Colcord, Russell Sage Foundation, 1919.

Today the major emphasis is put on readjustment, that is, changing the man's personality or the family situation in such a way that normal home life will again be possible and even desirable.

SEPARATION

There are cases in which couples agree to separate, or are separated by the court, because of marital incompatibility or some similar reason. In such cases there is no dissolution of the marriage bond as in divorce; the couple are still married so far as the law is concerned, but they have simply discontinued all marital relations. The very nature of such cases makes it impossible to gather accurate statistics concerning them. The causes and results are practically the same as those in the case of divorce.

DIVORCE

Divorce is the legal breaking of the marriage ties. A decree of divorce assumes that a legal marriage once existed; it does not assume that the marriage never really legally existed, as a decree of annulment does. It is important to note at the outset of our discussion that divorce is a result rather than a cause of marital and family breakdown.

Divorce is an effect, not a cause. It is a symptom, not the disease. It is safe to assert, except in the most attenuated institutional sense, that divorce never broke up a single marriage. It is adultery, cruelty, desertion, drunkenness, incompatibility, the decay or transfer of affection, and the like, that destroy marriages. Divorce never occurs until after the marriage has been completely wrecked—sometimes not until many years after. It is only when every other marriage tie has been severed, after the parties have discontinued their marital relations and have gone their separate ways, when the marriage actually has no longer any existence in fact, that persons resort to the divorce court in order that the remaining artificial bond, created by the law, may be dissolved also. Divorce then may be defined as the readjustment of the legal status of persons formerly married but between whom marital relations already have ceased to exist.¹

THE DIVORCE RATE

In the year 1889 there were 31,735 divorces granted in this country.² In that year there were 531,547 marriages performed,³ and the population of the country numbered slightly over 61 millions.⁴ In 1889 there were, therefore, approximately 60 divorces for every 1,000 marriages.² In 1928 there were 192,342 divorces and 1,182,499 marriages, or approximately

¹ LICHTENBERGER, J. P., *Divorce*, McGraw-Hill Book Company, Inc., 1931, p. 16.

² REUTER and RUNNER, *op. cit.*, p. 211.

³ *Ibid.*, p. 211.

⁴ GROVES, *op. cit.*, p. 249.

166 divorces per 1,000 marriages,¹ with a population of almost 120 millions.² In other words, in that 40-year period the population approximately doubled; the number of marriages approximately doubled; the number of divorces increased more than six times; and the divorce rate, the number of divorces per 1,000 marriages, increased approximately two and a half times. The divorce rate would not, of course, be affected by a population change as such. Stated in another way, about 1 marriage in 16 ended in the divorce court in 1889, while in 1928 about 1 in 6 terminated in that fashion, and there is evidence that the divorce rate is still increasing. Even this does not give the whole picture, because these are the figures for divorce only, not for all types of family breakdown.

Not only has the divorce rate continued to rise in this country so that it is now much higher than in earlier years, but the American rate at all times during this present century has been higher than that of Austria, Belgium, Denmark, France, Germany, England, Wales, or Switzerland.³

Does the increased divorce rate mean that the disorganization and disintegration of the American family have increased during recent decades, that more marriages are turning out to be unhappy, that more wives and husbands are finding themselves incompatible? The answer to this question may possibly be made in the affirmative but only to a degree. It may be true that family disorganization and disintegration are increasing, as we have already suggested in an earlier section. It may be true, too, that more wives and husbands are finding themselves incompatible because the standards of marital happiness are changing and spouses are demanding more from each other. But we are safe in saying that on the whole the increase in the divorce rate has been due to other factors, chiefly the increased economic independence of women, a changed attitude toward divorce, and other elements to be discussed later. In the old days when a wife found married life not to her liking, there was little for her to do but "grin and bear it." The husband was the head of the family; his rights were more numerous and well defined than hers; divorce was frowned upon; and if she did get one, there would be little for her to do in the way of supporting herself. Today, except during periods of depression, all of these factors have changed.

CAUSES OF INCREASED DIVORCE RATE

What, then, are the causes of the increased divorce rate? We cannot answer this question specifically, but before we even attempt to answer it in general and more or less indefinite terms we must make a distinction clear. There are two types of causal factors operating in divorce. One

¹ *Ibid.*, p. 211.

² GROVES, *op. cit.*, p. 249.

³ REUTER and RUNNER, *op. cit.*, p. 210.

consists of the social factors, those underlying changes in the social system that bring about changes in marital relationships and in family life. These may be termed the "social" or "underlying" or "remote" causes. On the other hand, each case of divorce is the outgrowth of some immediate or precipitating cause, such as, for instance, cruelty. These immediate or precipitating causes of divorce are difficult to ascertain because, as we shall see, the grounds alleged and upon which the divorce is granted are what come to light, while the real causes remain hidden, known only to the persons involved. In some cases, of course, the grounds and the causes are identical, but in other cases they are not, for the grounds are trumped up in order to satisfy the court.

The underlying causes of the increased divorce rate can only be conjectured from a survey of the whole panorama of social change in recent years. Modern social life is so extremely complex that as yet we cannot say in every case, "A, B, and C cause D, and, if A, B, and C had never occurred, D would not have occurred." We can only say, "A, B, and C occurred, and it looks as if one or more of these might be a cause, or at least a contributing cause, of D which we also know occurred."

During the past century our machine civilization has attained an unprecedented development. Women have in increasing numbers become wage earners. They have been given the vote. Their rights have been subject to change, and there has been considerable clamoring for and some progress toward a greater degree of equality between the sexes. Higher education for women has developed practically from scratch, and the type of training given to girls has changed somewhat. The standard of living has risen, and the birth rate has fallen. As we saw in an earlier section, woman's task as a housekeeper and homemaker has changed considerably. Cities have grown apace, and with their growth has developed a certain feeling of indifference as to other people's private affairs. The attitude toward divorce has changed. There have been noticeable changes in the general attitude toward religion and religious sanctions. Morals have been subject to change just as all other aspects of social life have. Somewhere in this welter of social flux are probably to be found the causes of the increased divorce rate, but to point our finger at them and shout, "Eureka!" would be irrational at present.

GROUND FOR DIVORCE

The grounds for divorce are the reasons or immediate causes alleged by the person seeking the divorce and upon which the decree is granted. The alleged grounds do not always present a true picture of the situation.

Anyone familiar with the divorce trial realizes that the legal ground given for divorce is often not the true cause. The reason advanced for the giving of

the divorce necessarily is influenced by the law of the state; the real root of the family discord may be one not recognized as a sufficient ground for divorce by the courts, so it becomes necessary to make the plea on the basis of some ground that falls within the statute. It is also true that there is sometimes a disposition on the part of both husband and wife to protect their future by having the complaining party charge a less severe cause for the divorce than what both know to be the real reason.¹

While it probably is true that the distribution of divorces on the basis of legal grounds has some significance in revealing conditions and trends, it is quite unscientific to assert dogmatically that it presents an adequate picture of the situation. Here, then, is another domain in which research would add much to our present incomplete knowledge.²

But statistics on the grounds for divorce, inadequate as they may be for showing the true situation, are practically all that we have, and they do have considerable significance. We need not go into detail as to what the grounds are; the following brief summary will be sufficient.

. . . more and more divorces are granted for cruelty. In 1930, 42 per cent or nearly half were granted for this cause as compared with 22 per cent in the period 1887-1906. Desertion as a stated cause is diminishing, although 29 per cent of all divorces were still for this cause in 1930 against 39 per cent in the earlier period. Adultery as a cause cited (but not necessarily adultery in fact) has declined by one-half, being the ground in 8 per cent of all divorces in 1930. About 4 per cent of the divorces are granted because of neglect to provide; this cause shows little change over the years. Drunkenness was given as a cause in 4 per cent of the divorces of 1887-1906, and for 1.7 per cent in 1930. This percentage shows a slight rise, however, since 1922, when it was a cause in 1 per cent of the cases. The other 15 per cent of the divorces are for various combinations or miscellaneous causes.³

The outstanding fact in the foregoing summary is the change in the percentage of decrees granted on the alleged ground of cruelty. As to just what constitutes "cruelty," opinion differs from state to state and had changed from time to time.⁴

There seems to be a tendency for "mental cruelty" to be admitted as a ground for divorce, and sometimes, as the following paragraph shows, the concept of mental cruelty is carried to almost absurd extremes.

¹ GROVES, *op. cit.*, p. 252.

² LICHTENBERGER, *op. cit.*, p. 135.

³ *Recent Social Trends*, OGBURN, W. F., "Family," Whittlesey House, McGraw-Hill Book Company, Inc., 1933, pp. 694-695.

⁴ For a discussion of the extension of the grounds of cruelty as the basis for divorce, as well as for examples of cruelty, extreme cruelty, and cruel and barbarous treatment as accepted by the courts in various states, see Isabel Drummond, *Getting a Divorce*, pp. 91-95.

Mental harassment and contumely frequently make married life as unbearable and intolerable as wounds of a physical nature. Many states are beginning to interpret the laws relating to marriage more broadly in order to make possible the severing of marital bonds that have become too burdensome in particular cases.

What is the significance of this change in cruelty as a ground for divorce? The change is an observed fact, but interpretations of it differ. It probably is not true that husbands and wives are more barbarous than they used to be in spite of exceptional cases; it is true that the definition of cruelty is changing. Some writers suggest that divorces are being sought on less serious grounds than formerly. On the surface this appears to be true, but since the grounds have not always coincided with the true causes it may be that couples seeking divorce for reasons that might be included under cruelty are not nowadays driven to allege other grounds as they were in the past. Finally, the change in the frequency of cruelty as a ground for divorce may mean that a new standard of marital success is developing. As was stated in an earlier section, husbands and wives expect more of each other in some ways than they expected a few decades ago, and many of them are no longer willing to remain husband and wife unless their expectations are fulfilled. The fact that so many decrees are granted on the ground of cruelty may show that the courts and a large part of the public are changing their conceptions of marital success. We have not yet reached the point at which divorces are admittedly granted because the spouses are incompatible; we are still in the transitional stage of granting divorces because of incompatibility¹ but under the disguise of a redefinition of a traditional legal ground, namely, cruelty.

Divorce by mutual consent is not permitted in this country. Nevertheless it occurs. In many a case the husband and wife mutually agree to a divorce. Then one of them, usually the wife, makes certain claims concerning the other one in order to satisfy the law. The husband makes no attempt to refute the claims, and a divorce is granted.

There is probably no more striking example of that hypocrisy in government which has come to be one of our chief national characteristics than our divorce laws. As unenforceable as the Eighteenth Amendment, they remain on the statute books of the several states as a sop to respectability, a pretense that marriage is indissoluble unless one of the parties is guilty of adultery, cruelty, desertion, drunkenness, or neglect. These grounds vary in different parts of the country, but the general rule holds good that one party must have committed a specific injury against the other without the latter's connivance. Indeed "an agreement between married people that one shall bring an action for divorce

¹ In the state of New Hampshire incompatibility is considered grounds for divorce.

and the other fail to defend it, and especially upon a ground that is not a real one, is held a collusion to defraud the courts." . . .

The fact is that an increasing number of judges are cutting short corners and are simply granting divorce where they think divorce is due. Judge Hoffman of Cincinnati, after making a study of divorce, recently declared that "the divorce codes are not administered so much in the light of the laws prescribed by the statutes as in the light of the prevailing interpretation by the bench, the bar, and the community, concerning marriage." So it happens that in many of our states divorce by mutual consent is already a *fait accompli*.¹

WHO GETS DIVORCES?

Statistics show that more than twice as many wives obtain divorces as do husbands. During the period for which we have statistics, somewhat over two-thirds of the total number of divorces have been granted wives.

The difference is due largely to the fact that the wife has given her by law a larger number of legal grounds for divorce. Non-support, or neglect to provide, one of the common legal causes of divorce on the part of the wife, is an example of this difference since it is seldom a legal ground for divorce on the part of the husband.

Even grounds for divorce that apply equally to husband and wife, from their character, as appears in the case of cruelty, are more common offenses among men than women. It must be remembered also that the social consequences of certain charges made the basis for divorce carry more weight for woman than for the man, as is true of adultery. In some circles, therefore, the social code demands that the man assume the burden of guilt, at least as far as legal procedure is concerned, and the husband in response to this convention at times protects the character of his wife by taking the blame when he is entirely innocent. This masculine code has a definite influence on the granting of more divorces to women than to men.²

CHILDREN AS A DETERRENT TO DIVORCE

Over one-half of the divorces granted in 1924 for which there are detailed statistics reported no children. About 10 per cent did not report as to children. If the 10 per cent who did not report had no children, then over 60 per cent (64.3 per cent) of the couples granted divorces had no children. Of course, it may be that the 10.4 per cent who did not report as to children had some children, probably older non-dependent children, if any. Thus, the couples divorced in 1924 who had no children were either 53.9 per cent of the cases, or 64.3 per cent. In either case, it does not seem very probable that such a large percentage of all married couples in 1924 who had been married the same length of time as these divorced couples of 1924 would have been childless.³

¹ REUTER and RUNNER, *op. cit.*, BROMLEY, D. D., "Legal Aspects of Divorce," pp. 531-533.

² GROVES, *op. cit.*, pp. 250-251.

³ GROVES and OGBURN, *op. cit.*, p. 351.

The figures show beyond doubt that more divorces occur in families having no children than in families having children, but this does not necessarily prove that the children were a deterrent to divorce. In some cases one spouse seeks a divorce to protect the children from the other spouse. And it may well be true that "the conditions which ultimately lead to divorce deter couples from having children and the popular assumption puts the cart before the horse."¹

EFFECTS OF DIVORCE

The effects of divorce as such must be differentiated from the effects of the situation that results in divorce. Divorce is itself in large measure an effect rather than a cause, as we have already seen. Yet after the legal separation occurs, there are readjustments to be made.

The adjustment that those divorced have to make is not an easy one. The entire program of life has to be reconstructed, and this proves complicating even in those cases in which the divorce is sought that there may be an immediate marriage with some other person. Although public opinion is far more tolerant toward those divorced than was formerly true, rarely does one obtain a divorce without encountering as a consequence some expression of social disapproval or aloofness. In some localities and in some professions this reaction may go so far as to become a genuine hostility. For example, it is rarely possible for a minister to be divorced without seriously injuring if not ruining his career. In one's own circle there is bound to be some gossip as soon as knowledge of divorce proceedings become public. . . .

The economic difficulties brought forward by divorce may prove hard to handle and are seldom anticipated. The wife who has been for several years a housekeeper and has no inviting opportunity in a vocation or profession finds her new economic status extremely hazardous. Even if she has been given alimony, it is only in favored cases that she is as adequately financed as formerly. Sometimes she refuses to take the money from her husband, not realizing how difficult she may find the attempt to support herself. She may assume that she can go back to her former occupation, only to discover that the time she has spent as a housewife makes her reëntering employment difficult. The husband who is required to pay alimony may find that after he is divorced his financial problems have grown beyond anything experienced during marriage. If his earning capacity changes, and the divorce itself may bring this about, the alimony fixed by the court's decree when he was in more fortunate circumstances may become a grievous burden.

Divorce is likely also to produce a physical stress which was not foreseen. The abrupt ending of the sex side of marriage is sure to bring to those who are physically normal a protest from the body which is heightened by the emotions associated with its cause. In the case of death of the mate there is a somewhat similar experience, but mitigated by memories of the past and by a spiritual

¹ LICHTENBERGER, *op. cit.*, p. 136.

fellowship maintained through memories and imagination. Those who are divorced have no such influences to help them in their new adjustment to life.¹

EFFECTS OF THE SITUATION RESULTING IN DIVORCE

The effects of the situation resulting in divorce are the effects of family breakdown in general. In other words, the effects of the various types of family disorganization and disintegration are, within limits, similar so far as the home, marital happiness, and the children are concerned, whether that disorganization and disintegration are caused by the death of husband or wife or a case of incompatibility which goes no further or results in desertion, separation, or divorce.

It is held almost universally that the normal environment of children and that best adapted to their training and to the most successful adjustment of their behavior reactions to their social group in the interest of good citizenship, is the happy, well-ordered home, in which both parents cooperate helpfully to further these desirable ends. In this opinion students of child psychology and persons devoted to the interests of child welfare concur, and there seems to be no reason to question their judgment. Moreover, in these days when the spiritual functions of the home are assuming preponderance over the economic and physical ones, the personal relationships of mutuality, harmony, and happiness of parents, assume the role of greatest importance.

Now it is the deprivation which the child suffers when these conditions are absent, or when they are the reverse, that everyone deplors. But it is a misunderstanding of child psychology and a gross misapprehending of juvenile needs to assume that children's interests can be conserved by subjecting them to the mental tensions and emotional strains involved in a home of parental incompatibility with the consequent discord and conflict. Often the injury to the disposition and character of the child subjected to these conditions is irreparable, and few today would argue in favor of such a method.²

DIVORCE AND THE LAW

Laws pertaining to divorce, just as in the case of those pertaining to marriage, show considerable variation among the several states. South Carolina does not permit divorce at all.³ New York and the District of Columbia grant decrees only on the ground of adultery.⁴ New Hampshire, on the other hand, lists 13 grounds. Within these extremes are many variations.⁵

¹ GROVES, *op. cit.*, pp. 267-268.

² LICHTENBERGER, *op. cit.*, pp. 139-140.

³ DRUMMOND, *op. cit.*, p. 70.

⁴ *Ibid.*, p. 70.

⁵ The student is referred to Drummond, *Getting a Divorce*, and to National League of Women Voters, *A Survey of the Legal Status of Women*, 1930, for details of the variations in divorce laws in the several states.

WHAT NEEDS TO BE DONE?

There is no gainsaying the fact that marriage breakdown, marital failure, and an increasing divorce rate are undesirable, to say the least. But what is the remedy? In some quarters there is the opinion that more stringent divorce laws are needed. This might, of course, reduce the number of divorces, but people cannot be forced by law to be happy, and ways of evading the law can usually be found.

On the other hand, there are those who suggest that the remedy lies in more stringent marriage laws which would make hasty and ill-considered unions impossible. There is something to be said for this point of view, but it does not penetrate deeply enough into the basis and fundamental causes of marital success and failure. A third and most hopeful, although perhaps slow and laborious, remedy for the present situation is a new emphasis on the factors lying at the root of domestic happiness, education in personal relationships, and an increased amount of idealism (not, however, sentimentalism) with regard to marriage. Marriage can be made the most beautiful relationship in life, and some people achieve it in this sense. On the other hand, it can be made one of the ugliest relationships of life, and some people make it such. A large proportion of the population achieve only mediocre success in marriage; for them it brings a certain amount of happiness and satisfaction, but in addition to this it has a great many more or less drab aspects. Is it not desirable that young people be shown the possibilities of successful marriage and be given the impetus to use such information to help them realize a satisfactory marriage experience? The following excerpts support the affirmative answer to this question:

What we need is not a method by which those who fail may more easily get rid of their matrimonial ties, but a better chance for men and women to achieve the matrimonial success for which they hunger. No human experience is, as a rule, started with more honest or profound expectation of success than marriage. A mere sex attraction is by its character temporary, but when love is added nothing carries with it a greater assurance of permanent satisfaction. What we need to know is why marriages that start with abundant promise of success fail, and how this information that we gather can be utilized in helping those who marry escape pitfalls along their pathway.

It will prove a great mistake for society to standardize its matrimonial regulations to failure. What it needs is to turn its attention to preparation and to give youth a fair training for the experience into which they usually enter with enthusiasm and sincere desire to attain the happiness of which they have dreamed since early years. So much attention has been given to matrimonial failure that we are in danger of becoming morbid. The result of an extensive study of family disorganization untempered by attention to successful marriages necessarily leads to skepticism, which makes it very difficult for youth who come under

the shadow of doubt to use to the full the resources they have for a happy marriage.¹

We need the best laws that can be written to conserve family welfare, but any attempt to solve the divorce problem by the mere passing of new laws will be futile. The American divorce record is, from a social point of view, startling and, when one translates it into the disappointment and suffering of individual men and women, pathetic; but its real significance is the revelation it gives of social forces at work that are making marriage success difficult, or—and this side of the problem must not be overlooked—the growing intolerance of low marriage standards or vicious conditions within the home circle. An increase in happy, wholesome marriages is the only permanent solution of our divorce problem, for the divorce is only a product of the family's reflection of widespread social conditions that make matrimonial comradeship between modern men and women more difficult than once it was. Divorce, like crime, is forceful evidence that our civilization is developing to a point of strain where there is special need of strengthening the weakness disclosed by a better use of our social resources to encourage sane ways of living.²

In 1932 in the United States 981,003 marriages were performed. During the same year 160,338 divorces were granted, the equivalent of 16.3 divorces per 100 marriages. That an alarming number of marriages fail in this country is attested by the growing divorce rate. However, marriage is still a normal, natural desire of most individuals. The establishment of a happy home continues to inspire the hopes and to direct the planning of young people for the future. Five-sixths of American marriages do not end in divorce. Thus a majority of five to one is still chalked up in favor of the American home, unmarred by the unhappiness, dissension, and catastrophic wreckage that divorce brings in its train.

In each chapter of this book pressing social problems which impinge upon the family and the individual are surveyed. It should be constantly borne in mind that the unit most affected by social changes and the resulting frictions is the family.

QUESTIONS AND TOPICS FOR DISCUSSION AND STUDY

1. Summarize the marriage laws in your own home state. Which of them are not adapted to present-day conditions? Why?
2. Write what you would consider an adequate set of marriage laws which could be made the uniform law for all states.
3. What changes in marriage laws have been made in this country since the World War?

¹ GROVES, E. R., *Marriage Crisis*, Longmans, Green & Company, 1928, pp. 189-190.

² GROVES, *The American Family*, pp. 255-256.

4. Give the arguments for and against married women's working outside the home for wages.
5. What effect does it have on the children when a mother leaves the home to work? What is the relation between wage-earning mothers and juvenile delinquency?
6. Is it true that young people in their late teens or early twenties are not prepared for marriage? Why?
7. How can one prepare for marriage? What practical suggestions could you make if one of your classmates asked you that question?
8. Is there any formula for achieving success in marriage? How can success be achieved?
9. Give arguments on both sides of the question of "marriage vs. a career."
10. Give a list of practical suggestions to a hypothetical young married woman in moderate economic circumstances with no children as to how she might make the best use of her leisure time.
11. List and discuss the "institutional functions" of the family.
12. List and discuss the "personality functions" of the family.
13. What changes have occurred during the last half century in the relative roles of husband and wife?
14. What are the criteria or norms of successful marriage?
15. What is the significance of the changing birth rate?
16. What differences are there between marriage and the family in the city and in rural districts?
17. List in what you think should be their order according to their importance the various social causes for the increased divorce rate.
18. Find in the literature on marriage and the family a case record of each type of family breakdown.
19. What is the extent of broken homes (taking all types of family breakdown into consideration)?
20. Make a summary of the laws of your state that pertain to family breakdown.
21. Make a list of the rights of women in your state.
22. Give arguments for and against divorce by mutual consent.
23. How do the courts of your state define the term "cruelty" as a ground for divorce?
24. Make a list of the immediate causes of family breakdown.
25. What are the effects of family breakdown on children?
26. What is the relation between family breakdown and juvenile delinquency?
27. Give arguments for and against a federal divorce law.
28. What would you suggest as a uniform divorce law to be adopted by all the states?
29. Give arguments for and against more stringent divorce laws.
30. Give arguments for and against more stringent marriage laws.
31. Discuss and criticize the following statement: A third and more hopeful, although perhaps slow and laborious, remedy for the present situation is a new emphasis on the factors lying at the root of domestic happiness, education in personal relationships, and an increased amount of idealism (not sentimentalism) with regard to marriage.
32. What attitude toward marriage and divorce is most frequently expressed in fiction, in the press, in drama, in the movies?

TERMS

marriage
family
marriage rate

biological age for marriage
social age for marriage
child marriage

3. Analyze the reasons for the public's interest in crime.
4. Make a list of seriously antisocial acts that are not considered criminal. What should be done about them?
5. What is the difference between a crime, a sin, and a vice?
6. From newspapers and periodicals get material showing the belief in the supposed "crime wave." What is the basis or cause of this belief?
7. Analyze the public's attitude toward criminals.
8. What are the underlying causes of the high crime rate in the United States?
9. Give arguments for or against the greater severity of punishment as a means of checking crime.
10. Outline a program or make suggestions for the treatment (as opposed to punishment) of criminals.
11. Find a case record of a delinquent or criminal. Analyze it and suggest what should have been done and when to check that particular criminal career in its early stages.
12. Analyze your home community so far as crime and the handling of criminals are concerned.
13. Analyze the relation between mental defect and crime.
14. Why cannot criminality be inherited?
15. Is there a "criminal type," that is, a person whose facial or other characteristics mark him as criminal? Give arguments.
16. Outline a plan for enlightened prison or reformatory administration.
17. Can you suggest any substitute for imprisonment in the handling of criminals?
18. Give arguments for and against capital punishment as a means of checking or preventing crime.
19. List the most outstanding defects of American prisons

TERMS

crime	reform
delinquency	indeterminate sentence
misdemeanor	pardon
felony	parole
burglary	probation
robbery	suspended sentence
arson	crime rate
petit larceny	crime wave
grand larceny	jail
grand jury	segregation
petit jury	public defender
prison	plaintiff
reformatory	defendant
juvenile court	retribution

SUGGESTED READING

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- GAULT, ROBERT H. *Criminology*. D. C. Heath & Company, 1932. A book covering the general field but emphasizing the personality factors in crime. Contains interesting case records. Chapters III through XV discuss various phases of the problem of the "criminal personality."
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- . *Criminology and Penology*. D. Appleton-Century Company, Inc., 1935. This is another first-rate general text. Covers the field for United States and some European countries. Chapter III, pp. 24-26, "The Extent and Cost of Crime" (Chap. V through XIII discuss causal and contributory factors); Chap. XV, pp. 312-348, "Theories of Punishment"; Chap. XVI, pp. 349-365, "Capital Punishment"; and Chap. XXIX, pp. 679-716, "Parole and the Indeterminate Sentence."
- GLUECK, SHELDON, and GLUECK, ELEANOR T. 500 *Criminal Careers*. Alfred A. Knopf, Inc., 1930. A somewhat technical study of about 500 cases from the Massachusetts Reformatory. The purpose is to determine the results of penal treatment.
- HEALY, WILLIAM, and BRONNER, AUGUSTA F. *Delinquents and Criminals—Their Making and Unmaking*. The Macmillan Company, 1926. A study of Juvenile offenders. Technical in parts but contains some interesting case records.
- LAWES, LEWIS E. *Life and Death in Sing Sing*. Doubleday Doran & Company, Inc., 1928.
- . *Twenty Thousand Years in Sing Sing*. Ray Long and Richard R. Smith, Inc., 1932. These two books, written by the warden of Sing Sing Prison, give interesting material on prison life; some material on the history of prisons; and the author's views on crime, prisons, and prisoners.
- MANGOLD, GEORGE B. *Social Pathology*. The Macmillan Company, 1932. A book covering a wide variety of topics but containing two chapters on crime, its causes and treatment, Chaps. XIX and XX, pp. 432-490. These are well worth reading.
- The Missouri Crime Survey*. The Macmillan Company, 1926. A thorough survey of the state of Missouri so far as crime and its treatment are concerned.
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- RECKLESS, WALTER C., and SMITH, MAPHEUS. *Juvenile Delinquency*. McGraw-Hill Book Company, Inc., 1932. A book covering the general field of juvenile delinquency, its cause and treatment.
- SUTHERLAND, EDWIN H., and GEHLKE, C. E. "Crime and Punishment," Chap. XXII of *Recent Social Trends*. Whittlesey House, McGraw-Hill Book Company, Inc., 1933. Deals with twentieth century trends. Covers criminal law, amount and types of crime, the police, the courts, prisons.
- . *Criminology*. J. B. Lippincott Company, 1937. One of the best general texts in the field of criminology.
- WINNING, JAMES R. *Behind These Walls*. The Macmillan Company, 1933. Written by a prisoner and depicting prison life from the "inside."

Part II · *Problems of Population
and Race*

Chapter VIII

Some Population Problems

Man as an individual has achieved relatively little of great value in terms of civilization or culture except as he has cooperated with his fellows. Social problems are human problems. If a given society is limited as to the numbers of its people, it is seriously restricted in its potential development of a permanent culture. In any discussion of social problems it eventually becomes necessary to consider the question of numbers.

In this chapter we are concerned with an analysis of certain aspects of the population of the United States. Several definite and oft recurring questions are considered. Some of them are answered with some degree of finality, but most of the questions give rise to disagreements among those qualified to voice opinions. Underlying the questions about population are certain fears, doubts, and hopes. The student is invited to consider this chapter as an introduction to the study of population written in an objective manner. His chief concern may well be the attainment of an intelligent viewpoint on this series of controversial questions about population trends.

CAN WE PRODUCE ENOUGH FOR OUR PRESENT POPULATION?

Americans are beginning to be concerned about themselves. They are wondering how many people this country can support; whether or not the American stock is running out; whether or not one race is better than another; whether or not one class or group should be discouraged from having children; what the nation should do to promote the physical well-being of the citizens of tomorrow. The economic depression brought some of these problems to the forefront in the American mind; and the population policies of Germany, Italy, and Japan have caused Americans to wonder about their own situation.

How many people can this country support? The depression of 1929–1935 resulted in vast numbers of the people's being unemployed—at its worst, 17 millions. Studies before the depression showed that during so-called “prosperous” years about two and one-half million people were unemployed, and it seemed that this number could normally be expected to be unemployed in our present economic society. Even before the depression in 1929 we had, in addition to the number unemployed, a still greater number whose living standards were much below that which was considered decent for Americans. Some authorities said that at least three-fourths of the families did not have an adequate diet; that only 1 in 10 had the food that he should have; that one-fourth of the people lived in slums; and that America has never manufactured enough clothing to provide an adequate wardrobe for every man, woman, and child. In June, 1937, President Roosevelt said that one-third of our fellow citizens do not have adequate food, clothing, or shelter.¹

Are there too many people? Does this nation have enough natural resources to take care of its 128,000,000 inhabitants? What are the prospects for the future population of America?

Since 1929 many economists and statesmen have been concerned with the problem of how much America can produce for its people. Many theories concerning the amount of production have been put forward, and some enacted into law. In general, there have been two schools of thought: those advocating an “economy of scarcity” and those advocating an “economy of abundance.” The school of scarcity believes that too many goods (including food) have been produced; in other words, there has been overproduction. The way back to normal conditions is to *restrict* production, so that prices will rise. Some of the early “New Deal” measures seemed to be in line with this proposal. Some features of the National Recovery Administration and, more definitely, the plan of the Agricultural Adjustment Administration to restrict production of livestock and reduce the acreage of certain crops were in accordance with this belief. It is true that government officials said these measures were temporary and not to be thought of as a permanent means of improving the income of various economic groups. The main argument advanced by the “scarcity” economists is that in many cases vast stores of fruits, vegetables, and grains had to be destroyed because prices were too low. The opponents of this idea pointed out the curious phenomenon of many thousands' not having enough to eat and on the other hand the destruction of vast stores of food. What is wrong? Too many people?

On the other hand, the economy-of-abundance school point out how much *is being* produced and how much *could be* produced if society would

¹ *Christian Science Monitor*, June 17, 1937, p. 1.

only set about to see that it was done. Two very significant studies have been made to try to answer the questions of how much America does produce and how much it could produce. One study was made by a group of economists under the supervision of the Brookings Institution of Washington, D.C. The Brookings Institution is an endowed research and teaching group which has for its main purposes "to aid constructively in the development of sound national policies; and . . . to offer training of a supergraduate character to students in the social sciences."¹ One has no reason to believe that the institution has any other purpose than that of finding out the facts. The major conclusion of the study was this: that America could have produced approximately 19 per cent more goods in 1929 if it had utilized its plants, materials, and labor to capacity.² What would this increase of 19 per cent have meant? This report answers the question in this way:

. . . the 19% which we estimate that we could have added to the total productivity of 1929, while modest as compared with the optimism of some observers, would have constituted a very substantial achievement. Nineteen per cent increase in the national product would have represented an added 15,000,000,000 dollars. This would have permitted of enlarging the budgets of 15,000,000 families to the extent of 1,000 dollars each. It would have enabled us to add goods and services to an amount of \$765 on the 1929 price level to consumer gratifications of every family having an income of \$2,500 or less in that year. . . . Or we could have brought the 16.4 million families whose incomes were less than \$2,000 all up to that level . . . we could say it would add \$545 to the income of every family of two or more persons or give \$125 to every man, woman, and child in the country.³

While this study does not state that we could produce enough goods to bring living standards up to any specific level, it does show that a larger quantity of goods could have been produced.

Another study of similar type gives a more definite answer to the question of whether the nation has the ability to sustain its present population. A group of economists under the leadership of Harold Loeb made a "national survey of potential product capacity." This survey was made in February, 1934, under the authority of the New York Housing Authority of the Civil Works Administration.⁴ This study differed from that of the Brookings Institution in two major respects: The Loeb study attempted to discover how much *ought to be produced* to provide the American people with an adequate standard of living and

¹ NOURSE, E. G., and others, *America's Capacity to Produce*, Brookings Institution, 1934, prefatory statement.

² *Ibid.*, pp. 420-421.

³ *Ibid.*, pp. 429-430.

⁴ LOEB, HAROLD, and others, *The Chart of Plenty*, Viking Press Inc., 1935, pp. 5-7.

also sought to determine how much America could produce if it were limited only by physical factors and the existing knowledge of technology.¹ According to Stuart Chase, this study "might perhaps be more accurately described as an average estimate of the unused capacity which prevailed in the United States under the open-market, competitive economic system, during the maximum of production."² The "Survey of Potential Product Capacity" brought out these important conclusions, among many others; (1) that had America produced all it could have produced if limited only by physical factors and our present knowledge, it could have produced approximately \$135,500,000,000 in 1929³; this is \$39,000,000,000 more than it did produce⁴; (2) that in 1929 we produced enough to provide each family with an annual income of \$3,184, but actually 42 per cent of the people lived below a health and decency standard⁵; (3) that if we used our full productive power, each family could have an income in goods and services of around \$5,000 and that according to a liberal American standard of living each family could consume that much.⁶ (4) The study further points out that for the first time in history a given geographic area is capable of producing the essentials for all of its people.⁷

From these studies and others the answer seems to be (5) that if this nation wanted to it could produce more than enough for the present population; (6) it seems a reasonable conclusion that if better means of distributing the national wealth could be devised, each family could have a much higher standard of living⁸; and, lastly, (7) the economists and engineers who have studied this problem agree that if we adopted certain plans and promoted research, production could be increased manifold.

. . . it is evident from the data which have been presented that the economic system works very imperfectly at best. Figured on a conservative basis that takes account of practical considerations with which business is inevitably confronted, we estimate that the economic machine operates at best around 80 per cent of capacity and at worst at little more than 50 per cent. As a general average, over the fourteen-year period from 1922 through 1935, the productive mechanism by means of which our wants are supplied may be said to run at little more than two-thirds efficiency.⁹

¹ *Ibid.*, p. 6.

² *Ibid.*, p. 5.

³ *Ibid.*, p. 118.

⁴ *Ibid.*, p. 132.

⁵ *Ibid.*, p. 133.

⁶ *Ibid.*, p. 156.

⁷ *Ibid.*, p. 141.

⁸ LOEB and others, *op. cit.*, pp. 132-165.

⁹ MOULTON, HAROLD G., *Income and Economic Progress*, Brookings Institution, 1935, p. 30.

The same study points out what would be required to raise the standard of living of millions of American families. This study showed that if the total national income of 1929 had been divided among all, each individual would have received \$665.

THE ANNUAL INCOME OF AMERICAN FAMILIES IN 1929

<i>Number of Families</i>	<i>Annual Income Less Than</i>
6 million.. . . .	\$1,000
12 million.. . . .	1,500
16 million.....	2,000
19 million.....	2,500

The author states: "Hence it is clear that the consumptive requirements, and especially the wants, of the masses of the people were far from satisfied."¹ The study set \$2,500 for the American family as a moderate standard of living which allows few luxuries.

AMOUNT OF INCREASED PRODUCTION REQUIRED TO RAISE STANDARDS OF LIVING*

<i>Number of families affected</i>	<i>Level</i>	<i>Increased production</i>
19,400,000.....	\$2,500	\$16,000,000,000
All families under \$5,000.....	1,000	25,000,000,000
All families to reasonable standard of living	75 % increase

* *Ibid.*, p. 38.

HOW MANY PEOPLE ARE THERE IN THE UNITED STATES?

In the previous section the problem of supporting the present population of the United States was considered. The answer was that we are now producing enough to give all the people a much better standard of living than many are now enjoying, provided better means of distributing national wealth could be devised and, too, if as a nation we desired to increase goods and services. But, we may ask, What are the population trends in the United States, and what are some of the implications of population changes? Some modern nations have adopted definite policies in regard to population. For example, one reason given for Japan's occupation of Manchuria is the necessity of providing a place for her surplus population. Italy and Germany have attempted to encourage larger families. Furthermore, as a nation Germany has

¹ *Ibid.*, p. 37.

adopted a positive policy to sterilize many types of undesirables.¹ In addition she has attempted by legislative acts to regulate and restrict many of the activities of a minority group—the Jews. Mussolini has said that a nation whose population is expanding slowly or actually decreasing will never be an empire but a colony.² The United States, too, has national policies that affect population, for example, her policies in regard to immigration. How many people live in this country? The last census was taken in 1930. The following is a condensed table analyzing the population as to racial groupings:

POPULATION OF THE UNITED STATES BY COLOR OR RACE*

<i>Race</i>	<i>Population in 1930</i>	<i>Per cent in 1930</i>
Total.....	122,775,046	100.0
White.....	108,864,207	88.7
Negro.....	11,891,143	9.7
Mexican.....	1,422,533	1.2
Indian.....	332,397	0.3
Chinese.....	74,954	0.1
Japanese.....	138,834	0.1

* HILL, J. A., *Composition of the American Population by Race and Country of Origin, Annals of the American Academy of Political and Social Sciences*, vol. 188, p. 177.

What are some of the characteristics of our present population? The Negro population is declining—it was 19 per cent of the total population in 1790, but in 1930 it was only 9.7 per cent. There has been a great migration of Negroes to the northern states since 1910.³

The foreign-born constituted 11.6 per cent of the population according to the 1930 census.⁴ The number of people of foreign mixed parentage in 1930 was 25,361,186, or 23.3 per cent of the population.⁵ Furthermore, it is estimated that 45 per cent of the white stock in the United States is derived from Great Britain and Northern Ireland, 11 per cent from that part of Ireland now known as the Irish Free State, and 17 per cent from Germany—a total of 68.9 per cent. No other country has contributed so much as 5 per cent of the total.⁶

¹ THOMPSON, W. S., and WHELPTON, P. K., *Population Policies of European Countries*, in "The American People," *Annals of American Academy of Political and Social Sciences*, vol. 188, pp. 298, 301-303.

² *Ibid.*, p. 304.

³ HILL, J. A., *Composition of the American Population by Race and Country of Origin, Annals of the American Academy of Political and Social Sciences*, vol. 188, pp. 178 ff.

⁴ *Ibid.*, pp. 180 ff.

⁵ *Ibid.*, p. 182.

⁶ *Ibid.*, pp. 183-184.

What one thinks of the characteristics of these various national groups or races has much to do with his idea of the kind of national policy this country should have in regard to immigration. Do we need any more people to increase production? Should we be selfish or wise in not providing opportunities for foreigners as we have provided them in the past?

But there are other changes in population that may have serious influences on the future of this nation. Changes in age groups and sex are important influences. Are there such changes in the American population? And what effects are these changes, if any, having? Since 1900 there has been a constant decline in the proportion of the young under twenty years of age.¹ The greatest decline has been in those under five years. In 1880, 13.8 per cent of the population was under five years; in 1930, 9.3 per cent. It is predicted that in 1980 it will be 6.4 per cent.² One of the most important factors has been the decline in the birth rate. For example, the birth rate per 1,000 population in the period 1881-1885 was 34.9; in 1902, it was 28.8; in 1920, 23.7; 1930, 18.9; in 1935, 16.8.³

The decline in birth rate is characteristic of modern nations such as Sweden, England and Wales, Italy, France, Germany, and the United States.⁴ On the other hand, modern medicine has lowered the death rate, and that means that the individual is living longer. There was a larger proportion of the population over forty-five years of age in 1930 (22.9 per cent) than in 1880 (16.0 per cent). It is predicted that in 1980 this group will constitute 37.9 per cent of the total population. The middle-aged group between twenty and forty-four years will be practically the same (35.9 per cent).⁵

One of the significant results seems to be that the country is gradually getting a more stable population. Most students of population seem to agree that such a condition will be reached around 1980. It is estimated that the number of people in this country will then be around 160 millions.⁶

It seems certain that the decline in the age groups under twenty will mean fewer school children to educate. Already some cities are finding fewer enrolled in the lower grades. On the other hand, there seems to be positive evidence that for some time there will be a growing increase in

¹ CHADDOCK, R. E., Age and Sex in Population Analysis, *Annals of the American Academy of Political and Social Science*, vol. 188, pp. 188-189.

² *Ibid.*, p. 189.

³ LOTKA, ALFRED J., Modern Trends in Birth Rate, *Annals of the American Academy of Political and Social Science*, vol. 188, pp. 2-3.

⁴ *Ibid.*, p. 6.

⁵ CHADDOCK, *op. cit.*, pp. 188-189.

⁶ WHELPTON, P. K., An Empirical Method of Calculating Future Population, *Journal of American Statistical Association*, vol. 31, pp. 470-473.

high-school enrollments. It seems certain that the older age groups will triple. What does that mean as to social policy? It may mean two things: (1) increased provision for the old by means of old-age security measures and (2) a changed attitude toward employing older people. With the positive trend toward curtailing the employment of children, and with the middle-aged group practically stable, older people, say between forty-five and sixty-five, may be employed.

Percentages in age groups of population have an important bearing on social and economic conditions. Consider two examples: The South has a small wage-earning group between the ages of twenty and forty-four—36.4 per cent, compared with 39.8 per cent in the West. On the other hand, the South has more young people under twenty. For every 100 productive workers there are 122 young dependents. This means that if the South attempted to give adequate schooling, the productive worker would carry a heavy burden. In the main, the same is true of the farm workers. One hundred of them would have to provide schooling for 80 per cent more children if all children were required to go to school until they were eighteen years of age.¹ In addition, more old people are found in rural districts. This, again, adds to the burden of the productive group in rural America. Is it any wonder that rural people are asking for help through equalization of support for schools and old-age security benefits?

ARE THE AMERICAN PEOPLE DETERIORATING?

When this nation was young, one of the most important considerations in regard to population was the number of people living in or migrating to America. There were an abundance of natural resources and few people. The pioneers had a distinct feeling that, with the increase of the population, commerce, industry, and culture would grow; consequently, there was every inducement to increase the population. One of the most important of these inducements was that children were an economic asset. With the decrease of free land and the tightening of economic conditions, more consideration has been given to the quality of the population and less to quantity.

Before the economic depression that began in 1929, considerable attention had been devoted to the study of physical and mental defectives and to people living in a condition of poverty. Research in this field was carried on mostly by social workers and biologists. In the field of biology, studies in eugenics and heredity were begun before the World War; but aside from social workers and a few public officials, the public paid very little attention to the problem of defective classes.

¹ CHADDOCK, *op. cit.*, pp. 187-188.

However, the studies made of the physical and mental characteristics of the men who entered the army in the World War brought out startling revelations as to the quality of the American people. Over two million Americans were given physical and mental examinations. This is the most inclusive survey that has been made of a large group of Americans in respect to native intelligence and physical vitality. What did the army record show? About one man in four was rejected as physically unfit for service. In this connection it must be remembered that a modern army requires many men who never see active fighting; therefore, the standard of physical fitness need not be so high as was necessary in earlier times. The intelligence of the average American soldier was said to be equivalent to that of a fourteen-year-old school child.¹

The Army data also gives a distribution of the white draft according to mental age as follows:

<i>Mental Age</i>	<i>Per Cent</i>
16 and over.....	14.0
15.....	9.3
14.....	13.6
13.....	15.8
12.....	17.0
11.....	12.7
10.....	7.6
9.....	4.7
8.....	3.15
7.....	1.75
6.....	0.2
5.....	0.1
4 and below.....	0.1

In so far as this represents the distribution of mental ages likely to be found in the country at large, it is important. The old definition of a moron, as having a mental age from twelve to nine, would result in some thirty to forty per cent of the men being classed as morons or worse, and it is these results interpreted in this way that have led to very absurd statements in popular and semi-popular writings.²

It is on the basis of the army tests that the statement "the average American is a sixth grader" has become very common, and from this idea have grown many doubts of the ability of the American people to vote intelligently. Ever since the World War there has been considerable

¹ BRIGHAM, CARL C., *A Study of American Intelligence*, Princeton University Press, 1923, p. 80. The average mental age of the white draft was 13.54, and of the Negro draft 10.41.

² PINTNER, RUDOLPH, *Intelligence Testing, Methods and Results*, Henry Holt & Company, Inc., 1923, pp. 321-322.

controversy as to how accurately the army tests measured the mental ability of the American soldier. The psychologists and the biologists who have used these data have defended the tests. On the other hand, many equally able students of human affairs have criticized them. Some of the objections to the tests are:

1. They were mostly verbal—that is, they depended upon the soldier's ability to read.

2. They took on the character of school processes more than life processes.

3. One's mental ability or intelligence is probably better revealed by his ability to meet life situations than by his ability to do the work that is usually found in schools.

4. Many of the people who took the tests were not familiar with the kind of testing situations that were given.

It is held quite generally that the better situated economic groups are also the more intelligent. Naturally, there are many individual exceptions to this general statement. Two arguments are usually stated: (1) that people are economically successful because they are more intelligent; and (2) that those who have economic resources can provide themselves with food, education, and health and therefore show up better in mental tests.

It is convenient in discussing mental ability to have a general understanding of the distribution of those capacities which make up intelligence. Beginning with Galton and Pearson, who made biological studies of variations in the weight and height of people, it was found that in a given species there are a great many individual differences. It was found that in measuring a great many men of the same age a few were very small in stature, and a like number were very tall, but the largest number of the men were of average height. When the psychologists began to measure mental ability, they found the same general rule to hold. When this distribution is put in graphic form, the resulting curve is called the "normal distribution curve."

Quite recently a study was made in England of the average intelligence of children and of their parents. The investigator, Dr. Raymond B. Cattell, Leonard Darwin Research Fellow, took 10 groups of parents of 20 each, representing various mental classifications, found the average intelligence quotient of each group of parents, correcting the I.Q. of each to what it was at age thirty-five, and then found the average I.Q. of the children of each group of parents. The results are shown in the table on p. 175.

From such findings it is reasonable to conclude that with groups—even quite small groups—we may regard mental capacity not only as an innate characteris-

tic, but as one which has been inherited from the previous generation and will be passed on to the next.¹

The average I.Q. for the last generation in the urban group was 103.81; for the present generation, 99.80. The average I.Q. for the last genera-

AMOUNT OF INHERITANCE OF MENTAL CAPACITY

<i>Parents</i>		<i>I.Q. corrected for age</i>	<i>Children</i>	
<i>Number</i>	<i>Mean I.Q.</i>		<i>Number</i>	<i>Mean I.Q.</i>
20	147.5	155.2	21	148.8
20	142.3	148.3	23	147.0
20	135.0	145.2	21	143.5
20	125.5	133.0	21	137.1
20	111.0	123.5	21	127.1
20	99.5	107.0	19	118.1
20	88.3	95.0	26	102.9
20	75.3	76.4	15	93.9
20	67.9	71.4	24	92.5
20	63.5	67.6	32	77.0

tion in the rural group was 95.8; for the present generation, 93.5. From this trend, Dr. Cattell draws the following conclusion:

Counting a generation as thirty years and ignoring as meaningless the decimal points in our figures, we may say that national intelligence is declining at the rate of one point of I.Q. for every ten years.²

This same investigator estimates that less than 10 per cent of the British population are capable of making anything out of university education.

Professor Edward M. East, of Harvard University, one of America's outstanding anthropologists, says about the mental capacity of the American people:

The Army tests showed that about five per cent are feeble-minded and about twenty per cent too stupid to imbibe the small quantity of learning represented by six grades of the public-school curricula. Thus there are 6,000,000 within our borders who cannot support themselves adequately, and 23 or more millions who cannot take part intelligently in governmental affairs. And every investigation indicates that these people are producing from one and one-half to twice as

¹ CATTELL, RAYMOND B., Is National Intelligence Declining? *Eugenics Review*, London, vol. 28, October, 1936, p. 190.

² *Ibid.*, p. 193.

many children as those who are proportionately above the national intellectual average.¹

Another way of looking at quality in population is to examine the number of defectives and maladjusted people within the nation.

Various surveys have attempted to answer the question of the incidence of feeble-mindedness in the total population by assaying samples. Estimates have varied from .5 per cent to 6.1 per cent. The percentage of feeble-minded will vary from about one to three, according to our concept as to what constitutes social competency and as to what degree of intelligence constitutes mental deficiency.

Compared to mental defect, mental disorder is more a matter of mental instability than of lack of ability. The degree and the quality of the disorientation vary with the particular mental disease, as does also the prognosis, some disturbances being temporary or repetitive, some permanent. The problem of diagnosis is one for the psychiatrist. . . .

The incidence of mental disease in the population as a whole is almost as difficult to determine as that of mental defect, many of the milder or "harmless" cases being retained outside of institutions, and therefore unreported. However, the census statistics for 1930 report the total number in state hospitals and on parole as 374,821, the rate in hospitals being 263.6 per 100,000 in the population. . . .

Such a large proportion of measurably defective and deranged persons constitutes a challenging problem to the student of population.²

Another type of evidence concerning the quality of the population is statistics of the institutional population of the United States. In 1923 there were 78,000 paupers in almshouses in the United States; in 1934 there were 389,000 patients in institutions for mental diseases. In 1934 there were 76,000 in institutions for mental defectives. Altogether in 1933 there were 106,764 patients in private and public institutions. In 1933 there were 138,000 persons in state and federal prisons. It is estimated that in that year there were 608,000 persons in prisons of all sorts.³ Wherever figures could be obtained, study was made of the increase by years. To take a few examples: In 1880 there were 81.6 patients in institutions for mental diseases per one thousand of the population; in 1904 there were 308.⁴ In 1904 there were 17.5 patients per thousand of the general population in special institutions for mental defectives; in

¹ EAST, EDWARD M., *Heredity and Human Affairs*, Charles Scribner's Sons, 1927, p. 258.

² OSBORN, FREDERICK, *Measures of Quality in the Study of Population*, *Annals of the American Academy of Political and Social Sciences*, vol. 188, p. 194.

³ POLLOCK, H. M., and MALZBERG, BENJAMIN, *Institutional Population in the United States*, *Annals of the American Academy of Political and Social Sciences*, vol. 188, p. 157.

⁴ *Ibid.*, p. 149.

1934 there were 60.4. Prisoners received from courts in 1910 were 32.5 per thousand of population; in 1933, 52.8.

It has been strongly argued, however, that the increase in mental disease is not a sign of deterioration but merely the result of increased facilities for dealing with a long-neglected problem.

There has been a progressive movement toward concentrating the mentally diseased in institutions, both in the United States and in foreign countries. This has been due to various factors. The old type of care has given way, in general, to modern methods of treatment. States are providing institutions on a much more adequate scale, and the capacity of the various hospitals is being enlarged to meet the needs of a growing population. Attitudes are being developed which are in the direction of providing institutional care. As the public regards the insane from the more rational and correct point of view as those persons with mental diseases, it is willing to place them under adequate care where such patients will perhaps recover. A further point to be considered is the fact that as persons are placed in hospitals and given more adequate care, their lives are prolonged. This also operates to increase the number of persons in hospitals for mental disease. In this same connection prolongation of life in the general population serves to increase rates because the incidence of mental disease increases with age. An additional point is the fact that segregation of the mentally diseased in hospitals is largely an urban practice, and the proportion of urbanization is constantly increasing. As the conditions of life require more complex reactions, moreover, the definition of the term "insanity" tends to widen and include many individuals who might have been considered sufficiently well adjusted in a simple environment. . . .

In viewing the data for the various foreign countries, it is observable that the evidence is comparable with that for the United States in the fact that there is no general increase. For both the United States and foreign countries it has been found that the rates of first admissions are increasing in some cases, but in many others the trend is either stationary or downward. Therefore, it seems valid to state that where an increase is noticeable it is probable that it is an increase in hospitalization rather than an increase in the actual incidence of mental disorders.

In the light of the evidence analyzed, the theory of a progressive increase in mental disease as civilization becomes more complex is definitely open to question.¹

By way of summary, it is an open question whether the people of the United States are deteriorating mentally and physically. Many difficulties confront the student in arriving at a valid conclusion. In the first place, records of previous generations are very incomplete and inadequate. The older methods of determining the vitality of previous generations were very crude as compared with modern techniques. There

¹ WINTON, ELLEN, *The Assumed Increase of Mental Disease*, *American Journal of Sociology*, University of Chicago Press, vol. 40, pp. 427, 438-439, January, 1935.

has been tremendous advance in medical science. There is little question that the health of the American people is very much better than in previous decades. The span of life has been lengthened from forty-nine years in 1910 to fifty-nine years in 1930.¹

There is, however, little question that the birth rate is on the decline, and it is fairly evident that the families of better economic resources are not reproducing themselves and that families of less favorable economic status are having more children. If it is proved that the lower economic groups are lower in the desirable hereditary qualities, a serious question as to the vitality of the future population is raised. Many students of population in this country think that this is one of the major problems confronting the nation and that the present situation provides slight grounds for optimism.

INFLUENCE OF DIFFERENTIAL REPRODUCTION, BY OCCUPATIONAL CLASS, ON EXPECTED DISTRIBUTION OF INTELLIGENCE QUOTIENTS OF UNITED STATES SCHOOL CHILDREN IN TWO SUCCESSIVE GENERATIONS

<i>Haggerty I.Q. classes</i>	<i>First generation, percentage of total</i>	<i>Second generation, percentage of total</i>	<i>Change, per cent</i>
140 and up	1.71	1.50	-12.3
130-139	3.25	2.88	-11.4
120-129	7.17	6.46	- 9.9
110-119	11.91	11.44	- 3.9
100-109	17.24	16.93	- 1.8
90-99	21.28	21.64	1.6
80-89	18.67	19.31	3.4
70-79	12.01	12.65	5.4
60-69	5.30	5.61	5.8
50-59	1.46	1.59	8.8
All classes.....	100.00	100.00	
Median, I.Q. points.....	95.90	95.01	- 0.89

Another study, made in New York State, throws some light on the intelligence of the general population. This study was made in 1924 by Haggerty and Nash, of the University of Minnesota. Intelligence tests were given to 6,688 public school pupils in grades three to eight, in towns of less than 4,500. The study is especially valuable because the children studied were of a homogeneous group and there was a large enough number to provide a reasonable basis for comparison among occupational classes. The schools were also very much of the same general type. The

¹ Cf. table in *Recent Social Trends*, Whittlesey House, McGraw-Hill Book Company, Inc., 1933, p. 605.

main differences were those due to home culture.¹ The study showed the difference in reproduction of the first generation and the second, based upon the distribution of intelligence quotients of school children. The table on p. 178 shows the distribution of intelligence quotients based upon the reproductive trends indicated in the 1928 birth statistics compared with the distribution in the succeeding generation.²

It will be noted that there is almost one point difference in the medians of the two generations. Lorimer and Osborn, in commenting on this table, say:

These results indicate a tendency toward a gradual lowering of the average cultural-intellectual level of the American people as an effect of present reproduction trends among different social groups. This tendency appears small in its effects on average level, but quite large in its effects on the frequency of superior and inferior levels. This tendency may, in any case, be temporarily offset by the influence of economic, educational, and cultural advance. In so far as this tendency is due wholly to environmental factors it might be indefinitely offset by cultural advance. But, even so, it constitutes a serious counter force, diametrically opposite in its effects, to the conscious aims of all public educational efforts. It means the diminution of those influences in our social heritage which are most carefully nurtured, and the increase of those influences which are least in line with accepted educational objectives. If part of this tendency toward a lowering of cultural-intellectual levels in this country, resulting from differential reproduction among social groups, may be attributed to the influence of hereditary factors, the problem raised becomes still more serious. But the whole question of the relation of cultural-intellectual levels to hereditary factors is reserved for consideration in the next chapter. We are dealing here merely with the effects of present population trends on social heritage.³

In this same connection it may be well to show the distribution of intelligence of elementary school children grouped according to their fathers' occupations. The table at the top of p. 280 is a compilation of three studies, including the one by Haggerty and Nash.⁴

A number of studies indicate that the number of children in a family varies with the occupation of the father, those in the professional and business group having fewer children than those in the skilled and unskilled labor group.

Another bit of evidence to show the difference between occupational groups was revealed in a study made by Prof. Terman of the mental and

¹ HAGGERTY, M. E., and NASH, J. B., *Journal of Educational Psychology*, vol. 15, pp. 558-572.

² LORIMER, FRANK, and OSBORN, FREDERICK, *Dynamics of Population*, The Macmillan Company, 1934, p. 190.

³ LORIMER and OSBORN, *op. cit.*, p. 191.

⁴ *Ibid.*, p. 159.

AVERAGE INTELLIGENCE QUOTIENTS OF ELEMENTARY PUBLIC
SCHOOL CHILDREN IN THREE LOCALITIES, CLASSIFIED
ACCORDING TO FATHERS' OCCUPATIONS

<i>Main occupational groups</i>	<i>Madison children, grades II-III and IV-VIII, mean I.Q.</i>	<i>Ohio city children, grades I-IV and V-VI, mean I.Q.</i>	<i>New York village children, grades III-VIII, median I.Q.</i>
Professional.....	115	115	116
Business, clerical.....	105	110	107
Skilled and semiskilled wage earner.....	95	102	97
Farmer.....	94
Unskilled wage earner.....	89	94	91

physical traits of 1,000 gifted children at Leland Stanford University in California¹:

<i>Main occupational groups</i>	<i>Fathers of gifted children, per cent</i>	<i>Population of Los Angeles and San Francisco, 1910, per cent</i>
Professional.....	29.1	2.9
Public service.....	4.5	3.3
Commercial.....	46.2	36.1
Industrial.....	20.2	57.7

A negative bit of evidence indicates that more feeble-mindedness is found in the lower economic groups than in the higher brackets²:

CLASSIFICATION OF OCCUPATIONS OF FATHERS OF THE FEEBLE-
MINDED IN MINNEAPOLIS, MINN.

<i>Occupational Category</i>	<i>Occupations of Fathers of 823 Patients Admitted, per cent</i>
High professional and major executives.....	0.4
Lower professional and businessmen.....	4.1
Technical, clerical, and minor executives.....	8.1
Skilled trades and lower clerical.....	31.5
Semiskilled occupations.....	17.0
Unskilled occupations.....	38.9
Total.....	100.0

¹ *Ibid.*, p. 166.

² *Ibid.*, p. 170.

The value of the preceding study, however, is somewhat weakened by the fact that the data are from only one state.

The foregoing are only a few of the studies that have been made of the relation of intelligence to occupational groups. The evidence in the United States and England reveals the same fact, namely, that there is a negative relationship between fertility and intelligence ratings within social groups. That means that the more intelligent the occupational group is the fewer children its members produce.

. . . the best evidence now available indicates that the usual negative correlation between fertility and social status involves a gradual decline in average hereditary capacity for intellectual development. The force of this influence, though imperceptible, is by no means negligible. Such a tendency if continued for many generations would result in a serious lowering of capacity for cultural-intellectual progress by the American people. A subject of such grave importance certainly calls for more extensive investigation, but meantime we cannot neglect the consistent implications of the few controlled studies that have already been carried out.¹

WHAT ARE THE RECENT TRENDS IN POPULATION MOVEMENTS?

During the last 150 years there have been movements of great masses of people in the Western world. Perhaps at no time in history have these movements been greater. The student of history is likely to recall that migrations were common during the early Middle Ages, but these were military and in many cases involved relatively few people. Another characteristic of modern population movements is the increase of the white populations during the last 150 years. In more recent times the decline of the birth rate and the death rate has had tremendous influence upon population growth. Other national governments have become conscious of population problems. Some of them have encouraged immigration; others have discouraged emigration. Many wars in modern times have had for one of their alleged causes relief from population pressure at home. From about 1830 to shortly after the World War the United States fostered immigration, and popular opinion approved this policy of bringing in great groups of European peoples. Earlier still, great numbers of Negroes were imported from Africa. Beginning with the twentieth century, popular attention has been directed to some of the problems of population increase. President Theodore Roosevelt popularized the idea of larger families; he talked about "race suicide." Cities, states, and the nation itself encouraged the growth of population. It was generally believed that the more people there were the better eco-

¹ *Ibid.*, p. 344.

conomic conditions would be. But along with this encouragement of population growth there were some notes of fear. There was talk of the "yellow peril"; there was fear, too, of a "rising tide of color"; and there were manifestations of opposition to minority groups. In addition to these popular notions in regard to population, the eugenics movement developed in the United States. Biologists, and later psychologists, began to study the biological problems of population. At the end of the World War marked changes began to take place in regard to attitudes toward population problems. There was considerable opposition to the immigration policy of previous years, and this opposition culminated in the restriction of immigration in 1924.¹ In the early 1920's there was a revival of the Ku-Klux-Klan. This movement, although it did not include a majority of the American people, was nevertheless widespread throughout the nation, and it brought to the front questions of the treatment of minority groups.

During the 1920's many studies were made of infant mortality, vital statistics, the mental ability of school children, and differences among racial groups. It is evident now, from the study of statistics, that during this period vital and significant changes in birth rates and mortality rates occurred. It became increasingly clear that families of better economic standing were not replacing themselves with children. The birth-control movement became a matter of public interest.

During the economic depression beginning in 1929, popular interest in population problems manifested itself in several ways. In the first place, there was a very definite notion that the policy of restricting immigration to definite national quotas should be carried much farther. The result has been that since 1929 there has been very little immigration into the United States.

A second popular belief is that the nation would be better off with fewer people. The fact that there were many people unemployed during the depression, together with the fact that technological unemployment was a characteristic of even prosperous times, led many people to believe that a restricted population would be an economic asset.

Some of the most important population problems are the following:

1. Are modern nations increasing or decreasing in numbers of people?
2. Do modern nations go to war because of pressure of population?
3. What groups within nations are decreasing, and what groups are increasing?
4. Would a stable population much lower than the present population of a given nation be advantageous for its economic life?

¹ Cf. BROWN, G. B., *Immigration*, Longmans, Green & Company, 1933, also, *Recent Social Trends*.

5. Does size of population depend upon natural factors or conscious planning?
6. What policies are nations adopting in regard to population?
7. What is the outlook for the future?
8. How do changes in population affect the economic political life of a nation?

During the past 150 years there has been a tremendous increase in the white population of the world. In 1770 the white population was estimated at about 150 millions; 100 years ago it was estimated to be 240 millions; today it is between 522 and 542 millions.¹ One will note the tremendous increase between 1770 and 1830. This was early in the Industrial Revolution. One gets a better view of the tremendous growth of white population when he looks at the change in the population of the United States. In 1700 the white population of the United States was estimated at 250,000; by 1800 it had become 4,300,000.² The following table, taken from the United States Census, indicates the rapid rate of growth:³

<i>Year</i>	<i>Population of Continental United States</i>
1800	5,308,483
1830	12,866,020
1860	31,443,321
1900	75,994,575
1930	122,775,046

Between 1820 and 1935 Kuczynski estimated that 55 million Europeans came to America and that of that number 35 million remained. He also estimated that since 1492, 15 million Negroes were imported into the New World. Since 1492, 45 million Europeans have settled in the New World, 24 million in the United States, 15 million elsewhere in North and South America, and 6 million in other continents.⁴

The foregoing statistics indicate that there has been a tremendous increase of white people in modern times. The increase is due to two major factors: (1) the economic and technological revolution provided for better standards of living; (2) medical advance reduced the death rate to a phenomenal degree. This is illustrated by consideration of the expected span of life in Sweden, which was the first nation to gather reliable statistics. From 1755 to 1775 the average span of life was 35

¹ KUCZYNSKI, ROBERT R., *The Population Movements*, Oxford University Press, 1936, p. 8.

² *Ibid.*, p. 19.

³ United States Census, 1930, vol. 1, *Population—Number and Distribution of Inhabitants*, p. 6.

⁴ KUCZYNSKI, *op. cit.*, p. 22.

years; in 1840, 44 years; in 1890, 52 years; at present it is over 60 years. It is 60 years or better in the following countries: Denmark, Norway, Sweden, England, Germany, Holland, Switzerland, United States, Australia, and New Zealand.¹

The fact that during the last half century the expectation of life has nearly doubled is one reason for the growth of the white population from 155 to 720 million. Another factor has operated at the other end of life—the beginning. Infant mortality has been greatly decreased in Western nations. This is indicated by the infant mortality statistics of England. In 1838 the infant mortality rate per 1,000 births was 130; in 1915, 100; in 1921 less than 80; in 1935, 57.² In the United States, infant mortality has declined from 99.9 in 1915 to 60.1 in 1934; in 23 states that had available statistics in 1935 the average was 52.³ It may be of interest in considering the American statistics to show some of the infant mortality rates among special groups. For example, the infant mortality rate among white people in 1935 was 52.8, and among colored people 91.3.⁴

Studies of the Children's Bureau have revealed the fact that the income of the father has a direct relation to the infant mortality rate. The following table, prepared by the bureau, illustrates this relation:⁵

<i>Income of Father</i>	<i>Infant Mortality</i>
Under \$450.	167
450-549.	106
550-649	117
650-849.	108
850-1,049.	83
1,050-1,249.	64
1,250 and over.	59

It is evident from this table (a study of seven cities) that as the father's salary increases the infant mortality of the family decreases.

For questions, list of terms and suggested readings on topics discussed in this chapter, see conclusion of the chapter that follows.

¹ *Ibid.*, pp. 26-27.

² *Ibid.*, p. 28.

³ WOODBURY, ROBERT M., *Infant Mortality in the United States*, *Annals of the American Academy of Political and Social Science*, vol. 188, p. 96.

⁴ *Ibid.*, p. 101.

⁵ *Ibid.*, p. 103.

Chapter IX

Some Population Problems.

(Continued)

INTERNATIONAL RELATIONS AND POPULATION

During the last century population has become an important factor in international relations. The growth of population, on the one hand, has fostered international good will, understanding, and cooperation; on the other hand, it has been the source of tensions and has even been an important factor in determining war policies. There can be little doubt that the growth of populations has led to a great increase in international trade, the industrialization of the Western nations and of Japan, and the growth of large cities in most of the countries of the world.

Another important population movement has been that of colonization. Although it is true that most of the colonial nations secured their land prior to the nineteenth century, the actual development of the colonies was a characteristic of the latter half of the nineteenth century and the early part of the twentieth. As has been noted elsewhere, modern times have been characterized by the greatest migration in world history. Some of the countries into which there has been a great deal of immigration in recent years are Canada, the United States, and Mexico. This immigration has been introcontinental. Likewise in South America there has been considerable immigration to Argentina and Brazil. Other important recipients of recent immigration are Australia, New Zealand, the Union of South Africa, and Palestine. Strange as it may seem, France has had a considerable number of immigrants since the World War. But it is not immigration that causes international friction.

The claim of population pressure has been a common excuse given for waging modern wars. Closely connected with this has been the use of propaganda designed to stir up fear of other nationalities because of increased population in certain alien lands.

Do nations really go to war in order to get an outlet for surplus population? Does war provide a relief for overpopulation? Any number of

citations could be made to statements in which war has been justified on the basis of overpopulation. For example, General Bernhardt, of the German Army, said:

The strong, healthy, and flourishing nations increase in numbers. From a given moment they require continual expansion of their frontiers, they require new territory for the accommodation of their surplus population. Since almost every part of the globe is inhabited, new territory must, as a rule, be obtained at the cost of its possessors—that is to say, by conquest, which thus becomes a law of necessity.¹

Harold Cox, discussing the question of population pressure and balance of power, writes:

As soon as a population grows big, its leaders say: "Our people are so numerous we must fight for more space." As soon as war has taken place, the leaders invert this appeal, and say: "We must breed more people in preparation for the next war."²

A statement of the pressure of population and its implications is readily seen from the following quotation taken from the *New York Times Magazine*, Dec. 10, 1933:

Yet unless those coming millions can gain a livelihood, Japan must either suffocate or explode—with the betting-odds heavily on the latter alternative, because the Japanese are not minded to lie down and quietly starve. A flood of babies, with insufficient food and work, will be a social tidal wave, and our Kellogg Pacts, Geneva Covenants, and Nine-power Treaties so many King Canutes. A nation of 66,000,000 people; literates, voters, newspaper readers, already partly organized for capitalist production, cannot be figuratively assigned to a cell, on bread and water. If existing economic frontiers are closed to her goods, Japan will burst open others. . . . There is no way of providing for these children except by employing them to manufacture goods and selling them, chiefly in Asia. If economic nationalism means that the outlets will be blocked, then it is scarcely worth while troubling the Disarmament Conference further.³

A more sober estimate of the effect of increased population is a statement of Warren S. Thompson

. . . who warns us that Japan is not likely to be impressed by the homilies of the satiated powers against aggression, even when the homilies are backed by treaties and international law. Apparently the military leaders of Japan and other countries have not been impressed by accumulating evidence that, under present world conditions, colonies, especially when inhabited by peoples of a

¹ WRIGHT, QUINCY, *Population and International Relations*, *Annals of the American Academy of Political and Social Science*, vol. 188, p. 320.

² *Ibid.*, pp. 319-320.

³ STODDARD, LOTHROP, *Clashing Tides of Colour*, Charles Scribner's Sons, 1935, pp. 259-260.

different culture, do not pay. Consideration of national economic welfare seldom dominates a given situation any more than does consideration of law. Thus studies of population, of economics, of law, of military affairs or of public opinion cannot serve to tell us precisely what a state will do when confronted by a given population situation.¹

Dr. Quincy Wright, of the University of Chicago, in presenting a very interesting discussion of population and international relationships, points out that the pressure of overpopulation is frequently used as a "reason" for war but that it is not the sole cause. Dr. Wright then concludes that

. . . population pressure in the world as a whole, or differential population pressures in neighboring nations, or the differential growth of populations, are none of them necessary causes of war, although theories about population changes have at times provided both reasons and rationalizations for war.²

Too many times in the past has overpopulation been used as a single explanation of international conflict. But careful studies of population pressure show that it affects nations differently. Sometimes nations look upon increased population as a beneficial thing, whereas some of their neighbors look upon it as a threat. Sometimes nations use increased population to develop international trade; at other times, as an excuse for colonization and plans for imperialist expansion. Politicians and military men frequently use the threat of overpopulation to promote their own ends. Such politicians usually insist that colonies will provide raw materials, a place for surplus population, and markets in which to sell surplus goods. The military man, on the other hand, points out that wars are won by great numbers, that the neighboring nations are increasing their man power, and that his own country must therefore keep up with the pace of population. Publicists frequently use the increased population of other countries as a threat to national security. Recently certain American newspapers have used the threat of the "yellow peril" to arouse prejudice against the Chinese and the Japanese. Dr. Wright exposes this myth of the advantage of colonies in these words:

Most of the talk by politicians and publicists about the general economic value to a country of colonies, is "rationalization." The "reason" for supporting such policies is to be found rather in the military advantage of having certain key raw materials, a source of cannon fodder, and perhaps a naval base or a strategic frontier under military control. A very small minority of the home population profits at the expense of the general taxpayer by obtaining colonial jobs and concessions.³

¹ WRIGHT, *op. cit.*, p. 319.

² *Ibid.*, p. 320.

³ *Ibid.*, pp. 324-325.

In our own day we have seen how Mussolini has used all these arguments with the Italian people in order to promote his plans of military conquest in the Mediterranean and in Ethiopia. In Germany we see Hitler exhorting the German people to look at the fertile fields of the Ukraine and to picture to themselves what the German people could do with such lands. As a result of these political maneuvers and others, we are witnessing at the present time the greatest armament race the world has ever seen.

After nations, through imperialistic designs, appropriate to themselves the territory of other peoples, do they actually colonize? Professor Raymond S. Pearl of Johns Hopkins University recently discussed this problem. He pointed out such facts as these: Before the World War the Germans placed only 24,000 people in their colonies; and Italy sent only 8,000 to all her African possessions.¹ Japan, too, has found it almost impossible to induce Japanese subjects to leave the homeland and settle in her new colonies.

. . . this expansion has failed to open up channels for a considerable flow of emigrants from Japan. The annexation of Formosa and Korea and the virtual annexation of Manchuria and Jehol have not led and will not lead to any significant outflow of workers from the overcrowded occupational groups in Japan. This has disappointed many Japanese thinkers, politicians, and administrators. . . . The renewed outburst of Japanese imperialistic expansion since 1931 will have no more success in the creation of such outlets than earlier imperialism had.²

Why this sort of thing comes about—and many other examples might be cited—is that the advance of science and technology at one and the same time brings about increasing opportunities for what individuals themselves regard—whether rightly or wrongly does not matter—as a relatively pleasant existence in the homeland, and diminishing opportunities for a similarly pleasant existence in colonies exploited for wealth production.³

At this point let us consider the densely populated countries. The following table shows the number of inhabitants per square mile. Without going into much discussion, it is evident that some of the most densely populated countries do not constitute threats to their neighbors—for example, Belgium, the Netherlands, England, China, and Denmark. On the other hand, countries with no greater density of population, such as Japan, Italy, Germany, Poland, and Yugoslavia, are constant threats to world peace.⁴

¹ PEARL, RAYMOND S., *War and Overpopulation*, *Current History*, vol. 43, p. 593.

² PENROSE, E. F., *Population Theories and Their Application*, Food Research Institute, Stanford University, 1934, p. 251.

³ PEARL, *op. cit.*, p. 595.

⁴ PEARL, *op. cit.*, p. 594.

THE 20 MOST DENSELY POPULATED COUNTRIES

	<i>Inhabitants per Square Mile</i>
Belgium	700.5
England and Wales	684.8
Netherlands	659.1
Japan	449.2
Germany	363.5
Italy	356.0
China	299.3
Czechoslovakia	271.5
Switzerland	255.1
Hungary	241.8
Poland	221.2
Denmark	220.5
Austria	208.8
France	196.8
India	195.1
Portugal	192.3
Rumania	153.7
Bulgaria	152.9
Yugoslavia	145.8
Greece	131.7

In the last two or three years there has been considerable discussion in international circles of the possibility of redistributing the sparsely settled colonies. The situation has been well described as a state of tension between "the haves" and "the have-nots." The existing setup is clearly presented by Professor Raymond S. Pearl as follows:

Nine nations, with 23 per cent of the world's population themselves living on only 14 per cent of its total land area, control 66 per cent of all the land in the world and, in greater or less degree, the political life of 57 per cent of all human beings. If Russia and the United States be regarded apart from the others, for which there is some justification, the remaining seven nations, with just 11 per cent of the people in the world living on less than 1¼% of its land area, control approximately 42% of all the lands and all the people on the globe.¹

Warren S. Thompson, discussing this problem, thinks that in order to avoid international conflicts those nations that own colonies should consider the possibility of giving up some to those that do not have colonial possessions. On the other hand, Dr. Quincy Wright points out that this proposal is idealistic, that nations hold colonies by force, and that even if the voluntarily transferred their colonies some countries would still be dissatisfied and the problem would not be solved.²

Many economists question whether or not colonies really contribute to the economic welfare of their owners. Certainly the individual

¹ *Loc. cit.*

² WRIGHT, *op. cit.*, p. 325.

citizens of the imperialistic nations derive very little benefit when one considers the cost of acquiring, defending, and maintaining colonies. When a nation possesses a colony, it has not created any more people, nor has it created any new means of production. It has simply extended its sovereignty over people who already existed. In most cases ownership of land and industries remains unchanged after a colony is shifted from one nation's sovereignty to another.

On the question of the benefits of war to population, there seems to be almost universal agreement that modern wars are inimical to the quality of national population. One of the early studies in eugenics made in the United States was by David Starr Jordan, who made a study of the effects of the Civil War on certain selected communities in Virginia. His conclusion is that men of the highest character and quality bore the brunt of the war and lost more heavily than their inferiors. During this war the South especially suffered grievously by the loss of its best manpower, and that loss continues to be felt even today. S. J. Holmes, in discussing the effect of the World War, says:

Of those who entered service from the universities and gymnasias of Germany, it is estimated that not more than half were living at the close of the war. The flower of youth from the universities of France, England, Belgium, and Austria suffered an exceptionally high death rate; and in the United States, which suffered relatively little, the losses among the college youth, to judge from the studies of Hunt in the case of Harvard University, were higher than in the rank and file of the soldiers. . . .

In the meantime the nations of Europe are torn by rivalries that lead them to impose heavy taxes on their peoples to support preparations for impending wars and to adopt economic policies in relation to neighboring countries to the disadvantage of all parties concerned. The whites are their own worst enemies. There can be no question that the devastating effects of the World War and the discords which followed it have proved to be a severe handicap to the whites in the interracial struggle for power and dominion. Grievously as some of the European nations have suffered from this conflict, they are making vigorous efforts to prepare for another one, which can result only in untold injury to all participants.

From the biological viewpoint at least all this is worse than folly. Group loyalty is a valuable asset in the struggle for existence. But there is a danger that minor group loyalties may obscure the larger loyalty to race, just as excessive and antisocial individualism may tend to destroy the minor group.¹

Major Leonard Darwin, son of Charles Darwin and one of the leaders of the English eugenics movement today, has this to say about war:

. . . it seems to me certain that the men who were killed in the Great War were decidedly above the average of the nation in many great qualities, both inborn

¹ HOLMES, S. J., *Human Genetics and Its Social Import*, McGraw-Hill Book Company, Inc., 1936, pp. 280, 288.

and acquired, and that, consequently, its results have already been disastrously dysgenic.

Moreover, the bad racial effects of modern war do not cease when the fighting is over. The fall in incomes which we have recently experienced will for a long time continue to have a very harmful influence on the race; because, for reasons fully explained in previous chapters, the birth-rate of those who desire to maintain a certain standard of living for their children, born and unborn, will be reduced from this cause more than will be that of the foolish, the improvident and the selfish.¹

ARE WESTERN NATIONS IN DANGER OF BEING OVERPOPULATED?

Popular opinion changes in regard to population. At the present time since the sufferings endured during the depression are still clearly in mind, the general feeling of the great mass of the people is that a smaller population would be desirable. One hears very little agitation for greater population in most of the Western nations. In the United States and England there has been considerable agreement that unemployment could be avoided if we had a smaller population. Students of population, too, have been considering the relative effects of underpopulation, a stable population, and a declining population. There has been some discussion of what is an "optimum population." What is the situation in regard to population trends? Are modern nations replacing themselves? What effects would a stable population have? Would the unemployment problem be solved if we had fewer people? These are some of the questions that modern intelligent people are asking in regard to population as a social problem.

It is a fact that for the last 50 years there has been a decline of the birth rate in all the Western nations. At the present time it may be that this is not true of the German people. One can get an idea of what is happening to population in some countries by considering what their future population will be if the present birth rate continues. For example, in England and Wales, which now have a population of 40,563,000, it is predicted that if the present rate continues, the country will have 17,685,000 people in the year 2000. Europe as a whole is estimated to have around 193,000,000. In the year 2000 there will be 150,000,000 Europeans, at the present rate. The United States now has 128,000,000; in the year 2000 if present population trends continue, there will be 185,000,000 Americans. Russia, which now has a population of 175,000,000, may have 650,000,000 people in A.D. 2000.²

¹ DARWIN, LEONARD, *The Need for Eugenic Reform*, D. Appleton-Century Company, Inc., 1926, p. 501.

² KUCZYNSKI, R. E., *The Population Movements*, Oxford University Press, 1936, p. 49.

Students of population determine the trend of population by finding the replacement rate. The replacement rate is found by determining the number of female children born to each woman to replace the mother. The rate takes into consideration the possibility of the female child's living through the period of childbearing, which is set at between fifteen and fifty years of age. The following tables indicate the replacement rate in some of the modern nations¹:

<i>Countries with net reproduction rates under unity</i>		
<i>Country</i>	<i>Year</i>	<i>Replacement rate</i>
Austria	1931-1932	0.714
England and Wales	1933	0.735
Germany	1931	0.748
Sweden	1926-1930	0.857
France	1931	0.860
Latvia	1929	0.900
United States	1933	0.940
Australia	1932-1933	0.976
New Zealand	1933	0.978
<i>Countries with net reproduction rates above unity</i>		
Hungary	1930-1931	1.011
Denmark	1926-1930	1.012
Finland	1921-1930	1.074
Italy	1931	1.209
Canada	1931	1.319
Portugal	1930-1931	1.334
Bulgaria	1926-1927	1.446

According to these statistics many nations are not replacing their present population. One British authority, in speaking of the declining birth rate in Great Britain, says:

It follows that if fertility remains unchanged our population will soon reach its peak level, and after a transition period of slow decline will begin to fall off at the rate of 24 per cent in every generation. At this rate of decline, it would be reduced to about 15 per cent of its previous size in just over two hundred years.²

¹ GLASS D., V., *The Population Problem and the Future*, *Eugenics Review*, London, vol. 29, No. 1, p. 41.

² *Ibid.*, p. 41.

In the United States the situation is more favorable to reproduction than in England, but in some sections we see a failure of native whites to replace themselves¹:

TOTAL FERTILITY RATES BY RACE AND NATIVITY
(In per cent of United States permanent maintenance rate)

<i>Race or nativity</i>	<i>United States</i>	<i>New England</i>	<i>Middle Atlantic</i>	<i>East North Central</i>	<i>West North Central</i>	<i>South Atlantic</i>
Native white	103	88	85	97	107	124
Foreign-born	110	119	105	112	134	120
Negro	99	96	75	74	75	111

<i>Race or nativity</i>	<i>East South Central</i>	<i>West South Central</i>	<i>Mountain</i>	<i>Pacific</i>
Native white	141	119	129	72
Foreign-born	105	122	173	89
Negro	106	101	65	59

This reflects great variation among different sections of the United States and among the three different divisions of American women—native whites, foreign-born whites, and Negroes.

Certain other studies also reveal these general trends. Fertility is higher in agricultural than in industrial states. The fertility of native whites in cities of less than 500,000 is nearly one-third higher than for cities over 500,000. The fertility rate varies greatly among occupational groups. It is lower for the "white-collar" group and greater for the manufacturing group. In a study of eight American cities it was found that certain economic and social conditions influenced the fertility rate. Some of the conclusions were: Families in higher rent areas have fewer children; in areas where home-ownership is more prevalent there are fewer children; employment of women results in fewer children.

There is some slight evidence to show that Catholic families are more fertile than Protestant families, but the most consistent group with regard to fertility is the Mormons. Warren S. Thompson says:

That Mormonism is the chief influence causing the birth rate of Utah communities to be above that of the surrounding states can not be questioned.

¹ WHELPTON, P. K., Geographic and Economic Differentials in Fertility, *Annals of the American Academy of Political and Social Science*, vol. 188, p. 38, November, 1936.

And Utah is the best example in the United States of a community in which religion does exercise a decided influence on the birth rate.¹

There is a considerable variation among the Catholics in respect to fertility; that is, although Catholic families have more children than Protestant families, yet there is a variation among the occupational groups. Thus it seems that fertility among Catholics is also influenced by occupational status.

It is a well-known fact that college women are rarely mothers of large families. The following table illustrates the low fertility of college graduates, both men and women:²

<i>Population</i>	<i>Children per Capita</i>
Men, college graduates:	
Swarthmore, 1896-1912 classes	1 9
Harvard, 1899-1901	1 6
Yale, 1893, 1896, 1897	1 5
Women, college graduates:	
Swarthmore, 1896-1912	1 4
Vassar, 1867-1871	1 5
Vassar, 1872-1876	1 3
Vassar, 1877-1881	1 0
Vassar, 1822-1886	1 2
Vassar, 1887-1891	1 0
Vassar, 1892-1896	1 0
Vassar, 1897-1901	1 2
Vassar, 1902-1906	1 3
Vassar, 1907-1911	1 5

Fertility varies as between occupational classes as is shown by the following table:³

ESTIMATED NET REPRODUCTION RATES PER GENERATION OF BROAD
OCCUPATIONAL CLASSES, 1928

<i>Occupational Classes</i>	<i>Estimated Net Reproduction Rate per Generation</i>
Unskilled	1.17
Agriculture	1.32
Semiskilled	1.03
Skilled	1.06
Business and clerical85
Professional76

Today, everyone who thinks about the matter at all agrees that the systematic recruiting of the nation's population from the working and agricultural classes

¹ WHELPTON, *op. cit.*, pp. 52-53.

² LORIMER and OSBORN, *op. cit.*, p. 322.

³ *Ibid.*, p. 322.

may have an important bearing on the quality of the future population. Here agreement stops. Some view with alarm the failure of the most educated classes to reproduce. Others see with complacency the operation of a temporary adjustment, or the continuance of a time-honored relationship, depending on their reading of the available facts. Most students, however, look with an intense curiosity at a relationship so freighted with potentialities for our future culture and stock as to demand penetrating research rather than passing guesses.¹

An interesting study which shows the fertility rates of certain economic groups classified also by the amount of education was made in the poor areas of five Midwestern cities. That study gives the general average for five cities and also the statistics covering Columbus, Ohio. It shows that the professional classes have fewer children than the business classes and the unskilled laborers. It also shows that the more education the parents have the fewer children there are in the family.²

Since the 1929 depression, especially during the presidential campaign of 1936, it was consistently represented that when families went on relief their fertility increased. Mr. Notestein, in commenting on this statement, says: "Actually the studies yielded no evidence of the effect of relief on fertility, and were not intended to do so."³

As far as the United States is concerned, some of the general conclusions in regard to population trends are these:

1. Population in this country is tending to become stable. It is apparently agreed that it will stabilize, with the estimates as to the date varying from A.D. 1970 to 2000. Woodruff estimates that it will be nearly stable by the year 2000. Pearl and Reed estimate that it will stabilize at 197,000,000 by the year 2000. Dublin predicts that the country's population will reach 148,000,000 by 1970, with a subsequent decline soon after that year. Whelpton predicts a population of 144,600,000 in 1970.⁴

2. There is a great difference in reproduction of groups; for example, the professional class is not replacing itself, and the unskilled laborers are more than replacing themselves. One authority says that, at the present rate of reproduction, the one group will after three generations have sixteen times more descendants than the other. This can be of tremendous significance to the future development of the nation.

3. The rural farm women are supplying a natural increase of 60 per cent per generation.

¹ NOTESTEIN, FRANK W., Class Differences in Fertility, *Annals of the American Academy of Political and Social Science*, vol. 188, p. 36, November, 1936.

² NOTESTEIN, *op. cit.*, pp. 30-32.

³ *Ibid.*, p. 34; cf. MARY ROSS, Other People's Babies, *Survey Graphic*, vol. 24, No. 12, December, 1935.

⁴ REED, LOWELL J., Population Growth and Forecasts, *Annals of the American Academy of Political and Social Science*, vol. 188, pp. 161-166, November, 1936.

4. There has been a 20 per cent reproductive loss in the white population of the larger cities.¹

5. In the unskilled laboring group, 15 per cent more children are being born than are sufficient for family replacement, whereas mothers in the professional group were having only 75 per cent of the number needed for family replacement.²

6. The fertility of the native stock is considerably under replacement needs.

7. On the other hand, the immigrant stocks are more than replacing themselves.

8. The fertility rate among the native women of foreign parentage is apparently less than that of all the native women of native parentage.

9. It seems that the Negro rate of reproduction is just about the same as that of the native white (the Negro rate is 497 children per 1,000 women; the white rate, 481).

10. There seems to be some evidence that there is a gradual decline in the mental ability of the population.

11. Those who have had the best cultural advantages are not replacing themselves, and those who have the least education and social background are more than replacing themselves.

12. There is evidence of two conflicting tendencies; the attempt to raise the intellectual level of the population through education, and the actual decline in mental ability of the population as a whole.

CAN HUMAN POPULATION TRENDS BE CONTROLLED?

One of the most serious problems confronting the modern world is whether human beings can control the number of their progeny. This is related to the larger problem of which we have become so conscious in the last decade—namely, whether social planning is better than natural drift. All the arguments that were used for social planning and against a social order based upon individual initiative can be utilized in debating the question of conscious population control.

The question of a law of population has been one that has concerned the economists since the Rev. T. R. Malthus published his celebrated *Essay on Population* in 1798. There had been numerous writers, especially philosophers, who had discussed the problem of population, but Malthus presented his theory in such concise form that it has commanded the attention of intelligent people ever since. Some of his ideas in regard to population are these: that population tends to increase at a geometrical rate, whereas the means of subsistence increase at an arithmetical rate; that when population becomes too dense, it is curbed by certain "positive

¹ LORIMER and OSBORN, *op. cit.*, p. 341.

² *Ibid.*, p. 342.

checks"—among them war, disease, and famine—or else by "preventive checks," such as later marriage and "moral restraint" or continence within marriage. It was Malthus' belief that population automatically curtails itself through these checks. This was a radical theory for his day, because it was commonly held that population was governed by divine will. Malthus was one of the most abused men of his time. The theologians opposed him because they thought he was substituting natural law for God's will; the radical political reformers, like Godwin, objected because he put his faith in the operation of a self-determining law instead of a man-made Utopia. Despite the stern aspect of this theory, Malthus really intended to point out that man, by taking thought and restraining his natural impulses, could determine the number of children that he would have in terms of the amount of subsistence that he could provide.

Malthus' theory did not fare very well during the next century, because of the tremendous advances made in industrial technology, the discovery of new natural resources, improvements in agricultural production, advances in medical science, and the expansion of world trade. But this is no criticism of its fundamental validity, because Malthus based it upon the condition of economic life of his time. The period after him was one of rapid population expansion. Nevertheless, the inclusion of his theory in economics gave economics the name of the "dismal science."

During the depression following 1929 there was a renewal of interest in the Malthusian theory. In some parts of the world it is accepted as the explanation of the inability of a nation to sustain itself. In the United States recent studies would seem to indicate that there is no danger of curtailment of food supply as a result of inadequate natural resources or lack of technological knowledge.¹

The student will see that Malthus' fundamental assumption that population increases in geometric ratio no longer accurately describes conditions in Western nations. During the last fifty years, as was mentioned above, the birth rate in Western countries has steadily declined. Apparently man, through birth-control measures, is contravening the law of natural population growth and has introduced a "preventive check" which Malthus did not anticipate.

MODERN ATTEMPTS AT POPULATION CONTROL.—In contemporary society, there are a number of measures to control population. Roughly, they can be classified as individual and social.

Among the *individual measures* are: (1) refraining from marriage; (2) deferring marriage until better economic status is attained; (3) use

¹ See discussion of question "Can we produce enough for our present population?" *supra*, Chap. VIII.

of contraceptives for birth control; (4) illegal means, such as infanticide and abortion; and (5) moving the place of residence (migration).

Among the *social measures* are the following: (1) restriction of immigration (2) promotion of immigration, (3) sterilization and segregation of the unfit, and (4) propaganda in favor of large families.

All the authorities on population are agreed that the major factor in the decline of population in the Western nations has been birth control. Dr. Ogburn and his associates, in *Recent Social Trends*, put the problem very concisely in this manner:

It is the opinion of the authors that the increasing practice of contraception is the outstanding factor in the decline in birth rates. The larger decreases in the rates in the older groups are just what one would expect if the decline is due to voluntary control. In the great masses of the laboring population older married couples who already have all the children they can care for will almost certainly be at greater pains to prevent additional conceptions than younger couples who are still childless or have only one or two children. But it would certainly be a mistake for us to ignore other factors in reducing the birth rate which are considered of importance by those who are well informed about them. Thus there are many competent physicians who believe that abortion is responsible for much of the decline of the birth rate. Another factor is the increasing failure of the reproductive system to function normally either because of disease or because of modern modes of life. Much sterility, both complete and partial, is thought to arise from disease (particularly venereal disease), from the nervous strain of city life, from the sedentary habits of many city dwellers, or from faults in diet attributable to the increasing distance between the producer and consumer of food and more refined modes of preparing it; in a word, from the general derangement of bodily functions arising out of the changes incident to passing from an agricultural to an industrial economy. Unfortunately, practically nothing is known of the relative importance of these various factors; hence it is inevitable that the social scientist, the physician and the biologist, approaching the problem from different angles, should hold opinions which are widely at variance.¹

Since the nineteenth century there has been a noticeable advance in the rights of the individual. We see this advance in the growth of democracy, the constitutional protection of civil liberties, the recognition of the political and social status of women, public education, and coeducation. With the development of the democratic theory, women began to feel that they were persons and had the right to their own personalities. Women therefore demanded the right to be educated, to vote, to own property, to have an equal share in the control of their children, and to engage in any business or profession. Coincident with this movement

¹ *Recent Social Trends*, OGBURN *et al.*, "Population of the Nation," Whittlesey House, McGraw-Hill Book Company, Inc., 1933, p. 43.

came the development of medicine and the improvement of health and sanitation. Prior to 1750, men had looked upon the state and the established church as the controlling agencies in their lives, but there was a marked revolt against authoritarianism in the eighteenth and nineteenth centuries, and this revolt still continues.

With the spread of birth-control information, the upper economic and social classes were the first to utilize birth-control methods; but gradually the practice has spread among the poorer classes. The desire for higher standards of living, coupled with a realization that children are often not an economic asset and the feeling on the part of parents that they should provide their children with better opportunities than they themselves enjoyed, have been factors in the reduction of the birth rate. Other factors have been the distaste of some women for taking care of a family, fear of childbirth, and the fact that many married women work outside the home and do not have time to bear or rear children.

The French have been pointed out as one of the first peoples to use birth control. There is little question that in the United States the movement is spreading more rapidly in the cities than in the rural districts, more rapidly among the well to do than among the poor, and more rapidly among the educated than among the ignorant. But this movement has not expanded without a great deal of opposition. The Catholic Church has been opposed to contraceptive devices, citing the Biblical injunction "Be fruitful and multiply and replenish the earth." One of the encyclical letters of the Pope says: "Since the conjugal act is meant to create new life, those who willfully deprive it of its power, act contrary to nature and do something disgraceful and immoral."¹

Early in the 1870's, Congress passed a law prohibiting the dissemination of birth-control literature and the transportation of contraceptive devices. Nearly all of the states passed similar laws. Today most of these laws still exist, although there is constant agitation for their repeal. Probably the primary motive back of this legislation was fear that widespread immorality might result if birth-control information were to become generally available. In other countries opposition has come from military leaders advocating a large army or navy.

Those who believe in eugenic reforms have persistently pointed out that there has been misapplication of birth-control methods by the classes; those who most frequently use birth control should have the most children, and those who do not use it are having the largest families. One of the measures that the American Eugenics Society is constantly urging is the increase of the well-educated, economically well-to-do classes. But birth control appears to be a device that may eliminate that group from our population.

¹ HOLMES, *op. cit.*, p. 212.

The Eugenics Society advocates the use of education as the best means of guiding the use of birth control. The society advocates the teaching of population problems in elementary schools as well as in high schools and universities. It points out the social duty of married partners to have children. It also proposes the adoption of some sort of family allowance system for young couples who now because of lack of money refrain from marrying and having children. It believes that, with the declining birth rate, it is one of the major obligations of the state to see that the right sort of children are born. The point must be stressed that mere propaganda for increased population would be, from the standpoint of these societies, a lamentable mistake. It is not total increase but the increase of children in certain desirable groups that they desire.

In the last two years the peoples of the Western world have been greatly interested in attempts on the part of Hitler and Mussolini to increase the population of their respective countries. In 1926 Mussolini made clear to the Italian people that in order for Italy to fulfill her imperial destiny the number of children would need to be increased in order to supply an adequate number of soldiers and workers. In that year a number of laws were passed forbidding birth-control propaganda or the sale of any contraceptive devices. Family allowances were provided by the government for certain government, industrial, and commercial workers. A tax was levied on bachelors. As far as any tangible results are concerned, however, statistics do not reveal any definite trends. The rate of fertility in Italy was 252 per thousand women in 1920-1922, and 212 in 1930; in 1934 it was less than in any year since 1880, except the war years.¹ It must be noted that 11 years, half of which were depression ones, is a very short time for such a policy to show its full results.

The population policies of Germany are being watched and studied with interest. With the advent of Hitler in 1933, the German *Volk* became synonymous with the German *Reich*. One of Hitler's major projects has been the "purification" of the German people. Measures have been taken to protect the German "blood" and the German "honor," as various laws indicate. One of the measures resulted in a comprehensive survey of the German people. Some 600,000 cases have been filed for analyses. This amounts to a stocktaking of the German population. Each German is required to fill out a very complete questionnaire about his ancestry and his personal characteristics. There has been a widespread attempt to help the rural population by making

¹ THOMPSON, WARREN S., and WHELPTON, P. K., *Population Policies of European Countries*, *Annals of the American Academy of Political and Social Sciences*, vol. 188, p. 302.

it very difficult to displace them from the land. A very comprehensive program of family aid has also been set up. There is evidence of a definite attempt to encourage large families among the German "Aryans." The Aryan families are designated as "god families."¹ In addition, income taxes are being refunded on the basis of the number of children. If a father has six children he is exempted from the income tax up to 30,000 marks. On the other hand, for childless couples income taxes begin at 15 per cent of their income. Fathers of large families are given special preference in employment especially by the government. Some of the negative eugenics measures are the abolition of birth-control publicity and widespread and compulsory sterilization of the feeble-minded, epileptics, syphilitics, some types of criminals, and sex degenerates. During the first year of the sterilization program, 56,000 persons were sterilized. Special courts have been set up, called "courts of hereditary health," to decide cases concerning sterilization. These courts are made up of physicians, lawyers, and technical experts. There has been a persistent rumor that these courts discriminated against the Jews, but such authorities as C. G. Campbell, honorary president of the Eugenics Research Association, claims that these accusations are without basis in fact.² It is estimated that between 180,000 and 400,000 of the German population should be sterilized. More recently Hitler has promulgated a law forbidding the intermarriage of Germans (Aryans) with Jews. Other measures that bear on this subject are very strict laws requiring a medical examination and a genealogical record before marriage. A year after the beginning of Hitler's regime the birth rate in Germany rose from 14 to 18.5 per thousand population. It remained somewhat higher during 1935. Population authorities think this is due to the abolition of abortions. Whether or not this higher birth rate will be continued is being watched with much interest.

The essential aims behind the German eugenics movement as promulgated by the Nazi government are clearly revealed in the "ten commandments concerning marriage," which are posted on a conspicuous placard in every government office where counsel is given to prospective husbands and wives:

- (1) Remember that thou art a German.
- (2) Possessing a healthy inheritance, thou shalt not remain childless.
- (3) Keep thy body pure.
- (4) Keep thy soul and spirit pure.
- (5) As a German, choose as a wife a woman of German or Nordic blood.
- (6) In the choice of a wife inquire into her ancestry.

¹ *Ibid.*, p. 303.

² CAMPBELL, C. G., The German Racial Policy, *Eugenical News*, vol. 21, p. 27.

- (7) Health is the basis of beauty.
- (8) Marry only for love.
- (9) In marriage choose not a playmate but a real comrade.
- (10) Thou shalt wish for as many children as possible.¹

MEASURES OF POPULATION CONTROL IN THE UNITED STATES.—As far as the national government is concerned, few measures have been taken toward the control of population. In the American system of government, control of marriage is considered a function of the state governments. The control of immigration, however, is a national matter, and since 1921 the federal government has had a very definite policy of restricting it. The earlier policy in the United States was that of encouraging immigrants to come to America. The United States was considered a haven for politically oppressed and for those who desired to improve their economic status. After many years of agitation, quota laws were set up in 1921, and amendments were made in 1924 and 1928. The act of 1928 limits the total number of immigrants to 150,000 per year. The law provides that the annual quota from any one country shall be based on 2 per cent of the population of that nationality in the United States in 1890; it also provides that preference shall be given to the peoples of northern and western Europe. Previous laws had completely excluded Asiatics. The exclusion of Japanese has been a point of contention between the United States and Japan ever since. During the depression very little immigration took place, although the law of 1928 was not repealed. The immigration law of 1928 did not include in the quota system the countries of the Western Hemisphere. As a result, there has been almost unlimited immigration from Mexico. Many consider this a weakness in the present immigration law. The reason why Mexico was not included, according to some authorities, is the fact that the large employers in the Southwest and West desired cheap labor. In 1930 there were 1,422,000 Mexicans in the United States. In 1927 it is estimated that 63,000 immigrants came in from Mexico, and this represented 24 per cent of our total immigration. It is believed that 200,000 Mexicans have entered the United States illegally.²

In the main, the immigration that is coming in from Europe represents the older immigrant stocks of the United States—British, Germans, Irish, and Scandinavians. In 1930, for example, a total of 138,493 were admitted from Europe, and of that number 29,000 represented the “new immigration” and 109,000 the “old immigration.”

¹ HOLMES, S. J., The German “Pure-hereditary” Laws, *Journal of Heredity*, vol. 28, p. 23.

² See WOOFER, T. J., JR., *Races and Ethnic Groups in American Life*, McGraw-Hill Book Company, Inc., 1933, pp. 35, 41 (immigration quotas), p. 43 (number of Mexican immigrants), p. 200 (Mexicans entering illegally).

There is some evidence that because the prospective immigrant is required to apply for his visa and examinations in his native country before the American consul, the mental quality of the average immigrant has been somewhat raised. There is some agitation at the present time to require a higher standing on the mental tests to assure a higher mental quality in the immigrant.

In 1930 there were 14,200,000 foreign-born persons in the United States.

Most of the measures that might be called "eugenic" are in the form of state laws. *Twenty-nine* states have laws prohibiting the intermarriage of whites and Negroes, and more states have laws prohibiting the intermarriage of whites and orientals. Nearly all the states have laws prohibiting the marriage of imbeciles, idiots, and the insane. Generally, states have laws prohibiting the intermarriage of near relatives. A few have laws requiring medical examination of the male before marriage. In 1931, 17 states had laws requiring publication of banns before marriage. Twenty-eight states have laws permitting sterilization of the unfit. Over 23,000 people have been sterilized in the various states.¹ California leads in the number of sterilizations with approximately 10,000. This is a very small proportion when one considers that Germany sterilized 56,000 in one year. Recently a committee of the American Neurological Association made a report on the problem of sterilization. Among their recommendations are these:

1. That sterilization should be voluntary, not compulsory.
2. That the laws should apply to patients in private institutions and in the community as well as to those in public institutions.
3. That special courts should be set up to hear cases involving sterilization.

The president of the American Eugenics Association, Dr. Ellsworth Huntington of Yale, in his book entitled *Tomorrow's Children*, summarizes the situation in regard to the need for negative eugenic measures with these startling statements:

Although we spend annually between 11 and 16 billion dollars to improve children, it is doubtful whether they are born with any better bodies and minds, or are any better in character, or behave any more wisely than they did a hundred years ago.²

In the same article the author quoting Dr. Huntington makes the following similar statements:

¹ CAMPBELL, *op. cit.*, p. 27.

² Quoted by KEELER, CLYDE E., *American and German Eugenics, Journal of Heredity*, vol. 28, p. 19.

Heredity and training are examined and it is found that it takes 48,000 unskilled laborer's families to get one member into *Who's Who in America* but only 22 clergyman's families to get one in.¹

In discussing Negative Eugenics it is stated that we have many more than 320,000 insane, 184,000 confined criminals, 650,000 annual jail sentences, and 2,000,000 feeble-minded and epileptics. The "comparatively unintelligent but not actually defective people seem to comprise nearly one-fifth of our population," but it appears possible to eliminate these undesirables . . . "if a far-reaching eugenic program is permanently in operation."¹

We are promised that segregation and sterilization will do away with crime and dependency to the extent of between \$10,000,000,000 and \$20,000,000,000 per annum.²

State laws providing for even compulsory sterilization would encounter no constitutional obstacles. In the case of *Bell v. Buck*³ brought before the United States Supreme Court by appeal from the highest court of Virginia, the Virginia sterilization statute was held to be constitutional. Mr. Justice Holmes used the following words in justifying the statute as an exercise of the police power:

We have seen more than once that the public welfare may call upon the best citizens for their lives. It would be strange if it could not call upon those who already sap the strength of the state for these lesser sacrifices, often not felt to be such by those concerned, in order to prevent our being swamped with incompetence. It is better for all the world, if instead of waiting to execute degenerate offspring for crime, or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind. . . . Three generations of imbeciles are enough.⁴

In recent months a great deal of publicity has been given to child marriages in the United States, for example, a case of a nine-year-old girl in Tennessee's marrying a twenty-two-year-old man. Some years ago, in 1928, the Russell Sage Foundation investigated 250 cases of child marriages. They secured 90 complete case histories. Of this number, 11 couples were separated in a few days, 7 in a few weeks, 8 in a few months; 16 never established a home together; and 28 cases resulted in divorce or annulment.⁵ Probably the best statement of nonpolitical eugenics policy has been made by the American Eugenics Society. It is impossible to give the whole program here, but some of the important policies that the society supports are:

¹ *Ibid.*, p. 20.

² *Ibid.*, p. 21.

³ 47 Sup. Ct. Rep. 584, 274 U. S. 200 (1927).

⁴ LANDMAN, J. H., *Human Sterilization*, The Macmillan Company, 1932, p. 98.

⁵ Editorial, Nine-year Old and Twenty-two, *Eugenical News*, vol. 22, p. 28.

1. The encouragement of voluntary parenthood.
2. Improvement of economic conditions in the United States so that intelligent parents would have more children. This means a removal of many economic handicaps.
3. Education of the public in regard to a sane eugenics program.
4. The adoption of changed values in regard to family life.
5. The encouragement of better laws governing immigration, marriage, and sterilization.¹

IS DECLINE IN POPULATION DESIRABLE?

It is generally believed at the present time that the United States is suffering from overpopulation and that the decline in fertility is a wholesome sign. Many people believe that with a smaller population and the present national income, there will naturally be an increase in per capita wealth; likewise, that if there is unemployment, fewer people will mean more jobs available. Many birth-control advocates use both of these arguments. Serious students of population and economics are not so optimistic. The great difficulty is the matter of differential birth rates; that is, although there may be a decline in the total population, yet certain groups, economic or regional, are increasing, while other groups that would aid the situation are decreasing. It is important to understand just where the decrease in population exists. The economists, too, point out that with increased population there has been a like increase in wealth. It is a very common principle in economics that the only way wealth comes into existence is through production. The more people there are using the instruments of a given technology the more can be produced and the more demands there are, because there are more consumers. Of course this does not go on indefinitely. Likewise, there is the question concerning the distribution of wealth. It may be that a small group of the people control most of the wealth. Kuczynski makes a very clear statement on the problem of whether or not a declining population will solve the question of unemployment. This is his judgment:

I even venture to say that if one set out to increase unemployment in a given country for the next fifteen years, one could find no more efficient means than birth-restriction on a very large scale.²

The difficulty is that decline of the birth rate may not deduct one adult worker but only children and that the jobs that they will take will

¹ American Eugenics Society, "The Development of Eugenic Policies," 1937.

² KUCZYNSKI, *op. cit.*, p. 65.

not be in existence for twenty years. Furthermore, the very classes in which there is the greatest fertility may be the group that is not desired for employment. Dr. Mordecai Ezekiel, economic adviser to the Department of Agriculture, points out that the problem of unemployment in relation to population is one of occupational readjustment:

Commerce, trade, and administration absorbed half of the workers displaced from agriculture from 1820 to 1900, while half went to manufacturing and mining. Since 1900 the proportion in industry has remained constant, with virtually all the reduction in the proportion in agriculture being represented by increases in transportation, trade, and administration, or in the professional and other service industries. . . .

With a continuing need of readjustment in occupations and greater difficulties in bringing them about, an increasingly powerful and flexible economic system, capable of bringing about the necessary occupational shifts, will be needed to keep occupational distribution in adjustment with technological advances and consumer demands, without chronic unemployment.¹

Keynes, the British economist, points out that increase in population has always brought about greater demand for the use of capital and a higher standard of living. Furthermore, he believes that with a declining population there is danger that the public will be stampeded into false measures when it realizes that unemployment and lack of demand for goods have become widespread. One danger is that the public will feel that any increase of population is a good thing. This may, however, prove to be a cure worse than the disease.

If capitalist society rejects a more equal distribution of incomes and the forces of banking and finance succeed in maintaining the rate of interest somewhere near the figure which ruled on the average during the nineteenth century (which was, by the way, a little *lower* than the rate of interest which rules to-day), then a chronic tendency towards the underemployment of resources must in the end sap and destroy that form of society. But if, on the other hand, persuaded and guided by the spirit of the age and such enlightenment as there is, it permits—as I believe it may—a gradual evolution in our attitude towards accumulation, so that it shall be appropriate to the circumstances of a stationary or declining population, we shall be able, perhaps, to get the best of both worlds—to maintain the liberties and independence of our present system, whilst its more signal faults gradually suffer euthanasia as the diminishing importance of capital accumulation and the rewards attaching to it fall into their proper position in the social scheme.²

¹ EZEKIEL, MORDECAI, *Population and Unemployment*, *Annals of the American Academy of Political and Social Science*, vol. 188, pp. 241-242.

² KEYNES, J. M., *Some Economic Consequences of a Declining Population*, *Eugenics Review*, vol. 29, p. 17.

This question of overpopulation and underpopulation and the inability to utilize the Malthusian law of population have led some of the more recent scholars to consider the problem of an optimum population. The question is: How many people should a nation have to carry on its economic processes to achieve the maximum welfare of its citizens? This is a highly theoretical problem. No definite principle has been developed as yet; and it is a problem on which a great deal of research should be centered. We have taken the first steps in the attempts to set up regional authorities, such as the Tennessee Valley Authority and the Columbia Valley Authority. Likewise, the President's National Resources Committee is at work on this problem.¹

In their conclusions on the social aspects of population problems, Lorimer and Osborn summarize their conclusions in these words:

In the positive aspects of population change we are brought face to face with more subtle problems of values and attitudes, and here a reversal of some popular tendencies seems to be demanded. We have seen that in American cities among the most privileged groups and among the large middle classes (including skilled craftsmen and commercial and technical workers) there has been a strong drift toward patterns of family living that are incompatible with permanent family replacement. Clearly one of the essential conditions of a stable and improving social order must be the development of patterns favorable to voluntary family replacement of natural increase among those who are able to control their own destinies to a high degree. We have seen that this must involve a widespread preference for families with three, four, five or more children. Such a development will involve social and educational changes tending to give greater emphasis to values of family life, to ways of living which promote physical vigor, and to conditions which guarantee a larger measure of economic security, especially to young couples during the early reproductive years. Because such a development involves some of the most profound and emotional aspects of human life, it is important that public policies in line with this objective should be framed with scrupulous scientific caution and with respect for the spontaneity and variety of individual interests.

Population trends have run their course in the past with little attention by anyone to their momentous influence on human destiny. Variations in fertility, although immediately controlled by individuals, are indirectly determined by particular social factors. It is evident that the social conditions which affect reproduction might be modified in a number of ways, so that the dynamic influences of population change would be more in line with conscious social objectives. Eventually, if our dream of human progress is to be realized, rational social action must replace the operation of blind forces in this as in other fields. In the furtherance of this ideal there is need both for more exact science and for a larger appreciation of the possibilities and values of human life.²

¹ WOLFE, A. B., *The Theory of Optimum Population*, *Annals of the American Academy of Political and Social Science*, vol. 188, p. 248.

² LORIMER and OSBORN, *op. cit.*, p. 348.

QUESTIONS AND TOPICS FOR DISCUSSION
AND STUDY

1. Make a short study of the number of children per family in your own family for the last three generations; in your neighborhood; in your community. What changes do you find?
2. What evidence has been presented that would indicate that the American people can maintain the present population on a much higher standard of living?
3. What economic changes would be necessary to provide a higher standard of living for American families?
4. In your estimation is the quality of the American population improving or retrogressing? Present your evidence.
5. It has been said that the American people are becoming a nation of morons. Comment on this statement.
6. What groups in the United States seem to be decreasing and what increasing in numbers of children? What does this signify as to the future of this country?
7. Is a declining population good for the national welfare? Why or why not? Give arguments for your position.
8. The President's Commission on Recent Social Trends takes the position that the American population will be stabilized around 1980. What significant changes are taking place in population? What will be their effects on education? On industry?
9. What is wrong with the reasoning that a declining population will solve the problem of unemployment?
10. Some international statesmen propose the redivision of sparsely settled lands among nations that have no colonies. What do you think of this proposal? Defend your position.
11. From your own point of view, draft a eugenics program for your state.
12. What are the important trends in population, and what are their importance to the United States?

TERMS

population trend	overpopulation
economy of abundance	density of population
standard of living	eugenics movement
potential product capacity	optimum population
age groups	replacement rate
native intelligence	fertility
species	preventive checks
heredity	sterilization
environment	segregation
maladjustment	eugenic reforms
differential birth rates	euthanasia

SUGGESTED READING

HOLMES, S. J. *Human Genetics and Its Social Import*. McGraw-Hill Book Company, Inc., 1936. Very readable. Chapter X, "Heredity and Environment"; Chap. XI, "Heredity in Mental Defect and Disease"; Chap. XII, "Nature and Nurture in Mental Development"; Chap. XIV, "The Social-problem People";

Chap. XV, "Choice in Mating"; Chap. XVII, "The Differential Birth Rate"; Chap. XX, "The Biological Effects of War."

KUCZYNSKI, ROBERT R. *Population Movements*. Oxford University Press, 1936.

A very short, interesting volume; especially good to give a general survey of the problem and an understanding of world population trends.

LORIMER, FRANK, and OSBORN, FREDERICK. *Dynamics of Population*. The Macmillan Company, 1934. A scientifically written book, but somewhat technical for college freshmen.

Recent Social Trends. Whittlesey House, McGraw-Hill Book Company, Inc., 1933.

See Chap. I, "The Population of the Nation," for a splendid, succinct, scholarly discussion of population problems in the United States.

THOMPSON, WARREN S. *Danger Spots in World Population*. Alfred A. Knopf, Inc., 1930. Especially valuable study of the pressure of populations in the modern world.

——— and WHELPTON, P. K. *Population Trends in the United States*. McGraw-Hill Book Company, Inc., 1933. A detailed monograph growing out of the research in connection with *Recent Social Trends*.

Chapter X

The American Negro: Problems of Racial Discrimination

Ordinarily when the term "American" is used, one thinks of the dominant white group in America. It is only after some conflict or some serious thought as to the make-up of the American people that one realizes that there are minority groups in America. From the race angle the minority groups are the Negro, the Indian, the Mexican, the Japanese, and the Chinese. These are the ones that are ordinarily classed as minority groups.¹ At times throughout the history of the United States almost any immigrant has been considered a minority group, such as the Irish or the Germans. At other times religious groups have been treated as minority groups, such as, for example, the Catholics, the Jews, and the Mormons. Any of these groups that represent different cultures, different races, and sometimes even different religions are considered "alien." Usually the first meeting with an alien group is peaceful. It is only after there is realization of competing interests that conflicts arise. It should be pointed out, further, that so-called race conflicts are not basically due to physical differences so much as to conflicts over status. Usually the conflict over status is economic. There is not much difficulty with an alien or so-called "minority" group as long as it accepts a subordinate position; but an aggressive attitude on the part of an alien group to possess economic and social privileges gives rise to conflicts.

The white man's first introduction to the race problem in America was in connection with the Indian. The conflict arose over the ownership of land and the privilege of hunting. The Negro problem is interesting because Negroes no longer possess the elements of an alien culture. The Negro in America has long since lost the outstanding traces of his African civilization. As far as culture is concerned, he is a thoroughgoing American. On the other hand, conflicts with other minority

¹ Cf. YOUNG, DONALD, *American Minority Peoples*, Harper & Brothers, 1932.

groups, such as the Chinese, Japanese, and Mexicans, combine racial differences physical in character with difference in culture.

Conflicts are symptomatic of deep prejudices and hatreds. Accompanying race prejudice and hatred are always explanations and rationalizations in regard to the differences of race. Usually these take the form of allegations of debased origin, traits of degeneracy, criminality or immorality, inferior mental ability, and hereditary physical weaknesses. Sometimes religion is called upon to furnish support for the assignment of the race to a specific status in the social order. Frequently one hears such remarks as these: "The Negro is by nature lazy and immoral; he is a child of the moment, pleasure loving." "The Oriental is crafty and fundamentally dishonest, with no understanding of American business ethics." "The Indian is shiftless and indolent." Jews are said to be inherently "acquisitive," to indulge in "sharp practices," and to be "avaricious." With regard to the religious concept, frequently people explain the status of the Negro by saying that the Negroes are descended from Ham and therefore have been consigned to a menial position with reference to the other races.

The typical attitude toward the Negro has been the result of a historical process. This is not the place to trace out the history of this attitude, but some of the important factors are these: the introduction of the Negro to this country as a slave; the long political struggle of North and South over the slavery question; the development of cotton culture, which made the Negro slaveowner a very important economic factor; the fratricidal character of the Civil War; the blunders and injustices of the Reconstruction period; and the rise of the Negro politically and economically.

In this discussion of the problems of the Negro in this country, the attitudes of the white people of the South cannot be disregarded. If any great changes are to take place in the treatment of the Negro as a citizen, many of the traditional attitudes must be changed. How can this be done? Many of the selections in the next two chapters are favorable to the Negro. Some readers may even think that they are too favorable. In the light of the purpose of this book it is necessary to look at a variety of views on social questions. The following selections regarding the attitude of many white people toward the Negro must be taken into account in any discussion of racial discrimination. Although it is dangerous to try to give selections that are typical of any great group of people, it is safe to say that these attitudes are very generally held by many people especially in the Southern states.

Dr. Thomas Pearce Bailey, formerly Dean of the Department of Education and Professor of Psychology of the University of Mississippi, was one of the first

serious students of the South to articulate, in the spirit of scientific study, the orthodoxy of the South with reference to the Negro. This orthodoxy, or race attitude, he noted, was "not so much a code of cases as a creed of a people, a part of their morality and of their religion." This creed was summarized as follows: "Blood will tell. The white race must dominate. The Teutonic peoples stand for race purity. The negro is inferior and will remain so. This is a white man's country. No social equality. No political equality. In matters of civil rights and legal adjustments give white man, as opposed to the colored man, the benefit of the doubt, and under no circumstances interfere with the prestige of the white race. Let there be such industrial education of the negro as will best fit him to serve the white man. Only southerners understand the negro question. Let the South settle the negro question. The status of peasantry is all the negro may hope for, if the races are to live together in peace. Let the lowest white man count for more than the highest negro. The foregoing statements indicate the leadings of Providence."¹

A judge and lawyer in South Carolina gives frank articulation to the confused sentiments beneath certain of the racial dogmas in his own racial attitude as follows:

A nigger is a nigger no matter how high he rises. I would find it difficult to treat him with the same courtesy. I'm not great enough; it would be embarrassing to me. I would help an old Negro woman cross the street, but I would cut off my hand before I'd offer that courtesy to a younger one. In the court room I have called them "Mr.," but only because I expected them to be regular witnesses. It would hurt me in the estimation of people if I tipped my hat to a colored woman, and my own feeling would be that it was indescribably unpleasant. That's imbued in me by tradition. It must be racial. Certain animals have certain dislikes, and so have people. There was intermixture, of course, but the old southerners who did it felt the racial difference.²

Charles Carroll, as late as 1900, rationalizing these sentiments, wrote a book to establish from Biblical texts the fact that man was created in the image of God; and since God, "as everybody knows," is not a Negro, it follows that the Negro is not a man. John C. Calhoun, the statesman, at the time when Negroes were everywhere by intention deprived of the elements of education, ventured the assertion that if he could find a Negro capable of giving the syntax of a Greek verb, he would be disposed to call him human. Thomas Jefferson observed that a Negro could scarcely be found who was capable of tracing and comprehending the investigations of Euclid.³

E. B. Taylor, author of a textbook on anthropology, assumed from the accounts of European teachers of children of backward races that

¹ WEATHERFORD, WILLIS D., and JOHNSON, C. S., *Race Relations*, D. C. Heath & Company, 1934, p. 217.

² *Ibid.*, p. 223.

³ *Ibid.*, p. 224.

after the age of 12 the mentality of colored children is arrested; G. Stanley Hall fixed 14 as the age at which Negro mental growth comes to a partial standstill. There is an interesting assumption which connects the "arrested mentality" of Negroes with sexual overdevelopment, thus combining two popularly accepted racial traits.¹ . . .

The Negro race is believed to be physically repulsive—one encyclopedia, in describing the Negro in 1880, stated that Negroes "emit an odor similar to that of a goat." This dogma is entertained less by those whose children were reared by Negro "mammies" than by those who read about Negroes or are expecting this peculiarity. They are believed to be constitutionally incapable of resisting the ravages of the white man's diseases. Such dogma, until very recently, discouraged programs of health improvement among Negroes as hopeless, although by a little effort their mortality has been reduced 21 per cent in eleven years. They are described as "happy-go-lucky" and "thrifless" although they own farm lands valued at more than two and one-half billion dollars; nearly two million are insured in one large insurance company alone, and one of every four families owns its home.

Some of the familiar and perhaps less serious stereotypes of the Negro will be quickly recognized. For example, that they are boisterous, over-assertive, lacking in civic consciousness; that they usually carry razors, play with dice habitually, are inordinately fond of red and of watermelon, are afraid of ghosts and graveyards. Mr. H. L. Mencken in *The American Credo* has caught up other points:

"A Negro's vote may always be readily bought for a dollar." "Every colored cook has a lover who never works and she feeds him by stealing the best part of every dish she cooks." "Every Negro who went to France with the army has a liaison with a white woman and won't look at a nigger wench any more." "All male Negroes can sing." "If one hits a Negro on the head with a cobblestone, the cobblestone will break." "All Negroes born south of the Potomac can play the banjo and are excellent dancers." "Whenever a Negro is educated, he refuses to work and becomes a criminal." "Every Negro servant girl spends at least half of her wages on preparations for taking the kink out of her hair." "All Negro prize fighters marry white women and afterward beat them." "All Negroes who show any intelligence are actually two-thirds white and the sons of United States Senators." "The minute a Negro gets eight dollars he goes to a dentist and has one of his front teeth filled with gold." "A Negro ball always ends up with a grand free-for-all fight in which several Negroes are mortally slashed with razors."² . . .

This body of beliefs expressed in the dogma, compounded of a mixture of truth and fiction, self-interest and passion, forms the structure of public opinion on the question of the Negro. These beliefs, unchallenged, not only magnify

¹ *Ibid.*, p. 225.

² *Ibid.*, pp. 231-232.

themselves and breed others, but react upon the Negro group, distorting its conduct. This distortion tends to provide in turn a sterner pronouncement of these dogmas, and so on indefinitely, and with every step the isolation increases, each group building up its own myths and stiffening its own group morale. If the element of error in the stereotypes can be dissolved; if, indeed, they can even be honestly questioned, many of the inhibitions to normal, rational and ethical conduct could be removed. As Artemus Ward, famed for his homely wit, once remarked, "It's not ignorance that hurts, but knowing so much that ain't so."¹

Some explain the antagonism to the Negro, especially in the South, as being due to the white man's willfulness and intolerance. Other students of the question say that it is due to fundamental fear of black control of the South economically and politically. One of the best analyses of the attitude of the South is given by the Dutch investigator B. Schrieke:

How could the South—for years and years educated in the faith of caste and inequality, steeped in the theology which justified slavery by Scriptural evidence, and accustomed to consider the Negro as a chattel, as a labour commodity—suddenly treat him as a person and recognize him, emancipated against his will, as a fellow-citizen and a voter? Social equality was inconceivable. People simply could not believe that the Negro would make a reliable free labourer, and the conduct of many freedmen seemed to justify such pessimism. The Black Codes—passed, shortly after Lincoln's death and Johnson's accession, to meet the immediate necessities of the labour situation and to provide for continued subordination—reflected the public opinion. This was a white man's government, and "in the sight of God and the light of reason" a Negro suffrage was impossible. What else could have been expected but an attitude of self-defence, especially since Negro suffrage combined with the disfranchisement of the former "rebels" meant the curbing of the political power of the southern whites, the possibility of confiscation and redistribution of land, the protection of the interests of northern industry and capital, and the safeguarding of the predominance of the Republican party in the country? The claim to superiority and the right to rule on the part of the Southerners was not simply injustice or mere wickedness; it was illusion. It was their rationalization of a situation, exactly as "manifest destiny" rationalized the economic desire for expansion. . . .

Later, the desire for reconciliation and the demands of domestic politics prevented the North and the Republican party from protesting when, in most of the southern states, the great mass of the Negro population was disfranchised. The people of the entire country were more or less reconciled to allowing the South to deal with the Negro problem in its own way."²

The question is: What is to become of the Negro in America? He has been here since 1619. He has increased from 20 slaves to approximately 12,000,000 freemen.

¹ *Ibid.*, p. 236.

² SCHRIEKE, B., *Alien Americans*, Viking Press, Inc., 1936, pp. 126-127.

The Negro question can probably be approached best by discussing some of the conflicts between the white and the colored people. All of these cannot be taken up, but the more general types of racial discrimination will be pointed out. It is important to look beyond the concrete evidence of discrimination and try to understand conditions that bring about the attitudes and point of view of one group toward the other. After a discussion of race discrimination, as evidenced against the Negro, Chap. XI will be devoted to the present status of the Negro in America. Chapter XII discusses the question of what modern scholarship has found in regard to race differences.

RACE DISCRIMINATION

In discussing racial discrimination, it must be remembered that there are many exceptions that can be cited to any type of discrimination; that there have been many attempts on the part of individuals and groups to establish good will and a greater degree of cooperation between the two races, that there are many intelligent people in the North and in the South who deplore any injustices toward racial groups, and that these people are working for better understanding and for a popular opinion that will bring about better race relations. It must be remembered, too, that both groups make mistakes; it is not a one-sided question. Moreover, one must ever keep in mind the history of the relations between these two races in America. Their attitudes toward one another are of long standing and cannot be removed by any sort of utopian wish or political fiat.

It may be interesting to note a subtle type of social discrimination against the Negro which finds its way even into conferences for the betterment of race relations. At the Second Peabody Conference on Education and Race Relations, held in Nashville, Tenn., in 1932 the president of Tuskegee Institute, Dr. Robert R. Moton, was introduced as one of the speakers. Dr. Bruce R. Payne, in introducing the speaker, said, "I have great pleasure in presenting Major Moton." Obviously Dr. Moton was not entitled to the military title, and Dr. Payne used it in order to avoid recognizing the Negro educator as the social equal of the white men and women present.¹

Such unwillingness to give the Negro the title of "Mr." or "Mrs." manifests itself in many ways.

Many newspapers, particularly in the South, never print "Miss," "Mrs." or "Mr." before the names of Negroes who are mentioned in their columns. A leading Baltimore Negro recently made a detailed study, extending over several months, of the *Baltimore Sun*. All news matter and all editorial comment that

¹ Report of Second Peabody Conference on Education and Race Relations, "Education and Racial Adjustment," Atlanta, 1932, p. 43.

was in any way related to Negroes was clipped and filed. In more than 400 clippings the names of Negroes were always printed as "Sadie Brown," "John Jones," etc. A study of the clippings also made it quite evident that whenever a Negro was guilty of a crime the fact that he was a Negro was consistently played up throughout the news story.¹

Other types of social discrimination are not always so subtle and often make it difficult, if not impossible, for a Negro, however well-educated or distinguished, to travel, eat, find lodgings, shop, or obtain amusement in cities dominated by white people. This type of discrimination is most pronounced in the South, but it is also found, with surprising frequency, in the North.

Of course the races must never eat together. This convention sees strange compromises these days. A Negro demonstration agent was in South Carolina looking over a farm project with a group of local White farmers and educators. Lunch time came. All the group went in to the big farmhouse and ate together. A small separate table was set for the colored agent and drawn up just three inches from the table where the White men sat. The same service was given to all, and the conference continued through the meal. The proprieties had been observed by the formality of the little separate table which just failed to touch the big board.²

Negroes must not only live by themselves in most parts of the United States, but in many sections they must travel by themselves. Laws for the separation of Negro and White in public conveyances are in force in Tennessee, Florida, Mississippi, Texas, Louisiana, Alabama, Kentucky, Arkansas, Georgia, South Carolina, North Carolina, Virginia, Maryland, and Oklahoma. (*Opportunity*, February, 1924, p. 43.) Such separate conveyances for Negroes are commonly known as "Jim Crow" cars.

The first "Jim Crow" cars were run in Massachusetts in 1841. Immediately after the Civil War the idea of the "Jim Crow" car invaded the South. Where separation in street cars is not provided for by state law, Southern cities pass ordinances to achieve the same result. (Duncan, *Changing Race Relations*, p. 61.³

A glaring evil of the whole caste system is that any Negro, however intelligent, cultivated, or prosperous, is at the mercy of any White man, however ignorant or disreputable. The president of a university or the director of a bank may be insulted with impunity by the lowest White.

It is the lowest classes that revel in hurting and insulting Negroes. In this way they get the glow of superiority. It is so well known that only poor whites behave so, that it is getting to be a mark of good form to be courteous. But it is difficult even for aristocrats to interfere when Negroes are being abused. Often gentlemen have told me that they resented the ill-treatment of Negroes, but that if they intervened they made themselves conspicuous and sometimes had to give

¹ NEARING, S., *Black America*, Vanguard Press, Inc., 1929, p. 169.

² EMBREE, E. R., *Brown America*, Viking Press, Inc., 1932, p. 208.

³ NEARING, *op. cit.*, pp. 172-173.

up days to seeing the thing through. In many instances, even if a gentleman saves a Negro for the moment, he simply stirs up increased wrath which may later result in a greater injury.¹

RACE RIOTS.—Two other more serious results of race prejudice are race riots and lynching. It is true, of course, that other factors besides prejudice play a part in bringing about these two phenomena; nevertheless prejudice plays a prominent role. The difference between a riot and a lynching is this: A riot involves two opposed groups of people, whereas a lynching involves the action of a group, usually a mob, against one or relatively few individuals.

Where there is more or less chronic tension as the result of race prejudice and feeling, it sometimes takes but a tiny spark to start a blaze which ends in a conflagration. Some insignificant incident may start the ball rolling, and before it stops lives are lost, people are injured, and property is destroyed and damaged. But nothing is gained; it is all to no avail; and both sides lose. Usually it is probably the uncultured, uneducated elements in the population who participate in race riots, but this does not exempt others in a community from blame and responsibility for such outbursts.

In the following paragraphs a specific case of race riot is described. Further comments are hardly necessary, for the futility, wastefulness, and bestiality of such excesses are quite apparent.

The race riot most widely known, perhaps, is that which occurred in Chicago in 1919. During the decade beginning in 1910 the Negro population of Chicago increased 148 per cent (from 44,103 to 109,594). Most of this increase occurred in the years 1916–1919. There was slight friction between the whites and Negroes as the result of this increase and also because the Negroes had acted as strikebreakers in a few instances; but the friction in industry was not so great as might have been expected under the circumstances. Nevertheless, there was friction arising from other causes. The Negro residential district was expanding, and the whites resented Negro encroachment on white neighborhoods. There was also friction due to a factional struggle in city politics. In the spring preceding the riot certain gangs of ruffians that had always harassed the Negroes increased their activities. On two occasions shortly before the riot the situation was such that the chief of police sent several hundred extra policemen into the districts where trouble seemed imminent. On July 27 the riot started.²

It was four o'clock Sunday afternoon, July 27, when Eugene Williams, seventeen-year-old Negro boy, was swimming off-shore at the foot of Twenty-ninth

¹ EMBREE, *op. cit.*, pp. 220–221.

² Chicago Commission on Race Relations, *Negro in Chicago*, University of Chicago Press, 1922, pp. 2–3.

Street. This beach was not one of those publicly maintained and supervised for bathing, but it was much used. Although it flanks an area thickly inhabited by Negroes, it was used by both races, access being had by crossing the railway tracks which skirt the lake shore. The part near Twenty-seventh Street had by tacit understanding come to be considered as reserved for Negroes, while the Whites used the part near Twenty-ninth Street. Walking is not easy along the shore, and each race had kept pretty much to its own part, observing, moreover, an imaginary boundary extending into the water.

Williams, who had entered the water at the part used by Negroes, swam and drifted south into the part used by the Whites. Immediately before his appearance there, White men, women, and children had been bathing in the vicinity and were on the beach in considerable numbers. Four Negroes walked through the group and into the water. White men summarily ordered them off. The Negroes left, and the White people resumed their sport. But it was not long before the Negroes were back, coming from the North with others of their race. Then began a series of attacks and retreats, counter-attacks and stone-throwing. Women and children who could not escape hid behind debris and rocks. The stone-throwing continued, first one side gaining the advantage, then the other.

Williams, who had remained in the water during the fracas, found a railroad tie and clung to it, stones meanwhile frequently striking the water near him. A White boy of about the same age swam toward him. As the White boy neared, Williams let go of the tie, took a few strokes, and went down. The coroner's jury rendered a verdict that he had drowned because fear of stone-throwing kept him from shore. His body showed no stone bruises, but rumor had it that he had actually been hit by one of the stones and drowned as a result.

On shore guilt was immediately placed upon a certain White man by several Negro witnesses who demanded that he be arrested by a White policeman who was on the spot. No arrest was made.

The tragedy was sensed by the battling crowd and, awed by it, they gathered on the beach. For an hour both Whites and Negroes dived for the boy without results. Awe gave way to excited whispers. "They" said he was stoned to death. The report circulated through the crowd that the police officer had refused to arrest the murderer. The Negroes in the crowd began to mass dangerously. At this crucial point the accused policeman arrested a Negro on the White man's complaint. Negroes mobbed the White officer, and the riot was under way.

One version of the quarrel which resulted in the drowning of Williams was given by the state's attorney, who declared that it arose among White and Negro gamblers over a crap game on the shore, "virtually under the protection of the police officer on the beat." Eye-witnesses to the stone-throwing clash appearing before the coroner's jury saw no gambling, but said it might have been going on, but if so, was not visible from the water's edge. The crowd undoubtedly included, as the grand jury declared, "hoodlums, gamblers, and thugs," but it also included law-abiding citizens, White and Negro.

This charge, that the first riot clash started among gamblers who were under the protection of the police officer, and also the charge that the policeman refused to arrest the stone-thrower, were vigorously denied by the police. The

policeman's star was taken from him, but after a hearing before the Civil Service Commission it was returned, thus officially vindicating him.

The two facts, the drowning and the refusal to arrest, or widely circulated reports of such refusal, must be considered together as marking the inception of the riot. Testimony of a captain of police shows that first reports from the lake after the drowning indicated that the situation was calming down. White men had shown a not altogether hostile feeling for the Negroes by assisting in diving for the body of the boy. Furthermore a clash started on this isolated spot could not be augmented by outsiders rushing in. There was every possibility that the clash, without the further stimulus of reports of the policeman's conduct, would have quieted down.

Chronological story of the riot.—After the drowning of Williams, it was two hours before any further fatalities occurred. Reports of the drowning and of the alleged conduct of the policeman spread out into the neighborhood. The Negro crowd from the beach gathered at the foot of Twenty-ninth Street. As it became more and more excited, a group of officers was called by the policeman who had been at the beach. James Crawford, a Negro, fired into the group of officers and was himself shot and killed by a Negro policeman who had been sent to help restore order.

During the remainder of the afternoon of July 27, many distorted rumors circulated swiftly throughout the South Side. The Negro crowd from Twenty-ninth Street got into action, and White men who came in contact with it were beaten. In all, four White men were beaten, five were stabbed, and one was shot. As the rumors spread, new crowds gathered, mobs sprang into activity spontaneously, and gangs began to take part in the lawlessness.

Farther to the west, as darkness came on, White gangsters became active. Negroes in White districts suffered severely at their hands. From 9:00 p. m. until 3:00 a. m. twenty-seven Negroes were beaten, seven were stabbed, and four were shot.

Few clashes occurred on Monday morning. People of both races went to work as usual and even continued to work side by side, as customary, without signs of violence. But as the afternoon wore on, White men and boys living between the Stock Yards and the "Black Belt" sought malicious amusement in directing mob violence against Negro workers returning home.

Street car routes, especially transfer points, were thronged with White people of all ages. Trolleys were pulled from wires and cars brought under the control of mob leaders. Negro passengers were dragged to the street, beaten, and kicked. The police were apparently powerless to cope with these numerous assaults. Four Negro men and one White assailant were killed, and thirty Negro men were severely beaten in the street car clashes.

The "Black Belt" contributed its share of violence to the record of Monday afternoon and night. Rumors of White depredations and killings were current among the Negroes and led to acts of retaliation. An aged Italian peddler, one Lazzeroni, was set upon by young Negro boys and stabbed to death. Eugene Temple, White laundryman, was stabbed to death and robbed by three Negroes.

A Negro mob made a demonstration outside Provident Hospital, an institution conducted by Negroes, because two injured Whites who had been shooting

right and left from a hurrying automobile on State Street were taken there. Other mobs stabbed six White men, shot five others, severely beat nine more, and killed two in addition to those named above.

Rumor had it that a White occupant of the Angelus apartment house had shot a Negro boy from a fourth-story window. Negroes besieged the building. The White tenants sought police protection, and about 100 policemen, including some mounted men, responded. The mob of about 1,500 Negroes demanded the "culprit," but the police failed to find him after a search of the building. A flying brick hit a policeman. There was a quick massing of the police, and a volley was fired into the Negro mob. Four Negroes were killed and many were injured. It is believed that had the Negroes not lost faith in the White police force it is hardly likely that the Angelus riot would have occurred.

At this point, Monday night, both Whites and Negroes showed signs of panic. Each race grouped by itself. Small mobs began systematically in various neighborhoods to terrorize and kill. Gangs in the White districts grew bolder, finally taking the offensive in raids through territory "invaded" by Negro home seekers. Boys between sixteen and twenty-two banded together to enjoy the excitement of the chase.

Automobile raids were added to the rioting Monday night. Cars from which rifle and revolver shots were fired were driven at great speed through sections inhabited by Negroes. Negroes defended themselves by "sniping" and volley-firing from ambush and barricade. So great was the fear of these raiding parties that the Negroes distrusted all motor vehicles and frequently opened fire on them without waiting to learn the intent of the occupants. This type of warfare was kept up spasmodically all Tuesday and was resumed with vigor Tuesday night.

At midnight, Monday, street car clashes ended by reason of a general strike on the surface and elevated lines. The street railway tie-up was complete for the remainder of the week. But on Tuesday morning this was a new source of terror for those who tried to walk to their places of employment. Men were killed en route to their work through hostile territory. Idle men congregated on the streets, and gang-rioting increased. A White gang of soldiers and sailors in uniform, augmented by civilians, raided the "Loop" or downtown section of Chicago, early Tuesday, killing two Negroes and beating and robbing several others. In the course of these activities they wantonly destroyed property of White business men.

Gangs sprang up as far south as Sixty-third Street in Englewood and in the section west of Wentworth Avenue near Forty-seventh Street. Premeditated depredations were the order of the night. Many Negro homes in mixed districts were attacked, and several of them were burned. Furniture was stolen or destroyed. When raiders were driven off they would return again and again until their designs were accomplished.

The contagion of the race war broke over the boundaries of the South Side and spread to the Italians on the West Side. This community became excited over a rumor, and an Italian crowd killed a Negro, Joseph Lovings.

Wednesday saw a material lessening of crime and violence. The "Black Belt" and the district immediately west of it were still storm centers. But the peak of the rioting had apparently passed, although the danger of fresh outbreaks

of magnitude was still imminent. Although companies of the militia had been mobilized in nearby armories as early as Monday night, July 28, it was not until Wednesday evening at 10:30 that the mayor yielded to pressure and asked for their help.

Rain on Wednesday night and Thursday drove idle people of both races into their homes. The temperature fell, and with it the white heat of the riot. From this time on the violence was sporadic, scattered, and meager. The riot seemed well under control, if not actually ended.

Friday witnessed only a single reported injury. At 3:35 a. m. Saturday incendiary fires burned forty-nine houses in the immigrant neighborhood west of the Stock Yards. Nine hundred and forty-eight people, mostly Lithuanians, were made homeless, and the property loss was about \$250,000. Responsibility for those fires was never fixed. The riot virtually ceased on Saturday. For the next few days injured were reported occasionally, and by August 8 the riot zone had settled down to normal and the militia was withdrawn.¹

LYNCHING.—Lynching is not peculiarly a racial problem, for many of the victims have been whites. Nevertheless, so large a proportion of them have been Negroes that a discussion of this particular phenomenon of American civilization is included in this chapter.

In the early days of America's development, especially in the frontier territory in the West, courts of law were few and widely separated; many of them were not very effective; jails and prisons were few and far between where they existed at all; and agencies of law enforcement were often not sufficiently developed to cope with the problems at hand. As a result the citizens of frontier communities frequently "took the law into their own hands" and became their own police and courts of justice. Horse thieves, cattle thieves, murderers, and other criminals, when caught, were usually summarily executed. Less serious offenses were punished in other ways. In those days, too, there occurred cases of whipping, tarring and feathering, and other similar punishments for reformatory purposes, especially for political offenses and affiliations, since there was a great deal of political feeling before and at the time of the Revolution; neighbor was suspicious of neighbor, and social conditions were unsettled.

After the Revolution, as social life became more settled, lynching tended to die out in the more established communities, persisting chiefly on the frontier. About 1830, however, as a result of the growing anti-slavery agitation, lynch law was revived, even in established communities, to put down the abolitionists. At this time the term "lynching" was used only occasionally to mean capital punishment; it was not until after the Civil War that it came to carry the idea of execution.

Prior to the Civil War, Negroes were seldom summarily executed for crimes, because they constituted valuable property. But as the breach

¹ *Ibid.*, pp. 4-7.

between the North and South widened and Negroes became more and more a supposed menace to white security, they became the victims of lynching with increasing frequency. After their emancipation the supposed menace was greatly increased, and with this increase came a still further increase in the lynching of Negroes. In fact, after the Civil War the term lynching was given a new application.¹

Lynchings still occur in this country, and every year adds its quota to the already long list. The frontier has become a matter of history. The Negro, constituting only one-tenth of the population, can by no stretch of the imagination be considered a menace to white security. Law courts and agencies of law enforcement, though by no means perfect, have developed to the point where they can administer justice and control crime with at least sufficient dispatch and efficiency to make mob violence unnecessary. And yet lynchings continue to occur. When they take place in settled, well-established, and ordinarily law-abiding communities, they are usually on outgrowth of one or more of the following conditions: a period of popular fear or excitement; a marked racial contrast in the population; a feeling that in a given case of crime the regular course of the law will be too slow, too uncertain, or not applicable; a general feeling of horror following an especially heinous crime. To these might be added the influence of the press in playing upon race prejudice; presenting a distorted picture of crime, especially Negro crime; and in some instances even tending to incite or encourage mob action.

According to a report prepared by Monroe M. Work, director of the Department of Records and Research at Tuskegee Institute, 4,628 lynchings have occurred between the years 1882 and 1933 inclusive. Of these, 3,338 were of Negroes and 1,290 of whites. Walter White gives slightly different figures: 4,951 lynchings between the years 1882 and 1927 inclusive, 3,512 of the victims being Negroes, and 1,438 whites. Ninety-two were women.² Almost every state has contributed to this total, although more lynchings have occurred in the South than in the North.³ There has been a downward trend in the number of lynchings, but there seems to have been an upward trend in brutality. In earlier days torture was seldom resorted to; but according to Walter White, in the 10-year period beginning Jan. 1, 1918, of the 416 Negroes and 38 whites who were lynched, 62 (14.9 per cent) of the former and 4 (10.5 per cent) of the latter were "done to death with abnormal savagery."

¹ The student is referred to James E. Cutler, *Lynch Law*, Longmans, Green & Company, 1905, for details of the history of lynching.

² WHITE, W. F., *Rope and Faggot*, Alfred A. Knopf, Inc., 1929, p. 227.

³ *Ibid.*, pp. 232-233.

Cf. the tables of statistics on "Lynchings in the United States since 1885" in the *World Almanac*. The tables indicate white and Negro lynchings and give the alleged offenses of the victims for the current year.

To summarize, within the last nine years, 1919-27, there was a total of 387 lynchings, an average per year of forty-three. One hundred and fifteen of the victims, or 29.7 per cent, were charged with murder; ninety-seven, or 25.06 per cent, were accused of rape; and fifteen, or 3.87 per cent, with attempted rape. Even though the two latter classes are combined to include every case where a crime was connected with sex, the result is only 29.93 per cent. Thus even when the statements of the mobs, who have acted as judge, jury, and executioner and destroyed most of the evidence, are accepted, less than one in three of nearly four hundred victims have even been accused of sex crimes.¹

Lynchings were cut in half in 1936 as against the previous year. . . . They dropped from 26 to 13. In both years two of the victims were white, the rest Negroes. Lynchings in 1937 up to June 1st have totalled four, all Negroes in the south.

The campaign for a federal anti-lynching bill, which for the first time in many years has passed one House of Congress, doubtless had had its effect on the south in making officials far more diligent in preventing lynchings.²

What are the effects of lynching? There are, of course, the suffering and loss of life, often of persons who are entirely innocent of any crime, usually of persons who have not been given a trial in a court of law. Then there is the suffering of the victim's family if he happens to be a man with a wife and children, as many of them have been. Finally, there is the brutalizing effect on the lynchers and upon the whole population. How can a people that terms itself civilized tolerate such barbarity?

What have lynchings cost the states which most frequently have practised them and what has been the price which they have exacted from the country as a whole? The dis-esteem in which the United States is held because of lynch-law is world-wide. Newspapers in Europe, South America, Canada, China, and Japan, and even in Africa report with astonishing regularity burnings, ordinary lynchings, and race riots in the United States. Such news items create in other countries emotions towards the United States which run the gamut from ironical laughter at American pronouncements of decency and fair play in world affairs to amazement and indignation that a so-called civilized country permits such unrestrained barbarity.

Throughout America as a whole lynchings by their very drama and news value have colored, distorted, and poisoned thought upon the race question. They have helped to feed the flames of mobbism, which have found expression in terrible race riots in both North and South within recent years.³

Many white people, particularly in the country areas, tend to assume that the Negro is particularly addicted to crimes against women and that unless a Negro is hanged occasionally, women on the farms are not safe. Certain types of politicians have kept such assumptions alive and have

¹ *Ibid.*, pp. 264-266.

² American Civil Liberties Union, *Let Freedom Ring!* June, 1937, p. 32.

³ WHITE, *op. cit.*, p. 152.

thereby kept themselves in office by means of appeals to racial fear and antagonism. It has been said that even certain church leaders have appealed to the same racial antagonism in religious controversies.

From a reading of the literature on lynching as well as the reports of commissions on interracial cooperation and understanding, the belief that lynchers could be more often identified and punished than they are is difficult to dispel. Analysis of such reports indicates that the majority of persons who take part in lynchings are unattached and irresponsible youths aged twenty-five years or less. However, the newspaper accounts frequently state that women as well as men join the lynching mobs. It appears that no one is completely free of the possibility of being a member of such a mob if the circumstances happen to be particularly conducive to mob feeling. In a recent pamphlet entitled *Southern Leaders Impeach Judge Lynch*, published by the Commission of Interracial Cooperation in Atlanta, Ga., it is stated that

As a result of careful investigations on the ground, the Commission asserts that in most lynching cases there would be no difficulty in identifying mob leaders and members, if observers had the will and courage to do it. Generally the mob members made little or no effort to conceal their identity; yet officers and others present in their midst usually testified that they recognized none of them.¹

In many cases of lynching the officers of the law have made little or no effort to protect the victim from the mob. It must be understood, however, that there are also cases in which lynchings have been prevented by the wise and courageous action of the officers of the law.

Lynchers are seldom arrested and only rarely punished for their crime. Some states have laws providing for their punishment; but the laws are extremely difficult to enforce because too often the opinion of the community and even of the law officers and court officials is on the side of the lynchers rather than on that of the victim, or of law and order. "Only about eight-tenths of one per cent of the lynchings in the United States since 1900 have been followed by conviction of the lynchers."²

SUGGESTED REMEDIES.

Mobs and lynchings will ultimately fade from the scene with the general rise of the cultural level, which alone can provide the basis for the development of a public which will discard these crude methods of group expression. It is a matter of major importance to stimulate this cultural advancement. In the meantime, however, certain steps offer hope of immediate amelioration, as well as of steady progress toward the eventual goal. . . .

¹ Cf. "Lynchings and What They Mean," an 89-page report issued by the Commission on Interracial Cooperation, Atlanta, Ga.

² CHADBURN, J. H., *Lynching and the Law*, University of North Carolina Press, p. 13.

Our case studies suggest, among others, the following needs:

Securer jails to keep out mobs, and adequate equipment to repel them—machine guns, gas bombs, etc. The consolidation of small, poor counties into larger and wealthier units would doubtless help greatly to this end. In 1930 there were in the Southern states over 250 counties with less than 10,000 population each, sixty-one of which had less than 5,000 population. Many of these counties are too poor to provide effective local government.

Sheriffs and other peace officers should cease fraternizing and temporizing with mob leaders—a habit that has often encouraged them in their lawlessness. Officers of rural counties might, with great advantage, form working agreements to assist each other in times of crises. Citizens of influence may be called in to help prevent the formation of mobs and turn them from their purpose, or, if necessary, they may be deputized to resist them.

Experience indicates that no American community is immune from the danger of mob violence. Therefore, in every community, particularly in rural areas and small towns, a few good citizens should associate themselves in a compact to watch for threats of mob violence and to act together for its prevention. In many of the cases in 1930 such a committee, adept and active, might easily have foreseen and prevented the threatened tragedy.

The relatives and friends of those against whom crimes have been committed may, and sometimes do, greatly help in the prevention of lynchings by urging that the law be allowed to take its course.

It need not be urged that laws at last are of little avail unless supported by public opinion. The various expedients suggested above may help to prevent the formation of mobs and reduce the number of lynchings, but they will contribute to the final end of “lynching” only as they help build a public opinion that will outlaw it.

The growth of such a public opinion—which can come only with the development of a more deliberate and saner public—is a matter of education, working through many agencies. In this process, the churches perhaps have major responsibility, as the traditional arbiters of moral standards and conservators of human values. In their official pronouncements, and larger church bodies have gone on record with statements that are entirely satisfactory. . . .

Public schools, colleges, and universities should play an important part, through definite courses in race relations and by the inclusion of factual material in courses in history, literature, sociology, civics, and other subjects. Thus the rising generation may be afforded the basis for intelligent, fairminded racial attitudes which it will hardly secure in any other way.

The press, a third great educational agency, has already demonstrated its value in the anti-lynching campaign. The editorial leadership, it is confidently expected, will continue to render this service till the goal is reached.¹

Immediately following the Supreme Court's decision in the famous Scottsboro case the Governor of Alabama issued a statement in which he declared that henceforth Negroes would be included on jury panels. It

¹ *Ibid.*, pp. 51-54.

is heartening to read the declaration and the pledge of the Association of Southern Women in a pamphlet reprinted in April, 1933.

We declare lynching is an indefensible crime *destructive of all principles of government, hateful and hostile to every ideal of religion and humanity, debasing and degrading to every person involved.* Though lynchings are not confined to any one section of the United States, we are aroused by the record which discloses our heavy responsibility for the presence of this crime in our country. We believe that this record has been achieved because public opinion has accepted too easily the claim of lynchers and mobsters that they were acting *solely in the defense of womanhood.* In the light of facts, women dare not longer permit the claim to pass unchallenged nor allow themselves to be the cloak behind which those bent upon personal revenge and savagery commit acts of violence and lawlessness in the name of women. We repudiate this disgraceful claim for all time. In evidence of our purpose we solemnly pledge ourselves to create a new public opinion in the South which will not condone for any reason whatever acts of mobs or lynchers. We shall teach our children at home, at school, and at church a new interpretation of law and religion; we will assist all officials to uphold their oath of office; and finally we will join with every minister, editor, school teacher, and patriotic citizen in a program of education to eradicate lynching and mobs forever from our land.

CONTROVERSY OVER A FEDERAL ANTILYNCHING BILL

On the debit side of the ledger of race relations in the United States it is necessary to chalk up defeat for the federal antilynching bill. In the discussion of this proposed bill in the Senate it developed that much feeling was aroused against the bill on the ground that it was an infringement of states' rights. Another argument rested on the ground that its provisions were unconstitutional. A third objection inferred that federal action would not really stop lynching, since the federal authorities would be empowered to act only after a lynching had occurred. Objections were also raised against the provision in the bill that would levy a penalty against the county in which a lynching occurred. Before evaluating or answering these objections, let us briefly summarize the provisions of the proposed bill.¹

1. Punishment would be provided for any state officer or employee who failed to protect a prisoner from a mob or who was not diligent in apprehending and prosecuting the lynchers.

2. The bill provided punishment for state officers convicted of conspiring to put to death a prisoner in custody or to permit a prisoner to be taken from them.

¹ American Civil Liberties Union pamphlet, *Support the Federal Anti-lynching Bill*, 1935.

3. The bill provided for federal prosecution of lynchers after it was shown that state officials have failed to act for at least a period of 30 days after a lynching.

4. It provided for a penalty on the county in which a lynching takes place of not less than \$5,000 or more than \$10,000 to be paid to the family of the victim. If the victim is seized in one county and lynched in another, both counties shall be jointly liable for the penalty.

As to the infringement-of-states'-rights argument, it may be safely stated that the states have not been successful in solving this problem. It would seem that the additional force of a federal law would tend to supplement any state's law-enforcement activities to prevent and to punish lynchers. Those who support the constitutionality of the measure argue that it comes clearly within the federal powers set forth in the fourteenth amendment to the Constitution: ". . . nor shall any state deprive any persons of life, liberty, or property without due process of law, nor deny to any persons within its jurisdiction the equal protection of the laws." It is evident that the victims lynched have not been afforded equal protection under the laws of the various states in which lynching has occurred. Furthermore, colored victims have been much more numerous than white.¹ No antilynching law will finally stop lynching. But the enactment of such a law would at least tend to deter lynchings, even as the mere threat of such federal legislation has apparently deterred lynchings considerably within the past year. Objections to the penalty on the county in which a lynching occurs are based on the assumption that good citizens do not join lynching parties and hence should not be penalized. However, it may be argued that the enactment of legislation involving such potential fines against the county might well be expected to enlist the cooperation of good citizens in preventing lynchings.

Although, a federal antilynching bill has passed one house, it has not been made a law.² Lynching remains a blot on the character of the people of the United States. It is a national problem which needs to be solved through cooperative efforts of the states and the federal government as well as of every individual citizen.

POLITICAL DISCRIMINATION

Legally the Negro is permitted to vote like any other citizen, but practically he is excluded from the polls, especially in the South. A few Negroes have been elected to public office, but usually such men "have their hands tied." The Supreme Court decision on the Texas Democratic

¹ See figures in *World Almanac* giving details as to sex and race of lynch victims.

² American Civil Liberties Union, *Let Freedom Ring!*, p. 32. For the most recent debates on the federal antilynching bill see *Congressional Record*, vol. 82, Nos. 1-3. A filibuster prevented a vote in the House of Representatives.

primary stated that a political party might bar whom it pleased from its primary elections. This practically eliminates the Negro from voting in Texas elections where the primary is generally more important than the general election.

As Northern military control was withdrawn from the South the process of disfranchising the Negro was begun. For a time Southern Whites contented themselves with terrorism as a means of disfranchising Negroes. In 1890, Mississippi began a movement to legally exclude Negroes from the franchise.

Other Southern States immediately followed the lead of Mississippi. South Carolina in 1895, Louisiana in 1898, North Carolina in 1900, Alabama and Virginia in 1901, and Georgia in 1908, laid down legal restrictions under which the mass of Negroes were no longer eligible to vote. Laws or constitutional provisions which restrict Negro voting are now in force in Mississippi, South Carolina, Louisiana, North Carolina, Alabama, Virginia, Georgia, and Oklahoma.

How do these laws operate? "The process is so complicated few Negroes themselves know definitely." (*Crisis*, June, 1925, p. 62.)

The editor of *The Crisis* lists eight methods by which Negro disfranchisement is accomplished:

1. Literary. Voters must be able to read and write.
2. Property. Voters must own a certain amount of property.
3. Poll Tax. The voter must have paid his poll tax within the year or for a number of years.
4. Employment. The voter must have regular employment.
5. Army service. Soldiers who fought in the Civil War or in certain other wars, or the descendants of such soldiers may vote.
6. Reputation. Persons of good reputation who understand the duties of a citizen may vote.
7. Grandfather clauses. Persons who could vote before the Negroes were enfranchised, or descendants of such persons, may vote.
8. Understanding clause. Persons may vote who understand some selected clauses of the constitution and who can explain these clauses to the satisfaction of the registration officials.

Under these provisions any Negro voter who is objectionable to the White election officials may be disfranchised.

These eight methods of Negro disfranchisement are, however, relatively unimportant when compared with the "White primary." The White primary is legally the primary election of the Democratic Party. Any White elector who agrees to stand by the decisions of the primary is eligible to vote in the primary. Negroes, on the other hand, are seldom allowed to vote. Since the decisions of the primary are in effect the legal election, the exclusion from the primary of the Negroes is really an exclusion from the election. The real political struggles in the South are the political struggles leading to the primary election. The election itself is usually a formality.

Where Southern Negroes, despite the obvious will of the ruling White class, persist in their efforts to vote, they are met with violence. The *Crisis* (May, 1925, p. 41) reproduced a Florida election poster:

“BEWARE!”

“Negro Citizens, as long as you keep your place,
we will protect you,
BUT

BEWARE, the Ku Klux Klan is Again Alive!
And Every NEGRO who approaches a polling place
next Tuesday will be
A MARKED MAN

This is a White man’s country, boys, so save your
own life next Tuesday
KU KLUX KLAN

Miami Chapter

P. S. Don’t think for a minute that we don’t know you. A white man will be at every polling place with his book. Don’t Get In That Book!”

Negroes in Northern industrial centers vote with about the same freedom as other citizens. In the South, however, where the great mass of Negroes live and work, Negroes do not vote.¹

Denied, as a practical matter, the right to vote which the American Constitution has theoretically given him, it might be expected that the Negro would follow certain radical groups or sympathize with foreign races and nationalities that seem to hold out the hope of political equality. Yet, as a group, the Negro has not gone “Red” to any great extent, and the average Negro is a typical American citizen in his political outlook.

As far as it was possible for me to get an impression of what is going on among coloured workingmen, I understand that communistic sentiment is not very strong. There is a resentment and there is dissatisfaction because of labour conditions, low wages, housing problems, discriminations, and uncertain employment; but their attitude is essentially the same as that of the white American worker feeling economic insecurity. They want to stay “American,” and they have no desire for a revolution. Revolutions—in their opinion—are imported by “foreigners” with the exception, of course, of the American Revolution, which was something entirely different. Give them *panem et circenses*, which means a living wage, the sport pages, the comic strips, and now and then a movie or a baseball game, and they are completely satisfied. The same seems true of the Red movements among the share-croppers and labourers in the South, with this difference—they ask only a living wage. Although both black and white workers in America are essentially conservative and “capitalistic,” racial antag-

¹ NEARING, *op. cit.*, pp. 223–226.

onism still keeps the black and white workers divided. A mixed union still has an artificial character.¹

Where the white voters are almost equally divided between two major political parties, the Negro vote has sometimes been very influential. This phenomenon is especially marked in the North and in the cities of the border states.

Out of the slums where they settled a remarkable class of Negro politicians has grown up in recent years which—in collaboration with or in opposition to the white party machines and with the help of hoodlums, gamblers, and bootleggers—has organized the Negro vote in the North in an effective way. In a relatively short time these politicians have managed not only to build up a strategic position in several of the northern states, where they hold the balance of power and actually influence politics in the interests of the Negro, but also to get Negroes placed in the civil service and in offices formerly held by the Whites. Their representatives have entered state legislatures and even Congress. . . . An increasing number of this younger group is going South to find employment and is gradually beginning to organize what is left of the Negro vote. Undoubtedly there are possibilities, mainly in the cities; but the apathy of the southern Negroes as concerns politics, their acquiescence in their disfranchisement, and the difficulties of registration especially in the states with the “understanding clause” and the white primaries are serious obstacles for the time being. Nevertheless, here and there in the cities (namely, in Memphis, Louisville, Durham, Raleigh, Greensboro, Charlotte, Roanoke, Savannah, Augusta, Atlanta, and the five large Texas cities) the Negro urban vote has already successfully been used in referenda (on tax and bond matters, on the adoption of a city manager charter, etc.), in non-partisan municipal elections, in “reform” campaigns, and in Presidential elections.²

A well-known Negro poet and leader of his race, James Weldon Johnson, makes the following suggestion to the Negroes of the South in regard to the best way of obtaining political recognition:

Full right to vote in the states of the deep South is yet to be won. It will be won. The wisest policy for Negro Americans in those states to follow is to qualify and vote as soon as they can in the Democratic primaries for the best candidates for local and state offices. For as long a time as may be necessary they should leave national politics alone. By leaving national Republican politics alone they will abolish all arguments about their being mere cat's-paws of alien Yankee domination. In truth, if a Negro American in Mississippi cannot get equitable school facilities for his children or sanitary and other public improvements in his neighborhood, or is in danger of being railroaded in the courts, or mobbed or lynched, no President, Republican or Democratic, can help him one bit. In common sense, the only political concern at present of Negro Americans

¹ SCHRIEKE, *op. cit.*, pp. 148-149.

² *Ibid.*, pp. 155-156.

in the South is to have a voice in deciding who will be the judges of the local courts, the prosecuting attorneys, the sheriff, the members of the school board and the board of public works, and their congressional representatives. All of this is, of course, easier to say than do; for the astute leaders of the Southern Oligarchy know well that its accomplishment will lead to a real two-party system in the South, with both parties seeking Negro votes, and they will continue to resort to every device in their power to prevent such an outcome. But if Negro Americans use intelligent persistence, it will be done. It must be done; and not only for the good of the Negro but for the good of the South. For until it is done, the average Southern white citizen will remain with as little real political freedom as is possessed by the Negro.¹

It is quite generally recognized that the Negro finds it very hard to obtain justice in the courts, either in criminal actions or in civil suits in which the adverse party is a white man. The Negro defendant seems to be subject to an almost irrebuttable presumption of his guilt, and the difficulty of obtaining competent counsel, together with the practice of excluding Negroes from jury service, makes justice very difficult to obtain.

Miss Dorothy Martin, instructor in social science at Stephens College, Columbia, Mo., made the following observations about criminal justice and the Negro in the courts of a small Missouri city:

Murders are frequent. The police take the attitude that as long as the Negroes are killing other Negroes it is of small importance. Many of the murders are blanketed under the terms "accidental killings" or "self-defense," others are ignored. It is, however, a different story if a Negro trespasses against a white man.

It is interesting to note that on the day Samuel Insull was acquitted in Chicago a Negro was sentenced in ———, Missouri to ten years in the penitentiary for stealing a loaf of bread.

A Negro boy nine years old stole 35 cents out of a money belt which was lying on the table in a filling station. He bought a breakfast with the money and while he was eating his breakfast the police arrested him. Within twenty-four hours he was in the state reformatory where he was sentenced to remain until he was twenty-one years of age. Not long afterwards the son of a rather well-known white family in ——— was arrested for stealing an automobile—he was given a court warning and the case was dismissed.

Recent instances of legal discrimination against the Negro in the court are to be found in the famous Scottsboro case, discussed in the chapter on "Public Opinion and Civil Liberties," in which a white jury accepted the word of two white girls of low character and bad reputation as against the word of the Negro defendants.

¹ JOHNSON, JAMES WELDON, *Negro Americans, What Now?*, Viking Press, Inc., 1934, pp. 59-60.

A less tragic type of discrimination, but one that is a source of great pain to the better educated and more intelligent and self-respecting Negro, is the unwillingness of white historians to give notice to the accomplishments of Negroes and their place in American history. R. B. Eleazer examined 20 of the principal history textbooks used in the public schools of 14 Southern states and found no mention of the part played by the Negroes in the American Revolution, only one mention of the fact that Booker T. Washington was a leader in education, and only two books even mentioning the progress of the Negro since emancipation. One of the authors even minimizes the economic contributions of the Negro to the South, saying that the slaves were "lazy," "indolent," "doing half as much as free white people," "taking no care of the soil and soon wearing it out," "rough in handling stock and tools." Textbooks in civics were found either to ignore the Negro as a factor in American civic life or to point out some of the abuses of Reconstruction days and justify the Ku-Klux Klan and the grandfather clause.¹

Discrimination against the Negro race in educational facilities, by means of segregation and neglect to provide equal facilities for the two races, is discussed in the next chapter on the present status of the Negro. This discrimination in educational opportunities tends to accentuate the more cutting economic discrimination, which tends to hold down the Negro's standard of living.

ECONOMIC DISCRIMINATION

Economic discrimination in agriculture has caused the rise of a class of "share croppers," very similar to the peons of Latin-American countries. Embree describes the situation of the Negro share cropper as follows:

In hundreds of thousands of cases the tenants and share-croppers are in practical peonage.

The rule is for the owner or his manager to let out parcels of land to Negroes for a share of the crops. The owner supplies tools, machinery, and seed, and in return the tenant, or shareholder, or cropper agrees to give a stipulated share of the crop. Often landlords also make advances in the form of food and clothes. These are charged against the sale of the tenant's share of the crop. "It's owed before it's growed." The custom is for the land-owner to keep the books, operate the supply store, and sell the crops. He has the tenant at his mercy. As book-keeper he can arrange the accounts to suit his convenience, as crop salesman he can act as his own broker, buy from the tenant at a low price and sell for his own account at a higher figure. As storekeeper he can charge exorbitant prices for

¹ ELEAZER, R. B., "School Books and Racial Antagonism," Conference on Education and Race Relations, Atlanta, 1935.

the farm equipment and the personal supplies. On top of all he can chalk up usurious interest for all advances.

This is the situation in which hundreds of thousands of Negro farmers work in the deep South. They are always in debt to the white farmer-owners; and—by law in some places and by custom everywhere—all debts must be clear before the tenants can leave the property of the landlord. The ignorance and docility of the Negro, the degradation of his position, socially and legally, make it impossible for him to get redress, make it dangerous for him even to protest.¹

In industry and the trades the Negro faces several difficulties. White workers resent Negro competition. On the whole, the Negro is barred from trade unions or else is permitted to join only colored unions. Often he is paid a lower wage than the white worker for doing the same job; or, if the job is one involving a piecework rate, the Negro is paid the same rate but is given the newer, slower, or more difficult jobs, thus keeping his wage at a lower level. Finally, the Negro worker is usually the "last to be hired and the first to be fired."

Occasionally Negroes are promoted to the position of foremen over other Negroes: Rarely do they act as foremen over White workers. In almost all cases where Negroes work, they work under White foremen. Here, however, the promotion opportunity of the Negro ends. Managers, superintendents, directors and executives of corporations controlled by White stockholders are almost invariably White. There may be unnoted exceptions, but they are so rare as to be for all practical purposes non-existent. The administration and executive direction of American industrial activity is in White hands. Negro enterprises cover less than 1 per cent of the field of American industrial enterprise. Management in American industry is a White man's function in which Negroes have no opportunity to participate.²

The vocational color line is quite irrational. Even in the North a Negro may not be a street-car or subway conductor though he may be a messenger who carries thousands of dollars between the company's office and the bank. He must not sell goods over the counter, though he may deliver the merchandise after it is sold. He may be in charge of a Pullman car that carries no conductor but he may not be a Pullman conductor. As a rule, a Negro can be a deckhand but not a sailor; a policeman but not a fireman.

The Negro generally lacks the help that other labor groups get through their labor organizations. When the Negroes first went North in large numbers their entrance into the industrial world was opposed by organized labor. The colored worker had no tradition of organization and his accustomed attitude was one of loyalty to the boss to whom he looked for help and not to fellow workers opposed to the owners. He was refused entrance to most unions, and this fact, combined with his traditional habits, led him into the role of scab and strike-breaker. Certain unions have been more liberal than others in accepting Negroes, and in

¹ EMBREE, *op. cit.*, pp. 140-144.

² NEARING, *op. cit.*, pp. 103-105.

some cases he has worked out separate organizations. On the whole, however, the colored worker is outside the ranks of organized labor.¹

There has been bitterness on both sides between unions and Negroes. The unions naturally want to avoid clashes within their own memberships and so tend to exclude a race against which prejudice is rife. Also the unions claim, with right in some cases, that Negroes have proved enemies of organized labor by serving as strike breakers in cases where no White laborers would be willing to intervene.

It must be remembered that often to break strikes Negroes are imported from long distances and know nothing about the local dispute; often they are ignorant of the whole policy and history of organized labor. Furthermore the Negro is working up. Where White labor will strike for more pay or shorter hours, the Negro is glad enough to get the work as it is, since it is far better than anything he has had before.²

For questions, list of technical terms, and suggested readings see conclusion of the chapter that follows.

¹ BROWN, INA CORINNE, *The Story of the American Negro*, Friendship Press, 1936, p. 139.

² EMBREE, *op. cit.*, pp. 152-153.

Chapter XI

Present Status of the Negro in America

Roughly, 10 per cent of the American population consists of Negroes. The 1930 census showed that there were 14,204,000 foreign-born in the United States. Among the other minority groups were the Mexicans (1,423,533), the Indians (332,397), the Japanese (138,834), and the Chinese (75,000). Thus the Negroes are the second largest of the minority groups as well as the most distinct, and our relations with them constitute by far our largest race problem.

Approximately 1,500,000 Negroes migrated from the South to the North in the decade, 1920–1930. Most of these Negroes went to the large cities. At the present time we find 32 per cent of the total Negro population of the North in three cities—New York, Philadelphia, and Chicago. Chicago has 233,903 Negroes, New York 327,706, and Philadelphia 219,599. There were no less than 10 cities of the South with a Negro population of over 50,000. There developed during this decade a very important Negro middle class, which included business and professional groups. In some respects the Negro problem has shifted to the North. During the last 10 years a considerable number of race conflicts between Negroes and whites have occurred in the North. Odum summarizes the trends of Negro population as follows:

First, the ratio of Negro population to the total population was gradually decreasing and the experts estimated that this decline would be continuous until the maximum stabilization of population might occur in a half century hence. Second, the Negro population was being diffused throughout the nation so that the problem was national rather than southern. The Negroes complained that the North was “going southern.” The third factor was the changing nature of the Negro population as it related to biological heritage. That is, there was growing up a “Brown America,” a product of both selection and racial diffusion. The fourth element was found in the changing social character of the Negro as he expanded his activities and increased his cultural stature to higher

levels. The future of the Negro was, therefore, essentially an American problem of development and assimilation. There would be need to take caution against riots and economic injustices, to provide for sensible political development, social representation and for educational and cultural advance. The picture was such as to justify the conclusion that, if the Negro be given a fair opportunity with his remarkable powers of adaptation and his attractive personality, he would become one of the most important of the basic elements of American culture. For the time being, however, there was no quick solution of his problem or the problem of the white man's relation to the Negro.¹

REGIONAL DISTRIBUTION OF NEGROES.—The following table gives the distribution of Negroes by regions, in actual numbers of individuals²:

Southeast.....	7,778,473
Southwest.....	1,040,761
Northeast.....	1,570,459
Middle states.....	1,181,115
Northwest.....	97,229
Far West.....	90,638

THE NEGRO IN AGRICULTURE

During and since slavery, the Negro has been an agricultural worker. Although some Negroes own their own farms, in the main the Negro's position in agriculture is that of a tenant or hired worker. But it must be remembered that one cannot discuss the Negro in agriculture without taking into consideration the picture of agriculture in the South. When one is discussing share croppers, he must remember that there are thousands of white as well as colored share croppers. It is estimated that there are approximately 698,000 Negro tenant farmers in the cotton states. They and their families represent almost three million individuals. Odum summarizes the picture of the tenant farmer as follows:

A million families and five million people of the southeastern population are conditioned by the vicissitudes of tenancy. No one knows what their capacities are. No one knows who they are and what their backgrounds are, or what the potentialities of two million youth might be under changing circumstances.³

The system of tenant farming among Negroes is the direct outgrowth of slavery. When the Negro was set free, he had no capital, no land, and no farm animals; therefore the system grew up of allowing a Negro to take a small piece of land and permitting him to share the crop. But being without credit, the Negro had to be supplied with money for food

¹ ODUM, HOWARD, W., *Southern Regions of the United States*, University of North Carolina Press, 1936, p. 479.

² *Ibid.*, p. 482.

³ *Ibid.*, p. 489.

and maintenance until the crop was harvested and sold. This is the general plan of share cropping in the South. The total number of Negro tenants in the United States is 700,711. It should be noted that during the decade 1920-1930 there were some 96,000 fewer farms in the South than previously. Of that number 84,000 were given up by Negro tenants.

Dr. Charles S. Johnson, professor of sociology at Fisk University, presents a clear picture of the character of share cropping:

In theory the landlord provides the land, and the tenant provides the labor, and when the crop is raised it is divided between them. The amount of the crop that goes to the landlord, however, depends upon the amount of other essentials provided to the tenant. Thus there are half-, fourth- and third-share tenants, and below these the share croppers, who have almost nothing to offer but their labor.

Tenants rarely have, or can net, enough cash money to support themselves over a crop year, and thus must have credit. This is provided by the landlord in the form of "furnishing." The common articles of the diet—fat meat, corn and molasses—and items of clothing are advanced along with the cabin. When the crop is raised the landlord's share of the crop is taken. This is seldom less than half. Then the landlord collects for the advances, to which he adds a flat interest rate and special credit charges, which are reckoned as a sort of security against losses and as compensation for the trouble of keeping the accounts. These costs, by actual examination in a number of states as recently as 1934, averaged for the tenant from thirty to fifty per cent per annum. The landlord keeps the books and his records and assessments, by tradition, are not to be questioned. The results of the practice are most apparent in the preponderant numbers who end their years in debt, and in the increasing numbers of small and insecure farmers who fall back into the tenant class, after resorting to credit.

Seventy years of this system should have been sufficient to reveal those internal weaknesses which threaten the owners as well as their dependent tenants. The recurrent crop failures, the uncertainty of cotton prices, the accumulating areas of exhausted and now valueless land, the loss of farms to the banks and credit agencies, and the constant poverty, should have by now suggested the need of some fundamental change in the agrarian policy of the area.¹

Not so long ago the writer had an opportunity to study with a fair degree of intimateness the life of a rural Negro group living in the shadow of the plantation. Here was a stagnant peasantry, muffled in a vast apathy, dull and wantless. Year after year life was a succession of disillusionments. Four-fifths of them made no money, their homes were dismal two and three room cabins which failed to offer protection against either the summer rains or the biting breath of winter. Held strictly to the pattern of brute utility by an overwhelming tradition, they shared none of the elements of an enlightened social life; they had to make their own life without the benefit of an inspiring heritage, or of freedom of movement,

¹ JOHNSON, CHARLES S., *A Preface to Racial Understanding*, Friendship Press, 1936, pp. 35-36.

or of education, or of any sense of social and community responsibility. Here were the true forgotten men of the twentieth century.¹

Dr. Johnson refers to a study made by Hoffsommer in 1934 of 2,000 Alabama cotton share croppers, in which it was found that only 25 per cent of their total years of farming had resulted in any profit whatsoever. In another study, conducted by the Committee on Minority Groups in the Economic Recovery, it was found that during 1934 the actual earnings of these tenant families in five counties of different states averaged \$105 a year, or a monthly income of \$1.75 for each person. Dr. Johnson makes these comments:

With such earnings it is to be expected that the standard of living would be low; that food would be reduced to pellagra-inducing scarcity and monotony; that the housing would be cramped, dreary and bare; that mortality would be high and family life on a low plane. As a result of the system in which the tenant families live and work there is a dependent and ignorant peasantry, too listless and too harassed to adjust itself, without aid, to the new requirements of American agriculture.²

Woofter shows that the average production per male agricultural laborer in 1928 in the Southern region was \$1,038, which is 51 per cent less than the per capita production in other parts of the United States.³ Further studies of the annual income of Negro farmers in Greene County, Georgia, reveal an income of \$339; in Macon County, \$448. This includes the total amount of crops sold, food consumed, and wages earned. Little wonder that the Negro farmer is leaving the farm and going to the cities, where even as little as \$10 a week looks to him like a better livelihood.

To add to the general picture of one-crop farming in the South, Woofter points out the decline in the production of food crops and farm animals on the farms of white and colored tenants. This practically forces the share cropper to borrow money in order to buy store food.

THE NEGRO IN INDUSTRY

The World War brought about a scarcity of labor in Northern cities and gave the first impetus to the Negro migration from the South to the North. This was greatly augmented during the prosperous years of 1920-1929. The decrease in foreign immigration also created a demand for cheap labor. The Negro migrated north, a million and a half strong. Most of these migrants were rural Negroes.

¹ *Ibid.*, p. 34.

² *Ibid.*, p. 35.

³ WOOFTER, T. J., JR., *Races and Ethnic Groups in American Life*, McGraw-Hill Book Company, Inc., 1933, p. 101.

The 1930 census shows the following distribution of American Negroes among the various occupational groups:

NEGROES GAINFULLY EMPLOYED, TEN YEARS OLD AND OVER,
CLASSIFIED BY OCCUPATION*

<i>General divisions of occupations</i>	<i>Number</i>	<i>Per cent distribution</i>
All occupations	5,503,535	100.0
Agriculture	1,987,839	36.1
Forestry and fishing	31,732	0.6
Extraction of minerals	74,972	1.4
Manufacturing and mechanical industries	1,024,656	18.6
Transportation and communication	397,645	7.2
Trade	183,809	3.3
Public service (not elsewhere classified)	50,203	0.9
Professional service	135,925	2.5
Domestic and personal service	1,576,205	28.6
Clerical occupations	40,549	0.7

* Abridged from Table 12, p. 331 in U. S. Department of Commerce, *Abstract of the Fifteenth Census of the United States*, U. S. Government Printing Office, 1933.

Other changes have taken place in the industrial status of the Negro. The first one was caused by the taking of traditionally "Negro jobs" by white people. This phenomenon was caused by the recent depression. Such Negro jobs included, among others, the occupations of barbers, waiters, and elevator operators. The reverse of this process—the moving of Negroes into "white jobs"—has not taken place, however. The second important change is that the Negro has partly displaced the Pole, the Italian, and other foreign-born workers in unskilled factory jobs and other manual labor. Over 75 per cent of Negro laborers are unskilled. In the field of skilled labor there are fewer Negroes in carpentry, plastering, and brick- and tilework, whereas there has been a slight gain of Negroes in machinery, ironwork, and stationary engineering. The Negroes migrating to the North have gone into heavy industry. There is some indication that the Negro is being accepted as a skilled worker more readily than before. Prior to 1930 considerable doubt prevailed as to whether the Negro could adjust himself to tending machines. It has been pointed out by those who were sympathetic to the Negro that the whites adapt themselves more readily to machinery than do other races; but this may be because the Negro has not had much experience.

Woofter points out that certain other factors, such as the fact that more Negroes have been receiving political appointments as garbage collectors, street cleaners, postmen, and police, have induced the Negro

to move to the Northern cities.¹ There has also been a marked increase in the number of Negroes who are setting up their own business. Approximately 82,000 Negroes belong to trade unions. In general, more unions now admit Negroes, though the situation is by no means settled.

During the depression the Negro was the first man to be laid off if anyone was to be dismissed. In 1933 two million, and in 1935 four million Negroes, were on relief, or 30 per cent of the Negro population.²

In 1930 Negroes were credited with accumulated wealth of two and one-half billion dollars, they owned and operated 70,000 business enterprises, and 750,000 Negro families owned their own homes. One hundred fifty thousand Negroes were in the professions, 20,000 had college degrees, 50,000 were school teachers, 30,000 were preachers, 3,000 or 4,000 were doctors, and 1,000 were listed as librarians, authors, editors, actors, etc.³

A prominent Negro writer on the problem of his race makes the following suggestion for improving the economic status of the American Negro:

With respect to agriculture, the most hopeful prospect rests upon security of possession of the land, with an opportunity for subsistence and additional cash earnings from produce or labor. Fortunately there has been begun an attempt to remedy the situation of the tenant and small farm owner through the creation of a special federal agency. The sole purpose of this program is the resettlement of share croppers and tenants in the cotton belt, with aid to their ownership of the land, and protection of this ownership from stronger interests. Such a program soundly supported and carried out should mean the beginning of rehabilitation of some seven hundred thousand Negro tenant families, and the relaxing of a terrific even though fruitless pressure of stranded populations in the city.⁴

W. E. B. DuBois has summed up the plight of the Negro farmers of the South as follows:

I know that he faces the difficulties of all farmers today, but I know too that he faces more than that. He faces mob law, no schools, no vote, crop lien, usury and cheating. When a man discusses the Negro farmer and neglects to mention these facts I cannot believe in his sincerity. Of course, Negro farmers are stupid, slow and afraid: the cream of swift intelligence, initiative and courage has run away or crawled away or lies murdered to fertilize Southern soil.⁵

THE NEGRO IN BUSINESS

One of the surest signs that the American Negro is making progress in our civilization is his entry into business and the professions. This

¹ WOOFER, *op. cit.*, p. 132.

² JOHNSON, *op. cit.*, p. 44.

³ WEATHERFORD, W. D., and JOHNSON, C. S., *Negro Yearbook*, 1931-1932, p. 118.

⁴ JOHNSON, *op. cit.*, pp. 45-46.

⁵ BOWEN, TREVOR, *Divine White Right*, Harper & Brothers, 1934, p. 74.

indicates that he has already shown his ability to be something besides a hired agricultural or industrial laborer or domestic servant. Although the Negro's present position in business and the professions is rather insignificant in comparison with that of the white man, it is very encouraging in view of the obstacles that have had to be overcome.

In the field of business the Negro has not yet made much headway; but he has made some, as the following readings show:

Economic speculation has, not infrequently, turned to Negro business both as a possible expression of improved status, and an accessory outlet for Negro skilled clerical and managerial service rejected in the general market, on purely racial grounds. The dominant direction of this interest has been more racial than economic. Attention has been centered more upon Negro business for Negro patronage than upon this business as a purely economic venture for profit. The direction may, indeed, have been determined by the relative strength of the incentives to individual enterprise. It has been observed, for example, that the first and the present largest businesses of Negroes are in a sense "defensive enterprises." The insurance companies grew out of burial and mutual societies and later secured a strong foothold as a result of the policy of exclusion, or larger premium charges, of companies operated by White persons. The banks which, despite a number of failures, rank close to the insurance companies, have as one of their chief arguments for existence, the fact that Negro individuals and small business men are refused credit, or credit on the same terms as others. Where racial segregation is most rigid, Negro businesses succeed more easily. The largest number of successful enterprises are personal service fields, in which racial discrimination is rather universally practiced. These are restaurants, beauty parlors, barber shops, undertaking establishments, and, to a lesser extent, grocery stores.

There are now, it is estimated, about 70,000 Negro business enterprises of various kinds. The most numerous of these businesses are the restaurants; the most heavily capitalized, the insurance companies. In 1927, there were 28 Negro insurance companies with assets of \$11,170,791 and a gross income of \$13,856,742. These 28 companies have \$243,534,500 insurance in force and employ 9,100 persons.¹

THE NEGRO IN THE PROFESSIONS

In the professions the Negro has made considerable progress. When one keeps in mind that the first Negroes were brought to this country slightly over 300 years ago, that their background was the primitive tribal life of Africa, that for more than 200 years they were held fast in the bonds of slavery, that it is only about 75 years since they were given their freedom, and that at the time of their emancipation they were almost all uneducated, their achievements in the professions is all the more remarkable.

¹ JOHNSON, *op. cit.*, pp. 100-102.

Into two professions, teaching and preaching, the Negroes have entered in great numbers. Of the one hundred thousand listed in the professions over three-fourths are in these two vocations. There are over 56,000 teachers. Of course, this number includes many who have scant preparation and who receive salaries for short-term schools often totalling not more than \$150 a year. But it also includes about 1,500 well-qualified professors and instructors in colleges and colleges of the South. There are a much smaller number in the North, but they are increasing year by year in the large cities. In schools attended chiefly by Negro pupils it is becoming the habit to appoint Negro teachers. New York City has 300 colored teachers in its public school system. While many of them are in the Negro sections, they are by no means restricted to this area; they are simply a part of the total teaching force of the city, available for schools wherever assigned.

The race has furnished its own preachers in large numbers for more than a century. Even before the Civil War a great deal of preaching was done by free Negroes and even by slaves. The typical country preacher has little education, often no formal schooling at all. No attempt has been made to regulate and standardize admission to this profession as has been done, for instance, with teachers, doctors, and lawyers. Preachers are still supposed to be "called by God" to their mission, and zeal or the lack of any other job too often takes the place of adequate preparation. Often preaching is a part-time task, the living being supplemented by farming or hiring out as day laborer. In many cases exhorting and expounding the Scriptures is merely an avocation. Where preaching is the main means of livelihood, one man will cover two or three, or even four churches, rotating from one congregation to another, morning, afternoon, and evening or on succeeding Sundays. While individual ministers are intelligent and well educated, the rank and file are conspicuous for piety and fervor, rather than for learning or any capacity for leadership. Nevertheless, the preacher has exerted a great influence, especially in country life. For a half-century he has been the most conspicuous leader of this people. As the race gains in education and status the preachers will have to improve greatly in their scholastic and social equipment or inevitably lose their leadership.

There are some 4,000 practising physicians. Until a decade or two ago it was almost impossible for Negro physicians to make a living. The tradition was for patients to go to white doctors, and almost all of the hospitals were staffed exclusively by white physicians. This tradition is changing. Negroes are turning for professional services to members of their own race, and Negro hospitals of improved standards, both North and South, are offering facilities for colored physicians and surgeons to treat their patients and keep in touch with modern scientific medicine. Recently the Harlem Hospital, a part of the municipal system in New York City, appointed a number of Negroes to its regular staff. This custom is being followed in other northern cities. Meharry Medical College in Nashville and the Medical Department of Howard University have between them been graduating 150 doctors a year and have been giving them first-rate education in this very complex science. A few Negroes have taken their medical course at northern universities, but the difficulties involved in the handling of White

patients have made it almost impossible for colored students to get adequate clinical experience except in hospitals serving patients of their race.

Dentists need less elaborate hospital and clinical facilities. Negroes would seem to have easier access to at least moderate success in dentistry than in medicine. This profession, which now includes some 1,500 Negro members, has developed recently and is growing slowly.

Nursing in one form or another has long been a vocation for colored women. In many instances they have been "practical nurses" with little formal training, often not much more than mammies-of-all-work in the southern home. A smaller number have received good education. The Lincoln Hospital and Training School in New York is one of the pioneers in this field. Its graduates are found all over the country as heads of smaller schools of nursing and as active members of the profession. Some 5,000 colored nurses with a fair amount of training now exist. This is a profession that may well expand greatly. Nursing takes its place with teaching as one of the excellent careers for colored women.

Only about 1,000 Negro lawyers are practising. They meet serious difficulties, for however capable they may be, they are at a disadvantage in courts. Where prejudice is strong, defendants can have little hope of consideration unless they are represented by white lawyers of standing and influence. A client is likely to prejudice his case if he asks a Negro to defend him. In Kentucky recently a Negro lawyer who attempted to defend a colored prisoner was mobbed.

Journalism is on the up-wave. At the beginning of the century there was no Negro newspaper of any considerable influence or of anything approaching national circulation. Today almost every large city, both North and South, has at least one Negro newspaper. While many of these journals have wide circulations, they have not yet established themselves on a firm financial basis, chiefly because they have not been able to get important national advertising. They are, however, having influence on an increasing number of readers, and their editorial statements are beginning to attract the attention of white newspapers and of thoughtful people throughout the country.¹

THE NEGRO IN THE FINE ARTS

In recent years the Negro has made outstanding gains in the field of fine arts. The public is becoming accustomed to hear Negro singers and see Negro actors. These leaders in the fine arts have done much to develop a favorable attitude in the public toward the improvement of the Negro people. The public applauds, but does not understand, the privations and disappointments that the Negro artist endures in order to reach some degree of success.

Without question, the greatest artistic contribution the Negro has made has been through the folk songs. These have found their way into the repertoire of most concert singers today. The radio has done much to acquaint the public with Negro folk music. Some of the most popular songs today are "Swing, Low, Sweet Chariot," "Walk Together,

¹ *Ibid.*, pp. 165-168.

Children," "Nobody Knows De Trouble I's Seen," "Weep n' Mary," "Go Down Moses," "I stood on de Ribber ob Jerdon," "Joshua Fit the Battle of Jericho," "Water Boy," and "Deep River." The Negro secular folk music, an adaptation of minstrel music, has influenced modern jazz. It is said that "swing music" first originated in Negro orchestras. The dance, too, has been greatly affected by the Negro's distinctive forms of dance, such as the Charleston and the Big Apple. Ideas derived from Negro life have influenced stage productions such as "Green Pastures," "Porgy," "Emperor Jones," and "Porgy and Bess." In the field of music, outstanding singers are Marian Anderson, H. T. Burleigh, Roland Hayes and Paul Robeson. In the old days Bert Williams, the black-face minstrel, had a great following among theatergoers. In the theater in recent years we have seen the artistry of Richard B. Harrison, who played "de Lawd" in "Green Pastures." Some of the critics said of his acting and of that of his colored troop:

It is the best loved play of the century.—*New York Times*.

Pride goeth before this grand old Negro ("Gabriel"), who has made "Gang-way for the Lord God Jehovah!" the most memorable line in modern drama.—*New York Times*.

Both as art and religion it was magnificent. I want to thank you. I want to thank God for you.—Letter to Richard B. Harrison from the Bishop of Liverpool.

In Oberammergau I went to see God and I saw a play. On Broadway I went to see a play and I saw God.—Edward Steiner.¹

Another great modern Negro actor was Charles S. Gilpin, who played the role of Emperor Jones in the play of that name. A few years ago he was selected as one of the 10 actors who had done most to advance the theatrical art.

In literature the Negro has made many contributions—more than in any other field of the arts. Probably the best known Negro writer is the poet Paul Lawrence Dunbar, born in Dayton, Ohio, in 1872, known particularly for his collections of poems *Oak and Ivy* (1893) and *Majors and Minors* (1895). He wrote for many of the outstanding magazines of his day.

Claude McKay followed Dunbar and wrote a number of poems, among which were "Constab Ballads," "Spring in New Hampshire," and "Harlem Shadows." James Weldon Johnson, formerly professor of

¹ FISHER, ISAAC, The Negro—An Untapped Resource in American Life, *Education and Racial Adjustment*, Report of Peabody Conference on Dual Education in the South, Atlanta, 1931, pp. 65-66.

creative literature at Fisk University, wrote many poems some of which are included in *Fifty Years and Other Poems* and *Book of American Negro Poetry*; his *God's Trombones* is a book of sermons in verse. Countee Cullen, another well-known Negro poet, has written four volumes of poetry as well as a novel and a translation of Euripedes' *Medea*.

In the field of fiction the Negro has been one of the outstanding contributors to the literature of the South. Charles W. Chestnutt wrote five volumes before 1906 interpreting the life of the South and the psychology of the Negro. Some of his books are *The House behind the Cedars*, *The Marrow of Tradition*, and *The Colonel's Dream*. Walter E. White has written a novel entitled *The Fire in the Flint*. Jean Toomer has written a collection of short stories, dramas, and poems called *Cane*.¹

In the field of biography we have such authorities and works as Frederick Douglas' *My Bondage and My Freedom*, Booker T. Washington's *Up from Slavery*, and W. E. B. DuBois' *The Soul of the Black Folk*.

Among the prominent Negro painters and sculptors are Augusta Savage, Meta Warwick Fuller, Henry Oswald Tanner, and Aaron Douglas. The murals in the Fisk University library by this last artist show what the contemporary Negro can do in the field of painting.²

THE NEGRO AS A SCHOLAR

In the field of American scholarship, Negroes are now making definite contributions. Carter G. Woodson, editor of the *Journal of Negro History*, has written *The Negro in Our History*, *The Education of the Negro Prior to 1861*, *The History of the Negro Church*, and *A Century of Negro Migration*. W. E. B. DuBois, who is considered by many to be the outstanding leader of the Negroes in the United States, has published many works, among them essays and fiction in the Atlanta University publications, such as *The Soul of the Black Folk*, *The Suppression of the African Slave Trade to the United States*, and *Black Reconstruction*. Dr. Charles S. Johnson, director of the Department of Social Science at Fisk University, one of the outstanding sociologists in the South, is the author of *The Negro in American Civilization*, *The Economic Status of the Negro*, *The Shadow of the Plantation*, and *A Preface to Racial Understanding* and is co-author of *The Negro in Chicago*, *Race Relations*, and *The Collapse of Cotton Tenancy*. Alain Locke, professor of philosophy at Howard University, was editor of the volume called *The New Negro*. Benjamin Brawley, professor of English at the same university, has written *A Social History of the American Negro* and *The Negro in Literature and Art in the United States*.³

¹ JOHNSON, *op. cit.*, pp. 106-111.

² *Ibid.*, pp. 111-112.

³ BROWN, INA CORINNE, *The Story of the American Negro*, Friendship Press, 1936, pp. 154-155.

In education such names stand out as Booker T. Washington; Robert R. Moton; Ambrose Caliver, senior specialist in the education of Negroes in the Office of Education; and Mordecai Johnson, president of Howard University.¹

In the field of science probably the outstanding name is that of Dr. George W. Carver, who has derived more than 165 foods and commercial products from the peanut. He has also conducted a great deal of research on the sweet potato. Dr. Carver's discoveries have been of inestimable value to Southern agriculture and industry. In biology Dr. Ernest E. Just has an international reputation for research. An American Negro physician, Dr. Daniel Williams,² was the first surgeon to perform an operation successfully on the heart.

HEALTH AND HOUSING

In the earlier literature on the race problem, there was a great deal of discussion about the susceptibility of the Negro to disease. It was held that the Negro was by nature a weaker race and, more than that, that the mixture with other bloods, especially white and Indian, resulted in a weakened constitution. There is no scientific evidence one way or the other about the Negro's being weaker than other races. The question is still an open one. The preponderance of modern scientific thought is that diseases and mortality among the Negroes is largely due to poor environment, lack of health information, and poor food.³ It is for this reason that the question of housing becomes an important one.

The question of health among the Negroes is of great importance to the white population, because in modern urban life diseases are not respecters of race. If an epidemic breaks out in the Negro section, it is not long in finding its way to where the whites live. So the question of Negro health is an important problem of public welfare.⁴

The health of the Negroes is improving. This fact seems to be directly related to improvement in housing and in dietary standards.

The death rate of Negroes in the United States reflects something of the situation. The following table will give an idea of the comparative white and colored death rates⁵:

¹ BROWN, *op. cit.*, p. 154.

² *Ibid.*, p. 154.

³ Office of Education, U. S. Department of the Interior, *Fundamentals in the Education of Negroes*, Bulletin No. 6, p. 41, 1935.

⁴ JOHNSON, *op. cit.*, pp. 47 *et seq.*

⁵ Abridged from COLLINSON, JOHN, Death Rates, *Annals of the American Academy of Political and Social Science*, vol. 188, p. 86.

PERCENTAGE OF TOTAL DEATHS IN EACH AGE GROUP, UNITED STATES, 1934

<i>Age group, years</i>	<i>White</i>	<i>Negro</i>
Under 1	8.52	12.88
1-19	7.04	10.49
20-44	14.25	30.07
45-64	27.39	28.65
65 and over	42.78	17.88

It is significant that 43 per cent of the white descendants are sixty-five years of age or older, whereas only 18 per cent of the Negro descendants are in this age group. In 1930, 13 per cent of the white population was sixty-five years old or older, whereas only 3 per cent of the Negro population attained that age.¹ That there has been some improvement in the health of Negroes is indicated by studies of Negro mortality rates in Maryland, in selected Southern states, and in selected Northern states. The Negro death rate in 1916 in Maryland was 24.6; in 1928, 19.5; in selected Southern states it was 18.4 in 1916 and 17.4 in 1928; in selected Northern states, it was 20.2 in 1916 and 18.2 in 1928. Perhaps the significant differences in the selected states is that in the South the Negro lives in the country and in the North he lives in the large cities. The important causes of death among Negroes are tuberculosis, organic heart trouble, pneumonia, and acute nephritis.

Infant mortality in 1933 was 52.8 among whites and 91.3 among Negroes. While the Negro infant mortality rate is still high, it has decreased 49 per cent in the last 18 years.

Venereal disease is estimated to be one and one-half times as great among Negroes as among whites; but when similar social classes are compared, it is about the same for both races.² The indications are that the general trend in syphilis rates has increased considerably among the Negroes since the World War.

The problem of securing good hospitals and well-trained doctors and nurses is a very difficult one for Negroes. Segregation of races in the South makes it difficult to provide hospitals for Negroes in many sections. Negro physicians are not allowed to practice in white hospitals. Aside from the scarcity of hospitals, the provision for hospitalization is indicated by the following statistics: There is one hospital bed for every 150 whites but only one for every 2,000 Negroes. The problem is intensified by the fact that Negroes do not have the means to pay for hospital care. Negroes have two very good medical schools, Howard and Meharry.

¹ *Ibid.*, pp. 86-87.

² WOOFER, *op. cit.*, p. 151.

Eighty-three per cent of the recent graduates have come from these two schools, and the other 17 per cent from white medical schools. A Negro physician, particularly in the Southern states, has great difficulty in keeping alive professionally. He is not encouraged to join the white medical associations and consequently has difficulty in keeping up with the newer practices. According to Woofter, there are 10 Negro hospitals approved by the American Medical Association. This would indicate that there is very small provision for the adequate training of Negro nurses and for the annual group of 100 graduates of the two Negro medical schools.¹ Another difficulty is that many Negroes prefer to go to a poorly trained white doctor than to a Negro doctor.

Many believe that housing for the Negro is a national scandal. The following extract gives a graphic picture of one of the worst districts:

How does the Negro live in industrial centers?

In the first place, the housing accommodations which the Negro roomer or renter is compelled to accept are of necessity poor. The buildings which he occupies are in the oldest part of town, therefore they are usually unprovided with modern sanitary and other conveniences. Then the extreme overcrowding of Negro neighborhoods renders the housing situation doubly difficult.

Negroes are for the most part unskilled or semi-skilled, low-paid workers, unable to pay high rents or to buy their own homes. They cannot pick and choose but must take what offers at the prices that are within the range of their incomes. The result is that the Negro quarters are not only in the older parts of town but are overcrowded and poverty-stricken to an extreme degree. The well-to-do Negroes who are able to buy expensive homes escape some of the worst of these evils of congestion and overcrowding. The Negro masses, however, are constantly subject to them.

Visit any typical industrial city and inquire for the Negro quarter. Sometimes it is along the railroad, as in New Haven, Connecticut. In other places it is along the banks of some dirty stream, as in Akron, Ohio. Again it is in some abandoned section which is being gradually converted from residence into business property, as in South Philadelphia. Occasionally, to be sure, a whole great city area, as South Chicago or Harlem, is occupied by the Negro. Such cases are exceptional, however. The Hill District in Pittsburgh and the East Side in Cincinnati are typical instances of conditions to which Negroes are subject when they move from their plantation homes in the South in search of higher wages and shorter hours in some industrial oasis of the North.²

One must be wary in generalizing on Negro housing, for it runs almost the entire gamut from best to worst. There are Negro dwellings that are as ample and as attractive as those found among whites of similar economic level. On the other hand, there are Negro dwellings so wretched as almost to defy description. We are safe in saying, how-

¹ *Ibid.*, p. 154.

² NEARING, S., *Black America*, Vanguard Press, Inc., 1929, p. 119.

ever, that on the whole Negro housing is poor. This is due to several factors, as the readings below will show. Negroes are usually segregated; they live in neighborhoods that are restricted to Negroes. This makes for considerable congestion, since there is so much opposition to the expansion of such districts. Furthermore, such Negro districts are usually in the less desirable parts of town, often in parts that have been vacated by the whites as they moved to more attractive neighborhoods. Landlords are usually reluctant to improve or even repair dwellings occupied by Negroes; and for what he gets the Negro usually pays a comparatively high rental, making necessary in many instances the taking of lodgers to help meet expenses and who increase the overcrowding. Finally, as we have already seen, a very large proportion of the Negroes are unskilled laborers or farm workers of low economic status who can afford only the most meager housing facilities.

In addition to the question of housing, there is the question of sanitary facilities. In many cities sewage is not provided and garbage is not collected; plumbing, if it exists at all, is of a very poor quality. As Johnson points out, these problems are not amenable to the Negro's control. It is a matter of public health. Students of Negro life point out that this is one of the things that may be improved if the Negro is entitled to vote. As far as individual cleanliness is concerned, the education of the individual Negro is of prime importance. Negroes are usually found in the oldest part of the city, close to the business and manufacturing centers. As Negroes become more prosperous, they attempt to move out of the slum areas, and frequently such attempts lead to conflicts. Many cities endeavor to restrict Negroes to certain districts. Such restriction cannot be effected by legal means; but by extra-legal control and the pressure of public opinion the same results are accomplished. Some improvement is being made at present in Negro housing by the building of large apartment houses for low-income groups. The Works Progress Administration has pioneered in this direction. Some of the larger slum-clearance projects are under construction in Atlanta, Nashville, Louisville, Cleveland, and New York City. Work has also been done by private philanthropy, for example the erection of the Dunbar Apartments for Negroes under the auspices of John D. Rockefeller, Jr.; and the Boulevard Apartments in Chicago, made possible by the generosity of Julius Rosenwald.¹

EDUCATION

The story of Negro education is certainly dramatic. When one considers that at the time the Negro slaves were freed few of them could read or write, whereas today thousands of Negro students have been

¹ JOHNSON, *op. cit.*, pp. 53-55.

graduated from public schools and about 25,000 students are now in college, the progress of the last 70 years seems almost incredible. The first college graduate was John Russwunn, who took his degree at Bowdoin College in 1826. It is estimated that 39,000 Negroes have been graduated from colleges and professional schools in recent years. In 1865, 95 per cent of the Negroes were illiterate; in 1930, only 16.3 per cent. Before the Civil War many of the states had laws prohibiting anyone from teaching Negroes the common school subjects. Today most of the states have compulsory education laws which govern Negroes as well as whites. When one considers the problem of Negro education he must keep in mind that its solution depends on the South and that the South is economically poor and does not possess the economic wealth to supply adequate school systems. It is estimated that the South has two-fifths as much ability to supply adequate educational facilities as the rest of the country. Despite this, the South spends a larger percentage of its total tax money for education than other sections of the country. The poverty of the South is indicated by these statistics: There were 11 states in the United States that expended less than \$15 per capita for education in 1930. All of these were Southern states. The average expenditure per capita in the United States as a whole is \$99. The average per capita in the South is \$35.42. When this is separated into racial groups, it is \$41.31 for each white pupil and \$12.57 for each Negro pupil enrolled.¹

The per capita wealth in 12 Southern states was less than \$2,000. The average wealth per capita in the South in 1930 was \$1,785, as compared with \$3,609 in states outside the South.²

It must be remembered, when averages are considered, that they include schools for Negroes in cities as well as in the rural districts. This means that in many of the rural districts the Negro school has very little financial aid.

The figures shown in the table on p. 251 indicate the amount of money that is now being spent on Negro education. If the South wished to bring its average expenditure for education up to the national average, the 11 Southern states that spent \$240,000,000 in 1930 would have to spend an additional \$431,000,000. If the 11 states that spent \$23,461,959 on Negro public schools desired to bring them up to their own white standard, they would have to spend \$39,668,052 more than they do.

Many of the Negro rural schools in the South are open only for a few months a year. They are taught by poorly prepared teachers.

¹ Office of Education, U. S. Department of the Interior, *Fundamentals in the Education of Negroes*, p. 80.

² *Ibid.*, 79-80.

They are utterly without those supplementary readings and materials that are prerequisites of even a mediocre school. It is estimated that the terms are so short that it would take a pupil 27 years to finish his elementary- and high-school education.¹ In the deep South it is estimated that the Negro child has about one-fifteenth the educational opportunity of the average American school child.

SUMMARY OF EXPENDITURES IN COLORED SCHOOLS*

<i>State</i>	<i>Total expended on Negro schools</i>	<i>Additional amount on equal basis</i>	<i>Percentage of equal expenditures received by Negroes</i>
Alabama	\$1,964,524	\$3,515,946	36
Arkansas	1,443,306	2,141,680	40
Florida	1,302,623	2,881,090	31
Georgia	1,667,884	4,273,514	28
Louisiana	2,542,213	5,028,664	33
Maryland	2,230,857	912,928	71
Mississippi	1,583,541	6,015,099	21
North Carolina	4,086,792	4,409,217	48
Oklahoma	1,657,544	432,544	79
South Carolina	1,718,854	6,056,927	22
Texas	3,263,821	4,020,443	45
Total	\$23,461,959	\$39,688,052	37

* JOHNSON, *op. cit.*, p. 70.

Other inequalities in the education of Negroes in the South are indicated in the difference in salaries of school teachers. In 1930 the average annual salary of the white school teacher was \$901; the average annual salary of the Negro teacher was \$423. Moreover, there are 200 counties in the South where the population is one-eighth or more Negro, in which there are no high schools.

Colleges have expanded to a marked degree. Twenty years ago there were 2 thousand Negro college students; in 1936 there were 25 thousand.

A number of foundations have been active in aiding the improvement of Negro education in the South. Outstanding are the Julius Rosenwald Fund and the General Education Board. The Rosenwald Fund has been primarily interested in aiding Negro communities to secure better schoolhouses. By 1932 the Fund had been instrumental in building 5,357 schools, which provided for 663,000 Negro school children. It spent 28 million dollars in this project. Of the money spent for the

¹ BROWN, *op. cit.*, p. 135.

schools, the Foundation gave approximately 15 per cent, the Negro 16 per cent, and the taxing unit 64 per cent. The General Education Board has spent over 20 million dollars and has been instrumental in providing state supervisors, improvement of teacher training, and assistance to Negro colleges. The Jeanes Fund has done a notable piece of work by providing demonstration teachers for the Negro rural schools. In addition to these, other foundations and church boards have done outstanding service in aiding Negro education in the South.

In 1934 President Roosevelt convened a Conference on Fundamentals in the Education of Negroes. This Conference took up two aspects of the problem: (1) the educational objectives and ideals that should dominate Negro education and (2) the immediate needs and facilities for the improvement of Negro education. A great many leaders of American education, both white and colored, were represented at the conference. Many conclusions were reached, some of the most important being:

1. That if the democratic ideal of equality of opportunity is valid, the Negro child is being grossly neglected.

2. That there should not be a separate education for Negroes, separate from that of white pupils, but that there should be differences in emphasis because of the differences in methods and cultural development of the two races. In other words, the school for the Negro should be built upon the needs of the Negro child, just as the white school is designed to meet the needs of the white child.

3. That in order to secure any degree of equality between the two systems of education, especially in the Southern states, the states would have to provide better equalization of funds, and the federal government would certainly have to contribute.

4. That greater opportunity should be provided for the beneficial education of Negro youth.

5. That the school should become more of a community center and should provide for adult education.

6. That the state should exercise more control over local schools in carrying out a minimum program of education.

The final statement of the Conference gives a good summary of the condition of Negro education in the South:

The information contained in this report indicates that the southern States are not able to provide public education for all children on an equal basis with the other sections of the country. If the children of the South are to have the educational advantages available to other children of the Nation, special financial support for public schools must be provided. However, any Federal funds which are or may be made available for public education in the South should be so distributed as to guarantee there will be no discrimination in the use of such funds among the children of different races. Furthermore, such funds should

be so used and distributed as to correct the glaring inequalities which exist at present in the expenditures of school funds among the races.¹

There is little hope of any marked improvement of the Negro people until better educational and health facilities are provided. The education of the Negro, along with that of the white child of the South, is more than a regional problem—it is a national one. The large migration of Negroes from the South to the Northern cities indicates that the education of the Negro in the South may be of vital significance to the cities of the North. The Negro, like other Americans, is becoming mobile.

SUGGESTED SOLUTIONS OF THE NEGRO PROBLEM

When one has looked over the situation with regard to the Negro in relation to the white population of the United States and has critically examined the situation of the 12 million Negroes in the United States, he is likely to ask himself, "What is going to come of all this?" Many suggestions have been made for the solution of this difficult race problem, and there have been attempts to bring about certain changes of policy in regard to race problems. Certain very definite points of view should probably be considered:

There is no one race problem. The so-called "Negro problem" is a complex of problems, so that when one discusses health he can also discuss the Negro and health; when he discusses discrimination, there are various sorts of discrimination used against the Negro.

It is pretty well agreed by students of the Negro problem that the Negro is here to stay. There have been a number of programs and a few unsuccessful attempts to deport the Negro to Africa or to establish a "forty-ninth state" in which the Negroes would have a permanent residence. If the Negro cannot be colonized or segregated, the problem becomes one of living together. How can this be done?

Earlier students of the problem thought that the race would disappear through intermixture of races. There had been considerable amalgamation, as evidenced by the fact that the Negro is being referred to as a new "brown" race. Very little evidence exists that there is any increase in the intermixture of white with Negro blood in recent decades. There is considerable mixture of mulattoes with the darker members of the Negro race; but as to the Negro's being lost in the white race, such a notion seems to be fantastic.

Another idea has been that of more definite segregation of the two races, in order that they might form two cultures and live side by side but have few interrelations. This idea does not seem to win much favor, because the Negro is a very definite part of American culture at the pres-

¹ Office of Education, U. S. Department of the Interior, *Fundamentals in the Education of Negroes*, p. 90.

ent time. He has no African culture; all he knows is American culture. He works side by side with the white man; in many places he is in the same political party, reads the same paper, and hears the same radio programs. It would be very difficult to have distinct isolation of the two races in the same country.

The general state of the Negro population is well stated by Prof. Woofter in his book *Races and Ethnic Groups in American Life*:

The evidences of the progress of the Negro in the acquisition of American culture given in previous chapters, may be briefly generalized as follows:

Rapid improvement of health, including the reduction of the death rate, especially the infant death rate and lengthening the span of life.

Advance in farm ownership and tenancy.

Increase in urban home ownership.

Advance in business enterprises and finance (especially insurance).

Entrance in large numbers into industry and advance to some degree into semi-skilled and skilled positions.

Increase in school attendance, especially in the elementary grades, and decrease in illiteracy.

A growing political consciousness.

To these must be added the development of a conscientious and alert growing leadership.¹

In trying to predict the future of racial adjustments in the United States, Prof. Woofter has this to say:

For a long time there will be appreciable differences between racial and national groups, and as long as there are differences there will be prejudice. The double goal should therefore be the elimination of unuseful differences through the processes of assimilation and the curbing of the inhuman and unjust manifestation of prejudice through the development of tolerance and the promotion of cooperation.²

In the main, his suggestions as to what can be done about Negro-white relations are as follows:

1. Tolerance must be developed through group cooperation.

2. Individuals of both races should be encouraged in developing a greater understanding of each other's problems and aiding individuals of the other race.

Professor Woofter takes a practical attitude as to the possibilities of the future and bases his hope on what has already been done through the Commission on Interracial Cooperation. He points out that already, throughout the South, a great number of committees have been set up acting as regional, state, and local groups in which outstanding representatives of the two races meet together to talk over mutual problems. It is

¹ WOOFTER, *op. cit.*, p. 228.

² *Ibid.*, pp. 232-233.

through this round-table, or face-to-face, discussion that individuals of different races learn to know one another and respect each other's sincerity and willingness to solve common problems. Professor Woofter points out, further, that the study of actual conditions and giving subsequent publicity to the facts is of utmost importance in the development of understanding. There is nothing spectacular about this proposal. It is operating in many Southern communities; it was stimulated in the main by leaders in the churches and in the colleges.

One of the most interesting books written in recent years on the Negro problem and the problems of other ethnic groups in the United States is *Alien Americans*. The Julius Rosenwald Fund invited Dr. B. Schrieke, secretary of education and religious worship for the Dutch East Indies, to come to the United States and study the problems of the various racial groups in the United States, especially those of the American Negro. After spending a year and a half in the United States Dr. Schrieke wrote his report. It must be remembered that the author has had a great deal of experience in Dutch colonial affairs and brings to the problem of the Negro the point of view of an outsider.

Some of the ideas that Dr. Schrieke has in regard to the adjustment of the Negro problem are quite disconcerting to the American reader. In the first place, this investigator believes that the Negro is thoroughly American and has no trace of any other culture. He believes that the Negro is an integral part of American life and therefore must be taken into consideration when any American problem is to be solved. He takes the position that the Negro should have a more practical education, one quite different from that which he has received (namely, a weakened white curriculum, permeated with the classical tradition of the Old South). His most interesting suggestion is in regard to the economic future of the South. He thinks that the future of cotton culture in the South is very dark, that the United States will lose a great deal of its export trade in cotton, and that there will consequently be a great economic maladjustment in that section unless there is a thorough reorganization of Southern agriculture. He suggests that the South should develop a free peasant economy. By this he means that capital should be provided for the development of small farm homesteads for both whites and Negroes and that these homesteads should be devoted to diversified farming and to the raising of the farmer's own food products. This would make the farmer independent of the one-crop system, which in any case seems doomed.

Schrieke's general conclusion is as follows:

In parts of America other than the South there are already indications of the evolution of a new rural life. A larger and more modern rural community

is emerging, consisting of the village or town as its centre and the open country as its tributary territory. Now it is up to the South to choose. Once there was a time when people could allow themselves the luxury of disregarding the rural needs, when urbanization seemed to be the cure for all ills. But a new era has come, here as elsewhere. Now the only choice is between hopeless decay and a hopeful revival of rural life.¹

Dr. Howard W. Odum, director of the Institute of Social Research at the University of North Carolina, is the author of a number of comprehensive studies on Southern states. He is probably the outstanding authority on Southern problems. Anyone who is interested in getting a scientific picture of the Southern states can find no better treatise than his *Southern Regions of the United States*. Dr. Odum writes as a social scientist but as one who understands and is in sympathy with the problems of the South. He thinks that the Negro must be included in any scheme of social planning in the South. He is thoroughly conversant with the injustices that have been wrought upon the Negroes and with his present difficulties and needs. He takes it for granted that the Negro is an integral part of the Southern region but that at the same time the Negro constitutes a special problem in racial adjustment. He outlines his program in the following way:

This means that the region must incorporate in its social planning special workable ways, not only of educating and developing the race, but of incorporating the Negro into a greater participation in the social control of the region. Guy B. Johnson has pointed up this problem for the Commission on Interracial Cooperation under nine major points. *First*, during their nearly seventy years of freedom, the Negroes in this country have made remarkable progress. It would probably not be exaggerating to say that in educational and economic attainments the average Negro today is better qualified to discharge the duties of citizenship than were the masses of white men when they were granted the right of full and free manhood suffrage. Yet there is not anywhere in the South today a full participation by Negroes in the rights and privileges which they as citizens are entitled to. *Second*, it is inevitable that Negroes will participate more and more in public affairs, particularly in the government under which they live. *Third*, the white race cannot go on forever excluding the Negro from such participation. *Fourth*, it is time for the leaders in the white race to make an honest effort to be fair to the Negro. *Fifth*, it is a matter of simple justice to a people who have earned well the right to have a voice in their own government for the South to take definite steps to usher Negroes into a larger participation in the rights and duties of citizenship in the broadest sense. *Sixth*, the tension among Negro leaders and spokesmen over the matter of political and civil rights is increasing. *Seventh*, the danger in conflicts over Negro rights is increasing. Negroes are less and less disposed to be content with what white people do about the race problem.

¹ SCHRIEKE, B., *Alien Americans*, Viking Press, Inc., 1936, pp. 193-194.

. . . in the *eighth* place . . . the policy of discrimination and exclusion which the South has so long exercised against its Negro population had some justification from a purely practical point of view. . . . But race relations are undergoing a change. The subordinate race has become acutely race conscious and is on the way to developing a nationalistic sentiment. This being true, the old policy of excluding Negroes from political life will beget only an increasing ill-will and resentment on the part of the Negro race. The next step in race relations should be to take the inequalities out of the bi-racial system. The *ninth* point was that this step can be taken without destroying the integrity of the races. Negroes and whites have been meeting together in various organizations in the South for years now, and there is no evidence that either race is any the worse for the experience. . . . The old question of social equality is not necessarily involved, for there is no equality except that which is bestowed willingly in the attitudes and behavior of individuals. The races can go the whole way of political and civic equality without endangering their integrity.¹

It may be well to get the opinion of a representative Southern journalist. Herbert Agar, one of the Pulitzer prize winners and editorial writer for the *Louisville Courier-Journal*, summarizes his views on the Negro problem in two articles in that newspaper. Mr. Agar is one of the most careful students of Southern economic and social problems.

In a recent speech before the Conference of Interracial Relations, Mark Ethridge said: "Fear that the Negro will get even justice and therefore get out of hand, has influenced and does influence the vote of Southerners in Washington." This fear explains much of the Southern resistance to the wages-and-hours bill.

One reason the official Southern arguments against that bill were so weak is that the most compelling argument was not given. If a reasonable minimum wage is set for all, the Negro will be a step closer to an independent, self-respecting place in society—a place which many white men still fear to see him occupy.

A worse example of the same dead weight on our life is seen in connection with the recent tenancy bill. The President's Tenancy Commission recommended that the funds appropriated under the bill be administered by a trained civil service. Three times the President asked Congress to abide by this recommendation. Yet Congress failed to do so. With the help of Southern votes the civil service provision was removed from the bill, "because," as Mr. Ethridge said in his speech, "it would mean a distribution of benefits where they were needed rather than where they would do the most political good."

In other words, the Negro tenants would get their share of help. But the Negroes in most of the South are of no use to anybody politically.

How can we go forward, how can we lift our national life, when we are actually afraid lest we lift certain of our fellow-citizens? "We of the South," said Mr. Ethridge, "have suffered long enough under the degradation of keeping the Negro

¹ ODUM, HOWARD W., *Southern Regions of the United States*, University of North Carolina Press, 1936, pp. 485-487.

degraded. We owe our own self-respect the obligation of a changed attitude toward him."¹

What are the steps toward removing the horizontal line? I list the obvious steps which are already in the realm of practical politics.

1. Stamp out lynching. It has become clear that this will not be done within a reasonable time without a Federal law; therefore, support the Federal anti-lynching law.

2. Secure for the Negro his proportionate share of public health and sanitation facilities, parks and recreation grounds, etc. (At present, for example, there is one hospital bed in the country for every 2,000 Negroes, and one for every 150 whites.)

3. Give the Negro his proportionate share of public education. (At present, in eleven Southern States, the average expenditure on education is \$44 per white child, \$12.57 per Negro child.)

4. See to it that public accommodation, when separate for whites and Negroes, is on the same scale of decency and cleanliness.

5. Resist discrimination against Negroes by the trade unions—a discrimination which is still widespread.

6. Support minimum wage legislation, which protects the Negro from the most extreme forms of exploitation. (At present there is no pretense at equal pay for equal work.)

7. Give the Negro the equal right to vote. This does not mean that educational tests need be removed. It means that whatever tests and qualifications are adopted must apply equally to both races.

This is no utopian plan. It is merely giving to the Negro the rights which we pretend belong to all Americans. It is merely keeping some of the promises we have made repeatedly for two generations.

If we are wise enough and honest enough to secure for the Negro the full rights of citizenship, the tone of our national life will improve at once, and there is nobody in America who will not benefit.²

Ina Corinne Brown has written a book entitled *The Story of the American Negro*. It is a very interesting and informative discussion of the problem. She points out that the better adjustment between the races will come about through better understanding and more tolerance, but her main emphasis is addressed to members of the Christian churches. Her plea is as follows:

The day is past when Negroes will be grateful for the crumbs which fall from the white man's table. It was a Southern bishop speaking to a Southern audience who set the keynote of a new day in this fashion: "The white man's burden was simply one of those pious phrases of Nordic egotism which covers up a shameless economic and territorial imperialism. . . . The white man's burden became the

¹ AGAR, HERBERT, *The Negro Problem*, I, *Louisville Courier-Journal*, Aug. 16, 1937.

² AGAR, *op. cit.*, II, *Louisville Courier-Journal*, Aug. 17, 1937.

black man's cross. . . . To be a pirate is bad enough, but to be a smug international brigand in the name of God is blasphemy."

The Christian church has within it the possibility of leadership in writing tomorrow's story of the Negro. It professes a belief in the essential oneness of the human family, a faith in the divine potentialities of all humankind, a commitment to the way of life, and an allegiance to a Teacher who placed at the heart of his message a respect for human personality. This potential leadership of the church will not be realized by evasion, halfway measures, pious wishes, or sentimental generalities. If the church is to lead the way it not only must attack boldly such overt evils as lynching but it must dig to the roots of the philosophy which underlies discrimination and makes lynchings possible. It must not be content with supporting mission schools and community centers but must face the fact of racial attitudes and practices which deny the Negro the full use of public schools, libraries, and other cultural facilities. Both the church as an institution and the individual Christian sooner or later must face the fact that paternalism, enforced segregation, injustice, and discrimination based on race are out of harmony with the basic assumptions of Christian belief. Whether the church of tomorrow shall lead in the field of race relations depends on its willingness to make a courageous choice.¹

James Weldon Johnson, the poet, takes up the various possible solutions of the Negro problem in a small book *Negro Americans, What Now?* He points out that little is to be gained by revolution or the use of force; that, on the other hand, the Negro must develop self-respect and constantly strive to win the respect of all people but that he cannot do this by being too humble and subservient. The Negro must become a better person; he must become better educated and better informed, and, above all, he must attempt to destroy race prejudice by individual effort. In the conclusion of his book the author says:

In the situation into which we are thrown, let each one of us, let the whole race, be ceaselessly on guard against the loss of spiritual integrity. So long as we maintain *that* integrity we cannot be beaten down, not in a thousand years. For instance, we suffer the humiliations of Jim-Crowism; but we are not vitally injured so long as we are not Jim-Crowed in soul. If it is necessary for me to travel on the railroad in a Jim-Crow state, I am in all probability forced to climb into a Jim-Crow car; but the injury inflicted on me is only external, unless I should feel within myself that I am in my right place, that I am where I belong. Each time one of us *voluntarily* and *unnecessarily* Jim-Crows himself, he is undermining his spiritual integrity. We must throw off timidity and break through the barriers whenever we are able to do it. We often take discrimination for granted where there actually is none or where it is so indefinite that a little courage and pressure would sweep it away. Each time we break through or sweep away discrimination we make it easier for the next time and the next one.

This is a struggle in which time after time we are compelled to yield ground; let us never yield ground spiritually.

¹ BROWN, *op. cit.*, pp. 169-170.

The pledge to myself which I have endeavored to keep through the greater part of my life is:

I will not allow one prejudiced person or one million or one hundred million to blight my life. I will not let prejudice or any of its attendant humiliations and injustices bear me down to spiritual defeat. My inner life is mine, and I shall defend and maintain its integrity against all the powers of Hell.¹

QUESTIONS AND TOPICS FOR DISCUSSION AND STUDY

1. List and give examples of types of discrimination against a minority group in your community.
2. What are the outstanding attitudes and prejudices in regard to the Negroes in your community?
3. How do you account for the development of race prejudice?
4. The assertion is frequently made that the United States is in danger of being dominated by colored races. What do you think about this? Give reasons for your position.
5. As best you can, determine what the attitude of the Negro is toward white people in the United States.
6. How do you account for the progress that the Negroes have made in this country since 1865?
7. What outstanding contributions have the Negroes made to American Life?
8. What proposals have been made to better relations between the races in the United States? Which do you think are feasible and just?
9. What are the differences in attitudes of such Negro leaders as Booker T. Washington, W. E. B. DuBois, and James Weldon Johnson? Criticize the position of each, and indicate which you favor and why.
10. Make a brief study of one of the other minority groups in the United States, and compare it with the position of the Negro.

TERMS

mulatto	minority group
disfranchisement	lynching
fourteenth amendment	race riot
fifteenth amendment	one-crop system
Jim-Crow law	amalgamation
Grandfather clause	assimilation
equalization fund	segregation
discrimination	

SUGGESTED READING

BROWN, INA CORINNE. *The Story of the American Negro.* Friendship Press, 1936.

A very readable little volume on the history of the American Negro. The author writes in a sympathetic mood toward the Negro and addresses her book, in the main, to members of the Christian churches.

EMBREE, E. R. *Brown America*, special ed. Viking Press, Inc., 1936. One of the most comprehensive studies of the present status of the Negro, by one who has

¹ JOHNSON, JAMES WELDON, *Negro Americans, What Now?* Viking Press, Inc., 1934, pp. 102-103.

made a great many investigations in Negro life in the South. Mr. Embree presents a very fair view of the Negro's status and problems.

JOHNSON, CHARLES S. *A Preface to Racial Understanding*. Friendship Press, 1936.

Dr. Johnson is professor of sociology at Fisk University. He is probably the outstanding Negro authority in the South on the problems of his race. In this small book he gives a very comprehensive picture of the present situation of the Negro and the possibility of better interracial understanding.

JOHNSON, JAMES WELDON. *Negro Americans, What Now?* Viking Press, Inc., 1934.

An open letter to the intelligent Negro by a well-known Negro poet, chiefly concerning the situation and future of his race. Dr. Johnson discusses the Negro question in a realistic and yet hopeful manner. He sets up a program for better understanding between the races which will lead to the improvement of the Negro's status.

SCHRIEKE, B. *Alien Americans*. Viking Press, Inc., 1936. Dr. Schrieke was

employed by the Julius Rosenwald Fund to make a study of alien groups in the United States. His work is especially interesting and valuable because he brings to American race problems the keen observation of a foreigner and a colonial administrator with wide experience among the races of the Dutch East Indies. Very readable.

WEATHERFORD, WILLIS D., and JOHNSON, CHARLES S. *Race Relations*. D. C.

Heath & Company, 1934. This is a very detailed study of the history and present status of the Negro; it brings together a great many concrete facts and experiences in race relations. A very essential work for a more complete understanding of the Negro and his problems.

WOOFER, T. J., JR. *Races and Ethnic Groups in American Life*. McGraw-Hill

Book Company, Inc., 1933. This book was written by a professor in the University of North Carolina and is one of the monographs of the President's Commission on Recent Social Trends. It is a very careful statistical study of the various minority groups in the United States and their relations with the dominant white group.

Chapter XII

Differences between Races

Problems of racial differences constantly confront the thoughtful student in America. In the chapters on population, racial discrimination, and the status of the American Negro we have introduced certain facts and problems of race. But the question of racial differences remains to be studied. This is especially important in a period of history characterized by many heated arguments on the part of persons in authority in various countries about racial superiority, pure racial strains, inferior races, and the destiny of certain national groups.

Are the various nationalities representative of different races? Did the various races spring from a common source, or were they of separate origin? Are some races superior to others? Do some have a monopoly of the more desirable personal characteristics? How do the races compare in mental ability? How does interracial marriage affect the mental and physical characteristics of the next generation? Are cultures the result of inherent racial characteristics?

Questions such as these comprise this chapter. We begin with a discussion of what race means and then consider some controversial viewpoints which present partial answers to our questions. In the main, our study is confined to race differences exemplified in our own population.

DEFINITION OF THE TERM "RACE"

There is a great deal of confusion in the popular mind in regard to the term race. It is used very loosely to indicate any national group, such as "the French race" or "the English race," or to denote residents of regions, such as "tropical races" or "temperate-zone races," or religious groups, such as the Jews. Technically speaking, race is a zoological term and refers only to zoological or biological characteristics. The foregoing examples indicate how the term is misapplied to national groups, inhabitants of a region, and religious groups.

The following quotations may aid in getting a clearer definition of race:

Race is a term used in natural science. It denotes a subdivision of the species which inherits its characteristics. Living creatures are usually reckoned to belong to the same species if they breed successfully when crossed, and if their offspring possess the same capacity without limits. Yet even this definition is not quite exact. There are certain different species which to some degree interbreed successfully, as do also the resulting hybrids.¹

RACIAL ORIGINS

From the standpoint of the present-day anthropologist it is almost universally agreed that all the human races have come from one stock and are therefore related. In the earlier days it was held that each of the important races had a separate origin. The main evidence on which the anthropologists base the newer idea is that all human varieties produce fertile hybrids on crossing. This biological principle holds when breeds of plants or animals have been fixed by inbreeding. The fact should be emphasized, too, that it appears from the biological evidence that present races are mixtures and that therefore there are no pure human races. This latter point is disputed by some, as will be noted in later references.

The person who has not studied anthropology has the idea that races differ markedly. He sees the differences among various peoples, just as he recognizes the physical characteristics of his friends much more than he does those of strangers. On the other hand, students of races are almost universally agreed that the various races have much more in common than they have differences. For instance, they say that there are no such differences in human varieties as remotely approach the differences between a pug dog and a greyhound. One species of the South American spider monkey has just twice as many differences from other species as the different races of mankind have from each other.²

There is no scientific evidence as to the origin of racial differences. Moreover, it is very difficult to tell just how many races there are. Some authorities think that there are five; others think that there are a hundred. Of course the difficulty has been to determine just what the characteristics of a given race are. Physical anthropologists have made analyses of so-called races, but when they have done this they do not know whether the individuals they have studied are examples of a pure race. In fact, the evidence seems to indicate that the so-called races are so mixed that one finds too wide a difference between the individuals in any given

¹ HERTZ, F., *Race and Civilization*, The Macmillan Company, 1928, p. 20.

² LINTON, RALPH, *The Study of Man*, D. Appleton-Century Company, Inc., 1936, pp. 24-25.

race. It is a very difficult problem to work back from modern specimens to their ancestors. About the farthest a physical anthropologist can trace a given individual's background is five generations. Even going back that far, he cannot tell very much about physical and mental characteristics. A skeleton gives very little evidence of racial traits. Differences in races are being accounted for by the influence of climatic conditions on the skin, natural selection, and social selection. In regard to color of skin, it has been found in recent years that the actinic rays of the sun have a great deal to do with skin coloration. It is not the heat of the sun but the intensity of the light that affects skin color. As some authorities point out, there are some breeds of Caucasians that are darker than the average American Negro.

Linton thinks that the problem is somewhat simplified if three words "breed," "race," and "stock" are used instead of constantly using the word race. By breed he means a group of individuals each of whom varies about a particular norm with respect to each of their physical characteristics.¹ For example, in domestic animals he would call the Scotch terrier a breed. A race would be a group of breeds whose "ideal types" have a series of characteristics in common. Linton gives as an example of race a group of breeds in eastern Europe that have medium to round heads and white faces and blond hair, resembling the so-called "Nordics" and also the so-called "Alpines." Stocks are groups of races. Obviously they possess fewer common traits than do breeds or races. In other words, breeds will have a great deal of similarity, and races and stocks will have fewer characteristics in common. There is no way to classify these groups scientifically; only rough, crude measures can be used.

The commonest classification of races is: Caucasian, or white; Negroid, or black; and Mongoloid, or yellow. The Caucasian stock is subdivided into Nordics, Alpines, and Mediterraneans, found in northern, central, and southern Europe, respectively, the Armenoid of the Near East, and the Hindi of India. The Nordics are usually characterized by tall stature, blue eyes, and fair hair; the Alpines are roundheaded, medium to short in stature, and stockily built, with medium skin color and brown hair and eyes; the Mediterraneans are characterized by long heads, medium to short stature, rather dark or olive skin, dark hair and eyes, and a tendency toward curly hair. The Armenoids have high, sloping foreheads, dark skin, and large noses; the Hindi are taller than the Armenoids and almost black in skin color. Persons of the Negroid stock generally have flat noses, thick lips, dark eyes, kinky hair, very dark skin, and a tendency toward longheadedness. The Mongoloid race is subdivided into two general types: the old Mongoloids (Chinese and Japanese) and the new

¹ *Ibid.*, p. 37.

Mongoloids (American Indians). There are two minor races, the Ainu, found in northern Japan, and the Australian natives.

Most anthropologists hold that there has been a great deal of intermingling of races. In historic times there has been much intermixing, not to take into account that which occurred in prehistoric times. Linton brings out the fact that present-day races are hybrids:

It has been said that the only group which would have any chance of maintaining absolute purity of blood would be one all of whose women were too hideous to attract the men of any other tribe and all of whose men were too cowardly to steal the women of any other tribe. To this might be added inhabitants of islands never visited after the original settlement. However, primitive groups, with their narrow geographic ranges and limited contacts, have a much better chance of retaining relative purity of blood than have civilized ones. Any conditions which bring individuals of different varieties into more frequent contact will increase the number of hybrids. Every civilized group of which we have record has been a hybrid group, a fact which disposes effectively of the theory that hybrid peoples are inferior to pure-bred ones.

Attitudes toward hybridization have varied profoundly in different societies and at different periods, but there seems to be no biological justification for any strong feeling either for or against it. It is true that the purest human strains now extant are to be found among culturally backward groups and that all civilized peoples are predominantly of hybrid composition, but this does not indicate that hybrids are intrinsically superior. The same contacts which stimulate the development of civilization stimulate the production of hybrids, so that both conditions owe their presence to a common cause. Conversely, the fact that hybrid populations are quite capable of perpetuating and adding to the cultural equipment which they have received from their pure-bred ancestors shows that they are at least equal to these in ability. The social connotations of hybridization may be important in particular situations, but the biological and cultural connotations appear to be negligible. In the long run it causes more grief to the students who are trying to classify human varieties than to any one else.

It seems slightly ludicrous that the main exponents of the theory of the superiority of pure strains should be inhabitants of Europe, one of the most thoroughly hybridized regions in the world. It is improbable that there is a single European alive to-day who does not have at least one hybrid among his ancestors, while most Europeans are the result of a long series of crossings. Tribes have marched and counter-marched across the face of this continent since before the dawn of history, and the ancestry of most of the present population is not even pure white. The Huns, a yellow tribe from far eastern Asia, raided almost to the Atlantic and, after their defeat, dissolved into the European population. Other Asiatic tribes such as the Avars and Magyars settled large areas in eastern Europe, interbreeding with the earlier inhabitants until they disappeared as a distinct physical type. The Romans brought in Negro slaves while, in later times, the Mohammedan conquerors of Spain and Sicily had more than a tinge of black blood. Lastly, there have been several varieties of whites in Europe since

before the close of the Old Stone Age. Although numerous books have been written on the origins, characteristics, and interrelations of these varieties, hardly two eminent authorities will agree exactly as to what these have been, and there is even some disagreement as to number of varieties which can be recognized. It seems that the only thing we can be perfectly sure of is that every variety wandered, underwent local modifications, and crossed with other varieties whenever the opportunity arose. The result of all this has been an extreme mixture of heredity in Europe and a perfect hodge-podge of varying physical types.¹

Professor F. A. E. Crew, in an address before the British Association for the Advancement of Science, at a meeting held in September, 1936, said:

When an animal breeder wants to keep a strain that he calls "pure" he uses barbed wire. There is no barbed wire in nature. Even mountain ranges, deep seas and deserts have not been effective barriers to migration. Human beings have roamed and mated. Man in the mass knows no biological barrier. The only barriers to mating are taboos varying in time and place. Because of the ceaseless movement and the mixing, shuffling and redistribution of genes no constellation of characters that distinguish individuals of one primary subspecies of mankind from the rest has remained intact.²

THEORIES OF RACIAL INEQUALITY

Are there "superior" and "inferior" races? From the very earliest records one gets evidence that groups of people think themselves superior to other groups. The most familiar evidence is that found in the Old Testament, in which the Jews thought themselves to be the "chosen people" of God. The Greeks had the idea that they were children of light, as opposed to the "barbarians." They referred to all non-Greeks as *barbaroi*. Aristotle, in the fifth century B.C., said that the peoples of northern Europe were brave and energetic but lacked intelligence and that the Asiatics were intelligent and inventive but lacked spirit; the Greeks, however, according to Aristotle, lived in an intermediate climate and were naturally fitted to rule the earth.³ The idea of race superiority can be traced through the history of all peoples. In modern times certain writers are outstanding as advocates of the superiority of certain races—usually their own. Among these are Joseph Arthur Count de Gobineau (1816–1882), his disciple Houston Stewart Chamberlain, and de Lapouge. Among the American writers of this school are Madison Grant and Lothrop Stoddard. Recent advocates of the theory of Nordic superiority in Germany are Eugene Fischer and Helmuth Nicolai. Gobineau has frequently been called the "father of modern racial theories." He wrote

¹ *Ibid.*, pp. 34–35.

² From a quotation by Prof. F. A. E. Crew in *The World Almanac*, 1937, p. 273.

³ See SUMNER, W. G., *Folkways*, pp. 13 ff.

four volumes entitled *Essays on the Inequalities of Human Races*. He said that of all the races the white race is superior to all others, and the Aryans are particularly superior. He characterized the white race as "matter of fact, clear and forceful thinkers, possessed with the faculty for finding the useful." The blacks were "sensuous, artistic, but intellectually inferior." Civilization was the special product of the Aryans, and the more white blood was mixed with other blood the higher was the civilization; the more black blood the less civilization. The Aryan branch of the white race had special capacity for progressive culture. The Aryans were conquerors as long as they kept racially pure. Gobineau believed that culture was due to inborn racial factors and that outbursts of culture were due to the influence of conquering races rather than to race mixture.

Chamberlain was the disciple of Gobineau and took over his theories. He lived most of his life in Germany. It is thought that he was the most important influence in developing the strong feeling of Teutonic race superiority which existed in Germany just before the World War. Sometimes Chamberlain is referred to as "the Kaiser's anthropologist." He held the same general theories as those of Gobineau, namely, that Teutons, because of their racial purity, were superior to all other peoples. He said, "The less Teutonic a country is the more uncivilized it is." He characterized the Teutons as having the matter-of-fact, practical approach to problems and as being deeply religious, possessed of creative power, and strongly loyal to chosen leaders. He thought that the Jews had more antisocial tendencies, such as usury and meanness, than other peoples. H. A. Miller, an American sociologist, traced this feeling of anti-Semitism, now so prevalent in Germany, through Chamberlain to his father-in-law Richard Wagner, the great opera composer.¹

Chamberlain even went so far as to assert that Jesus and Paul were not Jews, as history has declared them to be, but Nordics.

There is very little question that Hitler and his followers received many of their racial ideas from Chamberlain.

V. de Lapouge, the great French anthropologist, classified the population of Europe into three different races, the Aryans, the Alpines, and the Mediterraneans. He, like Gobineau and Chamberlain, held that the Nordic race was superior, but de Lapouge added a new element to the previous theories—namely, that those races whose cephalic index is dolichocephalic (longheaded) are the more capable of high civilization. He pointed out that city populations were more dolichocephalic and country populations more brachycephalic. In addition, de Lapouge formulated a theory of social selection.

¹ WEATHERFORD, WILLIS D., and JOHNSON, CHARLES S., *Race Relations*, D. C. Heath & Company, Inc., 1934, p. 16.

The German anthropologist Ammon did a great deal of work on the cephalic index of various peoples, and his findings seemed to uphold those of de Lapouge. Their anthropological principles are usually classified together. De Lapouge and Ammon were the first anthropologists to use physical measurements to support their theories of racial superiority.

The chief advocate of Nordic supremacy in the United States is Madison Grant. Grant set forth his ideas in two books, *The Passing of the Great Race* and *The Conquest of a Continent*. Grant holds much of the same ideas as Gobineau and Chamberlain; he emphasizes the fact that the Nordics were a race of soldiers, sailors, adventurers, and explorers especially endowed with the capacity to rule and organize. He claimed that the present inhabitants of Germany are largely Alpine and especially lacking in chivalry and generosity. He was particularly energetic in advocating the exclusion of many immigrants, including the Jews. The following extract is typical of his views:

This same Nordic element, everywhere the type of the sailor, the soldier, the adventurer and the pioneer, was ever the type to migrate to new countries, until the ease of transportation and the desire to escape military service in the last forty years reversed the immigrant tide. In consequence of this change our immigrants now largely represent lowly refugees from "persecution," and other social discards.¹

Grant's opinion of democracy in practice is revealed in the following extract:

In the democratic forms of government the operation of universal suffrage tends toward the selection of the average man for public office rather than the man qualified by birth, education and integrity. How this scheme of administration will ultimately work out remains to be seen but from a racial point of view it will inevitably increase the preponderance of the lower types and cause a corresponding loss of efficiency in the community as a whole.²

Grant believed that the influence of environment, as compared with that of heredity, was very slight and temporary.

There exists today a widespread and fatuous belief in the power of environment, as well as of education and opportunity to alter heredity, which arises from the dogma of the brotherhood of man, derived in its turn from the loose thinkers of the French Revolution and their American mimics. Such beliefs have done much damage in the past and if allowed to go uncontradicted, may do even more serious damage in the future. Thus the view that the Negro slave was an unfortunate cousin of the white man, deeply tanned by the tropic sun and denied the blessings of Christianity and civilization, played no small part with the senti-

¹ GRANT, MADISON, *The Passing of the Great Race*, 4th rev. ed., Charles Scribner's Sons, 1923, p. 74.

² *Ibid.*, p. 5.

mentalists of the Civil War period and it has taken us fifty years to learn that speaking English, wearing good clothes and going to school and to church do not transform a Negro into a white man. Nor was a Syrian or Egyptian freedman transformed into a Roman by wearing a toga and applauding his favorite gladiator in the amphitheatre. Americans will have a similar experience with the Polish Jew, whose dwarf stature, peculiar mentality and ruthless concentration on self-interest are being engrafted upon the stock of the nation.¹

On the subject of race mixture, Grant's ideas are equally definite:

Whether we like to admit it or not, the result of the mixture of two races, in the long run, gives us a race reverting to the more ancient, generalized and lower type. The cross between a white man and an Indian is an Indian; the cross between a white man and a Negro is a Negro; the cross between a white man and a Hindu is a Hindu; and the cross between any of the three European races and a Jew is a Jew.²

As would be expected, Grant considers the Negro to be an inferior race, incapable of leadership:

The native American has always found and finds now in the black men willing followers who ask only to obey and to further the ideals and wishes of the master race, without trying to inject into the body politic their own views, whether racial, religious or social. Negroes are never socialists or labor unionists and as long as the dominant imposes its will on the servient race and as long as they remain in the same relation to the whites as in the past, the Negroes will be a valuable element in the community but once raised to social equality their influence will be destructive to themselves and to the whites. If the purity of the two races is to be maintained they cannot continue to live side by side and this is a problem from which there can be no escape.³

Grant's great plea was to preserve the purity of the American Nordic. He was especially anxious to curtail immigration.

Lothrop Stoddard is another believer in Nordic superiority, though his main emphasis is on the primacy of the white races. Mr. Stoddard has written several popular books, among them *The Rising Tide of Colour*, *The Revolt against Civilization*, and *Clashing Tides of Colour*. He is a thorough advocate of Nordic superiority, and in his opinion civilization is the result of race, and not race of civilization. Civilization "springs from the creative urge of superior germ plasm."⁴

Stoddard describes the qualities of the Nordic race in the following language:

¹ *Ibid.*, p. 16.

² *Ibid.*, p. 18.

³ *Ibid.*, pp. 87-88.

⁴ STODDARD, LOTHROP, *The Revolt against Civilization*, Charles Scribner's Sons, 1922, p. 2.

The outstanding characteristic in the Nordic race is its restless creative energy. In this peculiar quality it surpasses not only the other European stocks but also all the other branches of mankind. The Nordics are assuredly the most masterful breed that the world has ever seen. For thousands of years they have poured forth from their northland homes in conquering waves over Europe and many parts of Asia as well. The Aryan invaders of India were Nordics; so were the ancient Persians; while the Greeks and Romans of classic times contained much Nordic blood, at least among the ruling classes.

Always and everywhere the Nordics have been a race of warriors, sailors, pioneers, and explorers. Unlike the Alpines, with their slow mass migrations and peaceful penetration, the Nordics have ranged far and wide, often in small numbers, but winning their way by their fierce energy and great fighting power. Conquering peoples sometimes vastly superior in numbers, the Nordics have settled down as an aristocratic ruling class, and they have usually known how to perpetuate their rule because of their high political ability. Political ability is one of the Nordics' chief gifts, which they display both in ruling others and in ruling themselves.

The Nordic is at once democratic and aristocratic. Among his own kind he is democratic. Profoundly individualistic and touchy about his personal rights, neither he nor his fellows will tolerate tyranny. None of the primitive Nordic tribes had despotic rulers, while modern constitutional government was developed by the Nordic English and has not been really successful except among peoples with a strong strain of Nordic blood.¹

Under modern conditions . . . the crowded city and the cramped factory weed out the Nordic much faster than they do the Alpine or the Mediterranean, both of which stocks seem to be able to stand such an environment with less damage to themselves. It is needless to add that the late war and its aftermath have been terrible blows to the Nordic race.

This rapid decline of the Nordic stock in Europe is a very serious matter. The Nordic's great energy, political ability, and high level of intelligence are vital to Europe's prosperity and progress. The peculiar qualities of the Nordic intellect are just the ones which to-day would be most missed. One of the Nordic's most valuable traits is his adventurous curiosity. This makes him preeminent not only as a pioneer and explorer but also as an inventor and scientific investigator. . . . Our modern scientific age is mainly a product of Nordic genius. Deprived of that genius, it would rapidly decline. It therefore seems as though those nations which possess most Nordic blood will tend to be the most progressive as well as the most energetic and politically able. Important assets, these, for the future!²

At no time in contemporary life have there been such strong doctrines of racialism as are now being promulgated in Nazi Germany. The German racial dogma is set forth in Adolf Hitler's book *Mein Kampf*.

¹ STODDARD, LOTHROP, *Racial Realities in Europe*, Charles Scribner's Sons, 1924, pp. 16-17.

² *Ibid.*, p. 21.

One of the Nazi spokesmen, Dr. Helmuth Nicolai, introduces German racialism into his commentary on the new German code:

Race stamps this code. Our whole new legal system is constructed on the cornerstone of race. There are two kinds of justice—the Nordic or Teutonic kind is something one feels.

The conscience of the racially pure Teuton tells him what is right and what is wrong. The Oriental has no conscience, being of a mixed race. He does not perceive what is right as clearly as does the German. That is why the Oriental is obliged to learn law, to read and to write it. We are again binding Germany to the age-old heritage of racialism.¹

Oswald Spengler, a German writer on the problems of civilization and national destiny, expresses a modified belief in the prevalent German racial hypothesis in these words from his recent book *The Hour of Decision*:

Why is the German people the least exhausted of the white world, and therefore the one on which may be placed the most hope? Because its political past has given it no opportunity to *waste* its precious blood and its great abilities. This is the one blessed aspect of our wretched history since 1500: it has used us *sparingly*. It turned us into dreamers and theoreticians in matters of world policy, made us ignorant of the world, narrow, quarrelsome, and provincial; but that can be got over. It was no organic defect, no inherent lack of ability—the days of the Holy Roman Empire are here to show that. Good blood, the foundations of every kind of intellectual as well as physical superiority, there was and still is. Great history is exacting. It devours the racially best elements. . . . But in this people there lies, notwithstanding the devastations of the last decades, a store of excellent blood such as no other nation possesses. It *can* be roused and *must* be spiritualized to meet the stupendous tasks before it. The battle for the planet has begun. . . .²

Hans Guenther, the chief spokesman and most scholarly racial theorist of Nazi Germany, holds that the Nordics are the true bearers of civilization and have such character traits as individualism, self-control, courage, imagination, foresight, and constancy of will. Negroes, in his opinion, are particularly inferior, being very childish and sexually lax. Mongolians, though they have good memories, are not scientific. Guenther's view of the German nation-race (*Reich*) is revealed in his book *The Racial Elements of European History*:

. . . racial and eugenic insight brings a different idea of the true nature of a people. A people is then looked upon as a fellowship with a common destiny of the past, the living, and the coming generations—a fellowship with one destiny,

¹ RADIN, PAUL, *The Racial Myth*, Whittlesey House, McGraw-Hill Book Co., Inc., 1934, p. 91.

² Reprinted from *The Hour of Decision*, 1934, pp. 225–227, by Oswald Spengler, by permission of and special arrangement with Alfred A. Knopf, Inc., authorized publishers.

rooted in responsibility toward the nation's past, and looking toward its responsibility toward the nation's past, and looking toward its responsibility to the nation's future; to the coming generations. . . . Thus the Nordic ideal becomes for us an ideal of unity. That which is common to all the divisions of the German people is the Nordic strain. The question is not so much whether we men now living are more or less Nordic; the question put to us is whether we have the courage to make ready for future generations a world cleansing itself racially and eugenically.¹

The foregoing are a few passages from the works of the champions of Nordic superiority. But it must not be thought that other nations and races have not made similar boasts. For example, Sergi, the Italian anthropologist, asserts that the Mediterranean race is the true bearer of civilization, that the Germans were only the destroyers of civilizations built by others, and that the true Aryans were not blond but dark and of short stature. In a study of the bones of Dante, Sergi wrote:

These characteristics correspond perfectly to those of the Mediterranean race, that is to say, that great race which has a glorious history of about five thousand years, and which created all the various phases of Mediterranean civilization from the pre-Hellenic to the Latin, and later the Italian Renaissance.

Sergi goes on to say that Dante was not a Teuton, but an "Italian in blood and in heredity." Ellsworth Huntington, on the other hand, considered the Alpine race to be the most advanced, since a round head can hold a larger brain in proportion to its surface and weight.²

A great deal of material was furnished to the advocates of racial superiority by the revelations of the army tests. The following are a few of the statistics that were used:

GENERAL INTELLIGENCE OF THE WHITE AND THE NEGRO DRAFT.
PERCENTAGES MAKING THE GRADE*

Race	D -	D	C -	C	C +	B	A
White.....	7	17.1	23.8	25.0	15.0	8.0	4.1
Negro.....	49	29.7	12.9	5.7	2.0	0.6	0.1

* From *Memoirs of the National Academy of Science*, vol. 15, p. 707.

Other statistics cited are such as these: In the Army tests, officers had an average mental age of 18.4; soldiers of English descent, 14.87; Scotch, 14.34; German, 13.88; American white, 13.77; Irish, 12.32; Greek, 11.9; Russian, 11.34; Italian, 11.01; Polish, 10.74; and American Negroes, 10.41. Among the foreign-born draft, the Nordics had a mental age of

¹ STODDARD, LOTHROP, *Clashing Tides of Colour*, Charles Scribner's Sons, 1935, pp. 23-24.

² KLINEBERG, OTTO, *Race Differences*, Harper & Brothers, 1935, pp. 11-12.

13.28; the Alpines, 11.67; the Mediterraneans, 11.43.¹ A graph shows that 73.9 per cent of the Nordic group were above the average Alpine mental age; 76.5 per cent of the Nordic group were above the Mediterranean average. Professor Brigham summarizes his findings by agreeing with Madison Grant and Lothrop Stoddard in this quotation:

In a very definite way, the results which we obtain by interpreting the army data by means of the race hypothesis support Mr. Madison Grant's thesis of the superiority of the Nordic type: "The Nordics are, all over the world, a race of soldiers, sailors, adventurers, and explorers, but above all, of rulers, organizers, and aristocrats in sharp contrast to the essentially peasant and democratic character of the Alpines. The Nordic race is domineering, individualistic, self-reliant, and jealous of their personal freedom both in political and religious systems, and as a result they are usually Protestants. Chivalry and knighthood and their still surviving but greatly impaired counterparts are peculiarly Nordic traits, and feudalism, class distinctions, and race pride among Europeans are traceable for the most part to the north. . . . The pure Nordic peoples are characterized by a greater stability and steadiness than are mixed peoples such as the Irish, the ancient Gauls, and the Athenians, among all of whom the lack of these qualities was balanced by a correspondingly greater versatility."²

Our results based on the army data also support Mr. Grant's estimates of the Alpine race: "The Alpine race is always and everywhere a race of peasants, an agricultural and never a maritime race. In fact they only extend to salt water at the head of the Adriatic and, like all purely agricultural communities throughout Europe, tend toward democracy, although they are submissive to authority both political and religious, being usually Roman Catholics in western Europe. This race is essentially of the soil, and in towns the type is mediocre and bourgeois."³

By way of summary, let us look at the methods that have been used by the advocates of racial superiority. These are: (1) the historical-cultural approach; (2) the measurement of physical characteristics; and (3) the measurement of intelligence by tests.

In the historical-cultural method, a study is made of the achievements of a racial or regional group or (as they say) a race, and it is assumed that those peoples who have made the greatest contributions in politics, art, literature, economics, and science are superior. These students of mankind assume, of course, that they know what is superiority in culture. They make a second assumption, namely, that a people that achieves the complex way of life called "civilization" is equipped with different biological heritage, or different genes, and that their achievements are

¹ BRIGHAM, CARL C., *A Study of American Intelligence*, Princeton University Press, 1923, pp. 124, 196.

² *Ibid.*, 228-229.

³ *Ibid.*, pp. 182-183.

directly traceable to superior germ plasm. Most of them belong to the extreme school of biology which accounts for man's behavior on the basis of heredity.

The measurement of physical traits, such as skin pigmentation, length and width of skull, quality and texture of hair, features of the face, length of arms and legs, has become the basis of physical anthropology, and students of anatomy and biochemistry (especially the chemistry of blood) have made distinct contributions to this new field of physical anthropology. One of the basic assumptions made in the use of these measures is that the anthropologist knows the type or race of the group that he is studying, and therefore, after he measures, he can assign physical characteristics to a particular race or subrace and from these measures can determine with some accuracy the quality of the race.

A third type of measurement, and a newer one, is the use of intelligence tests. As has been noted before, great impetus was given to the use of intelligence tests in the study of races and national groups by the army tests of 1917 and 1918. Since that time, intelligence tests have been used on other adults and many children of the various national and racial groups in the United States and to some extent in Europe. Certain assumptions are made in these tests: (1) that those races which make the best scores do so because of inherent mental capacity; (2) that the tests measure innate mental ability; (3) that those tested are adequate samples of the race to which they belong; and (4) that the cultural environment and schooling of the persons tested have little or no influence on the score made.

The student must look at these methods and assumptions critically before he makes up his own mind as to the validity of the various claims of racial inequality.

CRITICISMS OF RACIAL INEQUALITY

In opposition to the advocates of racial inequality are many modern anthropologists who take a different position. These men generally hold that human groups are mixed; that there are no true races but only groups of hybrids; that there is greater variation within a group than between groups; that no race has any exclusive claim to superior intelligence or to any of the other desirable traits of human nature; that individual heredity is a very important factor but that the culture in which the individual lives is probably more potent. Some of these scholars find indications that certain human groups have changed under different environments.

In the last fifteen or twenty years American anthropologists have entered into the study of races with much energy. It seems that most of them minimize, if they do not altogether reject, the major claims of the

advocates of racial superiority. They do not contend that all races are equal, but they do hold that within a given race there are marked differences in individuals and that these differences are greater than the disparities between races. They do not hold that there are not differences in physical make-up, for it is apparent that the difference in color between the Negro and the white man, for example, is quite marked. They are very critical in regard to the purity of races, believing that all civilized peoples are hybrids and that possibly the only pure races are those which have lived for many centuries in isolated spots. They believe that all human groups are closely related and that mankind is a single species. Although they cannot be classified as environmentalists, they believe that culture has had a tremendous effect on the present-day habits, attitudes, and achievements of a given people. In respect to culture, they say that all peoples have the same fundamental patterns of culture. Temperament and emotional nature have affected a great many expressions of these patterns, but they are fundamentally the same. Careful study of the primitive peoples of our own times has thrown much light on man as a culture-forming animal. The modern anthropologists put considerable emphasis on the accumulation of culture and the large amount of borrowing that has taken place between peoples in various stages of civilization. As a result, for example, we have European civilization, which is a composite of much of the culture of the peoples of the Near East, including the Hebrews and the Egyptians; of the Mediterranean peoples, such as the Greeks and Romans; and even of China; the native tribes of Northern Europe; and the American Indians. They cannot ascribe the civilization of western Europe to any one race or national group.

In respect to the physical traits of so-called races, modern anthropologists are very critical, since (1) the origin of races is very obscure and the purity of races very doubtful and (2) there is found to be a large amount of overlapping between so-called "pure" races. In respect to the intelligence tests, modern anthropologists have arrived at a "Scotch verdict"—unproved. They think that intelligence tests are very important and valuable instruments for some purposes but that they must be used with great care. They hold that, in the first place, we are not certain that those who have been tested are fair samples of their race or nationality or that the tests have been perfected to measure innate mental ability. Scores made on intelligence tests have been found to correlate very highly with schooling and social status. There is grave question as to the suitability of the tests for all groups. For example, what is in the background of the culture of the white child may not be in the cultural background of the Negro child. Moreover, the attitude of those being tested has a great deal to do with the success of the test. Again, it should be borne in mind that the critics of the theories of racial superiority have raised basic ques-

tions about the truth of these theories, and their greatest accomplishment has been to cast doubt upon the assumptions and conclusions of the "racial dogmatists." They have shown very definitely that the matter of race is a highly complicated problem, which demands considerably more scientific research than has yet been given to it.

In the following paragraphs, the ideas of representative modern anthropologists and sociologists are given.

Professor Pitirim Sorokin, now professor of sociology at Harvard University, has made a critical analysis of the various racial theories. In respect to the origin of the human races, he says: "We do not have any definite and decisive proof of the accuracy of either of these hypotheses," referring to the two hypotheses of single and multiple origin of races.¹ He believes that it is very doubtful whether the Aryans can be classified as a race in the zoological sense. The fact that the "Aryan race" speaks languages of a common origin is no guarantee that the people are of one race. He believes that it is very doubtful whether the Aryans have created the great civilizations. Likewise, he holds to be doubtful the theory that the dolichocephalic peoples are superior in intellect, initiative, or talent.² He believes, however, that there are innate differences among races, social classes, and individuals.³ He believes that the racial-inequality school has shown that there are differences between mental and psychological traits of individuals and that the upper and lower classes exhibit considerable individual differences.

That there are mental differences among races seems also to be definitely established; whether due to environment or to heredity, we find considerable mental differences between the principal racial (not national) groups. Their existence is witnessed in the first place by the quite different part which has been played by the various races in the history of mankind, and in their cultural achievements. Though almost all of these types have been given an opportunity to create the complex forms of civilization, and an almost unlimited span of time, nevertheless the role of the Proto-Australoid and Proto-Negroid races has been very modest in this respect, while the role of the Caspian, the Alpine and the Mediterranean races has been extraordinarily great. They have been the leaders in the creation of a complex form of culture. They have been the conquerors and subjugators of almost all the other races, driving them out, and spreading themselves throughout the world. The essence of Gobineau's deduction in this respect seems to be true.⁴

¹ SOROKIN, PITIRIM, *Contemporary Sociological Theories*, Harper & Brothers, 1928, p. 266.

² *Ibid.*, pp. 268-269.

³ *Ibid.*, pp. 279-280.

⁴ *Ibid.*, pp. 291-292.

So far as I know, all studies of the comparative intelligence of the contemporary negro and white races (the Caspian, the Mediterranean, the Alpine, and even in their blends with the yellow race) have unanimously shown that the I.Q. of the blacks, or even of the Indians is lower than that of the white or the yellow. It is true the difference is not so great as the school claims, and it is also true that there are individual exceptions, but they by no means disprove the rule.¹

I do not say that one race is superior while another is inferior. Such an evaluation is subjective. But I do say that in the discussed respect, their "scores" are different. It is probable that in some other respects the blacks may score somewhat higher than the whites.²

The school is also right in ascribing a great importance to selection, and in giving significance to the racial changes of a population in explanation of the social phenomena and historical destinies of a cultured people. The school exaggerates somewhat the significance of these factors, but there seems to be no doubt that selection through differential fertility, mortality, and cross-marriages may efficiently, and in a relatively short time, change the racial stock of a population. Such a change may exert a tangible influence on social organization and social processes. If the changes consist in a survival of the "best," they may facilitate the progress of the society; if they are opposite, they may be one of the factors of a decay.³

Professor Sorokin may be classified as holding an intermediate position between Grant, Stoddard, Gobineau, and de Lapouge on the one hand and Klineberg and Radin on the other; although he believes in racial inequality, he recognizes a vast amount of overlapping between individuals of "superior" and "inferior" races and also realizes that the differences between races, and the purity of the various strains, have been exaggerated. His view on the subject of race mixture is equally moderate:

Gobineau's, de Lapouge's, and many eugenists' theories of an inevitable harm in race blending seems to be one-sided also. The problem is by no means solved. The numerous data obtained are very contradictory. Hypothetically, the most probable solution of the problem seems to be as follows: The blending of blood between racial groups is likely to be beneficial, while that between other races seems to be harmful. On the other hand, inbreeding when the stock is good and not contaminated is likely to be beneficial, while, when the stock is poor or contaminated, it produces degeneration. Such is the answer which is possibly nearest to the truth. However, we still know very little of just exactly what are the conditions and races whose blending will be fortunate or unfortunate.⁴

Dr. Frank Hankins, professor of sociology at Smith College, has made one of the best critical studies of race differences. After stating the various racial theories, he comes to these conclusions:

¹ *Ibid.*, pp. 293-294.

² *Ibid.*, p. 301.

³ *Ibid.*, pp. 304-305.

⁴ *Ibid.*, p. 308.

. . . when one speaks of a race he must bear in mind the following considerations. There is, first, the general fact of human variability. There is, secondly, the idea of type about which individual copies more or less inexact are grouped in a more or less regular manner. There is, thirdly, the overlapping with reference to any specific traits of the exemplars of one type and of related or contiguous types. This in itself would tend to prevent the easy separation of types, but such is made immensely more difficult by the fact of race crossing. This brings it about, fourthly, that the determination of race types in any given area (except long isolated ones) becomes a process of the abstraction of traits from existing individuals and their recombination into a generalized or ideal type represented by few or no living individuals.¹

The following conclusions were reached by Dr. Hankins on the subject of race differences and their significance:

1. Differences in races are in degree only; that is, all races have the same general characteristics, which vary in degree. Moreover, in all races there are members who would rank very low on any scale, and others who would rank very high. Consequently there is great overlapping between races.

2. Some races seem to have superior qualities in one field and inferior qualities in others.

3. Environment has a great effect on the development of culture but not the sole effect. The quality of the human mind is a second factor that must always be taken into account.

4. Culture has been greatly aided by the crossing of human stocks. Crossing means greater variation in the new group. That, in turn, means greater variation in culture. Dr. Hankins points out in this connection that more importance should be attached to the quality of the stocks than to the fact of crossing.

Dr. Hankins believes that the hereditary possibilities of the American people have been greatly increased by immigration during the last hundred years. He thinks that the future development of culture in America depends upon encouraging and maintaining the increase of the more able, regardless of race, and discouraging the increase of the less able, where all factors, racial, geographic, and psychosocial, are favorable. By this means a great impetus will be given to culture.

It is generally believed today that present-day races have not developed out of one another, that is, that the Negro race has come out of the yellow or the white from the yellow. It is believed that all of these existing races may be compared to the outer branches of a large tree. These branches have been attached to the main parts of the tree, and

¹ Reprinted from *The Racial Basis of Civilization*, 1926, pp. 262-271, by Frank H. Hankins, by permission of and special arrangement with Alfred A. Knopf, Inc., authorized publishers.

they have branched off at various places from the main trunk, but all these main branches branched off a great many ages ago. There has been considerable crossing of these lines or branches.

As to hair-color he [Hrdlicka] found the distribution shown in the accompanying percentage table based on a study of 1,009 males and 914 females:

HAIR COLOR OF OLD AMERICANS*

<i>Sex</i>	<i>Lights proper</i>	<i>Light brown (not blond)</i>	<i>Medium</i>	<i>Dark</i>	<i>Black</i>	<i>Red</i>
Males	5 3	16.0	50 0	25 0	1.1	2.6
Females	6 9	14 2	42.9	29.8	1.3	4.9

* HRDLICKA, A., Physical Anthropology of the Old Americans, *American Journal of Physical Anthropology*, vol. 5, No. 2, pp. 140-141.

In this table "lights proper" includes "blond," "golden, or yellow" and "light brown (near blond)." "Dark" includes dark browns and near blacks. It is obvious that neither blond nor black hair is common, though "dark" shades are more frequent than light browns. There is a wider variation among the females than among the males; that is, there is a somewhat larger proportion of the extreme shades blond, dark, black, and red. Males are somewhat more intermediate. This may indicate a greater persistence of ancestral traits among females. Taken all together these individuals constitute a fair sample of the old American stock of the eastern part of the United States. Those from the South showed fewer blonds and more darks than those from New England, but taken in regional groups or together they furnish no basis for the assumption that Nordic blondness is characteristic of this stock at the present time.

As Hrdlicka says: "The Old Americans are, so far as hair color is concerned, only exceptionally blond, but commonly medium to brunet."¹

No anthropologist in America has enjoyed higher rank than Prof. Boas, formerly professor of anthropology at Columbia University. His article on "Race" in the *Encyclopaedia of the Social Sciences* is worthy of careful reading by any critical student. It is impossible here to digest this scholarly article, but it would be well to give examples of the mature conclusions that Prof. Boas has made concerning some of the problems on which there has been great variation of opinion. In respect to the findings as to differences of mental ability among races, he says:

¹ HRDLICKA, A., Physical Anthropology of the Old Americans, *American Journal of Physical Anthropology*, vol. 5, No. 2, p. 282.

Because of the difficulties of precise quantitative determination of mental traits it is not easy to give satisfactory data in regard to all mental traits. The dependence of such reactions as are measured by various types of intelligence tests offers a fairly satisfactory answer to mental phenomena which can be reached by these methods. Thus Brigham found that among groups of Europeans who had immigrated at various times and had been subjected to intelligence tests those who had stayed longest in the United States gave the best results. While originally he ascribed this to the immigration of more poorly equipped stock in later years, subsequently he withdrew this conclusion. It seems more plausible that the improvement is due to a gradual assimilation to American speech and customs. Klineberg found this to be the case among Negroes migrating from rural districts to cities. The evidence in regard to mental differences between races has been assembled by Garth, who reaches the conclusion that no essential differences have been proved.¹

It would be rash to infer from these observations that there are no differences whatever in the distribution of biologically determined intelligence or personality; if exactly the same conditions could be attained for a sufficiently large number of individuals, biologically determined differences might be found, but it seems impossible to attain sameness of conditions. The only safe conclusion to be drawn is that careful tests reveal a marked dependence of mental reactions upon conditions of life and that all racial differences which have been established thus far are so much subject to outer circumstances that no proof can be given of innate racial differences.²

Professor Boas points out the difficulties confronting theories of racial heredity in the following comments:

It is intelligible, perhaps demonstrable, that identical twins or members of a family show similarities in behavior that are, in all probability, hereditary. In a larger, not inbred group, there must be so many differences between family lines that it is not possible to speak of racial heredity.²

In respect to the relation of culture and heredity, he says:

In each area a certain type and a certain culture are found locally associated. Similar conditions may prevail in social strata of the same population, and from this the inference is drawn that they must be causally related in the sense that bodily form determines the culture. Such an inference is admissible only if it can be substantiated by biological evidence. The limits of racial types are not clean cut, and similar individuals always occur in neighboring groups. The limits of distribution of cultural types are also not distinct and do not conform to the limits of racial types.²

The problem of the relationship of physical traits and mental ability in races is always a troublesome one. Professor Boas' view is expressed in the following passage:

¹ BOAS, FRANZ, *Race, Encyclopaedia of the Social Sciences*, The Macmillan Company, 1934, vol. 13, p. 33.

² *Ibid.*, p. 34.

It has never been proved that form of the head, color of hair and form of nose have any intimate association with mental activities. Karl Pearson has followed a rigid method in investigating such possible correlations and his results are entirely negative. Unless such proofs can be given, the interpretation of character by bodily form remains as imaginary as that of the phrenologist.¹

In his conclusion Prof. Boas expresses an opinion that cultural differences, rather than biological variations, are the chief causes of race differences:

It must be emphasized that no proof has been given that the distribution of genetic elements which may determine personality is identical in different races. It is likely that there are differences of this kind, provided the anatomical differences between the races are sufficiently fundamental. On the other hand, the study of cultural forms shows that such differences are altogether irrelevant as compared with the powerful influence of the cultural environment in which the group lives. While each individual may react in his own way to the culture in which he lives, the behavior of the whole group conforms to its standards. This conclusion was expressed by Waitz as early as 1858 and is the basis of all serious studies of culture.¹

One of the most searching analyses of racial differences in recent years has been made by Dr. Otto Klineberg of Columbia University. Dr. Klineberg was a student of Boas and probably may be classified as his disciple. But Prof. Klineberg has made studies of his own which give him the status of an authority in the field of anthropology. In 1934 he made a study of Negro intelligence and selective migration. In this he tried to find out whether the fact that the mental scores made by northern Negroes were higher than those of southern Negroes was due to selective migration. It is impossible to reproduce much of his findings in detail, but some of his conclusions are as follows:

As far as the results go, they show quite definitely that the superiority of northern Negroes over the southern Negroes, and the tendency of northern Negroes to approximate the scores of the Whites, are due to factors in the environment, and not to selective migration.

There is, in fact, no evidence whatever in favor of selective migration. The school records of those who migrated did not demonstrate any superiority over those who remained behind. The intelligence tests showed no superiority of recent arrivals in the North over those of the same age and sex who were still in the southern cities. There is, on the other hand, very definite evidence that an improved environment, whether it be the southern city as contrasted with the neighboring rural districts, or the northern city as contrasted with the South as a whole, raises the test scores considerably; this rise in "intelligence" is roughly proportionate to length of residence in the more favorable environment.

¹ *Ibid.*, p. 34.

Even under these better environmental conditions Negro children do not on the average quite reach the White norms. Since the environment of the New York Negro child is by no means the same as that of the White, except perhaps as far as schooling is concerned, this result does not prove that the Negro is incapable of reaching the White level.¹

In 1931 Klineberg made a study of the psychological differences among racial and national groups in Europe. In this study he attempted to ascertain the mental ability of sample groups of the three important European races in three countries—France, Germany, and Italy—and the races tested were Alpines, Nordics, and Mediterraneanans. In each country he endeavored to get a rural group and a city group. He selected 10 groups of 100 boys ten years of age. Each boy was chosen very carefully on the basis of the physical traits regarded as typical of his race. Altogether 1,000 boys were tested by the Pintner-Patterson performance scale. The following is the summary of Dr. Klineberg's conclusions:

These results indicate a definite, consistent and statistically reliable superiority of the city over the country groups. The differences among the three racial groups are small and unreliable. There are in addition marked variations between samples of the same race; the German Nordic group is a particularly good one, but the French Nordic is among the poorest; the Italian Mediterranean makes the lowest score, but the French Mediterranean has the best median score of all. This makes it impossible to attach any real significance to the concept of race as an explanation of the observed differences. The results offer no support to the theory of a definite racial hierarchy.²

Professor Klineberg's book on *Race Differences* appeared in 1935. In regard to purity of races, he says:

"Pure races," that is to say, populations all the members of which are of the same physical type, are occasionally found in small inbred communities, but not as constituting any of the existing European nations. To preach in favor of race purity, as has been done so often in recent times, is therefore just anthropological nonsense. It is many thousands of years too late, not only for Europe and Europeans, but for other parts of the world as well; there are no longer any pure races to be kept pure.³

Klineberg says that "Aryan," as applied to race, is meaningless.

Jews, according to Klineberg, do not constitute a race, and to support this statement he cites Ripley, Dixon, and Fishberg.⁴ He points

¹ KLINEBERG, OTTO, *Negro Intelligence and Selective Migration*, Columbia University Press, 1935, p. 59.

² KLINEBERG, OTTO, *Race Differences*, 1935, p. 194.

³ *Ibid.*, pp. 24-25.

⁴ *Ibid.*, pp. 28-29.

out that the classification of European peoples into Nordic, Mediterranean, and Alpine races is a very loose one and must be used with a great deal of caution. He refers to the studies of the Swedish anthropologist Retzius, who found that only 11 per cent of the recruits in the Swedish army were pure typical Nordics, though Sweden is often referred to as 100 per cent Nordic.

In regard to the idea that some races are more primitive than others, he shows that the Negro, by the criterion of resemblance to the apes or the cavemen, is in some respects the most human and advanced of the races. He also refers to the shape of the lips, the type of hair, and other physical traits.

Klineberg points out that the so-called advanced groups, such as the Nordics and the Mediterraneans, show dolichocephaly and are by that criterion more primitive than the Eskimos and Malays.

His conclusion about superior and inferior orders of races follows:

It seems fair to conclude that there is no racial hierarchy which is consistently supported by all the available evidence, and that the notion that one race is more primitive than another has no acceptable scientific foundation.¹

Professor Klineberg finds no relationship between race and biochemical differences, such as glandular secretion and composition of blood.

In regard to brain capacity, he finds such overlapping and variation that nothing conclusive can be learned as to racial differences. For instance, the cranial capacity of the Scotch is exceeded by that of the Kaffirs, the Japanese, the Chinese, and some other races, some of them quite primitive tribes. He discusses the work that has been done in regard to the time of closure of the fontanel and the sutures of the skull in the Negro and the white man. Now and then one sees feature magazine articles explaining the inferior mental ability of the Negro, as revealed by the army tests, in terms of the ossification of the sutures in the skull at an earlier age than in the white child. The inference is that the closure of the skull prevents the growth of the brain and that this results in inferior mental ability. Klineberg cites the study of Todd, which proved that the suture closes at the same age for both Negroes and whites.

Klineberg examines many other factors that might indicate race differences, such as differences in physical development and psychological differences in sense perceptions; and differences in physiological functions, such as smell and sight. His most thoroughgoing analysis is devoted to intelligence testing. He criticizes the explanations and interpretations that have been advanced as to the scores made by minority groups in America.

¹ *Ibid.*, p. 36.

He raises the question whether subjects such as the Negroes and the Indians are motivated in the same manner as white children when they take the intelligence tests. He also raises the question whether the fact that the tester is a stranger and a person of another race would have any effect on the subjects. As has been pointed out before, the cultural background of Negro subjects may not be the same as that of the persons for whom the test was devised. Dr. Klineberg also points out a number of tests showing that social and economic status and schooling reveal a positive correlation with scores on intelligence tests. He cites cases in which language may be a difficulty and points out the fact that in a large number of cases children of minority groups did much better on performance tests than they did on verbal tests. He also raises the question of sampling and asks whether the persons tested are really fair samples of their racial or national group.¹

On the general nature of intelligence testing, Klineberg says:

The problem of heredity versus environment, nature versus nurture, as it is here being considered, does not refer to individual, but to group differences. This needs to be kept clearly in mind. It may be decided, for example, that heredity does not account for the observed intellectual differences between Negroes and Whites, and that the conditions of the environment are alone responsible. It would not follow that heredity did not enter into individual differences. There would still be room for wide variability within the Negro or within the White group, part of which at least could be explained only by the superiority or inferiority of individual or family germ plasm. The fact that persons living in almost the same environmental conditions will still differ widely from one another in intelligence, and the fact that identical twins living in very different environments will yet resemble each other closely, argue strongly in favor of an hereditary basis for part of the differences in intelligence between individuals and family lines.²

Klineberg's opinion as to the significance of evidence on the relative intelligence of Negroes and whites is revealed in the following passage:

The direct comparison between Negroes and Whites will always remain a doubtful procedure because of the impossibility of controlling the various factors which may influence the results. Intelligence tests may therefore not be used as measures of group differences in native ability, though they may be used profitably as measures of accomplishment. When comparisons are made within the same race or group, it can be demonstrated that there are very marked differences depending upon variations in background. These differences may be satisfactorily explained, therefore, without recourse to the hypothesis of innate racial differences in mental ability.³

¹ *Ibid.*, pp. 155-177.

² *Ibid.*, p. 154.

³ *Ibid.*, p. 189.

As might be expected from the foregoing passages, Prof. Klineberg must be classified among the modern school of anthropologists which is very sceptical about inherent differences between races. In the following paragraph he makes his general attitude clear, reinforcing it with historical arguments:

Even on the basis of our own standards it is difficult to make a clear case for the superiority of any race over another. We happen now to be in a period of history in which a great deal of political power is in the hands of northwest Europeans. If we take a longer historical view, however, their superiority even in that respect may certainly be questioned. We have seen how Aristotle doubted the abilities of the northern barbarians; Julius Caesar spoke of them just as contemptuously. The Chinese had a rich culture, with a highly developed art and philosophy, at a time when most White peoples had not made any of the contributions which are now regarded as proving their superiority. One of the earliest and most important of all civilizations, the Egyptian, from which the western world borrowed so profusely, was the creation of Mediterraneans with a strong Negroid intermixture. The Renaissance, in spite of Woltmann and Chamberlain, was certainly much more a Mediterranean than a Nordic product. We cannot judge the superiority of a race by its supremacy at any given moment, and we can say nothing about the hierarchy of races in the future.¹

The foregoing critics of the theories of racial superiority have, in the main, used the methods of critical analysis. They have assembled all the important data that are available on certain controversial questions and in most cases have shown that the data do not substantiate the claims that have been made in regard to racial differences. They have shown that racial theories have been oversimplified and that many of the so-called "laws and principles" were really only hypotheses. The anthropologists of this school think that theories of racial superiority are rationalizations of egotism, nationalism, and economic prejudice, flimsily supported by isolated observations in the fields of history and culture. This group does not present a positive theory of races but throws the question back for more intensive study and research.

QUESTIONS AND TOPICS FOR DISCUSSION AND STUDY

1. Make an analysis of attitudes toward races in your home community. Give examples of race discrimination.
2. What are the arguments of the advocates of racial superiority? With which of these do you agree or disagree, and why?
3. How do you account for race prejudice? Are white children born with fear or hatred of Negroes? Chinese? Indians?
4. Suppose that the infant of an African Negro chief were taken to England and reared among white people. What traits do you think he would develop? Suppose that the infant were the son of a tribesman without extraordinary rank?

¹ *Ibid.*, p. 342.

5. What are the arguments against racial inequality?
6. How do you account for the sudden revival of racialism in Germany in the last five years?
7. What manifestations of racialism do you see in American society today?
8. On the basis of the discussion of race differences, what attitude would you take toward miscegenation statutes? Exclusion of Chinese and Japanese immigrants? Jim-Crow cars? Exclusion of Negroes from white schools?
9. What programs do you think are best for minimizing racial prejudices and racial complexes?
10. Make a list of race problems that need further investigation.

TERMS

anthropology	race superiority
ethnology	miscegenation
dolichocephalic	Aryan
brachycephalic	Nordic
cephalic index	Alpine
mental age	Mediterranean
selective migration	hybrid

SUGGESTED READING

- BOAS, FRANZ. *Race*, *Encyclopaedia of the Social Sciences*. The Macmillan Company, 1934. One of the very best of the summaries of the nature of race from the standpoint of modern anthropology. It will require study and is worth the effort.
- GRANT, MADISON. *The Passing of the Great Race*, 4th rev. ed. Scribner's, 1923. Presents the various theories and arguments supporting the superiority of the Nordics. Interestingly written.
- HANKINS, FRANK H. *The Racial Basis of Civilization*. Alfred A. Knopf, Inc., 1926. Very readable; gives a good digest of the various racial theories and their value. As the title indicates, the book points out the relation of race to the problems of civilization and culture.
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- SOROKIN, PITIRIM. *Contemporary Sociological Theories*. Harper & Brothers, 1928. A very detailed, accurate summary of the various racial theories up to 1928, and the author's evaluation of each of them; will require careful reading.

Part III · *Problems of Social
Control*

Chapter XIII

The Formation of Public Opinion

Public opinion is the most powerful of all types of social control. The moment a person becomes conscious of the social life about him, he begins to be affected by public opinion. Rousseau must have had public opinion in mind when he said that the moment we are born the chains of institutions are being forged and fastened upon us and that by the time we die we are thoroughly enslaved by them. Ordinarily, however, people do not even sense the force of public opinion until there has been some violation of the mores of the group.

In all the definitions of public opinion one finds certain common elements, such as the expression of a group, participation of individuals in a group, and the interest of the group. We might look first at the word "public" in the expression "public opinion." Some people think that public means all the people in a state or nation. Such need not be the case, for there are many groups within a community that have opinions, and there are consequently many "publics." For instance, we have the political public, the religious public, the sports-loving public, and the medical or legal professional public. An individual may belong to several of these publics. In the final analysis, all opinion is the expression of individuals. There is no such thing as a "group mind" or a "group expression" other than the combined opinions or expressions of all the members of the group. In the past there was a great deal of discussion of the group mind, the "spirit of the people," or, as the Germans say, the *Zeitgeist*. Most modern students of sociology and psychology have discarded the idea of the group mind and therefore do not believe in a group expression other than the expression of individuals. No spirit hovers over a group of people, giving expression to the will of the group as an organic thing. But after we have disposed of the idea of a group mind that can give a pronouncement for the group, we still must examine more critically the origin of public opinion.

Individual expression of public opinion must be distinctly *social* in its nature; that is, an individual's opinion about himself and his own personal welfare will not constitute the element that makes opinion public. It must be the individual's expression that affects the welfare of a group or the public. Such things, for example, as talking about the affairs of the United States or of the state of Missouri constitute expressions of public opinion. In many cases public opinion arises out of conversation. Although public opinion first manifests itself in the expression of individuals, its final expression is found in secondary groups. Public opinion can thus be much wider than the expression of opinions of face-to-face groups. There can be a public opinion for the whole United States or for the Methodist church or for the Democratic party. These are all secondary groups.

What are the differences between a crowd or a mob and a social group that can have an opinion? A mob or a crowd is a face-to-face grouping, all its members being gathered together in one place; a group that has an opinion may be distributed over a wide territory or even over the entire world.

WHAT IS PUBLIC OPINION?

Two problems have been discussed thus far: What is a public? What is public opinion? The following extracts will help define both.

Viscount Bryce, in his book *The American Commonwealth*, pointed out four stages in the evolution of public opinion. His analysis is very useful in clarifying the various types of public expression. The first stage he called "passive," because in this stage the group acquiesces in the authority of the political rulers of the state, whom it is already accustomed to obey—usually a dictator or tyrant. Modern dictators, such as Mussolini and Hitler, sometimes say that their rule is based upon public opinion, and passive public opinion of the kind just described is evidently what they mean. The second stage is that which results from a conflict between unenlightened rulers and the public. An extreme form of this conflict is violent revolution. The third stage is found in states that have representative assemblies and periodical elections. Public opinion is active in controlling and molding public policy in states passing through this stage. The fourth stage represents the ideal of most political scientists and advocates of democracy. It is characterized by the consistent expression of the will of the people on problems of public policy, without the means of formal voting or legislative act. This is called the "rule of public opinion."¹

¹ BRYCE, JAMES, *The American Commonwealth*, The Macmillan Company, 1893. vol. II, pp. 255-257.

It must be noted that Lord Bryce had in mind public opinion as concerned with the state and its policies. Most political scientists also interpret public opinion as the expression of the group's will in political matters. Ex-president Lowell of Harvard University, in his discussion of public opinion, brings out the essential fact that the public are those who are willing to abide by the decision of the majority. He further holds that there must be a certain basic homogeneity of a group and the treatment of questions where decision by political action is possible.¹

John Dewey, the foremost American philosopher, has given the following definition of the public:

Those indirectly and seriously affected for good or for evil form a group distinctive enough to require recognition and a name. The name selected is The Public. This public is organized and made effective by means of representatives who as guardians of custom, as legislators, as executives, judges, etc., care for its special interests by methods intended to regulate the conjoint actions of individuals and groups. Then and in so far, association adds to itself political organization, and something which may be government comes into being: the public is a political state.²

A narrow definition is that the public is "a body of persons owing allegiance to the state, or perhaps the citizens of a state, or those who have a legal duty of obedience."³

A definition of public from the standpoint of a social psychologist is:

As we use it, the term "public" refers not to one great mass of persons living in a community, a state, or a nation, but rather to various groups in secondary contact. The notion that the word "public" applies to the general and more or less total population arose, doubtless, from the fact that much of the treatment of public opinion has come from political scientists, who are most interested in the political aspects of community life. While the term public opinion may be so narrowly defined as to cover only opinions about political issues, we shall use it here in a broader sense. The "public" does not apply merely to that part of the population which is concerned with political problems. We use it to indicate various interest groups, especially those marked by the secondary group characteristics. Therefore we should speak of *publics* rather than of a public. There is a political public, a financial public, an art public, and so on throughout the whole range of modern interests and activities. When we study the newspaper and periodical as reflectors or makers of public opinion, we discover that they treat not only politics, but all phases of contemporary life.

The opinions of these various publics are usually expressed in more or less open manner through the press, pulpit and forum, and more intimately through con-

¹ LOWELL, A. LAWRENCE, *Public Opinion in Peace and War*, Harvard University Press, 1923.

² DEWEY, JOHN, *The Public and Its Problem*, Henry Holt & Company, Inc., 1927, p. 35.

³ BRYCE, *op. cit.*, vol. I, p. 430.

versation. We shall discuss the psychological character of opinion in a subsequent section. We may say here, however, that it is essentially this talking about affairs of common concern that constitutes public opinion. In other words, it has a distinctly social rather than a private or personal significance. The objects of public opinion are felt to concern all members of the various groups.¹

In defining public opinion we are confronted by some of the same difficulties found in defining public. The following selections indicate what some of the authorities understand by the concept of public opinion.

The oldest and still most commonly accepted notion rests upon the thesis that man is a rational being whose opinions are formed from cool and deliberate reason applied to any problem in hand. Ellwood among others holds this view. He says that public opinion is a "more or less rational group judgment" and is to be sharply distinguished from public emotion and sentiment. To be thus rational, Ellwood says further that public opinion must be "formed under conditions of disinterestedness." This view goes back fundamentally to the eighteenth and early nineteenth century doctrine of the rational man. Upon this theory we may predicate a deliberate, sane social control. This dogma has become a stereotype in political circles. Recently a nationally known political speaker referred to the "infallible common sense" of the public to justify their actions in an election.²

A second thesis is that public opinion is really minority opinion foisted upon the masses by the wiles of minority leaders. This theory implies that the masses are controlled by the sentiments and emotions of the few, who use popular stereotypes to gain their own concealed ends.

Associated with this view is the notion that public opinion, while not uninfluenced by minorities, arises out of the currents of feeling and emotion about serious problems which run through the various publics. That is to say, opinion develops in crises, but always in terms of attitudes and sentiments largely emotional rather than intellectual. If leaders do anything, they simply crystallize these attitudes and sentiments and restate them in intellectually acceptable formulas. The masses accept these formulas as their own. They seem sound reasons for their beliefs, attitudes, and actions.³

In the absence of a carefully defined set of connotations a great deal may pass as public opinion which in reality is merely the publicly expressed opinion of an individual or small group that happens to possess the knack of making itself heard.⁴

There are two main types of public opinion, the static and the dynamic. The static, which need not imply rigidity, manifests itself in the form of traditional customs, mores and usages and bears the same relation to the dynamic as costume does to fashion or customary law to parliamentary enactments.

Dynamic public opinion, on the other hand, being predominantly rational in character, is built upon the cultivated arts of persuasion and systematic publicity

¹ YOUNG, KIMBALL, *Social Psychology*, F. S. Crofts & Co., 1930, pp. 570-571.

² YOUNG, *op. cit.*, pp. 574-575.

³ *Ibid.*, p. 575.

⁴ BAUER, WILHELM, "Public Opinion," *Encyclopaedia of the Social Sciences*, The Macmillan Company, 1934, vol. 12, p. 669.

and draws upon definite historical events or contemporary happenings as the material for its propaganda and agitation. This type of public opinion flourishes in the crowded streets and squares of the city, where the life of the masses unfolds under the pressure of common intercourse and exchange of opinion during the daily routine of association.¹

What is this public opinion through which the sovereign people govern themselves and according to which the individual finds it judicious to pattern his life? We speak of it glibly as though it were the same wherever found, as unchanging as a chemical element. But the public itself is a mass of many individuals, each slightly individualistic, none completely conforming to public opinion. The mental grasp of the individual members of a public is constantly shifting and is rarely identical in any two individuals at the same moment. Group action depends upon the mental effort of many minds cooperating. Before there can be a public opinion there must therefore be a number of private opinions. But before there can be private or personal opinion attention must be directed to a particular subject and interest developed. The factor of emotion is always present. The traditions of a family, the customs of the community and the conventions of the group give form to the thought of the individual. Evidently, then, the individual in arriving at his own opinion is not free from the conditioning forces represented in the prevailing public opinion. This point is well stated in the following:

It will be evident upon reflection that public opinion is not the opinion of all, nor even of a majority of the persons who compose a public. As a matter of fact, what we ordinarily mean by public opinion is never the opinion of anyone in particular. It is a composite opinion, representing a general tendency of the public as a whole. On the other hand, we recognize that public opinion exists, even when we do not know of any individual person, among those who compose the public, whose private and personal opinion exactly coincides with that of the public of which he or she is a part.

Nevertheless, the private and personal opinion of an individual who participates in making public opinion is influenced by the opinions of those around him, and by public opinion. In this sense every opinion is public opinion.²

HOW PUBLIC OPINION IS FORMED

It must be emphasized again that the formation of opinion, so far as the individual is concerned, is a learning process and that all the principles of learning that apply to the learning of languages, mathematics, or manual skills apply to the formation of individual opinions and attitudes which may, in turn, when the same ideas are joined with

¹ *Ibid.*, p. 670.

² PARK, R. E., and BURGESS, E. W., *Introduction to the Science of Sociology*, The University of Chicago Press, 1924, p. 38

others, make public opinion. One must keep in mind the fact that public opinion is formed under certain circumstances—specifically, when problems of a social nature arise as the result of a breakdown of older habits, ideas, or attitudes. But one must always be aware of the influence of the emotional factor in the formation of public opinion. The danger has always been in putting too much emphasis on rational behavior. Man is a thinking animal, but he is also a feeling animal, and in much public opinion the emotional factor is predominant. To verify this, one need only listen to the talk of children, and he will find that many of their ideas are not based on facts or investigations but are, in the main, generalizations borrowed from adults, heavily laden with feelings and emotions. The same thing is true, to a lesser degree, of most adults.

Walter Lippmann has made a contribution to the discussion of public opinion by introducing the term "stereotype." Stereotypes are mental images, short cuts, usually symbols, slogans, catchwords, or epigrams. These stereotypes are standardized ideas, having an emotional content, and are often handed down by one person to another and taken without critical examination. In other cases they have come out of one's personal experience or the cultural patterns of his group. Today we have such stereotypes as "Red," "Communist," "Bolshevik," "100 per cent American," "scab," "nigger," "the forgotten man," "Wall Street," "regular guy," "Tory," and "plutocrat."¹ This list could be readily expanded by the simple device of asking people their attitude on certain controversial questions or on personalities whom they like or dislike. As Odegard points out, the danger in using stereotypes is not the fact that they are highly emotionalized attitudes or ideas but that the users do not recognize them as such. One goes on using them, thinking that they are the result of carefully worked-out processes of reasoning.

Most social behavior is in response to mental *stereotypes*. These are merely standardized ideas or attitudes arising from inadequate observation or knowledge. The world of affairs is so large and our knowledge so limited that our ideas of the world outside are compounded of what others report to us and what we imagine. Even where we are privileged to make first-hand observations, our conclusions are likely to be colored by our social background. As Walter Lippmann says, "In the great blooming, buzzing confusion of the outer world we pick out what our culture has already defined for us." In almost any situation one can easily find elements which confirm preexisting opinions and prejudices. Reports on the Communist experiment in Russia are almost as varied as the reporters themselves. In discussing prohibition in the United States, one person will emphasize the corruption, crime, and hypocrisy which has followed in the wake of our

¹ LIPPMANN, WALTER, *Public Opinion*, Harcourt, Brace & Company, 1922, copyright now held by (The Macmillan Company), pp. 88-89. The student could read with profit Chap. VI.

“noble experiment”; another will see in it only unadulterated despotism, while a third will regard it as the basic cause of our progress and prosperity. On the whole, we tend to see and believe those things which fit into our existing culture patterns.¹

Since it is utterly impossible for everyone to be thoroughly well-informed on everything, we all fall back on stereotyped ways of thought and behavior. The danger to clear thinking lies not so much in the stereotype itself as in our failure to recognize it as such. When we realize that many of our most fervently held opinions are little better than blind hunches, we are likely to develop that healthful skepticism which is the father of tolerance and truth.²

Lindeman, in a discussion of how public opinion is formed, enumerates these steps:

1. A consciousness of the group's need, felt by an individual or a minority.
2. The spreading of the consciousness of the need.
3. A projection of the consciousness of the need.
4. The emotional urge to meet the need quickly.
5. Presentation of other solutions.
6. Conflict of solutions.
7. Investigation.
8. Open discussion of the issue.
9. Integration of the solution.
10. Compromise on the basis of progress.

Dr. Kimball Young criticizes these steps, since he feels that they represent elaborations of the problem-solving procedure. They are too conscious; not enough emphasis has been placed on the irrational elements of emotion.³

Today the whole technique of salesmanship and advertising is built on a psychological principle of creating in the prospective customer the feeling of deficiency or need and building on that. One gets a good insight into the steps of forming public opinion by studying the techniques of propagandists. The effective schoolteacher uses the same psychology, but he puts the learning principle to different uses and has objectives far different from those of the propagandist. In a later section we shall consider the difference between propaganda and education.

THE PROBLEM OF FORMING A SOUNDER PUBLIC OPINION

At the present time many writers are discussing the future of American democracy. One of the outstanding questions concerning the future of

¹ ODEGARD, PETER, *The American Public Mind*, Columbia University Press, 1930, pp. 42-43.

² *Ibid.*, p. 45.

³ YOUNG, *op. cit.*, pp. 583-585.

this country is how a sounder public opinion can be created. How can this be done? It is true that the more effective the educational system is the greater possibility there is of creating a sounder public opinion. What can the schools do? Many critics of the American school system point out that we have an antiquated curriculum and poorly educated teachers, while in many places pressure groups are throttling any attempt to bring controversial questions into the school. There is no question that, if we are to have a sounder public opinion, the curriculum must be modernized. More of the realities of the outside world must be brought to the attention of school children. Children must be permitted to look at the various sides of a public question. They must be taught to look at expressions of contemporary opinion from a critical point of view.

Certainly the claims of American democracy should be clearly presented along with the claims of other modern forms of government. The stand of the American school superintendents expressed through the American Association of School Administrators at New Orleans in March (1937) was that the American school should teach the claims of American democracy. This, they hoped, should be made the standing order for all American schools. This does not mean that the school should teach narrow, chauvinistic nationalism; nevertheless, the American school should not modestly pass up the claims of democracy.

In addition to what the school can do, all agencies of public opinion should feel their responsibility of educating the public toward a sounder judgment on public issues. The criticism of this statement will probably be that it is utopian and idealistic, but there are many evidences in organized journalism, radio, and movies to show that there is already some sense of public responsibility. Governmental agencies have done much in recent years to popularize public issues. One of the most difficult problems, as Dr. John Dewey points out, is that of interpreting and disseminating research studies of a highly technical nature to popular understanding. James Harvey Robinson used the term "humanizing knowledge." The long statistical tables and learned technical treatises that result from scholarly research on modern problems should be so written that the man on the street will understand the problem and the major solutions suggested. Such a document as *Recent Social Trends* needs to be popularized. In the past few years some of the learned societies have been attempting to create a sounder basis for public opinion by the issuance of pamphlets. One of these agencies is the Public Affairs Committee, representing a group of the learned societies in the social sciences. The following statement of the purpose of the Committee appears on the inside back cover page of each pamphlet issued:

The purpose of the Public Affairs Committee is to make available in pamphlet form accurate information regarding public affairs and to place at the disposal of the public some of the resources of existing research institutions. . . .

The members of the Public Affairs Committee are serving on the Committee in a personal capacity and not as representatives of their respective organizations. The organizations with which they are connected are in no way responsible for the policies or activities of the Committee.

Unless otherwise stated each pamphlet is a summary of the studies of research agencies, the author of each pamphlet being responsible only for the selection and arrangement of material.

The Committee has no thesis or program of its own, but will serve merely as a medium for disseminating the results of research and expert knowledge regarding public issues. It is a non-profit-making organization, financed during the first year by the Maurice and Laura Falk Foundation of Pittsburgh, Pennsylvania. The Foundation exercises no voice in the choice of studies to be digested or in the preparation of the digests.

PUBLIC AFFAIRS COMMITTEE
National Press Building
Washington, D. C.¹

It is often said that discussion is the best method of developing a sound, well-informed public opinion. Although discussion is indispensable and can hardly be overemphasized, it must be remembered that the mere utterance of opinions, without an open-minded, scientific attitude toward all suggested solutions of the problems discussed, is often worse than useless. Mere debates and expressions of emotion sometimes result in both contending parties' being more pronounced in their differences than before and so accomplish nothing.

When we advocate discussion as a political method, we are not advocating the extension of a method already in use. There is little discussion today. Talk to air our grievances or as a steam-valve for the hot-headed, the avowed intention sometimes in the organization of so-called "discussion" societies, is not discussion. People often speak of "self-expression" as if it were a letting off of steam, as if there were something inside us that must be let out before it explodes. But this is not the use to which we must put the powers of self-expression; we must release these powers not to be wasted through a safety valve, but to be used constructively for the good of society. To change the metaphor, we must not make a petty effort to stem a stream which cannot and should not be stemmed but helped to direct itself.

Do we have discussion in debating societies? Never. Their influence is pernicious and they should be abolished in colleges, schools, settlements, Young Men's Christian Associations, or wherever found. In these societies the men as a rule take either side of the question allotted to them, but even if they choose their side the process of the debate is the same. The object is always to win, it

¹ The Supreme Court and the Constitution, *Public Affairs Pamphlets*, No. 7, 1936.

is never to discover the truth. This is excellent training for our present party politics. It is wretched preparation for the kind of politics we wish to see in America, because there is no attempt to think together. Some one to whom I said this replied, "But each side has to think together." Not in the least: They simply pool their information and their arguments, they don't think together. They don't even think; that artificial mental process of maintaining a thesis which is not yours by conviction is not thinking. In debating you are always trying to find the ideas and facts which will support your side; you do not look dispassionately at all ideas and all facts, and try to make out just where the truth lies. You do not try to see what ideas of your opponent will enrich your own point of view; you are bound to reject without examination his views, his ideas, almost I might say his facts. In a discussion you can be flexible, you can try experiments, you can grow as the group grows, but in a debate all this is impossible.¹

AGENCIES OF PUBLIC OPINION

As has been pointed out in classifying the types of public opinion, there is the static type, which we find in traditions, prejudices, mores, customs, and conventions; and the dynamic type, which we find manifested in expressions of public approval or disapproval on current issues. In the formation of the static type, various social institutions, such as the family, the school, the church, the neighborhood, and the labor union, play a very important role. These institutions also have much influence in forming the dynamic type of public opinion. We find other agencies taking a more and more prominent place. These agencies are political parties, newspapers, the radio, and moving pictures.

The following characteristics have been noted in contemporary processes of public-opinion formation:

1. The attempt to influence people en masse. For example, newspapers have a much wider circulation than they had 50 years ago; the radio covers the nation through national networks.

2. A more definite attempt to use psychological principles and devices to influence the public.

3. The use of pressure groups.

4. Widespread popular awareness that propaganda is being used by politicians and businessmen to influence public opinion.

5. Definite attempts to measure public opinion continuously by periodic polls and "straw votes."

The following extracts will show some of the modern innovations in the creation of public opinion:

TYPES OF AGENCIES OF PUBLIC OPINION.

Let us list a few of these media which I have catalogued under the printed word—including advertising, of course. The figures given are obviously approximate.

¹ FOLLETT, M. P. *The New State*, Longmans, Green & Company. 1920, p. 208.

Daily newspapers (U. S.).....	2,000
Weekly newspapers (U. S.).....	6,300
Semi-weekly newspapers (U. S.).....	350
Circulation of daily newspapers (U. S. and Canada)	38,700,000
Sunday circulation.....	26,700,000
Religious publications.....	690
Class and trade publications	2,500
Miscellaneous publications of all types	3,800
New books published (1933).	6,813
Billboards.....	200,000

Direct-by-mail, telegrams, cables, and the like also fall under the classification of the printed word.

Under the spoken word we have, with their approximate numbers:

Radio stations (U. S.).....	600
Radio sets.....	18,500,000
Churches.....	232,000
Legitimate theaters.	
Chautauquas reaching thousands of people	
Telephones (U. S.).....	16,800,000
Women's Clubs.....	14,500
Rotary Clubs, Lions Clubs, Service Clubs, business men's clubs, and the like.....	

Under the graphic or pictorial classification, we have, with their approximate numbers:

Motion picture houses (U. S.)	22,000
Seating capacity.....	11,300,000
Picture showings in public schools in one year.....	44,000
Rotogravure sections in 63 newspapers with a circulation of millions	
Numerous services providing pictures for the small daily	
Displays of news pictures all over the United States, as window displays, and the like ¹	

Although the attempt to influence the ideas and attitudes of individuals is not recent, certain characteristics of modern mass communication do stand out and distinguish it from earlier propaganda activities.

Through supplementation made possible by the new mechanical media, there is an intensification of stimulation. . . . Walter Lippmann has pointed out that an individual's social behavior is conditioned by the "pictures in the head," most of which become highly stereotyped. With much the same point in mind, Charles H. Judd has analyzed human social behavior in terms of "expectations"—those modes of behavior which the individual expects to follow, and expects others to follow, in any given situation.²

¹ BERNAYS, E. L., *Molding Public Opinion, Annals of American Academy of Political and Social Science*, vol. 179, pp. 84-85.

² WILEY, MALCOLM M., *Communication Agencies and the Volume of Propaganda, Annals of the American Academy of Political and Social Science*, vol. 179, p. 195.

Within the past two decades the possibilities of devising techniques for accurately ascertaining the state of public opinion have been explored by various institutions and private agencies. The motives prompting this activity are varied. In the first place, an announcement of a convincing statement of what public opinion really is has news value. As early as 1900, newspapers began to take preelection polls on candidates, and in some cases attempted to ascertain opinion on particular issues. As newspapers generally grasped the possibilities of this practice, the results of such polls came to have an established place in the news columns of the press.

In the second place, convincing statements of what public opinion is have a propaganda value. Psychologists have acquainted us with the influence exerted upon wavering opinions by the so-called "impression of universality," and political campaigners as well as promoters of all kinds have been quick to seize upon the opportunities offered by straw polls to sway the "band-wagon" vote. We have no way of measuring precisely the effect which is exerted upon public opinion by announcements that everybody is doing it, or that 65.33 per cent of the people are opposed to the sales tax. It is sufficient to know that party leaders act as if such statements had a propaganda effect.

In the third place, such information has a commercial value. Knowledge is not only power, but profit. Radio broadcasting companies, motion picture producers, advertisers, manufacturers, and producers generally have to conform more or less to the demands of the public. Hence the rise of market research agencies specializing in opinion census taking; the result, elaborate tables of listening habits, programme preferences, theatre attendance, and classified opinions for different publics regarding soap, automobiles, or the relative desirability of glass and paper milk containers.

And finally, knowledge of what public opinion is has an academic value. Considerable ingenuity has been displayed by academicians in devising questionnaires of varying degrees of complication. Usually the public to which such questionnaires can be and are submitted is small and in some cases unique, but the results, even though they do not give an index of a public opinion which is socially and politically significant, have a certain curiosity value, and may, if properly tabulated and diagramed, satisfy the requirements for a degree. This is not to imply that all academic researches relative to questionnaire technique are of slight value. Professor Thurstone's discovery of a method for actually measuring degrees of favor and disfavor toward candidates and issues may pave the way to a better understanding of public opinion and the forces that are influenced in its formation. But for the present these academic researches have not supplied us with techniques for continuous public-opinion auditing, such as would characterize Bryce's fourth stage in the evolution of rule by public opinion.

One of the most elaborate experiments in polling public opinion is the *Literary Digest* poll, a venture which has done much to stimulate interest in the problem of opinion identification. The *Literary Digest* began its straw polls and forecasting activities in 1916. Since then it has conducted nine nation-wide polls, three on the question of prohibition, one on the nature of a presidential primary, two on the New Deal, and three on general presidential elections. In all of its polls the *Literary Digest* submits to its voters a postcard ballot containing a very limited

number of direct questions to be answered yes or no. The selection and phrasing of the questions are the work of the editorial staff. These ballots are then sent to a carefully prepared list of persons, numbering, in the recent New Deal poll, more than 1,000,000. In making up this list the *Literary Digest* uses telephone directories and automobile registrations, taking infinite care to avoid duplications. These polls have established a surprising record for suggestiveness in predicting the outcome of elections, although, as Professor Robinson and others have pointed out, the polls have been affected at times by party bias. As a device for continuous public-opinion auditing, however, the *Digest* polls have distinct limitations. The undertaking is so tremendously expensive and so cumbersome that it cannot be resorted to frequently. And however advantageous to the periodical from the promotional point of view, its frequent use soon reaches the point of diminishing returns.¹

The 1936 election results were so completely at variance with the *Literary Digest's* poll forecast that serious doubts arose as to the validity of this type of preliminary poll. In 1937 the *Literary Digest* merged with the *Review of Reviews* to become *The Digest*. In 1938 *The Digest* failed.

On the other hand, the Institute of Public Opinion made very accurate predictions regarding the outcome of the last presidential election. A large number of American newspapers carry its weekly syndicated material. The Institute attempts to report the up-to-the-minute state of public opinion on some vital issue before the public. Local newspapers supplement the national poll by local polls on the same issue. This adds interest to the polls. The popularity of these polls tends to verify an observation made by Dr. Harwood L. Childs that there is a fundamental desire for "impressions of universality" in all of us. The following excerpt gives a brief account of the Institute's aims and methods.

American Institute of Public Opinion.—The function of the Institute of Public opinion is not to influence but to report public opinion. The Institute itself is supported entirely from subscriptions to its services from newspapers printing the reports of its periodic polls of public opinion. Of the newspapers publishing its findings, seven call themselves Democrats, twelve Independent Democrats, ten Republicans, twelve Independent Republicans, and twenty-seven Independents. The polls of the Institute of Public Opinion are based upon a sampling method of sending out ballots to between 100,000 and 200,000 persons, selected by employing five controls to insure the accuracy of the cross-section of the population reached, the correct proportion (1) of the voting population of each state, (2) of rural and urban inhabitants, (3) of persons at various income levels, particularly of persons at or near the relief level, (4) of those arriving at the voting age since 1932, and (5) of those who voted for Hoover, Roosevelt, Thomas, and others in 1932. Among the different questions submitted have been the opinion of voters upon the amount of governmental expenditures for relief and

¹ CHILDS, HARWOOD L., Rule by Public Opinion, *Atlantic Monthly*, vol. 157, pp. 757-758.

recovery, the limiting of the power of the Supreme Court to declare acts of Congress unconstitutional, the effects of the repeal of prohibition, the action of the government in joining with other nations to prevent war between two foreign nations, the payment of a cash bonus, appropriations for armaments for the United States, old-age pensions.

Of unusual interest have been the successive polls on the same question, for example on the reaction of voters to the re-election of President Roosevelt. Such repeated polls give the student of public opinion the opportunity to study the effect of specific events upon the reaction of the voter.

The director of the Institute is Dr. George Gallup, and its headquarters are at Princeton, New Jersey.¹

PUBLIC OPINION IN MODERN STATES

One of the most interesting things a student can do in the study of public opinion is to compare attitudes toward public opinion in the United States with those in foreign countries, particularly the totalitarian states of Europe. The contrast between the freedom of competition for the public attention and following in this country with the governmental monopoly over the forces influencing public opinion which exists in Germany, Russia, and Italy is set forth clearly in the following extracts.

THEORIES OF CONTROL OF PUBLIC OPINION IN GERMANY.

The cardinal problem has been clearly stated by Germany's Minister of Popular Enlightenment and Propaganda. He said:

"The government must diagnose with almost scientific precision the people's soul, must be informed of all psychological trends in the citizenry. It must illuminate the people if these trends lead nowhere, or it must recognize the opinions of the people if their opinions are justified."²

"While the state exists, there is no freedom." Communism, Socialism, and Fascism lend themselves more readily to the trend toward collective action and collective responsibility than does the constitutional theory of the United States Supreme Court. It is with this basic condition in mind that Mussolini has epitomized contemporary Italy's political thought pattern as the "characteristic doctrine of our time." As a "doctrine of action," it is, in addition, particularly appropriate in periods of national emergency. Economic breakdown and mass unemployment are "bound" to cause "pressure which will either destroy the old world, or create a new world, or do both." Or in Hitler's own words: "It was only a question of time how soon the masses of economically dispossessed would become an army of fanatics, politically and socially alienated from the world."³

How the *Fuhrerstaat* can maintain its ideological identity and at the same time induce a majority of the people to align themselves with it, is the fundamental

¹ Research News, *American Journal of Sociology*, vol. 42, p. 256.

² MARX, FRITZ MORSTEIN, Propaganda and Dictatorship, *Annals of the American Academy of Political and Social Science*, vol. 179, p. 212.

³ *Ibid.*, p. 213.

problem of state-controlled propaganda. "A people do not step behind the government if silenced with machine guns." Tear gas, castor oil, and petroleum are no longer the requisites of Fascism. Nor does National Socialism simply rely on concentration camps as a means to make proselytes. But hostile sentiment or passive resistance cannot be conquered by haranguing alone. "It is to no avail," Dr. Goebbels reminded his partisans as early as in the fall of 1933, "that we merely make speeches; we must try to convince through our accomplishments." As human happiness is largely determined not by the possibility of satisfying elementary needs but by a comparison of individual standards with generally accepted indices, although these may solely reflect frequency rates, so accomplishments cannot be "sold" to the electorate unless sufficiently publicized.

Obviously the citizen will not be able to judge these accomplishments with the desirable measure of appreciation so long as he remains under the influence of any kind of counter-propaganda. His mind must be "set right." Nothing may enter it that "contradicts" the purport of the officially sponsored ideology, so that ultimately there will be "only one public opinion." Such a commanding scheme requires governmental primacy if not monopoly over all instrumentalities of opinion dissemination, particularly the press.¹

In the Third Reich, "contributing by word, news reports, or picture to the intellectual content of newspapers or political periodicals" is a "public profession"; the "contributors are called editors." Admission to the vocation of editor is granted through membership in the National Association of the German Press, which is a corporate body of public law; registration must be denied "if the Minister of Popular Enlightenment and Propaganda objects." Moreover, "no one may be an editor" unless he (a) is a German citizen; (b) has not lost his civil rights and the qualification to hold public office; (c) is of Aryan descent and not married to a person of non-Aryan descent; (d) has reached the age of 21; (e) is competent; (f) has had professional training; (g) possesses the qualifications required for intellectually influencing public opinion.

The "public" status of the press has, of course, far-reaching effects on the "execution of the editorial function"; their scope is indicated in the following provision:

"Editors are under the obligation to withhold from publication everything which:

"1. Confuses selfish with common interest in a manner misleading to the public;

"2. Can weaken the strength of the German people nationally or internationally, the German nation's will toward unity, German defensive capacity, German culture or German business, or may hurt the religious feelings of others:

"3. Is offensive to the honor and dignity of a German;

"4. Illegally injures the honor or the well-being of another person, hurts his reputation, or makes him ridiculous or contemptible;

"5. Is for other reasons indecent."²

That the "so-called freedom of the press," is a matter of the past has repeatedly been asserted in no uncertain terms by official spokesmen of National

¹ *Ibid.*, p. 214.

² *Ibid.*, p. 215.

Socialism. How, then, can the "happy mean between destructive criticism and lapdog servility" be attained? What Dr. Goebbels has to say about it does not sound encouraging. "The right to criticize," he states, "belongs to the National Socialist Party. I deny anybody else such a right. The right to criticize is exercised by the National Socialist Party to a sufficient extent." And again: "Since we National Socialists are convinced that we are right, we cannot tolerate anybody who contends that he is right. For if he, too, is right, he must be a National Socialist, or if he is not a National Socialist, then he is simply not right."¹

PUBLIC OPINION IN SOVIET RUSSIA.

Approaching the issue from a refreshingly experimental viewpoint, Stalin yet says:

"We start from the premises that the party, the Communist Party, is the basic instrument of the dictatorship of the proletariat, that the leadership of *one* party, which does not share and cannot share this leadership with other parties, constitutes that fundamental condition without which a more or less lasting and developed dictatorship of the proletariat is inconceivable."²

PUBLIC OPINION IN ITALY.

"Freedom of speech has been abolished in Italy." I wonder just what is meant by freedom of speech. People speak, in Italy, as freely as they ever did. They do not gather on soap boxes and make destructive speeches against the Government. So far as ordinary freedom of speech which we enjoy in this country [United States] is concerned, the same freedom of speech exists in Italy. . . .

Mussolini expressed the following views [regarding liberty]:

"We have been the first to assert, in the face of liberal individualism, that the individual does not exist, except in so far as he is within the state and subordinated to the needs of the state; and as a civilization assumes more and more complex forms, the freedom of the individual becomes more and more restricted." . . .

The Italian people today are enjoying a new and different type of liberty. They are enjoying the liberty of feeling themselves members, part and parcel, of a powerful, organic state, which is ruled for the welfare of everybody and not in the interests of a chosen few, a state which has social justice within and international prestige without its borders. . . . In one word they are enjoying the freedom of feeling themselves Italians.³

Who is this Government or State [Italy] which supposedly is the incarnation of the entire nation?

All decisions in Fascist Italy are made by two authorities. In the ultimate instance it is always Mussolini. He is assisted by the Fascist Grand Council, which in the case of his death has the determining voice in the choice of his successor. . . . From the experience of thirteen years of Fascism in Italy, we can conclude that discontent is indeed general; and that the police system and the

¹ *Ibid.*, pp. 216-217.

² CATLIN, GEORGE E. G., *The Role of Propaganda in a Democracy*, *Annals of the American Academy of Political and Social Science*, vol. 179, p. 221.

³ *Ibid.*, pp. 11, 12, 13.

methods of torture are so efficient and the penalties for political agitation so severe as to instill fear in every individual so that only the bravest would think of acting toward the overthrow of the regime. The broad masses appear to be paralyzed by apathy.¹

The publisher's right to hire his editorial staff according to his own discretion has been abolished. Editors are appointed by state authorities after they have satisfied the prefect as to their political *compatibilita*. The appointment may be revoked at any time if the editor has neglected to comply with a repeated warning by the prefect, incurred in one year. In such a case the prefect is entitled, apart from his right to confiscate the paper, to refuse the appointment of a successor, thus exterminating the publication.²

The Ambassador of Soviet Russia to the United States, when he was speaking in Cincinnati, said: "We believe that we already have full democracy." If somebody had asked him whether Trotsky's living in exile was a proof that Soviet Russia already had "full democracy," the Ambassador would probably have answered that by "full democracy" he meant a regime which proposes to grant economic equality to all its subjects—not one which grants the right to dissent from the views and policies of Stalin and the other leaders of the Communist Party."³

May I point out, however, that the Fascist seizure of power in Italy, like the Nazi seizure of power in Germany, was accomplished constitutionally and in full accordance with parliamentary procedure; that Mussolini was asked by the Italian King to form a cabinet, and that the Italian Parliament which was then in session concurred and gave Mussolini his first vote of confidence. Whether the members of Parliament did that because they were intimidated or because they were convinced is another matter. But if they did it because they were intimidated, may I point out that it is a sorry spectacle indeed to see the elected members of a nation's government, the representatives of liberalism and democracy, allowing themselves to be intimidated.⁴

FREEDOM UNDER DICTATORSHIP AND DEMOCRACY.

What, then, is the difference between a Fascist constitution, like those of Italy and Germany, a free and democratic constitution, like those of England and the United States, and a Communist constitution, like that of Soviet Russia? A Fascist constitution does away with personal rights, political liberties, and representative institutions, but maintains private property, under more or less strict governmental supervision. A free and democratic constitution grants the citizens personal rights, political liberties, and representative institutions,

¹ HAIDER, CARMEN, Pressure Groups in Italy and Germany, *Annals of the American Academy of Political and Social Science*, vol. 179, pp. 161 and 163.

² MARX, FRITZ M., Propaganda and Dictatorship, *Annals of the American Academy of Social and Political Science*, vol. 179, p. 214.

³ SALVEMINI, GAETANO, What Is Freedom? *Annals of the American Academy of Political and Social Science*, vol. 180, p. 6.

⁴ PEI, MARIE A., Freedom under Fascism, *Annals of the American Academy of Political and Social Science*, vol. 180, p. 10.

and either maintains private property, although under a system of more or less strict governmental supervision, or suppresses it altogether. Communism does away with political freedom and private property at the same time. The leaders of the party in power—the Communist Party—are endowed with dictatorial powers, and through these powers they directly control and operate the whole economic machinery of the country.¹

Freedom and democracy are based on the assumption that nobody is infallible and that no one person possesses the secret of good government.

Dictatorship is based on the assumption that humanity is divided into two unequal parts: the mass, the “common herd,” which knows and understands nothing; and a minority, “the chosen few,” who alone know the secret which will solve all problems. Now, “the chosen few,” by definition, must be chosen by some one. This is the business of the dictator. “Authority comes from above.”²

The leader of a free and democratic regime says to his adversaries: “I think I am right, but I may be wrong; let me try and see what are the practical results of my actions. If they are bad, then you will have your chance to do otherwise.”

The dictator says: “I am right, and the results of my activity will always be good”; “every man is either for me or against me”; “everything within the state, nothing outside the state, nothing against the state”; “I am the state.”

Despotism is easier to conceive and to practice than liberty. Nothing is harder than to respect in our opponents the human dignity common to us both, to tolerate contradiction, to accept competition on equal terms, to trust to the good sense and moral sanity of our countrymen, to face with fortitude the struggle of today which is preparing a broader and more stable cooperation for tomorrow. It is easier to crack the skull of an opponent than to convince him. As the great Italian liberal, Count Cavour, was wont to say: “Any idiot can rule a country by martial law.”³

What of liberty under fascism or socialism as contrasted with liberty under American democracy? Every successful fascist has flouted the doctrine of liberty, political or social, as an outworn and dangerous doctrine. Our liberty in America may not be ideal, but *we have the ideal of liberty*. Fascist and socialist iconoclasts may sneer at it and wisecrack about the “liberty to starve,” but the ideal of liberty remains and will remain as a supreme human aspiration, the great reality, the best hope in a troubled world.

What of the great concepts of freedom of speech, freedom of conscience, and freedom of contract and economic action under fascism or socialism? If there is any part of the concept of human liberty to which we should give allegiance, it is freedom of speech and of the press. It has been justly extolled as one of the inalienable rights of man. It is essential not only to the pursuit of happiness but even to a hopeful and constructive attitude toward life. It is essential to political progress.

Freedom of speech remains a vital reality in the United States and Great Britain. The newspaper publishers have insisted upon an express reservation of their constitutional rights. In Great Britain today, in Hyde Park and else-

¹ SALVEMINI, *op. cit.*, pp. 6-7.

² *Ibid.*, p. 7.

³ *Ibid.*, p. 8.

where, communists are permitted to taunt and attack the existing regime as oppressive of the workers.

Is there any vestige of freedom of speech left under fascism, socialism, or any form of dictatorship or any other form of tyranny? *Both fascism and socialism are forms of despotism, and despotism is the antithesis of freedom.*¹

TWO VIEWS OF FREEDOM IN AMERICA.

Whatever be our final judgment with respect to the history of democracy in this country, there can be no doubt that we have cherished the tradition of freedom, the precious heritage of a thousand years of conflict. Freedom of speech, freedom of the press, freedom of assembly, freedom of religion, a fair and impartial trial of those accused of crime, have been wrought into the very spirit of America. They are being challenged today as perhaps never before in our national history. They must not be surrendered. Propaganda and pressure politics must be met—can only be countered—by the undefiled and aseptic influence of education.

In the social order of the future, education must occupy the central and dominant position. It must supply the scheme of values, the basic faith of our civilization. It alone can give a new meaning and purpose to life. Education, conceived as an end and not as a means, interpreted in its broadest sense as the emancipation of the human spirit, the unleashing of all the capacities and potentialities of the individual, must command the supreme devotion and allegiance which we have hitherto given to democracy. Man cannot live by bread alone. There must be a vision, for "where there is no vision the people perish." To the baffled, thwarted, and distracted millions of our people there must come the promise of a new and better world. That promise lies not in a transient and deceptive economic recovery. It does not lie in the false doctrines and false hopes of communism or fascism. It lies only in a new vision of education, which, accepted by the people, shall become the driving force of government. With a profound and compelling faith in education in the minds and hearts of the people, the government of the one and of the few—the aristocracy of intellect and character—will be accepted and supported by the many. Then may the wild winds of doctrine blow freely, for the structure of our government will rest upon a foundation that can not be shaken.²

Except in wartime, the press of this country submits to no censorship save that imposed by its own taste, prudence, cowardice, selfish interest, or sense of public welfare. That liberty is guaranteed in the Constitution. Possibly it is significant that the freedom of the American press was linked with the freedom of private speech as an after-thought, an amendment to the Constitution, albeit the first. At any rate, despite the august guarantee, petty courts, legislatures, and administrators—both appointive and elective—have never ceased to attempt to abridge that liberty by invoking other laws.

¹ WILLIAMS, IRA JEWELL, *The Future of Democracy in the United States, Annals of the American Academy of Political and Social Sciences*, vol. 180, p. 87, July, 1937.

² SHEPARD, WALTER JAMES, *Democracy, Annals of the American Academy of Political and Social Science*, vol. 180, pp. 100-101.

Generally, the high courts, Congress, and the Federal Executive have stood firmly by the spirit and the letter of the First Amendment.¹

POLITICAL PARTIES AS AGENCIES OF PUBLIC OPINION

The methods that political parties in the United States use to create public opinion are very interesting. In order for the student to get a more complete understanding, he will have to study the workings of political parties. Such books as W. B. Munro's *Invisible Government* and Frank R. Kent's *The Great Game of Politics* and *Political Behavior* give a very clear picture of how the parties carry on their campaigns. Professor T. V. Smith, of the University of Chicago (who is also a member of the state legislature of Illinois), has written one of the most interesting books in recent years about the operations of the politician, *The Promise of American Politics*. His main thesis is that the politician is the necessary compromiser between two sets of good people and that society could not function without this necessary "go-between." The following remarks were made by Prof. Smith in a recent address before a meeting of the Institute of Human Relations at Williams College:

The greatest enemies of our democratic society are the people who think themselves so much better than the public officials that they heap indiscriminate criticism on them when they themselves, if they were in the places occupied by the politicians, could not do one bit better in solving the problems faced by the politicians than the politicians.

The politician, standing between groups of diverse interests, has a job of bringing them together or surrendering democracy overnight to dictatorships.

Once you admit the conflict somebody has got to get the two sides together and make them like it. That is not a nice job. But the politician does not have trouble with bad people. It is the good people with whom he has trouble.

He does his work with words. These men are your servants and only by talking people black and blue in the face can you get compromises. A politician is a man who can compromise an issue without compromising himself.²

There is little question that there has been a decline in the most essential service rendered by political parties: creating public opinion through political discussion. It is very difficult indeed to find any difference in party platforms. The object is to win, to get offices for candidates and their active supporters. Stereotypes of all sorts are used constantly; strong appeals are made to the emotions. It has been said that one of the candidates for mayor in New York City stressed the idea that he had never read a book. This seemed to be a very attractive idea to many of the citizens of New York. Other types of political

¹ KROCK, ARTHUR, *The Press and Government*, *Annals of the American Academy of Political and Social Science*, vol. 180, July, 1937, p. 162.

² *Louisville Courier-Journal*, Associated Press dispatch, Aug. 30, 1937.

activities are lobbying and the use of pressure groups in legislation. Lobbying is not a new political device; it has been used as long as political parties have been in existence. The public is now better informed as to the activities of lobbies and pressure groups. The May, 1935, issue of the *Annals of the American Academy of Political and Social Science*, on "Pressure Groups and Propaganda," is one of the most complete documents that we have on the subject. It is impossible to enumerate all the various pressure groups that operate in the national capital. Some of the pressure groups are such business organizations as the National Manufacturers' Association, the United States Chamber of Commerce, and the National Industrial Council. Labor is strongly represented by the American Federation of Labor and the Committee for Industrial Organization. Farmers are represented by the Grange, the Federation of Farm Bureaus, and the Farmers' Union. There are professional organizations, such as the National Educational Association, the American Medical Association, the American Bar Association, the American Council on Education, the National Conference on Social Work, and the American Association of Social Workers. Religious and humanitarian groups, such as the National Association for the Advancement of Colored People, the Anti-saloon League, and the various peace societies, often constitute pressure groups. Women's organizations, such as the General Federation of Women's Clubs, the National League of Women Voters, and the Women's Joint Congressional Committee, carry on very active lobbies in Washington, many of them also maintaining lobbies at the state capitals.

Professor Odegard thus summarizes the failure of political parties to perform their function of enlightening the public on public issues:

If, as A. Lawrence Lowell says, "The true function of political parties is that of formulating and presenting the alternatives between which people are to choose," then the major parties in America are not fulfilling their proper functions. The only alternative which they present is the choice between two different sets of politicians and office-seekers. One should not, however, minimize the importance of this. In America, with our fetish for electing every public official from dog-catcher to President, it is impossible for the voter to decide intelligently upon the qualifications of all candidates who present themselves. "Within the space of a year," says Professor Sait, "the Chicago voter is expected to register twice and go to the polls five times; he has to pass judgment on the candidates for some fifty different offices. In some counties in Illinois no less than seventy offices are filled at one election." In his bewilderment, the voter turns to the regular party organization for advice. He usually ends by voting a "straight ticket" and trusting to God.¹

¹ ODEGARD, PETER, *The American Public Mind*, Columbia University Press, 1930, pp. 142-143.

A segment of political discussion rarely equaled is given in the quotation that follows. Undoubtedly it is an extreme example, but it illustrates clearly the type of public appeal still too frequently made by many politicians.

The public likes a good show, and the experienced politician is a master at giving it. "Big Bill" Thompson, in his campaign for mayor of Chicago, illustrates clearly the technique. He promised to "kick King George out of Chicago," and to the Irish this meant, of course, King George of England, but to the radical Protestants it meant "King" George Mundelein, Catholic Cardinal of Chicago. Thompson, says Kate Sargent, "has an extraordinary understanding of mob psychology. . . . He knew that the great collective boy, the mob, loves a parade or a circus. It loves to carry a banner and shout a war whoop." To this mob Thompson could say, "Here I am!" He wears a huge sombrero, which for some unaccountable reason is supposed to make him "democratic" and to indicate that he has the interests of the common man at heart. He has, of course, the initial advantage of large size. On the platform he referred to himself as "Big Bill." In the primary of 1926, when he was electioneering for Senator McKinley, two of his opponents were "Doc" Robertson and Fred Lundin. Thompson brought two live rats with him to a political rally and dubbed them "Doc" and "Fred." Shaking his finger at one, he cried reproachfully: "Fred, let me ask you something. Wasn't I the best friend you ever had? Isn't it true that I came home from Honolulu to save you from the penitentiary?" Speaking of "Doc" Robertson, he said: "The Doc is slinging mud. I'm not descending to personalities, but let me tell you, if you want to see a nasty sight, you watch Doc Robertson eating in a restaurant. Eggs in his whiskers, soup on his vest; you'd think the Doc got his education driving a garbage wagon."¹

THE PRESS AND PUBLIC OPINION

Most people think of public opinion in terms of newspapers. There is no question that newspapers reflect public opinion in many cases and, in turn, make public opinion. In recent years, however, there has been a decline of faith in newspapers. This may be accounted for by the revelations of the practice of "coloring" the news and by the tremendous drive to get advertising. The passing of the independent paper, owned and published by the same man, and the transformation of newspapers into big business enterprises have made people question the sincerity and integrity of the American press. The charge of dishonest propaganda and coloring of the news has been overdone. One of the difficult things about the problem of creating a press that will help the people form intelligent opinions upon public matters is the vicious circle—the newspaper must "give the public what it wants"—and as long as human nature and human tastes are what they are, newspapers must print stories of crime, sex, and trivialities. On the other hand, many intel-

¹ *Ibid.*, pp. 161-162.

ligent people insist that the papers should be more selective and raise the taste of the newspaper readers by providing a higher type of news. Two newspapers in the United States upholding higher than average standards of journalism are the *New York Times* and the *Christian Science Monitor*. Both of these newspapers have large circulations and are financially successful.

ARE NEWSPAPERS GUILTY?

Newspaper readers have become aware of a relatively new word, propaganda. Many readers look with suspicion on anything which they see in the daily press.

To what extent is this attitude based upon demonstrable evidence? To what degree is the American press guilty of lending itself to dishonest propaganda? Bold indeed is he who attempts to measure and define the degree of culpability. From the standpoint of size alone, it is doubtful whether any amount of painstaking analysis can succeed in making satisfactory generalizations based upon a national press which includes some twenty-one hundred daily newspapers, more than five hundred Sunday newspapers, and a weekly press numbering nearly twelve thousand newspapers.

In the physical sciences, perhaps, one may permit himself to believe in a body of objective fact the accuracy of which has been demonstrated in hundreds of corroborative experiments. But what of the data of politics, economics, and social policy? What are the "facts" regarding the San Francisco general strike, or pending social security legislation, or the hundreds of other issues in which the truthfulness of "facts" is determined by point of view? Where, outside of official records such as of births and deaths, may we find a body of objective fact as universally and as permanently applicable as the laws of gravitation and of chemical reaction?¹

Perhaps it is time to admit that what we call propaganda is an inescapable fact of modern life. Is it possible, or even desirable, for newspapers to cling to the belief that they are impartial repositories of truth? In the light of social thrusts and pressures, is it not inevitable that the press establish its functional validity by printing more "propaganda" and not less?²

Publishers are business men: and as Judge William Dennon of the State of Washington has pointed out, "under the capitalistic system . . . news distribution as a public function will be in large part by business men acting under the inducement of the profit motive."

Publishers, also, frequently have interests beyond their newspapers. Historic, of course, is Hearst. Real estate, mining, motion-picture production—these are but some of his extra-publishing activities. Outstanding in this respect, Mr. Hearst is not alone. Rare indeed is the publisher who does not own a few shares of stock, a few city lots, a small stake in some other business than his own. Their economic advantage—and that of their friends and relatives—lies in the

¹ RIEGEL, O. W., *Propaganda and the Press*, *Annals of the American Academy of Political and Social Science*, vol. 179, p. 202.

² *Ibid.*, pp. 202-203.

maintenance of the *status quo*. Like most business men—though presumably they should have known better—they were convinced that Mr. Roosevelt intended to remake the social order. Their economic interests seemed to be threatened.

Remarkably honest, in stating its position, was *The Baltimore Sun*. On the morning of October 30, under the headline "Summing Up," it spoke as follows:

"*The Sun* stands for competitive capitalism. It is the system which most effectively uproots the unfit, the unworthy, the lazy. It is the system which gives place to the vigorous, the competent, the purposeful. . . . Even as distorted as in recent periods it has produced in this country a degree of well-being which has never been equaled, and in that well-being all classes of men have shared. . . . In 1933 *The Sun* declared that planned economy could not be effectual without such controls over individuals as would negative liberty. . . ."¹

THE PRESS IN A POLITICAL CAMPAIGN: AN APPRAISAL.

These general conclusions may be reached in regard to the conduct of the press in the campaign. The most noisome offenders, violating all standards of journalistic ethics, were papers like *The Chicago Tribune* and the Hearst chain. These papers not only prevaricated editorially, but distorted and discolored news. Making the most noise, they have tended to create the impression that the entire anti-Roosevelt press conducted itself in like manner.

This is not so. Newspapers like the *Detroit News* and the *St. Louis Post-Dispatch*, representative of a sizable bloc of American journals, lend evidence to the contrary. Avowedly independent, but actually pro-Landon, such newspapers distorted little or no news, played up few scare headings, simply took a strong—sometimes vehement—pro-Landon editorial position. Actual and complete neutrality was non-existent as far as we have been able to determine: but this survey, we repeat, is not represented as a minute examination of the nation's press. The closest approach to neutrality was made, as we have noted, by *The Baltimore Sun*—but even its readers, basing their presidential choice upon *The Sun's* editorials throughout the campaign, would have been led to prefer Mr. Landon above Mr. Roosevelt.²

Of the eleven columnists we have considered, therefore, five were definitely pro-Landon (Sullivan, Lippmann, Lawrence, Alice Longworth, Kent); three were negative (Brisbane, Mallon, Dorothy Thompson); two were, generally speaking, pro-New Deal (Pegler and Broun). Only Jay Franklin was 100-per cent for Roosevelt. It may be said, consequently, that some of the country's foremost columnists were included in the repudiation of the press.³

LOCAL PRESS IN A STRIKE.

. . . there have been cases in which check ups of press performance have led to the conclusion that neither the perspicacity of its consumers nor competition between press units has prevented distortion and inaccuracy in dealing with

¹ *New Republic*, Mar. 17, 1937, Editorial II, The Press and Its Owners, p. 179.

² *Ibid.*, p. 185.

³ *Ibid.*, p. 187.

important developments. Thus representatives of the Commission of Inquiry of the Interchurch World Movement, which investigated the steel strike of 1919, reported that "it is inconceivable that the public which relied on the Pittsburgh newspapers could, by any human method of reading newspapers and allowing both for exaggeration due to bias and inaccuracy due to haste, have understood either the causes of the steel strike or the significance of its incidents." . . . But to offset what can easily be made an impressive demonstration of the utter fatuity of the theory is the availability of an impressive array of data which may validate at least parts of it. In many instances, for example, newspapers endeavor most meticulously to give complete and impartial accounts of news developments which, so far as their institutional opinion is concerned, are most offensive to them.¹

This difficulty, too obvious to need illustration, is enhanced by a propaganda industry, greatly expanded by governments, political parties and private enterprise as a result of the possibilities disclosed during the World War, which showers the press with an enormous volume of material; it is aggravated also by frequent resistance to the efforts of the press to get at the facts and, as will be indicated subsequently, by certain legal elements involved in the press undertaking. So far as the casual reader of the newspaper is concerned these difficulties are complicated by the compulsions of the technique of headline writing, developed initially as a form of salesmanship, which requires that what may be a long and involved account be summarized in a few lines, as well as by the practice of attempting to tell the whole story in the first sentence or paragraph.²

THE NEW REPUBLIC LOOKS AT THE PRESS.

Q. Is the press getting better or worse? . . .

A. The way in which the press has become worse (for there are ways in which it has improved) is much more basic and important. There was a time in American life when newspapers, to a large degree, were mouth-pieces of public opinion. The evidence of Horace Greeley's life is before us and we know he was speaking a sincere belief when he said that journalism was a public responsibility and a public trust. The day of the owner-editor, however, the day of the man who wrote his own editorials, and even set them in type, has passed—except, of course, in the case of the country weekly. A large newspaper, as we have already pointed out, is a large business. To start a daily in any large American city would cost millions of dollars: and its deficit, before it began to pay its own way, would be millions more. The control of the press has passed out of the hands of the independent journalist and into the hands of the syndicate or corporation. Between the publisher in his office and the man in the street there is no contact. They live and think in different worlds.

The answer to our first question, then, would be this: The press is getting worse in so far as it represents the attitudes and aspirations of those who have become the voice of big business: or, if you like, capitalism. It is getting better

¹ KEEZER, DEXTER MERRIAM, Press, *Encyclopaedia of the Social Sciences*, The Macmillan Company, 1934, vol. 12, pp. 338-339.

² *Ibid.*, p. 339.

in that the quality of its syndicated material is improving—such as press-association news, syndicated columnists, etc.—and in that a higher quality of personnel is coming into writing and editing. An important element in this connection is the development of professional standards and the demand for better working conditions brought about by the American Newspaper Guild: one of the healthiest developments in modern journalism and an influence extending far beyond the papers in whose offices the Guild is represented.

Q. Is censorship an important issue with the American press?

A. Yes—but not the kind of censorship that the word generally implies. There is in the United States no such government censorship as exists in most other countries all or part of the time—or anything remotely approaching it. The complaints of spokesmen for the American Newspaper Publishers' Association that the government has tried to bring pressure to bear on them are without any foundation in fact. They have been put forth in the endeavor to prevent the application of general administrative policies from which the publishers wished to be exempt, such as the hour, wage and collective-bargaining provisions of the NRA, and the curtailment of child labor. There has been ten times as much censorship of the administration by the press as of the press by the administration.

Q. Is any censorship or control exercised by advertisers?

A. As a general rule, very little. There are, of course, numerous instances when advertisers have used their power to dictate editorial policies, just as there have been instances when papers have been purchased outright by financial, industrial or political groups. Censorship or control by advertisers, however, is far less than is commonly supposed.¹

Publishers and important business men do not meet in dark cellars to devise means of suppressing news. Even if they did, so many men cooperate in putting out a paper that the news of such efforts would inevitably leak out and even get published elsewhere. It is not worth the risk and, what is most important, there is no need for it. The publisher and his chief associates, by and large, think along the same lines as the advertiser. There is no great difference, for example, between the psychology of the publisher of *The New York Herald Tribune* and that of the president of *General Motors*.²

A DEFINITION OF NEWS.

"News" signifies something which has just happened, and which is new just because it deviates from the old and regular. But its *meaning* depends upon relation to what it imports, to what its social consequences are. This import cannot be determined unless the new is placed in relation to the old, to what has happened and been integrated into the course of events. Without coordination and consecutiveness, events are not events, but mere occurrences, intrusions; an event implies that out of which a happening proceeds. Hence even if we discount the influence of private interests in procuring suppression, secrecy and misrepresentation, we have here an explanation of the triviality and "sensational"

¹ *New Republic*, Mar. 17, 1937, p. 188.

² *Ibid.*, pp. 188-189.

quality of so much of what passes as news. The catastrophic, namely, crime, accident, family rows, personal clashes and conflicts, are the most obvious forms of breaches of continuity; they supply the element of shock which is the strictest meaning of sensation; they are the *new par excellence*, even though only the date of the newspaper could inform us whether they happened last year or this, so completely are they isolated from their connections.¹

VARIATION IN REPORTING NEWS

Newspaper reporting at its best is subject to serious limitations. A reporter invariably views a situation through glasses colored by his own predilections and prejudices. No two will describe the same event in exactly the same way. When Alexander Kerensky was assaulted in a New York theater, the affair was described as follows in various New York newspapers:

World: [She] slashed him viciously across the cheek with gloves.

News: Struck him on the left cheek with her bouquet.

American: Dropped her flowers and slapped him in the face with her gloves.

Times: Slapped his face vigorously with her gloves three times.

Herald-Tribune: Beat him on the face and head . . . a half dozen blows.

Mirror: Struck him across the face several times.

In describing how Kerensky reacted, these papers said:

World: He stood still, but used his arms to wave back to friends.

News: He stepped back, maintaining a calm pose.

American: Kerensky reeled back.

Herald-Tribune: He stood still with his arms thrown back.

Mirror: He reeled from the blow. His supporters were stemmed by a handful of royalists. Fists flew, noses ran red; shirts and collars were torn.

If reporters disagree on such a simple set of facts, is it surprising that they rarely agree on an affair as complicated as a strike? One will picture conditions in the coal districts of West Virginia as "barbaric," the miners' homes as "hovels," and the mine owners as "feudal barons." Another will speak of the "liberal labor policy" of the owners and the "comfortable homes" of the miners and will assert blandly that "whatever unrest there is, is due to walking delegates and communist agitators."²

WHAT MAKES NEWS?

"Fifty years ago," says Silas Bent, "crime occupied but 32 inches in the *St. Louis Republican*, today it holds an average of 161.3 inches in the *Post Dispatch*; double the ratio and quintuple the space." In answer to the criticism that the newspapers give a disproportionate amount of space to crime news, the *New York World* published the results of a survey made by the Wharton School of Finance and Commerce of the University of Pennsylvania. The front pages

¹ DEWEY, *op. cit.*, pp. 179-180.

² ODEGARD, *op. cit.*, pp. 132-133; cf. CLARKE, E. L., *The Art of Straight Thinking*, Chap. XII *et seq.*

of eight leading eastern papers were studied and the news was tabulated for the period 1911 to 1915 and from October to February 1925. The results were in percentages:

Political news.....	38.5	Business news.....	5
Foreign news.....	12.5	Art and science.....	3
Accident news.....	14.5	Society, religion, sports, and	
Crime news.....	22.5	obituaries.....	1 each

If one analyzed the content of the "tabloids," whose circulation far outdistances that of the standard-sized sheets, the results are even more illuminating. The following table shows the percentage of total space, exclusive of advertising, devoted to various items, during a twelve-day period from October 11 to October 23, 1926:

	<i>Graphic</i>	<i>Daily Mirror</i>	<i>Daily News</i>
Crime, divorce and annulment.....	13	13	12
Local and foreign news and editorials... ..	11	12	17
Features—marriage problems, puzzles, etc....	75	74	68

It is evident that these papers are not journals of opinion but organs of entertainment.¹

HOW EFFECTIVE IS THE PRESS IN CREATING PUBLIC OPINION?

The *New Republic* has made a study of the relation between the attitude of 15 metropolitan newspapers to the vote in the last presidential election in their localities. The evidence points to the conclusion that the metropolitan newspapers did not affect the public's attitude toward the presidential candidates. The *New Republic* went further in its inquiry to determine whether or not dishonest propaganda was used, whether or not the press is becoming less effective, and how independent journalism can be maintained. Upon finding that the press reflects the attitude of the "big-business" group with which it has become affiliated through its advertising and its economic interests and that its editorial opinions do not represent the trend of public opinion, the *New Republic* concludes that the press is losing its influence with the public and makes the following suggestions:

THE *New Republic's* PROPOSAL.

The way to reform the press is more simple, and more complete, than any of the proposals generally advanced. Publishers are businessmen and every

¹ *Ibid.*, pp. 124-125.

businessman, in order to survive, has to sell his wares. If enough readers would protest against the policy of any paper that falsifies its news and betrays the public interest, even the most cynical and callous publisher would have to mend his ways. The profits of a newspaper come from advertising; and advertising is sold on circulation. When circulation lags, advertising lags—and profits become losses. No publisher can fight against a declining circulation curve—and it is within the power of the people to lower the circulation of any paper they want to bring to heel.

We are not advocating, except in cases of extreme necessity, the use of the boycott. Nor are we advising the immediate cancellation of subscriptions when an editorial expresses a point of view with which the reader might not agree. It is always wholesome to know the other side. We have to recognize the right of all groups to freedom of expression and we would advocate the use of pressure—by protest or boycott—only when publishers color and falsify facts, and print editorials based on these distorted facts, to betray the public interest.

Of all the forces potentially able to purge the press, labor is the most powerful. The problem of the press, therefore, is directly related to the growth of organized labor in the United States. In the past labor was not strong enough, in the sense of organization, to exercise an influence able to counterbalance that of those who governed business and finance. . . . Labor, moreover, can find allies in other social groups—among farmers and farm workers, members of consumer and producer cooperatives, professional and white-collar groups with progressive determinations. These groups, taken together, make up the greater part of our population. They are people who make possible the mass circulation upon which publishers depend for profit. They are, in short, the customers of every publisher: and, like all customers, they have the right to demand a high quality in the things they buy—especially when what they are buying, presumably, is truthful reporting and truthful news.¹

SUGGESTIONS FOR IMPROVEMENT OF THE PRESS

A great many suggestions have been made about how the American press can be improved. Some of these are:

1. The establishment of a government newspaper which would allow political parties an allotted space each for a statement of its position.

2. The establishment of an endowed newspaper, which would be independent of income from advertising.

3. Legal provisions for the statement of views other than those represented by the newspaper and its publishers. This suggestion is patterned after the present government regulation of radio.

4. Suggestions looking toward higher professional standards for journalists.

5. Unionization of newspaper employees. The American Newspaper Guild has already begun to unionize newspaper reporters.

¹ *New Republic*, editorial, Mar. 17, 1937, p. 191.

6. The use of the boycott against newspapers guilty of flagrantly unethical and dishonest journalism.

A CODE FOR JOURNALISTS.

I. Responsibility: The right of a newspaper to attract and hold its readers is restricted by nothing but considerations of public welfare. The use a newspaper makes of the share of public attention it gains serves to determine its sense of responsibility, which it shares with every member of its staff. A journalist who uses his power for any selfish or otherwise unworthy purpose is faithless to a high trust.

II. Freedom of the press: Freedom of the press is to be guarded as a vital right of mankind. It is the unquestionable right to discuss whatever is not explicitly forbidden by law, including the wisdom of any restrictive statute.

III. Independence: Freedom from all obligations except that of fidelity to the public interest is vital.

1. Promotion of any private interest contrary to the general welfare, for whatever reason, is not compatible with honest journalism. So-called news communications from private sources should not be published without public notice of their source or else substantiation of their claims to value as news, both in form and substance.

2. Partisanship, in editorial comment, which knowingly departs from the truth, does violence to the best spirit of American Journalism; in the news columns it is subversive of a fundamental principle of the profession.

IV. Sincerity, Truthfulness, Accuracy: Good faith with the reader is the foundation of all journalism worthy of the name.

1. By every consideration of good faith a newspaper is constrained to be truthful. It is not to be excused for lack of thoroughness or accuracy within its control or failure to obtain command of these essential qualities.

2. Headlines should be fully warranted by the contents of the articles which they surmount.

V. Impartiality: Sound practice makes clear distinction between news reports and expression of opinion. News reports should be free from opinion or bias of any kind.

This rule does not apply to so-called special articles unmistakably devoted to advocacy or characterized by a signature authorizing the writer's own conclusion and interpretations.

VI. Fair Play: A newspaper should not publish unofficial charges affecting reputation or moral character without opportunity given to the accused to be heard; right practice demands the giving of such opportunity in all cases of serious accusation outside judicial proceedings.

1. A newspaper should not invade the private rights or feelings without such warrant of public right as distinguished from public curiosity.

2. It is the privilege, as it is the duty, of a newspaper to make prompt and complete correction of its own serious mistakes of fact or opinion, whatever their origin.

VII. Decency: A newspaper cannot escape conviction of insincerity if, while professing high moral purpose, it supplies incentives to base conduct, such as are found in details of crime and vice, publication of which is not demonstrably for the general good. Lacking authority to enforce its canons, the journalism here represented can but express the hope that deliberate pandering to vicious instincts will encounter effective public disapproval or yield to the influence of a preponderant professional condemnation.¹

For questions, terms, and suggested readings on topics discussed in this chapter see conclusion of the chapter that follows.

¹ Adopted by the American Society of Newspaper Editors, Apr. 1, 1923.

Chapter XIV

Control and Protection of
Public Opinion

The radio has become a dominant agency in the formation of public opinion. The amount of advertising that goes over the air, the use of the radio in political campaigns, the rise of the radio news commentator, and the frequent discussion of public issues, including foreign affairs, all point to the important place that radio broadcasting has assumed in the life of the American people. American broadcasting is based on private ownership and depends for its revenue upon commercial advertising. Foreign broadcasting is usually in the hands of a state monopoly. In the United States there has been some regulation established by the Federal Communications Commission, such as the allotment of wave lengths and the apportionment of time devoted to advertising. Moreover, broadcasting companies, in applying for a renewal of their licenses each six months, must convince the commission that their stations have served the "public convenience, interest, and necessity." These broad terms of regulation make it very difficult for the manager of a station to be sure that he is within the law, and some observers see in this uncertain state of the law a danger to freedom of the air. A second type of control is exercised by individual stations themselves in setting up rules of broadcasting, refusing to sell time to certain individuals or groups, and editing what is to be said over the air. The American Civil Liberties Union has issued a pamphlet entitled "Radio Is Censored!" This pamphlet asserts that in at least 25 cases there has been unwarranted discrimination or censorship. Other students of the radio in America feel that America is relatively free from censorship of radio programs.

TYPES OF RADIO PROGRAMS

By contrast (with foreign radio systems) radio in the United States is a crude, tumultuous, wide-open public forum. Nicholas Murray Butler talks on the air. Huey Long talks on the air. Father Coughlin talks on the air. John W. Davis

talks on the air. The cotton textile manufacturers talk on the air. The cotton textile strikers talk on the air. The spokesman of the League for Industrial Democracy—more radical than Father Coughlin—talks on the air. The spokesmen of the Sentinels of the Republic—more conservative than Mr. Davis—talk

CLASSIFICATION OF PROGRAMS BROADCAST OVER KEY STATIONS
OF NATIONAL NETWORKS DURING THE SECOND WEEK OF
NOVEMBER, 1931 AND 1932, AND CLOSING WEEK OF
JANUARY, 1933
(Percentage of hours)*

<i>Type of program</i>	1931	1932	1933
Classical music.....	7.7	4.9	7.5
Semiclassical music.....	12.0	10.6	11.2
Folk music and ballads.....	3.0	1.0	2.2
Variety music.....	4.2	2.0	5.9
Popular music.....	33.8	42.9	34.4
Total music.....	60.7	61.4	61.2
Children's programs.....	2.7	3.4	3.6
Comedy broadcasts.....	4.7	4.1	2.6
Other dramatic presentations.....	5.5	4.9	8.5
Adult educational programs.....	5.0	3.6	5.2
Children's educational programs.....	.7	.8	.8
Farm programs.....	1.7	1.9	1.7
International broadcasts.....	.1	.3	.5
News and market reports.....	1.4	1.5	1.5
Religious programs.....	1.9	.5	1.6
Sports broadcasts.....	2.7	2.6	
Special features of public interest.....	.8	2.7	1.9
Women's feature programs.....	5.3	2.7	2.5
Variety programs.....	6.8	9.6	8.4
Total.....	100.0	100.0	100.0

* HETTINGER, HERMAN S., Broadcasting in the United States, *Annals of the American Academy of Political and Social Science*, vol. 177, p. 13, January, 1935.

on the air. And the leaders of all factions of the Federal Senate and of the Federal House of Representatives are almost incessantly on the air of our two competitive nation-wide broadcasting companies.¹

FREEDOM OF THE AIR WAVES

We have the only system of radio by which we can compel freedom of speech. Under government-owned systems, there is no freedom of speech. There is no freedom of speech by radio in Germany or Italy or Russia. In those countries, speech by radio is simply propaganda by those in power to retain control of the government. Even in democratic England, in free France, and in liberty-loving

¹ HARD, WILLIAM, Radio and Public Opinion, *Annals of the American Academy of Political and Social Science*, vol. 177, p. 108, January, 1935.

Denmark, there is no freedom of speech by radio for the discussion of public questions.¹

My principal thesis is that, on the basis of the legal and factual data now before us, broadcasting enjoys a liberty of expression far more circumscribed than that of the press, and that whereas the press has won a very substantial immunity, broadcasting has no immunity in time of war, and in time of peace it must be content in the main with lip service to the principle instead of the principle itself. The scope of freedom of speech by radio should be no whit less than the scope of freedom of the press, not only for the sake of the broadcaster and his listening public, but as well for the sake of the publisher and his reading public. Theirs is a common cause, liberty of expression, and a defeat suffered by either will eventually expose the other to a flank attack.²

But why does such criticism exist here? It exists here precisely because our competitive broadcasting system is burdened by no monopolistic responsibility for directing the course of public opinion. One may provocatively—and yet absolutely accurately—say that the central public merit of the American broadcasting system is precisely its public irresponsibility. The private broadcaster in the United States does not take it upon himself to decide what the public shall think. His highest duty under our system is to admit all schools of thought to his studios and to permit them to convey their orthodoxies or heresies to the listeners, who will themselves decide what they think.

This is, I believe, as it should be. The operator of a broadcasting station should not be, in my judgment, a manufacturer or even a molder of public opinion. He should be only a funnel through which the streams of current public opinion flow toward forming the incalculable seas of the public opinion of the future. The curse of radio abroad, whether in dictatorships or democracies, is that broadcasters there are generally in a high degree convinced that it is for them to say—it is for their little segregated fortuitous mentalities to say—just what the configuration and chemistry of those seas of coming thought shall be. That is the inevitable accompaniment of their customarily monopolistic position.³

This desideratum exists regarding a radio station as it does not exist regarding a printed publication. The editor of a publication is under no binding moral compulsion to open his pages to the arguments on all sides of an issue. He is compelled indeed by conscience, if he has it, to report the news accurately. He is not compelled to present issues neutrally. He may have an editorial policy. His readers indeed often demand that he shall have an editorial policy. They want him to speak out boldly and fearlessly on the crises of the moment. He thereupon writes burning editorial articles; and also, in many cases, he chooses his non-editorial articles with an eye solely to the promotion of the ideals which his editorials propound. Readers who do not like his one-sided periodical

¹ DILL, CLARENCE C., Radio and the Press: A Contrary View, *Annals of the American Academy of Political and Social Science*, vol. 177, p. 173, January, 1935.

² CALDWELL, LOUIS, Freedom of Speech and Radio Broadcasting, *Annals of the American Academy of Political and Social Science*, vol. 177, p. 180, January, 1935.

³ HARD, *op. cit.*, p. 106.

can then shift over to reading some other periodical perhaps equally one-sided in the opposite sense.¹

A radio station is quite differently circumstanced. It ought to be, I maintain, competitive with other radio stations; but it has a quasi-public duty. It operates as a tenant of a part of a public domain called the radio spectrum. It is assigned to that part of that domain by public authorities representing the people. It thereupon owes the people the duty of permitting their thoughts to circulate on the air with no editorial bias and with no editorial commendation or condemnation, but with impartial and total hospitality.²

RADIO AND THE PRESS

Q. What effect will the radio have upon the press?

A. Very little, probably. We have already referred to the belief on the part of some persons that the radio acted as a corrective to the pro-Republican utterances of most of the important newspapers during the campaign. Those who hold this view will probably not be disconcerted to learn, as we have reported, that the Republicans bought more time on the air than did the Democrats. They might reply that whereas the Republican broadcasts merely duplicated the contents of the newspapers, the Democratic orators brought to the listening audience information and argument that were comparatively fresh and novel. This is true. It is also true, as we have said, that Mr. Roosevelt is unquestionably the best radio speaker in the country. Five minutes of his oratory is infinitely more effective than two hours of ranting by Colonel Knox.

The question of radio's usefulness as an instrument for the creation of public opinion is far too complicated to be discussed in space as brief as this. A few things, however, may be said. Thus far, the radio in the United States has been primarily a device for entertainment: hardly more than a musical instrument. Its usefulness, furthermore, has been considerably diminished by its role as an advertising medium. A radio program generally has to sell something and the selling power of a discussion on the Supreme Court, or the Japanese penetration of China, would have to be rated a few degrees below nil. This circumstance, while permitting us to enjoy comedians like Fred Allen and Jack Benny, has not aided the radio as an instrument of public education.

It is also to be remembered that the radio began as a by-product of the electric utilities and this too has contributed to the timidity with which public affairs are discussed over the air. There have been numerous instances of radio censorship such as were reported in a survey prepared for the American Civil Liberties Union, which presented some 150 case histories of complete or partial radio suppression. Against such a background, any display of courage is greeted with applause. For example, the Columbia Broadcasting System was highly praised for granting time on the air to the Communist Party: and in view of the protests that followed, such praise was well merited. Even the most conservative newspapers, however, printed the speeches in question after they had been

¹ *Ibid.*, p. 110.

² *Ibid.*, p. 111.

delivered. Generally speaking, the press, despite its many limitations, has proved far more courageous than the radio. No one can reasonably hope that the radio, left to its own devices, will become a useful antidote to the conservatism or the reactionary attitude of the press.¹

While radio communication is "speech" and is therefore under the protection of the constitutional amendments protecting freedom of speech, the nature of the radio presents greater difficulties than does the press to the preservation of civil liberties. Each radio station must be allotted a definite wave length, or else there will be interference between stations, and no station will be able to deliver its message; and there are a very limited number of wave lengths available. Moreover, there are only 24 hours in a day, and only about 6 of these are desirable, since at other times most listeners are at work or asleep. Thus radio time seems to be a natural monopoly, unlike printing presses and paper. The broadcasting company must necessarily pick and choose among applicants for radio time, and the government must assign wave lengths to the various stations. The combination of many independent stations into the two large nationwide networks NBC and CBS has aggravated this problem of monopoly.

CENSORSHIP OF RADIO PROGRAMS

It is hardly surprising that, in choosing between applicants for time on the air, broadcasters should sometimes be governed by their own financial interests and those of their high-paying advertisers, with the result that unpopular and minority points of view have been discriminated against and in some cases excluded from the air. The following passages, most of them from pamphlets of the American Civil Liberties Union, give a general discussion of freedom of speech, some instances of private and public censorship, and a summary of a bill intended to remedy the situation.

THE POSITION OF A MEMBER OF FEDERAL RADIO COMMISSION.

1. *The guaranty aims not so much to protect the individual in holding opinions as to insure that society receives them.* We shall miss the peculiar significance of liberty of expression if we fail to note that its principal objective is to maintain open the avenues of communication between human minds. The danger to be guarded against is the placing of governmental barriers anywhere along these avenues. "The free *communication* of ideas and opinions is one of the most precious rights of man."

2. *The guaranty is against government censorship and not against so-called private censorship.* The word "censorship" is used in a bewildering variety of senses in current discussions, including what is sometimes termed the "censor-

¹ *New Republic*, Mar. 17, 1937, p. 189.

ship" exercised by newspaper publishers or by broadcasters in the choice of material offered them.

3. *The guaranty is, and was intended to be, a real limitation upon the powers delegated to Congress.*

4. A valid test of the effectiveness of the guaranty is the scope of the right to censure public men.¹

A CHARGE OF CENSORSHIP.

Of all means of communication radio to-day leads the field in affecting public opinion. Scores of programs are carried daily presenting news comment and less often, political controversy. Each of these programs must face what is in effect a double censorship: first and by far the severer, that of the station managers, dictated by their own prejudices, their fear of offending listeners and by the possibility of suits for libel and slander; and second, that of the Federal Communications Commission, which through its authority to grant and renew licenses has an indirect influence over programs although it expressly denies any power to censor them. Instances of censorship by the Federal Communications Commission, though few, are yet of extreme importance in their restraining effect on programs that might be considered too critical of government officials.²

"It seems that the radio is available for the sale of laxatives, but not to sell ideas that relate to the very foundations of American government."

This accurate description of radio censorship was inspired in David Lawrence, writing in the *New York Evening Sun*, by the refusal of the two dominant American net-works to sell time for a dramatic program to the Republican Party Campaign Committee, in January, 1936. Whatever opinion one may hold of the propriety of anonymous political skits, one is bound to deplore the substitution of a program sponsored by a laxative company and presented by Hollywood crooners.³

The restriction of free speech on the radio has been catholic—radicals, liberals and even the Republican Party have suffered. Minority political parties, doctors seeking to warn the public of syphilis, trade unions and opponents of lynching have all felt the censor's hand. Sometimes the ban has been imposed in the name of "good taste," more often as "too controversial." Yet in December, 1934, the magazine *Broadcasting* still maintained that there was not one authenticated case of censorship.⁴

Censorship is exercised on the radio by: (1) simply refusing to sell or fulfill contracts to broadcast; (2) demanding copies of speeches and cutting them in advance; (3) drowning out or cutting off a speaker in the middle of a program; (4) relegating speakers to early morning hours when all but radio maniacs are in bed.⁵

¹ CALDWELL, *op. cit.*, p. 181, 182, 183.

² KASSNER, MINNA F., and ZACHAROFF, LUCIEN, Radio Is Censored, *American Civil Liberties Union*, 1936, p. 3.

³ *Ibid.*, p. 6.

⁴ *Ibid.*, p. 7.

⁵ *Ibid.*, p. 11.

During the year the issues which arose affected chiefly political campaigns. During the presidential campaign the Communist Party, although by law entitled to equal facilities on the air, was discriminated against by a number of local stations where programs were put on national hook-ups. Various excuses were given. The Federal Communications Commission was obliged, on the Union's protest, to call the attention of station managers to the law. Vigorous representations were made to local stations.

Senator Vandenberg of Michigan charged censorship by the Columbia Broadcasting Co. when a debate with the recorded voice of President Roosevelt was cut off. No clear issue of censorship was however involved, since a long-standing rule prohibited the use of recorded voices in such a program.¹

Evidence of the ceaseless conflict between the defenders of the status quo and the forces of democratic advance continues in the attack on progressive measures as Communist. While a considerable number of the lesser professional patriotic agencies have folded up since the election, the type of propaganda they voice goes on unabated, inspired by the fear of reform measures based on increased power of labor. Our correspondents reporting from 36 states credited the American Legion, this year as last, in taking the lead in such anti-democratic and repressive propaganda and activities, though it must be noted that the national officers of the Legion, with the exception of the director of the Americanism Commission, take a more tolerant view. Next to the Legion, our correspondents cited the anti-Communist drive of the Catholic church and its lay organizations as responsible for the atmosphere in which repression of civil rights thrives. Chambers of Commerce and employers' organizations came next. D.A.R. and Klan and Nazi agencies brought up the rear with comparatively slight influence.²

There has been some complaint as to censorship of the moving pictures, both moral and political in nature. The American Civil Liberties Union gives instances of such censorship in its pamphlet *Let Freedom Ring!*

The decision of the Supreme Court of Michigan that the police may not censor a motion picture on account of its political content has had salutary effects not only in Michigan but elsewhere.

The motion picture "Spain in Flames," a pro-loyalist film, part of which was taken by Soviet cameramen, was banned under pressure by Catholic and other interests in two states and a number of cities. The Ohio and Pennsylvania Boards of Censors (two of the seven states with movie censorship) banned the picture on the ground that it was either "Communitic or irreligious" or advocated enlisting in the loyalist cause. The Union has brought a suit in Ohio against the board. Suits have been brought or are planned in Providence, R. I., New Brunswick and Trenton, N. J.

An issue attracting national attention arose in Kansas when the State Board ordered deletions as "partisan and biased" from a speech by Senator B. K. Wheeler in the "March of Time," attacking the President's Supreme Court

¹ American Civil Liberties Union, *Let Freedom Ring!* 1937, p. 39.

² *Ibid.*, p. 4.

proposal. The order was revoked after widespread protests in which the Union's local representatives were active.¹

A BILL TO FREE THE AIR.

The purpose in publishing this material is to make clear the necessity of further federal legislation for greater freedom on the air. Such legislation was introduced in the 1936 Congress in the form of four bills sponsored by Rep. Byron Scott of California, and prepared by the Radio Committee of the American Civil Liberties Union, of which Bethuel M. Webster, former counsel of the Federal Radio Commission, is chairman.

The bills would:

1. require that each station as a condition of its license set aside a regular period "at desirable times of the day and evening for uncensored discussion on a non-profit basis of public, social, political and economic problems and for educational purposes."
2. make it mandatory for every station presenting a controversial issue to give a hearing to at least one opposing view.
3. free stations, but not speakers, from legal liability for remarks on such programs.
4. compel stations to keep accurate and public records of all applications for time, indicating which are granted and which refused.²

MOVING PICTURES AS AN INSTRUMENT FOR INFLUENCING PUBLIC OPINION

It has been very difficult to get any measure of the influence of moving pictures on public opinion. That pictorial presentation is more effective than auditory presentation is a psychological axiom. Charges and countercharges have been made as to the evils of the motion picture; censorship has been set up in certain states; at last an attempt has been made by the moving-picture industry itself to censor the movies; religious groups have set up "better film" committees (such as the Catholic League of Decency, which encouraged the boycotting of objectionable pictures). The most complete and scientific study was made under the auspices of the Payne Fund. Dr. W. W. Charters, director of the Bureau of Educational Research of Ohio State University, was the chairman of a committee that made 12 studies. The committee took up such problems as getting ideas from the movies, the social conduct and attitudes of movie fans, emotional responses of children to the moving-picture situation, and children's sleep after seeing movies.

A number of proposals have been made for the improvement of the moving picture. Among them are the following:

¹ American Civil Liberties Union, *Let Freedom Ring!* p. 39.

² KASSNER and ZACHAROFF, *op. cit.*, pp. 3-4.

1. The establishment of a national film institute, similar to those which have been established in Great Britain and Italy.
2. Teaching in the public schools the appreciation of motion-picture art.
3. Production of a wide variety of educational films. There can be no question that such films would be widely used throughout the schools. So far, three careful studies have been made which show that certain kinds of learning are enhanced from 10 to 28 per cent through the use of films. The school can no longer afford not to teach appreciation of the films, since the films are here to stay.

Eighty-seven per cent of our ideas come from visual impressions. When Thomas Nast was flaying the Tweed Ring in his *Harper's Weekly* cartoons, Tweed is supposed to have offered him \$500,000 to "lay off," saying: "Let's stop them d—d pictures. I don't care so much what the papers write about me—my constituents can't read—but d—n it, they can see the pictures." "Seeing is believing," "Actions speak louder than words," say the old saws, and the movies deal in actions that can be seen.¹

MOTION PICTURES AND PROPAGANDA

Open propaganda is less apparent. Out of 840 films examined a few years ago, only fifteen, or about 1.7 per cent, were classified as propagandist, that is to say, were obviously Anti-German, Pro-Christian Science, Anti-venereal, Armenian Relief, Salvation Army, Pro-food Conservation, and Political. On the other hand, it is deemed safe to portray the Bolsheviks and "radicals" as undesirable. Most American-made pictures of the Russian revolution have as heroes handsome aristocrats of the old regime; whereas the villains are usually ignorant and brutal Bolsheviks. It is also safe to portray the power of prayer, as in the *Miracle Man* and the *Ten Commandments*. America is a Christian country, and the *King of Kings* can offend only the atheists and anarchists, who scarcely count anyway. But to include anything which may give offense to powerful groups, such as the Irish, Catholics, Methodists, Patriots, or Prohibitionists, is bad business; and the producers rarely run the risk. For example, the International Federation of Catholic Alumnae claim that countless deletions of scenes objectionable to Catholics have been made under pressure from them.²

Says a well-known scenario writer:

"That motion pictures appeal to everybody means, in terms of business, that each picture should be made to obtain the patronage of everybody everywhere. This means, in turn, that every film must be intelligible to everybody; and in order to be that, *it must meet the level of intelligence of every audience which is to see it. The lowest intellectual level, consequently, is that which governs the character of the appeal to be made.*"³ (Italics mine.)

¹ ODEGARD, PETER, *The American Public Mind*, Columbia University Press, 1930, p. 198.

² *Ibid.*, pp. 202-203.

³ *Ibid.*, p. 199.

The constant showing of naval and military maneuvers helps to keep us "defense conscious." It may be merely a coincidence that Will Hays and many movie magnates have been sworn in as officers of the United States Army Signal Corps' motion picture council. Prominent politicians, who in the ordinary course of things cannot appear personally to more than a small fraction of the people, can, through the movies, be brought face to face with millions. A prominent Republican, speaking of President Harding, once said to Ray Hall, editor of *Fox News Reels*:

"There never has been a President for whom the people have such affection. It is because they felt a personal acquaintance with him. For that, more than anything else, motion pictures, and particularly motion picture news reels, are responsible."¹

A movie producer once said that a perfect scenario must have five things: "religion, humor, society, action, and sex." An enterprising writer thereupon submitted the following as a perfect scenario: "My God! laughed the Duchess, let go my leg."²

Almost 90 per cent of the moving pictures of the world are made here, and they go out to Singapore and Zagreb, London and Louvain, Constantinople and Canton. At the gateway to the Garden of Gethsemane, under the shadow of the Sphinx, within a stone's throw of the League of Nations, one can read the posters, *Dancing Mothers*, *The Loves of Sonya*, and *Forbidden Paradise*. The view of American life which they present is at best a distortion. They carry the impression that America is a land of millionaires and mountebanks, of cowboys and Indians, of cigarette-smoking, cocktail-drinking women, and sleek "stacombed" men. It is a land of divorce and debauchery, bootleggers and brothels. Lust, greediness, infidelity, murder, malevolence, depravity—"the wide world is invited to believe that the Statue of Liberty holds a red light and that the Tenderloin ends where the West begins."³

The London *Daily Mail* recently declared: "British ideals and ideas are being obscured throughout the dominions and at home. American ideas which the cinema disseminates . . . instill the gross materialism of an inferior type of American, instead of the high morality upon which British institutions and ideas are founded.

The Australian film censors refused to pass *The Big Parade* because it was "replete with excessive and offensive U. S. propaganda." The long lines of motor trucks loaded with "doughboys" might cause "many an Australian moviegoer to forget that less than one-seventieth of the soldiers killed during the World War were U. S. citizens."⁴

AN EDUCATOR LOOKS AT THE MOVIES.

As one reviews the series of studies three conclusions seem inevitable. First, the motion picture, as such, is a potent medium of education. Children even

¹ *Ibid.*, p. 204.

² *Ibid.*, p. 201.

³ *Ibid.*, p. 208.

⁴ *Ibid.*, p. 209.

of the early age of 8 see half the facts in a picture and remember them for a surprisingly long time. A single exposure to a picture may produce a measurable change in attitude. Emotions are measurably stirred as the scenes of a drama unfold and this excitement may be recorded in deviations from the norm in sleep patterns, by visible gross evidences of bodily movement and by refined internal responses. They constitute patterns of conduct in daydreaming, phantasy, and action. The evidence of their influence is massive and irrefutable.

Second, for children the content of current pictures is not good. There is too much sex and crime and love for a balanced diet for children. These impartial studies reveal much more harm than help.¹

Third, the motion-picture situation is very complicated. It is one among many influences which mold the experience of children. How powerful this is in relation to the influence of the ideals taught in the home, in the school, and in the church by street life and companions or by community customs, these studies have not canvassed. May and Shuttleworth found in their survey study that in attitude toward the great majority of specific objects examined there was little difference between those children who go often to the movies and those who attend infrequently. That the most exactly controlled studies of Stoddard, Thurstone, and others showed specific and significant differences produced, complicates the question of total influence. The situation is further complicated by the fact that the producers and exhibitors have not separated the child problem from the adult problem. That is to say, they show pictures indiscriminately, to an audience consisting of minors and adults in the proportion of one minor to two adults. This causes a serious difficulty in this respect. Pictures may theoretically be satisfactory for adults and harmful to children. Presumably a much wider range of subjects and even more liberal standard for morality may be presented to adults than to children. Theoretically an adult is a free agent, but children need protection.²

A DANGER IN LOOKING AT MOVIES.

The intelligently critical student views a motion picture with emotional detachment. In *Movies and Conduct*, Herbert Blumer contrasts this approach with the condition of emotional possession: "In emotional possession one is, so to speak, at the mercy of the picture; in emotional detachment one immunizes himself to its grip. Consequently, emotional detachment becomes a method of control over one's reactions. One who approaches the picture in this latter state discounts its character and resists its emotional appeal; whereas in emotional possession one has surrendered himself to the movement of the theme and to the appeal of the scenes."³

"As I see it," said Felix Morley in a talk before the Institute of Public Affairs at the University of Virginia, "the problem before us is not so much to develop an informed public opinion as it is to build a critical public opinion. None of us can any longer hope to have more than a fragmentary understanding of the

¹ CHARTERS, W. W., *Motion Pictures and Youth*, The Macmillan Company, 1934, p. 60.

² *Ibid.*, p. 61.

³ *The News Letter*, March, 1936, p. 4.

world in which we live. We cannot be informed, except in broad outline, on most problems of our time. But we can, and we definitely should, develop a critical faculty which shall be instinctively hostile to every dogmatic statement, instinctively insistent on the importance of proof for every flat assertion, and instinctively determined to subject to severe cross-examination every one who holds blindly to the mooring ropes of the past, or who insists with equal blindness that those ropes be cut just because they are moorings. The development of such a critical attitude is the responsibility of the citizens of a democracy."¹

CENSORSHIP IN A LABOR "WAR"?

Occasionally some signal happening focuses the attention of the nation upon the movies as a primary vehicle of information and as an instrument of mass propaganda. Of vital interest today are the news-reels and still pictures made of the clash between police and strikers at the gates of the Republic Steel Corporation in South Chicago. What value as evidence of police brutality these pictures possess is left to the decision of each reader after a study of the graphic description of the film published in the *St. Louis Post-Dispatch*. . . .

But of greater importance than the official violence upon a body of unarmed citizenry was the original decision of Paramount News to shelve the newsreel on the grounds that its showing would incite to riot. Legitimate reasons from the Paramount's standpoint are adduced in support of this decision: first, the newsreel editors act under the editorial right to withdraw pictures "not fit to be seen"; secondly, such a prerogative is analogous to the editorial right exercised by newspapers to quash news "not fit to print." . . .

Perhaps the one outstanding example of political deletion was the decision by the Kansas Board of Review to eliminate from a *March of Time* episode a speech by Senator Wheeler opposing the Supreme Court reorganization plan.

In contrast, Europe boasts a censorship that is hard and fast. England strictly edited all Coronation films and banned altogether the newsreel shots of the Duke of Windsor's wedding to Mrs. Warfield. And Italy, in retaliation to anti-Italian attacks in the British press, refused all pictures reflecting favorably upon the British Empire. Since this censorship, however, is wholly foreign and expected, it makes little impression upon the American who has not yet been disabused of the fiction of a free press and a free theatre. . . .

Free press? Free movies? Is the suppression of truth the essence of this freedom? And in the final analysis, the suppression of the strike pictures was the suppression of the truth. Had the film shown but one woman clubbed to her knees by police batons it would have been worthy of presentation to the American people. As it was, scores were mowed down by police gunfire. And the reasons offered by the Paramount Company for the suppression of this testimony were ingenious but not convincing. Nothing can change the fact that in a crucial struggle involving the whole American people, and in the face of false evidence scattered by a venal press anxious to distort and obscure the facts concerning the Chicago massacre, the Paramount Company withheld testimony essential to the case of labor. In this instance the goddess of truth was not raped, she was

¹ *The News Letter*, May, 1937, pp. 2-3.

strangled. And the murder was sanctified by the belief that to acquaint the American people with the truth would be to tax their patience beyond endurance.

It was not until the St. Louis *Post-Dispatch* published the following vivid word-picture of the newsreel taken of the Memorial Day Massacre in South Chicago that public sentiment began to form against suppression of the film by Paramount News:

. . . "A vivid close-up shows the head of the parade being halted at the police line. The flag-bearers are in front. Behind them the placards are massed. They bear such devices as: "Come On Out—Help Win the Strike"; "Republic vs. the people" and "C.I.O." Between the flagbearers is the marchers' spokesman, a muscular young man in shirt sleeves with a C.I.O. button on the band of his felt hat.

"He is arguing earnestly with the police officer who appears to be in command. His vigorous gestures indicate that he is insisting on permission to continue through the police line, but in the general din of yelling and talking his words cannot be distinguished. His expression is serious, but no suggestion of threat or violence is apparent. The police officer, whose back is to the camera, makes one impatient gesture of refusal, and says something which cannot be understood.

"Then suddenly, without apparent warning, there is a terrific roar of pistol shots, and men in the front ranks of the marchers go down like grass before a scythe. The camera catches approximately a dozen falling simultaneously in a heap. The massive, sustained roar of the police pistols lasts perhaps two or three seconds.

"Instantly the police charge on the marchers with riot sticks flailing. At the same time tear-gas grenades are seen sailing into the mass of demonstrators, and clouds of gas rise over them. Most of the crowd is now in flight. The only discernible case of resistance is that of a marcher with a placard on a stick which he uses in an attempt to fend off a charging policeman. He is successful only for an instant. Then he goes down under a shower of blows."¹

CONTENT OF MOVIE FILMS.

Turning to the content of commercial pictures and viewing it against this background, we find that Dale analyzed the themes of 500 feature pictures shown in each of the years 1920, 1925, and 1930 with the aid of the Harrison Reports. In conducting his analysis he discovered 10 classes of theme: crime, sex, love, comedy, mystery, war, children (about children or for children), history, travel, and social propaganda. . . .

The Big Three among the themes in 1930 were: love 29.6 per cent, crime 27.4 per cent, and sex 15.0 per cent, making a total of 72 per cent of all themes.²

From a whooping high of \$1,100,000,000 in 1930, motion-picture receipts ebbed to a mere \$560,000,000 in 1933, according to the *Annalist* for February 7. The tide, however, turned promptly. The 1934 showing bettered 1933 by \$90,000,000, and the 1935 income was \$750,000,000. As the average admission charge in the United States, according to *Variety*, is 21 cents, simple arithmetic

¹ MUNRO, W. CARROLL, *Cameras Don't Lie*, *Current History*, vol. 46, pp. 37-38, 40, 41, August, 1937.

² CHARTERS, *op. cit.*, pp. 48-49.

reveals that last year approximately 3,571,000,000 patrons were shown to a seat, an average of 68,700,000 weekly.¹

NATURE OF PROPAGANDA

The use of propaganda in war is no new device. In fact, there is evidence that it was consciously utilized as far back as the fifteenth century and that in all wars since that time propaganda has been used. The significant thing, however, is the fact that the devices used are becoming better known. Coupled with this revelation have been the studies made of advertising and, more recently, the expose of the activities of various propaganda organizations called "pressure groups." There is, of course, "good propaganda" and "bad propaganda." The word propaganda has been used in so many ways that it has become ambiguous. Originally the word was used of the spreading of the Catholic faith among the Indians of the New World and later referred to spreading any new system of belief, religious or political.

The student should attempt to differentiate propaganda from education. This cannot be done simply by giving two definitions. Too much depends on the approval or disapproval that one feels toward the subject matter being taught or set forth. The following is an able discussion on the differences between "education" and "propaganda" and the relation of this difference to the popular controversy about "indoctrination" in the schools. Mr. Woody, the author of this discussion, lists several theories of the meaning of "propaganda" as contrasted with "education" and subjects them to critical analysis.

Education deals with the instruction of childhood and youth; propaganda consists in efforts to affect adult behavior.

On the other hand, it would be naive to assume that childhood and youth are immune to influences other than those which are truly educational. Children read, listen to radio, attend "movies," and examine advertisements with more attention and enthusiasm than their elders and with less critical ability.²

Education consists in the things which are taught in schools, propaganda in things taught outside of schools.

*Education is teaching things that are true; propaganda is teaching things that are false.*³

It should be pointed out, moreover, that not everything taught in the schools can be definitely labeled as fact. Perhaps the data of mathematics are facts; yet the examples given, for solution in any given textbook of arithmetic or algebra may—can, in truth—scarcely avoid embodying a point of view concerning economic

¹ *The News Letter*, May, 1936, p. 3.

² WOODY, CARROLL H., Education and Propaganda, *Annals of the American Academy of Political and Social Science*, vol. 179, p. 227, May, 1935.

³ *Ibid.*, p. 228.

institutions. A school reader containing stories of the lives of great men may inculcate Carlylean individualism; a community civics may, on the other hand, stress ideals of cooperation and the importance of the group. A high school economics text (if it be several years old) may indicate that the Federal Reserve Act made depressions impossible or unlikely. Through all the writing and teaching of the social subjects runs inevitably a current of interpretation. The spoils system may be described as an evil that should be abolished; it may be stated that the Supreme Court interprets, but never makes law; the Spanish-American War may be referred to as a humanitarian undertaking designed to save Cubans from oppression. These are not facts, but opinions about facts.¹

Education consists in teaching what we want to have taught; propaganda consists in spreading beliefs which we regard as undesirable. This notion runs through most "popular" discussions of propaganda. Advocacy of disarmament, advocacy of increased military expenditures, and advocacy of the *status quo* are equally "dangerous" if the combined opinions of conflicting groups be accepted. Much "viewing with alarm" is produced by this type of attitude. Jewish groups "should" not urge a boycott of German goods. Communists must be denied utterance of their views, even if so they be driven into underground revolutionary channels. Not merely the practice, but any favorable reference to nudism is a menace to morals. Merely to mention socialism in the schools, or, alternatively, to expose school children to the notion that the Constitution is sacrosanct, is to pervert the educational process. College professors should not be permitted to reveal their political sympathies, and, a *fortiori*, should not be permitted to engage in political campaigns or themselves run for office.

Education is rational; propaganda is irrational.²

Education is motivated by service to society as a whole; propaganda is devoted to advancing the interest of a special group. This plausible statement bases the distinction upon the ethics of intention. Yet in practice it may serve only to confuse. All propaganda masquerades as a contribution to the public benefit.

Education, in the schools, consists in teaching the materials—facts and attitudes—which the teaching profession believes should be taught; propaganda consists in teaching facts or opinions insisted upon by persons or groups not a part of the school machinery.

The "independence" of the schools is a cherished American tradition which expresses itself in many ways, notably in the principle of local control so strongly reaffirmed in the report of the Advisory Committee on Education.³

There is at present a tendency to "view with alarm" the activities of "the forces that control the schools." Legislatures, responding to the pressures of special groups, have imposed legal prescriptions upon the schools requiring them to teach not only a long list of the common virtues, but also a wide variety of patriotic impulses and observances. Respect for government, the flag, the Constitution, the law in general and laws in particular (traffic laws and liquor laws, for example), must be specifically taught in certain states. These are

¹ *Ibid.*, p. 229.

² *Ibid.*, p. 230.

³ *Ibid.*, p. 231.

harmless, perhaps commendable, even from the critics' point of view. But this is not the end. The catalogue of "enemies of freedom in education" is long and familiar. It includes military and patriotic societies, fraternal organizations, corporate interests (electric utilities in particular), chambers of commerce, and the yellow press. These groups, in turn, see "red" in every direction.

The "liberal" critics appear to be deeply suspicious of school boards; they point out that such bodies are composed quite commonly of "conservative" business men devoted to the maintenance of the *status quo*, hostile to innovation, and unduly receptive to the special pleas of professional patriots. Labor and the consumer tend to be underrepresented in these managing bodies. It is difficult to perceive anything unusual or unexpected about these facts. Whether elected or appointed, school-board members will be people who have "arrived," in one sense or another.¹

The school board—the policy determining body—looks two ways: toward the school administration for expert information as to what, in the view of the educational profession, should be taught and how it should be taught, and toward the public whose opinions it must understand and interpret. If the expert advice be truly expert, if the school administration has wisely reconciled the needs of the community with its resources, material and cultural, the board's task of mediation is made easy. Educators point with pride to the schools as the area of public administration in which expertness prevails most fully, to the exclusion of mere politics. To the extent that this is true, the schools may expect to exemplify the techniques of government upon which the success of democracy must ultimately depend. Isolation, insulation from the processes of popular government must defeat rather than promote the purposes for which the schools exist.

*Education consists in transmitting the social inheritance; propaganda consists in indoctrinating those who are taught with a desire to alter the social system.*²

PROPAGANDA AND ETHICS

One of the most important problems in propaganda is that of ethics. When any material is submitted for the consideration of other people, whether in teaching, advertising, political campaigns, or other activities, the intent of the propagandist or disseminator is an important consideration. If the teacher purposely sets forth certain ideas to control the learning for his own ends and at the same time consciously withholds certain information that might give greater freedom to the learners, he is committing an unethical act. In other words, he is using his position as a teacher to indoctrinate the student. In modern slang he is "putting something over," and he knows that he is putting something over. As far as education is concerned in this connection, the teacher is required to present the pertinent facts and conclusions so that the learner may use them to meet his own needs. The problem is complicated by the

¹ *Ibid.*, p. 231.

² *Ibid.*, p. 233.

fact that in many cases the teacher must select materials. Because of their amount and possibly the immaturity of the learner, all the facts and all the theories cannot be presented. At the present time one of the severest indictments being made against the American school is that it is indoctrinating the child to the *status quo*. Can the school be free? Can the American school present controversial subjects? Should teachers take sides? Should the state or the taxpaying public dictate what the school shall teach? The same problems are presented in any form of public discussion—advertising, newspapers, radio, sermons, labor unions, etc. The issue may be stated thus: In influencing others, should one indoctrinate or educate?

Individuals are constantly joining groups that carry on active propaganda. No one can protest against the propaganda if he consciously chooses to join such a group. The question is quite different when one is compelled, against his own judgment and desires, to adhere to a propagandizing group.

It is essential at this point to draw a distinction between the theory of society appropriate to a voluntary association and that appropriate to a compulsive association, such as the state.

Where men have freely chosen to gather in a society, there is no tyranny in imposing upon them conclusions, as touching their fashion of life, of which they themselves have accepted the premises. Hence a party, like a church, is entitled to impose a discipline—so long as there are other parties. Within these limits the Marxist is entitled to insist, among Marxists, that there shall be no deviation from the Marx-Lenin line; and Mussolini is entitled to say that Fascism is “a way of life,” or “monolithic,” and the Fascist society “like a violin in the hands of a master.” The Jesuit General was entitled to insist that his Society should be “thus, or not at all.” The principle here involved concerning values and standards is the same as that which Leo XIII enunciated in *Immortalis Dei*, when he declared “that liberty is truly genuine which, in regard to the individual, does not allow men to be the slaves of error (for Catholics) or of passion.”¹

PROPAGANDA IN THE MODERN WORLD

The following extracts from writers on journalism and politics illustrate certain representative opinions about the meaning of propaganda in the modern world.

If propaganda sometimes accomplishes what most of the people who support it want to have accomplished, it is none the less true that efforts often nullify one another. John Citizen may pay his dues to a veterans' organization which seeks to raise the cost of government by demanding higher bonus rates, and he may also support a business association which tries to lower the cost of govern-

¹ CATLIN, *The Role of Propaganda in a Democracy, Annals of the American Academy of Political and Social Science*, vol. 179, pp. 222-223.

ment by reducing payments from the public treasury. He may belong to an association of bondholders which strives to prevent the liquidation of fixed claims, and he may contribute to a trade association which urges inflation in order to reduce the burden of fixed charges on business enterprise. He may contribute to a civic league to improve the honesty and efficiency of government, and also pay the local bosses to protect his franchise.¹

Modern democracy has meant faith in "government by talk"; faith in discussion; faith in outspoken candor in the search for ways of reaching common ends; faith in the "will of the people"; and faith in the phrases which are used to talk about the common goals.²

Let us be clear about the meaning of propaganda. Propaganda may be defined as a *technique* of social control, or as a species of special *movement*. As technique, it is the manipulation of collective attitudes by the use of significant symbols (words, pictures, tunes) rather than violence, bribery, or boycott. Propaganda differs from the technique of pedagogy in that propaganda is concerned with attitudes of love and hate, while pedagogy is devoted to the transmission of skill. The use of significant symbols to inculcate love of family, country, God, democracy, and constitution is propaganda; the use of significant symbols to develop skill in mathematics, logic, chemistry, or reading is pedagogy.

When the word "propaganda" is used to refer to social movement, it is often contrasted with education. The spread of controversial attitudes is propaganda; the spread of accepted attitudes and skills is education. It is proper to speak of Communism as propaganda in Chicago and as education in Moscow, unless it is desired to consider the matter against the larger background of the world. Then Communism is invariably propaganda.³

"Propaganda" is a word that has a wide gamut of meaning. It may refer merely to that dissemination of information concerning the activities of a society or of a governmental agency which shall bring to public attention the benefit that it confers. Such propaganda amounts to little more than the provision of information and press bureaus. It is a legitimate function of any government, consonant with the demand for increased publicity concerning governmental activities.

Propaganda also may mean concerted advertising with the intention of stimulating trade, as by the British Empire Marketing Board, or the acceptance of certain cultural notions, as for example in French schools abroad. This latter meaning reaches its most complete expression where the agency is one for the dissemination of a faith, as in the classic instance of the Catholic *Propaganda Fidei*. Propaganda here begins to assume its full form as the deliberate spread of an ideology rendered persuasive not only by reason but also by emotion. The emotional element becomes more emphatic when one passes over to the less disinterested manifestations of propaganda, such as party propaganda and nationalist propaganda, domestic and especially foreign, particularly in war time.

¹ LASSWELL, HAROLD D., The Person: Subject and Object of Propaganda, *Annals of the American Academy of Political and Social Science*, vol. 179, p. 187.

² *Ibid.*, p. 188.

³ *Ibid.*, p. 189.

Finally, the intellectual and doctrinal element falls into the background where it is proposed to inculcate the particular myth, not only by means of rational persuasion, but by supplementing the appeals to positive emotion with appeals to fear and with the threat of coercion. That threat is, above all, effective where the state is the agency that exercises, with its immense resources, this coercion.¹

Everyone is a propagandist for some platform, and it is the freedom with which all may employ the methods of propaganda that makes for safety and stability in a democratic country. No man or group of men in this country has ever had a monopolistic control of methods or media. There are no patents by which one can control the dissemination of opinion. There is no coercion by which any man can prevent any group of free adult people in America from opposing ideas disseminated by others. The great safeguard to propaganda methods in this country is that there is always freedom of counter-propaganda available here. In that regard we differ from Fascist and Communist regimes. The freedom of counter-propaganda must go hand in hand with the freedom of speech, of the press, and of the right to peaceable assembly—fundamentals of democracy.²

The lot of the propagandist is indeed an uncertain one. He must stay "on his toes." It is impossible for him to slack off to the routine administration of estates, which is a lucrative and genteel retreat for many lawyers from the more exciting branches of their profession. The propagandist is at the growing point of social symbols. He must think up smart "gags" and novel selling campaigns on the spot and sell them hot. Business men who are incapable of running their own affairs without help must be cajoled into buying phrases and policies. The propagandist excels in his alert response to the present and the imminent. His mental operations must be impressionistic and intuitive, rather than systematic and laborious. His mind is on call. After the newest cheese had been put on the market, there is a tariff schedule to put across; and when that is over, there may come a foundation for cancer research.

Propaganda begets propaganda, propaganda begets frustration, and frustration (insecurity) begets violence. Social crises are intensified by propaganda. The basic conditions of crisis are profound differences in the material conditions and the convictions of men.³

PROPAGANDA IN EVERYDAY LIFE

Propaganda, increasing in volume and subtlety, invades and influences the life of every individual in America. How is the individual to protect himself? How can he separate the wheat from the chaff among the sensory impressions he receives? He is bombarded with stimuli to buy this or that or to act in a particular way. Experience may teach the individual some techniques of selection, but that is a costly process. One great need in education today is the analysis and interpretation of

¹ CATLIN, *op. cit.*, p. 221.

² BERNAYS, *op. cit.*, p. 85.

³ LASSWELL, *op. cit.*, p. 193.

the purpose and nature of propaganda. Everyone needs to learn how to detect propaganda. He needs to demand new agencies to aid in determining truth in regard to materials that he buys and ideas that he is invited to accept.¹

It is constantly more difficult for the individual to escape contact with the stimuli that are disseminated by the agencies of mass communication. It is a firmly established principle of modern publicity that the eye or the ear of the individual must be caught on every possible occasion. In straight advertising, for example, the morning newspaper will carry the copy; it will appear again in the street car (or even in the flip device in the taxicab); at the office a letter or a telegram may supplement what already has been said; the menu and the matches of the restaurant will serve as another medium of transmission; the afternoon paper repeats what the morning issue has already said; billboards are employed to catch a wandering eye; the radio program has its sponsor; the motion picture has not been free of advertising influence; and more recently the neon sign takes the "message" far into the night. The use of the telephone for advertising purposes has become a major annoyance, against which there is no defense.²

Modern mass communication is characterized by a pyramiding of the "acceptance factors." . . . "Audience Appeal" is fundamental to each of them. Newspapers seek wider circulations; radio broadcasting stations seek greater "coverage"; the motion picture is entertainment frankly calculated to draw maximum audiences. . . .

For example, a given radio broadcast will employ an announcer of pleasant and soothing voice. He introduces music of a high order of excellence. Between selections a "doctor" or a "scientist" will talk briefly on some recent discoveries (usually involving the product of the sponsor), and on the same program a distinguished citizen will appear. Thus the effects of music, of an appeal through the prestige of science, and of the prestige of a well-known personality all blend. Each by itself has potency; by pyramiding in a single program and in subsequent programs, this potency is increased.³

A communication system fraught with greater possibilities for evil or for good has never before existed on so vast a scale. It is at once terrifying and inspiring; terrifying, because of the possibilities it opens for the accomplishment of selfish ends; inspiring for its potentialities of social self-control.⁴

PROPAGANDA AND INTERNATIONAL POLITICS

It is now generally known that propaganda is often used by military leaders, munitions manufacturers, and politicians to increase public sentiment in favor of war. This no doubt accounts for the sinister

¹ Cf. LUMLEY, F. E., *The Propaganda Menace*, D. Appleton-Century Company, Inc., 1933.

² WILLEY, MALCOLM, *Communication Agencies and the Volume of Propaganda, Annals of the American Academy of Political and Social Science*, vol. 179, pp. 195-196.

³ *Ibid.*, p. 197.

⁴ WILLEY, MALCOLM M., and RICE, STUART A., *Communication Agencies and Social Life*, McGraw-Hill Book Company, Inc., 1933, p. 209.

implications of the word "propaganda." The following selections will give some insight into the connection between propaganda and war.

Propaganda and war have the same basic origin. Their existence reflects conflicts of interest, conflicts of ideals and purposes. Struggles for control over the minds of men have a tendency to pass over into physical warfare when the will to resolve these conflicts peacefully, or the mechanism for doing so, does not exist.

In case another general European war breaks out, what, on the basis of past experience, may we expect? May we expect that those conditions which have developed a public opinion conducive to belligerency in the past will not exist? I see no reason for such an assumption.

Both sides to the conflict will use every means at their disposal to enlist the active support of the United States in their struggle. National state propaganda machines will function with greater effrontery and efficiency than ever. Zealous attempts will be made to identify belligerent objectives with our own ideals and traditions. Through the sale of securities and the purchase of war materials in this country efforts will be made to bring about an even more realistic bond of interest. Channels of international communication will be appropriated and used to mold the minds of the people of this country. Diplomatic and consular offices will be centers of intense propaganda activity.¹

Regardless of the neutrality protestations of our Government, waves of radio propaganda will circulate over our heads. The press, neutral it may be, but committed to the publication of "all the news that's fit to print," will be darkened with headlines, column upon column of news, editorials, cartoons, feature supplements—all ballyhooing the war. Editors may remain neutral. Readers cannot. Newsreels will flash before millions the day-to-day progress of the war. No matter how zealously editors attempt to equalize their space assignments, no matter how guarded those who control our radio broadcasting may be, it will simply be impossible to keep from the people of this country the salient episodes of the struggle. This in and of itself will have profound effect.²

In the third place, in spite of the sums that have been spent in the last few years on peace propaganda, I think it is fair to say that the results of these expenditures have been disappointing to the proponents of peace. The existence today of a pacifist state of mind in this country does not preclude the possibility of sudden change. The attempt to maintain such a pacifist state of mind is beset with many difficulties, the most important being that pacifists are unable to control fundamental opinion-forming influences. They cannot, for example, control the actions of other states.³

For a brief formula in statement of the underlying motivation of our entry into the World War, I feel moved to call attention to certain words of the late Lord Grey. In his book, *Twenty-five Years*, Lord Grey remarks:

¹ CHILDS, HARWOOD L., *Public Opinion and Peace*, *Annals of the American Academy of Political and Social Science*, vol. 192, p. 31.

² *Ibid.*, pp. 31-32.

³ *Ibid.*, p. 32.

"The United States was the only country whose attitude and policy could not be influenced by the military course of the war. Whatever division of sympathy there might be in different sections of its people . . . there was probably a widespread consciousness or subconsciousness that a German victory would mean a Prussianized Europe, and that this would be inimical to American ideals of world polity."

It was *not* the interests or the influence of bankers or of munitions makers or of merchants; it was *not* solicitude for property or profits; it was *not* indignation over destruction of American lives that caused this country to enter the war. These were contributing factors; but far more important, far greater in weight among the *many* factors were: the prevalence among the people of this country of certain concepts of morality, of legality, of justice, and of human values; (added to which) a feeling that Germany was an aggressor; (added to which) a natural ranging of sympathies on the side of the Allies; (added to which) a gradually developed perception that the ideas, the ideology, and the political objectives of the German Government were antipathetic to ours; (added to which) a conclusion that a "peace without victory" could not be brought about; (added to which) an apprehension that if this country continued neutral the Allies might be overcome; (added to which) an informed, intelligent, and practical facing of the question, "eventually, why not now?" These were the compelling factors, the irresistible considerations out of which was wrought—I may well say *wrung*—this country's conclusion that war was being made upon us and we *must* fight.¹

In so far as the United States and war are concerned, I think it is becoming more and more evident that our participation in the next war will not be determined by the algebraical element of things or by the biological element of lives. Money, big business, and industry will not be responsible for the next declaration of war; that will be determined by public sentiment, by agreements or alliances between pressure groups representing large bodies of men and women, or by other groups which have succeeded, temporarily, in dominating public opinion by their management of ideas. That is the only danger of war as far as the United States is concerned, other than the obvious one of foreign attack!

The surest safeguard is to protect the freedom of the newspapers, the press associations, and the radio from every attempt to manage or to control them by any group in government, in politics, in labor, in industry, or in public affairs. And some day, perhaps, when we have demonstrated our ability to remain at peace with all nations in time of war, we may earnestly consider the proposition that world peace is directly related to the universal freedom of ideas. Then we may actively advocate world-wide free trade in information.²

How can we protect ourselves from being led into war, against our will, by the use of high-powered propaganda? Carroll Binder, foreign editor of the Chicago *Daily News*, sees danger in our failure to understand

¹ HORNBECK, STANLEY K., Cause and Occasion of Our Entry into the World War, *Annals of the American Academy of Political and Social Science*, vol. 192, p. 65.

² ACKERMAN, CARL W., The Prelude to War, *Annals of the American Academy of Political and Social Science*, vol. 192, p. 41.

the national psychology, shaped and molded by propaganda, of such countries as Japan, Italy, Germany, and Russia.

Utterly unfamiliar with the traditions, the psychology, and the social forces operative in other lands, these well-meaning Americans are content to universalize their personal attitudes. They cannot believe that the youth of Italy may be persuaded by a Mussolini that the French are a spent race whose material possessions and political power may be readily seized at the opportune time by the more virile, more disciplined Italians; that the youth of Japan may be persuaded by their military leaders that the exploitation of China is a duty as well as a pleasure, and by their naval leaders that the national honor calls for a navy capable of defeating the combined American and British navies; that systematic teaching by the Nazi propaganda machine succeeds in awakening in German youth a belief in the desirability of foreign military adventure from an individual as well as a national viewpoint.¹

A more constructive suggestion comes from Prof. Childs, of the School of Public and International Affairs of Princeton University, who believes that knowledge of the existing state of public opinion and of the nature and sources of propaganda is the answer to the question.

We have a long way to go before we shall be able to state convincingly just why a given state of public opinion is what it is. Nevertheless I do believe that it is feasible to set up a continuing inventory of the more active factors in a given situation, and at least to describe them. We may be able eventually to weigh and control them.

We need first, therefore, a clear conception of what we as a nation wish to accomplish; second, the mechanical equipment for ascertaining the state of public opinion at frequent intervals for the purpose of seeing to what extent forces inconsistent with these main objectives have been operative; and third, an institution capable of bringing to light the significant forces which are making that opinion what it is. Then I think we shall have less cause to worry about the problem of propaganda.²

We know, for example, that war is to a large extent a state of rather emotional public opinion characterized largely by hatred of the enemy. By means of frequent census-taking we can forewarn ourselves of the presence of a rising tide of hatred. Before we can do much about it, however, we need to know its causes. And in so far as these causes have a propagandistic origin, that should be ferreted out. The exposure itself in many cases will effect the cure.³

In October, 1937, a group of professors and other men interested in public affairs announced the formation of the Institute for Propaganda

¹ BINDER, CARROLL, *The United States in a War Minded World*, *Annals of the American Academy of Political and Social Science*, vol. 192, pp. 43-44.

² CHILDS, *op. cit.*, p. 36.

³ *Ibid.*, p. 37.

Analysis, with offices at 132 Morningside Drive, New York. Its sets forth its purpose as follows:

By its charter the Institute is a non-profit corporation organized to assist the public in detecting and analyzing propaganda, but it is itself forbidden to engage in propaganda or otherwise to influence legislation. The Institute does not have all the answers; it lays no claim to infallibility. It will try to be scientific, objective and accurate. If it makes mistakes it will acknowledge them. It asks those that receive its letters to check its work. Chiefly the Institute will try to acquaint its subscribers with methods whereby they may become proficient in making their own analyses.¹

The monthly letter has taken up such topics as "How to Detect Propaganda," "Some ABC's of Propaganda Analysis," and "How to Analyze Newspapers." In January, 1938, it published a pamphlet entitled "Propaganda, How to Recognize It and Deal with It."

THE PROTECTION OF PUBLIC OPINION

One of the most important questions for the citizen to consider is the protection of civil liberties, especially as they bear upon the formation of public opinion. Since the World War there has been a very active interest in this question in the United States. The American Civil Liberties Union has been the most active agency attempting to protect individuals in what they deem to be their "civil liberties." A more detailed study of the infringement and protection of civil liberties would carry a student into the fields of constitutional law, industrial relations, and restrictions on agencies of opinion. It can only be touched upon in this chapter.

The suppression of civil liberties in Russia, Italy, and Germany as well as the alleged activities of certain groups in the United States has intensified public interest in the problem of civil liberties. The controversy over Roosevelt's Supreme Court plan added fuel to the fire. Certainly it is important for the American student to clarify his ideas as to the fundamental nature of civil liberties and to find out the constitutional basis for the rights of a citizen.

Issues that arise in regard to civil liberties include freedom of speech, freedom of the press, the right to a trial by a jury of one's peers, freedom of religion, the right to peaceable assembly, the right to join a union, the right to vote, and protection against peonage.

Throughout this chapter and the preceding one the student must have been aware of the importance of civil liberties of the individual citizen to an intelligent and effective expression of public opinion. It is

¹ Institute of Propaganda Analysis, *Propaganda Analysis, A Monthly Letter*, vol., I, No. 3, December, 1937.

therefore in order for the student to study the list of civil liberties propounded by one of the national agencies that has for its avowed purpose the protection of citizens against unwarranted encroachment of their liberties. The June, 1937, *Report of the American Civil Liberties Union* supplies a number of pertinent extracts. It should be remembered, in reading the following excerpts, that this association has been accused of alignment with radical groups in this country. The union has consistently denied this charge, as can be seen in *A Restatement of Principles and Attitudes of the American Civil Liberties Union . . .* (see pages 345-346). It would be difficult to imagine an area of human activity that provides more grounds for sincere controversy than that of civil liberties. With this point in mind the student should examine the excerpts that reflect the views of this association. He may then attempt to determine his own attitude toward the events, the principles, and the program of action that are reviewed.

A REVIEW OF THE YEAR (TO JUNE, 1937)

The freer exercise of civil liberties reported a year ago, from the extraordinary record of repression in 1934 to 1935, marks the past year, particularly since the November election. No sense of political partisanship need color the obvious fact that most of those opposed to the rights of labor, radicals and minorities generally were in the camp of the defeated party. Whatever one's view of the national administration may be, it is clear that its encouragement to labor organization, backed by the Supreme Court's approval of the National Labor Relations act, has had a profound effect on the freedom of organized labor to exercise its rights. And it is in that field that by far the greatest violations of civil liberties take place. . . .

Despite the bitter battle over the organization of the mass production industries, it is becoming evident that the machinery for the protection of labor's rights to organize, strike and picket is being strengthened almost daily.

In other fields as well, freedom to agitate causes opposed by powerful interests is looking up. The decisions of the U. S. Supreme Court in the Oregon criminal syndicalism case and in the Herndon case in Georgia have contributed to more tolerance of Communists. Indeed the secretary of that much-attacked political party reports an encouraging increase in its freedom to carry on its propaganda the last year. Reports from Civil Liberties Union correspondents in 36 states in the spring of 1937 reflect greater liberty all along the line, not only for Communists, but labor and Negroes as well. Not all the states so reported, but the trend was marked in a substantial number. Any such improved tendency must, of course, be regarded as only relative, for the forces of repression remain constant in a society marked by inherent sharp conflict in politics, industry, race and religion.¹

¹ American Civil Liberties Union, *Let Freedom Ring!* pp. 3-4.

THE MACHINERY OF REPRESSION

Taking the country as a whole, the machinery by which rights are denied stacks up about as follows:

1. Against Negroes—the most numerous victims of the denial of rights guaranteed by the Constitution—discrimination by Jim-Crow statutes, denying the right to vote, to get equal educational facilities, and equal transportation.
2. The lawless attacks on workers seeking to organize, strike, and picket, by employers' agents, spies, detectives, strike-breakers, vigilantes, private police, and privately-paid law officers.
3. The police, mayors, and sheriffs under the influence of powerful local interests denying rights to workers and radicals.
4. Injunctions issued by state courts against the rights of labor to organize, strike, and picket.
5. The use of troops in strikes to maintain "law and order," usually denying wholesale the peaceful exercise of labor's rights.
6. Prosecutions under criminal syndicalism and sedition laws.
7. Deportation of aliens for political beliefs and labor activities under stringent deportation laws.
8. Censorship by radio station managers of radical and pro-labor utterances, or other talks offensive to powerful interests.
9. Censorship of motion pictures on political or "moral" grounds by state boards and local police.
10. Propaganda by professional patriotic organizations, chambers of commerce, and their allies, against the rights of labor and radicals.

From the above it appears that the role of the federal government in repression is slight, confined largely to deportation of alien radicals. State governments are more responsible for repression through the use of troops, Jim-Crow laws, sedition laws, censorship of motion pictures, and injunctions in state courts.

But the local governments of cities, towns, and counties, are far more responsible than either the federal or state governments through arbitrary and often lawless actions by mayors, sheriffs, police and courts.

Yet above all the legal forms of repression stand the far greater violations of rights by private forces—vigilantes, lynchers, mobs, spies, strike-breakers, and gunmen.¹

A RESTATEMENT OF THE PRINCIPLES AND ATTITUDE OF
THE AMERICAN CIVIL LIBERTIES UNION ADOPTED BY
THE BOARD OF DIRECTORS IN REPLY TO CRITICS,
MARCH, 1937

It cannot be too strongly stated that the Union is a "united front" of persons of very varied political and economic views who could not possibly agree on any program except defense of civil rights. The Union has no political or economic

¹ *Ibid.*, pp. 10-11.

direction whatever; no connection directly or indirectly with any political party or economic movement; and no bias except to protect orderly and peaceful progress through the exercise of traditional American civil rights.

The Union interprets the Bill of Rights as it was originally intended; namely, to cover all forms of agitation and propaganda not associated with acts of violence or direct incitements to violence. We draw the line where the courts drew it for a century—between word and deed. We do not, of course, include within the free speech protection personal libel or slander. Our purposes are solely to protect the agitation of public issues and the guarantees of personal liberty set forth in the Bill of Rights.

The tests of the sincerity of an organization like the Civil Liberties Union are its willingness to defend those who do not espouse progressive causes. The Union has never failed to come to the aid, when requested, of those with conservative or reactionary purposes. It has defended the rights of the Ku-Klux Klan to hold peaceful public meetings; it protested against a Senate Committee's seizure of private telegrams sent by utility companies and their agents and indeed by that archapologist for Fascism, William Randolph Hearst. It has on occasion protected the rights of rank and file trade union workers against tyrannical officials. It would protect, whenever so requested, the rights of non-union workers. It does not protect or condone violence by organized labor nor intimidation of non-union workers.

The Civil Liberties Union is not organized to protect the rights of property. That protection has nothing to do with the maintenance of democratic processes. Even though the enjoyment of property is a constitutional right, the Civil Liberties Union does not protect all constitutional rights. It would be too large an order for any organization of citizens.¹

Students are invited to examine with great care the "Program of Activities" quoted below. From the viewpoint of the American Civil Liberties Union the program represents the civil rights that are being violated and need to be made secure. Other groups and individuals would not agree that these are vital issues involving freedom. Many employers, for example, would point out the need of protecting property rights and of safeguarding American labor from subversive propaganda of foreign origin and the protection of private business from the encroachments of governmental bureaucracy. The strong opposition of Southern congressmen against the federal antilynch bill indicates the controversial nature that surrounds minority rights. Other groups are equally strong in their opposition to certain phases of the program of civil liberties presented by the Union. It would be difficult to match this list with another of a more controversial character. If this program stimulates the student to attempt to determine his own position on each of these issues, it will have served a useful purpose.

¹ *Ibid.*, pp. 14-15.

A PROGRAM OF THE AMERICAN CIVIL LIBERTIES UNION.

Among the scores of issues and cases put up to the Union the Board of Directors selected as a program of main activity the following points. . . .

Freedom of Opinion

1. Opposition to *all forms of gag legislation*—federal, state or city—curtailing freedom of speech, press or assemblage; and particularly bills making criminal mere language, or restricting the right of minority parties to the ballot.
2. Campaign against the unprecedented array of laws and regulations restricting *freedom in education*, both in schools and colleges; and particularly against compulsory oaths of loyalty for teachers, compulsory flag saluting by children and compulsory military training.
3. *Changes in the immigration and deportation laws* to end all restrictions merely because of political opinions; to admit and protect genuine political refugees; and in citizenship proceedings to remove tests of aliens' views not imposed on citizens.
4. Aid in campaigns *for the release of political prisoners*, and against all prosecutions under sedition and criminal syndicalism laws.
5. Campaigns to *open up all areas or cities* where the rights to meet and organize are denied, and particularly to gain recognition for free speech by setting aside recognized public places for meetings.

Rights of Labor

6. Continuous defense of *labor's rights* to organize, strike and picket and to bargain collectively without interference; opposition to legal recognition of company-controlled unions; and to martial law in strikes. Prosecution of vigilantes and other lawless elements attacking strikers' rights.
7. Defense of the *right of the unemployed* to organize, demonstrate and petition without interference or penalties; maintaining the right of relief workers to organize and protest without penalty.
8. Campaign for *state labor injunction* laws modeled on the federal law and those adopted by sixteen states.

Censorship

9. *Greater freedom of the air by radio* by setting aside time for public discussion free of station managers' control; by requiring equal facilities for all sides of controversial topics.
10. Change in the bureaucratic *Post Office censorship* by requiring trial by jury for excluded matter, as now in effect in the Customs service concerning matter imported from abroad.
11. Abolition of the *motion picture censorship boards* in six states, leaving sole control of movies to public opinion and, in extreme cases, criminal prosecution; opposition on the same basis to censorship of books and plays.

Racial Minorities

12. Aid in the campaign against *lynching*; and in the struggle for Negroes' civil rights.

13. Extension of civil rights in colonies under American control, with autonomy or ultimate independence.¹

QUESTIONS AND TOPICS FOR DISCUSSION AND STUDY

1. Analyze some of the more important "publics" in your community.
2. Give some concrete cases of expression of public opinion by various publics in your community.
3. Make a list of 10 stereotypes that are constantly used in popular conversation. What meanings do you attach to these words?
4. How is public opinion formed? What are the important steps in its formation?
5. Cut out five advertisements and analyze the suggestions appealing to individual motives and those appealing to social motives. Analyze the illustrations as well as the words.
6. Analyze the suggestions in two radio programs.
7. Analyze the account of the same event in three different newspapers. How do you account for the differences? Are these differences important?
8. Do the same with three editorials on the same topic in different newspapers.
9. Make a case study of what you think is a violation of civil liberties in your community. First read the first 10 amendments to the United States Constitution.
10. How can the individual citizen aid in the protection of civil liberties? Set forth your program.
11. How can the schools assist students to be more sensitive to the problems of civil liberties?
12. Is there such a thing as public opinion? Is the term "public" used accurately in the phrase "public opinion"? How many publics can you list in your community? Has each public an opinion?
13. Is the assumption that the majority is more likely to be right than the minority valid? Criticize this assumption.
14. Is there an absolute criterion of "right" in social affairs?
15. The falsification of public opinion by political parties is a serious problem. How do the parties accomplish this? What remedies would you suggest?
16. Explain some of the techniques for forming public opinion in certain definite instances such as an opinion of slavery, the liquor traffic, tobacco, business ethics, divorce.
17. "The press is largely dominated by financial interests intent upon manipulating public opinion for private gain." Discuss this statement, seeking an evaluation of its probable validity. What solutions are offered?
18. Is it legitimate for a newspaper to use its news and editorial columns for propaganda purposes? What is propaganda?
19. Discuss the problem of increasing the facilities for the open discussion and exchange of opinion on social, political, religious, economic, and international problems.
20. Should radicals be allowed complete freedom of speech? What is the extent of a radical's civil liberties in the United States? (Cf. publications of American Civil Liberties Union.)
21. List any exceptions to the following statement from observation and reading of cases in recent American history: "Every citizen of the United States has the right at all times to criticize existing institutions."

¹ *Ibid.*, pp. 49-50.

22. How can the odium now attached to nonconformity to accepted opinion be removed? How does a nonconformist discover that his views are not held by his neighbors?
23. Can intelligent public opinion be expected on every political question?

TERMS

propaganda	education
public	Bill of Rights
public opinion	social psychology
stereotypes	indoctrination
ensorship	injunction
pressure group	habeas corpus
convention	consensus
tradition	minority
custom	freedom of speech

SUGGESTED READING

- ALLPORT, F. H. *Social Psychology*. Houghton Mifflin Company, 1924. A text which unites psychological investigation and theory with the study of social relationships. See Chap. I.
- American Civil Liberties Union. Pamphlets. These paper-bound pamphlets contain the most up-to-date collection of concrete cases of violations of civil liberties as viewed from the standpoint of this organization. There are a great number of other books bearing on this topic such as F. E. Lumley, *The Propaganda Menace*, and Silas Brent, *Ballyhoo*.
- ANGELL, NORMAN. *The Public Mind*. E. P. Dutton & Co., Inc., 1927. A general discussion of the concept of public opinion with an analysis of factors entering into its formation and control.
- Annals of the American Academy of Political and Social Science*, Pressure Groups and Propaganda. Vol. 179, May, 1935. This is the best compilation of articles on this general subject. A very important contribution to this topic of public opinion and its protection.
- BERNAYS, E. L. *Propaganda*. Liveright Publishing Corporation, 1928. A study of the molding of public opinion interspersed with examples of propaganda that enter into the daily life of most Americans.
- ELLWOOD, C. A. *The Psychology of Human Society*. D. Appleton-Century Company, Inc., 1925. An elementary text in sociological theory including interesting chapters relating to the formation of public opinion.
- Encyclopaedia of the Social Sciences*. The Macmillan Company, 1934. Probably the shortest and most concise treatment of topics connected with civil liberties and public opinion can be found under the headings of "Civil Liberties," "Public Opinion," "Propaganda," "Pressure Groups," and "Press."
- Institute for Propaganda Analysis. *Propaganda, How to Recognize It and Deal with It*, The Institute, 132 Morningside Dr., 1938. This is an experimental unit of study materials in propaganda analysis for use in junior and senior high school. It is a valuable aid in the teaching of this chapter.
- LASSWELL, H. D. *Propaganda Technique in the World War*. McGraw-Hill Book Company, Inc., 1927. An analysis of propaganda techniques used in the World War with comments on improved methods available in any similar crisis in the future.

- LUMLEY, F. E. *The Propaganda Menace*, D. Appleton-Century Company, Inc., 1933. One of the most concise and readable major works on propaganda and its use in the various social institutions.
- LYND, R. S., and LYND, H. M. *Middletown*. Harcourt Brace & Company, 1927. *Middletown in Transition*. Harcourt Brace & Company, 1937. A detailed study of American life in a typical midwestern city. Especially interesting are the sections in each book dealing with the opinions held in Middletown.
- ODEGARD, PETER. *The American Public Mind*. Columbia University Press, 1930. The most readable and most comprehensive general treatment of public opinion in the United States. This work is interestingly written, and students will enjoy it.

Chapter XV

The American Constitutional
System

The divergence between democracy as a social ideal and democracy as a form of government is evident to even the casual observer of American economic, social, and political life. The American people have assumed theoretically that all men are equal. During most of American history they have not attempted to define that equality very accurately. In the economic realm, as we have seen, it has not been unusual to carry on business and industry in a manner contradictory to any interpretation of the theory of equality. The same can be said of a considerable portion of American political activity, especially local and state politics where the "boss" has been able to develop a dictatorial position in spite of the democratic framework of our political creeds.

Our social problems are increasing in both number and complexity. Our geographical frontiers have been crossed. America has reached the adult stage in which, instead of retreating from local problems by seeking a new location nearer the frontier, it is now necessary to face problems of government, economic, and social adjustment in a fairly fixed and limited community. Wholesale evacuations of local communities confronted with perplexing social problems are no longer practicable. We have reached the stage where we must learn to adjust ourselves to a civilization that has reached its limits of easy, planless, individualistically motivated economic and geographic expansion. Keeping these factors in mind, we now turn to a consideration of the American constitutional system of government.

We wish to know something about the constitutional basis of our government, its various functional divisions, and some of the problems confronting the legislative, executive, and judicial branches of the federal government. In this chapter our chief concern is with the definition and origin of the American constitutional system of government.

THE NATURE AND FUNCTIONS OF THE STATE.—Although we are here principally concerned with American government rather than with government in general, it is evident that our understanding of our own governmental scheme will be aided if we can achieve a clearer comprehension of certain fundamental ideas underlying government in general. It is characteristic of the social studies, including political science, that they lack a precise, technical, accepted body of terms. Such words as “state,” “government,” “nation,” “nationalism,” “liberty,” “democracy,” “oligarchy,” and many others are used in different senses and convey different meanings to different people. In previous sections of this book some of these terms have been used and defined, but if the terminology can be made more exact so as to avoid various popular meanings when their technical implications are desired, an immense advantage will have been gained for the student entering this field of study. As we embark on this portion of our study, it is suggested that the following questions be kept in mind: What is the nature of government in general? What are the characteristics of the state as a political institution? What are the primary functions of government? Why did governments arise, and what have been the important steps in the historical development of political institutions? What are the different types of states and governments?¹ Without a fairly clear comprehension of the answers to these questions a really satisfactory view of American government will hardly be possible.

GOVERNMENTAL FORMS

GOVERNMENT: ITS FUNDAMENTAL FUNCTIONS.

The government of a people is not merely a body of law—it is the attempt of a people to solve, by a common agency evolved through long experience, the collective problems that daily confront them; and therefore every aspect of the national life, the geographical and racial factors which condition it, the social and political customs and traditions which are woven into it, is sooner or later reflected in the structure and functions of that government.²

Government is a form of social control based on a definite institutional organization, operating by means of legal mandates enforced by definite penalties. The functions of government are social control and public service. John Stuart Mill in 1848 listed the following necessary functions of government:

¹ These questions are discussed in several of the books and sources referred to in the bibliography at the conclusion of this section.

² ORTH, S. P., and CUSHMAN, R. E., *American National Government*, F. S. Crofts and Company, 1931, p. 3.

1. Protection against force and fraud.
 - Laws of inheritance.
 - Definition of property: "No function of government is less optional than the regulation of these things [use and appropriation of natural resources] or more completely involved in the idea of civilized society."
2. Repression of violence and treachery.
 - Law of contracts—business, matrimony.
 - Establishment of army, navy, police, courts.
 - Prevention of disputes—registry of title deeds.
 - Protection of children and lunatics.
3. Coining money—a general convenience and safeguard—prescribing a set of standard weights and measures.
4. Promulgation and construction of public works.
5. Provision of education so that people may know what is expected of them; their duties and rights and privileges as citizens.¹

THE STATE AND OTHER HUMAN ASSOCIATIONS.

The state, as we have seen, is an association of human beings. It is not, however, the only such association. Within the territorial limits of every highly civilized state are to be found an almost bewildering number of other associations, such as churches, labor unions, political parties, professional associations of various kinds, scientific bodies, learned societies, associations of public functionaries, and countless others. One of the striking facts of modern life, in fact, has been the tendency of men to unite themselves in group associations for the advancement of common social, scientific, religious, educational, political, economic, and other interests, with the result that today society is a veritable network of such associations. The state is no longer a mere "sand heap of individuals, all equal and unrelated, except to the state." Some of these associations embrace within their membership a large proportion of the adult population of the state; many of them are international in scope, cutting across boundary lines and including in their membership persons of many countries. Large numbers of men (and women) are members of more than one such association. All of them are organized; many of them have treasuries and budgets, own property both real and personal, have statutes, by-laws, and rules of discipline, and exercise a certain control over their members. Many of them have charters of incorporation from the state and therefore possess what the lawyers call a juristic personality, but whether they have been thus recognized by the state or not, they have according to some writers a real as contradistinguished from a hypothetical or fictitious personality. Some of them, such as religious, charitable, and educational bodies, are occupied with interests in the advancement of which the state is itself concerned. Indeed, in some cases the state recognizes the fact that they are, in a sense, cooperating partners with it in the pursuit of a common task and aids them by means of subventions from the public treasury.²

¹ Adapted from MILL, J. S., *Principles of Political Economy*, 1848, Book V, Chap. I.

² GARNER, JAMES WILFORD, *Political Science and Government*, copyright, 1928, pp. 61-63. Used by permission of American Book Company, publishers.

Fundamental differences distinguished the state from other human associations. Professor Garner lists six which are summarized as follows: (1) membership in the state is compulsory, whereas it is voluntary in all other human associations; (2) an individual may belong to many different human associations but only to one state; (3) a state is limited in its activities within a definitely prescribed territory, although other associations often extend beyond political frontiers and sometimes cover the world; (4) the purpose of the state is to serve the general welfare and interest of all of its citizens whereas other associations exist for the pursuit of one or a few particular interests; (5) although many voluntary associations have only a temporary existence, the state is a permanent association; (6) only the state possesses the supreme power of sovereignty whereby it coerces people to obey its commands.

NATURE OF THE FEDERAL STATE.—Governments may be classified upon the basis of the degree of concentration of power that they represent and the relation between the central and local authorities. In a unitary government all power rests in the hands of the central government and may be delegated by it to the governments of the various political subdivisions. A distinction arises from the authority by which the distribution of power is made. The government of France is an example of a government of unitary character. In France there are local areas of government, but they are created by the central authority and have only such power as has been delegated to them from above. In contrast to the French system the United States exemplifies the federal state. As in every democratic or representative democratic state, the people are sovereign. They have established a constitution, which again is characteristic of every federal state. This constitution provides for the central national government and for the various divisional areas, which are the states. The constitution divides the total field of governmental power between the central and local governments and denies certain powers to each by reserving such power for the other. Neither the central government nor the governments of the states can encroach upon the jurisdiction of the other.

The difference between the unitary and federal state arises naturally out of their historical development. A federal union or state has often been formed by several provinces or formerly independent states uniting for certain governmental aims. The motives for such action have been the desire to achieve greater security and permanence through the unification of several states, the realization of common ideals fostering the feeling of loyalty among the formerly independent states, and the existence of common interests. In most instances in which a federal state has been formed, any other form of central government would have been much more difficult, since states once independent rarely submit to

voluntary surrender of all of their rights of sovereignty. Although willing to join in a union or federation of equals, such independent states would not willingly permit themselves to become extinct as merely territorial units within the highly unified state. Some examples of federal states prior to the adoption of the constitution by the colonies and states in America were the Confederation of the Swiss Cantons (1291) and the United Provinces of the Netherlands (1579). Later federal unions include Canada, Brazil, Germany, Austria, and Australia. An important point concerning the federal state is that it receives its birth certificate and charter of legal rights from the governmental units which prior to their voluntary inclusion in the federal governmental system exercised sovereign rights as independent governments.

The discussion of various governmental forms is continued, and James Madison's definition of "republican government" is presented. The remainder of this chapter is concluded with a highly critical estimate of the difficulties and needs for revising the constitution to meet contemporary needs.

DEFINITION OF REPUBLICAN GOVERNMENT.

What, then, are the distinctive characters of the republican form? Were an answer to this question to be sought, not by recurring to principles, but in the application of the terms by political writers to the constitutions of different States, no satisfactory one would ever be found. Holland, in which no particle of the supreme authority is derived from the people, has passed almost universally under the denomination of a republic. The same title has been bestowed on Venice, where absolute power over the great body of the people is exercised, in the most absolute manner, by a small body of hereditary nobles. Poland, which is a mixture of aristocracy and of monarchy in their worst forms, has been dignified with the same appellation. The government of England, which has one republican branch only, combined with an hereditary aristocracy and monarchy, has, with equal impropriety, been frequently placed on the list of republics. These examples, which are nearly as dissimilar to each other as to a genuine republic, show the extreme inaccuracy with which the term has been used in political disquisitions.

If we resort for a criterion to the different forms of government which are established, we may define a republic to be, or at least may bestow that name on, a government which derives all its powers directly or indirectly from the great body of people, and is administered by persons holding their offices during pleasure, for a limited period, or during good behavior. It is essential to such a government that it be derived from the great body of the society, not from an inconsiderable proportion, or a favored class of it; otherwise a handful of tyrannical nobles, exercising their oppressions by a delegation of their powers, might aspire to the rank of republicans and claim for their government the honorable title of republic. It is sufficient for such a government that the persons administering it be appointed either directly or indirectly, by the people; and that they

hold their appointments by either of the tenures just specified; otherwise every government in the United States, as well as every other popular government that has been or can be well organized or well executed, would be degraded from the republican character.¹

THE MAKING OF THE AMERICAN CONSTITUTION

THE INFLUENCE OF THEORY AND ENVIRONMENT UPON GOVERNMENT.

No government is ever formed *de novo* with sole reference to theory—to symmetry, balance, efficiency, perfection. As William James would say, political theory and political fact have evolved together. It may be that by the process of trial and error mankind is developing an ideal scheme of things out of the primitive chaos. Indeed Aristotle noted more than two thousand years ago that every government was an approximation to an ideal of some kind; but each particular government is born of time and circumstance and grows under the pressure of “the instant need of things.” The same political scheme presents different aspects on different occasions. There are periods of confusion and weakness when power is the essential element upon which governing persons must concentrate their energies; for without a high degree of social order no other ends of government can be attained. There are other times when responsiveness to popular will is the great consideration. Again it may happen, especially in an age of industrialism, that efficiency in administration engages the main interest of political thinkers. Such forces are cumulative. Every government, whether founded on custom as in England or on a written document as in the United States, therefore, has its roots deep in the past. Its structure, its practices, and its spirit cannot be understood by an analysis of the law. The description of existing conditions is not enough; stress upon current problems, no matter how urgent or significant, is not enough. The tough web of politics has come down to us from the past; whether we are merely curious about it or wish to refashion it according to some concept of our own we cannot ignore its historic realities—the customs, practices, catch-words, vested interests, and loyalties long associated with it. A knowledge of the origins and the development of a government is necessary to an understanding of its structure and spirit.²

THE SPIRIT OF REVOLUTION IN EARLY HISTORY.

General Knox wrote to Washington on the danger of insurrection and gave this graphic description of the rapid spread of that baleful spirit, which we now call “bolshivism.”

“The people who are the insurgents [Shaysites] have never paid any, or but very little taxes—but they see the weakness of government. They feel at once their own poverty, compared with the opulent, and their own force, and they are determined to make use of the latter, in order to remedy the former. Their creed is ‘that the property of the United States has been protected from the confiscations of Britain by the joint exertions of all, and therefore ought to be the

¹ JAMES MADISON, in *The Federalist*, No. 39.

² BEARD, C. A., *American Government and Politics*, The Macmillan Company, 1929, p. 58.

common property of all. And he that attempts opposition to this creed is an enemy to equity and justice, and ought to be swept from off the face of the earth.' In a word they are determined to annihilate all debts public and private and have agrarian laws, which are easily effected by means of unfunded paper money which shall be a tender in all cases whatever.

"The number of these people may amount in Massachusetts to about one-fifth part of several populous counties, and to them may be collected, people of similar sentiments, from the states of Rhode Island, Connecticut, and New Hampshire so as to constitute a body of 12 or 15,000 desperate and unprincipled men. They are chiefly of the young and active part of the community more easily collected than perhaps kept together afterwards—but they will probably commit overt acts of treason, which will compel them to embody for their own safety—once embodied they will be constrained to submit to discipline for the same reason. Having proceeded to this length for which they are now ripe, *we shall have a formidable rebellion against reason, the principle of all government, and the very name of liberty.* This dreadful situation has alarmed every man of principle and property in New England. They start as from a dream, and ask what has been the cause of our delusion? What is to afford us security against the violence of lawless men? Our government must be braced, changed, or altered to secure our lives and property."¹

BASIS OF DIFFERENCE BETWEEN CONSTITUTIONAL AND STATUTORY LAW.

These rules of constitutional limitation differ from ordinary statutes in this, that those rules are made impersonally, abstractly, dispassionately, impartially, as the people's expression of what they believe to be right and necessary for the preservation of their idea of liberty and justice. The process of amendment is so guarded by the Constitution itself as to require lapse of time and opportunity for deliberation and consideration and the passing away of disturbing influences which may be caused by special exigencies or excitements before any change can be made. On the contrary, ordinary acts of legislation are subject to the considerations of expediency for the attainment of the particular objects of the moment, to selfish interests, momentary impulses, passions, prejudices, temptations. If there be no general rules which control particular action, general principles are obscured or set aside by the desires and impulses of the occasion. Our knowledge of the weakness of human nature and countless illustrations from the history of legislation in our own country point equally to the conclusion that if governmental authority is to be controlled by rules of action, it cannot be relied upon to impose those rules upon itself at the time of action, but must have them prescribed for it beforehand.²

THE FRAMERS OF THE CONSTITUTION.

While this notable group of men contained a few merchants, financiers, doctors, of the remainder, at least thirty-one were lawyers, and of these many

¹ BECK, JAMES M., *The Constitution of the United States*, Doubleday, Doran & Company, Inc., 1924, pp. 47-48.

² ROOT, ELIHU, *Addresses on Government and Citizenship*, collected and edited by Robert Bacon and James Brown Scott, Harvard University Press, 1916, p. 102.

had been justices of the local courts and executive officers of the commonwealths. Four had studied in the Inner Temple, at least five in the Middle Temple, one at Oxford under the tuition of Blackstone and two in Scottish Universities. Few of them were inexperienced in public affairs, for of the original fifty-five members, thirty-nine had been members of the first or second Continental Congresses, and eight had already helped to frame the constitutions of their respective states.

At least twenty-four were college graduates, of whom nine were graduates of Princeton, three of Yale, two of Harvard, two of the College of Philadelphia (now the University of Pennsylvania), four of William and Mary, and one each from the Universities of Oxford, Columbia, Glasgow, and Edinburgh. At least three were professors of law in universities and one was President of Columbia College. A few already enjoyed world-wide fame, notably Doctor Franklin, possibly the most versatile genius of the eighteenth century and universally known and honored as a scientist, philosopher, and diplomat, and George Washington whose fame, even at that day, had won the admiration of the world as that of a true and unselfish leader of men.¹

THE DEVELOPMENT OF THE AMERICAN CONSTITUTION.—A constitution may be defined as “the principles, rules, forms, and customs which determine the structure of a government and define its powers.” All governments have constitutions, just as states must have governments. Constitutions vary in form and type—some are democratic, some autocratic, some were created by a ruler and handed down; some were created by a definite act of the people; some are written; some are unwritten.

Gladstone said of the Constitution of the United States that it was “the most wonderful work struck off at a given time by the brain and purpose of man.” Gladstone was wrong. Although a group of men in the Constitutional Convention in Philadelphia in 1787 did put the Constitution into written form, it was not “written at a given time” in the sense of enunciating the principles and ideas included. The American Constitution was the product of men’s experience over a long period in England as well as in colonial America. The delegates at Philadelphia did not create the axioms of government on which the Constitution is based. They wrote the document as they did because they were Englishmen who had inherited a part of the English tradition.

RIGHTS OF ENGLISHMEN.—The delegates at Philadelphia did not create the system of private rights which later were embodied in the first nine amendments to the Constitution. Those were the rights held sacred by most of the colonists because they were Englishmen. These traditional personal rights included that of the people to participate in making their laws, of each citizen to receive equal treatment before the law, of trial by jury for a man accused of a serious crime, and of citizens to meet and discuss their grievances and to petition the government for

¹ Бекк, *op. cit.*, pp. 53–54.

redress. These principles are basic in the American Constitution and are continuations of old English customs.

FORMS AND MACHINERY OF GOVERNMENT.—The delegates at Philadelphia did not originate many new ideas. The government of the colonial period provided the pattern that was closely followed. For example:

1. *Written Constitution.*—Not all countries have a written constitution that is detailed enough to bind closely together all branches of the government. The French Parliament can do about as it pleases despite a written constitution. But the American colonies had their charters. The charter was sometimes very detailed and every agency of the colonial government received its power from the charter. In setting up the Federal Constitution as the supreme law of the land the constitution makers in Philadelphia were only following the state constitutions adopted by the colonies in 1776.

2. *Strong Executive.*—Every colony had a governor, and the colonial governor was the most powerful person in the government. He enforced the laws, appointed officers, was the head of the army, could veto legislation, could dismiss the legislature, etc. The President under the Federal Constitution is like a national edition of the colonial governor.

3. *Second Chamber in the Legislature.*—Every colonial governor had a body around him called a "governor's council." This was an aristocratic body of wealthy or conservative people, usually high officials, appointed by the governor. They advised the governor on appointments and executive matters and usually acted as an upper house in the colonial legislature. In many ways the United States Senate is modeled after this colonial governor's council.

4. *Courts.*—The English judicial system was in vogue in every colony before the American Revolution. Decisions of the supreme court in any colony could be appealed to the privy council in London. Not only are the federal courts based upon the general English system, but the colonial system of appeals to England from the high colonial courts provided a precedent for our own federal courts' being allowed to hear appeals from the highest state courts.

5. *General Central Government.*—In the colonial period the colonies were quite independent of each other in many ways and were very jealous of this independence. However, in many ways the English government provided central supervision. Colonial laws had to fit into the general English pattern, and to that end it was provided that a colonial governor in the name of the London government might veto an act of the colonial legislature, or he might refer the law to London for final decision. In this way many acts of the colonial legislatures were set aside. Cases from colonial courts were often appealed to London. The English govern-

ment controlled trade and commerce and provided for the general defence as well as making decisions with regard to war and peace. The central supervision that England gave in colonial times provided a precedent for the states to accept some degree of central supervision in a federal union. This was not accomplished without long debate because the colonies had revolted against British centralization of government, and the Constitution itself was a reaction against the extreme centralization necessary during the Revolution.

EXPERIENCE WITH GOVERNMENT UNDER THE "ARTICLES OF CONFEDERATION."—The idea of a union of the 13 states was not discovered for the first time at the Constitutional Convention. It was the result of a long development. The isolation of the various colonies prior to 1776 tended to develop individual types of government. The colonies were really quite as different in governmental details as are different European countries of today. They had developed a great deal of local pride and loyalty. Historical circumstances forced them toward union even early in their development—the danger of Indian attacks, the colonial wars with the French and the Dutch, the development of trade, and finally their contest with England. Some people in the colonies had talked favorably of union since the New England Confederation in 1643.

The first attempt besides the Albany Plan to bring the colonies together under a written constitution came during the American Revolution. The war had been fought by the Second Continental Congress which was really only a conference of delegates or ambassadors of the separate states. During the entire war they tried to work out a better and closer union, and the result was the "Articles of Confederation" adopted in 1781. The delegates at the Convention in Philadelphia in 1787 had benefited from the experience of government under the Articles of Confederation. This experience proved valuable when they wrote the American Constitution.

The Articles had many defects, the most glaring of which are briefly outlined: (1) There was no chief executive. (2) Congress was hopelessly weak. The states had given up too little power to Congress. Congress could not compel a state to meet its obligations or abide by the Articles. It required the consent of nine states for Congress to decide on any policy. Furthermore, Congress was unable to raise necessary revenues by taxation. It could only invite each state to pay its share of the costs of government and government debts. When the states refused to pay, the credit of the government was seriously impaired. Congress had no power to control foreign commerce or levy duties. (3) There was no adequate control over interstate commerce; commercial wars between states were general. (4) There was no system of national courts to enforce federal laws. Under the Articles, Congress decided disputes between the states.

Leading business and commercial groups soon came to the conclusion that a much stronger government was needed than that which was provided by the Articles of Confederation. When in 1787 the Constitutional Convention convened, men like Hamilton and Madison and Washington realized that the government was too weak, and they therefore supported the movement to call the convention that drafted our Constitution. When the delegates met, the experience with the Articles of Confederation had taught them the necessity for a strong national government and a congress with sufficient power to tax, to compel the states to respect its wishes, and with power to control commerce. The delegates might and did differ on the details, but they were agreed on these basic principles.

THE MEMBERS OF THE CONSTITUTIONAL CONVENTION.—The membership of the convention was remarkable in a number of ways. It represented an experienced body of men. All of them had served their states in important capacities and by experience and training were familiar with the forms and practices of good government. On the whole they represented the propertied groups. In his book *An Economic Interpretation of the Constitution* Charles A. Beard gives an interesting account of the men who sat in the convention. Beard shows that almost every delegate was a man of substantial property interests himself or was sympathetic with the property-owning group. The small farmers who comprised the largest part of the population of the period and who had provided the major part of the fighting forces in the war had no delegates in the convention. There was no one in the convention to represent the interests of the poor working class in the cities such as would now be represented in organized labor bodies. The political radicals who had written the Declaration of Independence were not present at the convention, nor were many of the hotheaded men who had been the leading spirits during the Revolution. Thomas Jefferson, Patrick Henry, and Samuel Adams were not present.

The men at the convention were suspicious of democracy. In the various states at that time relatively few persons enjoyed the right of suffrage because of the qualifications that the state constitutions stipulated. Economic status and even religious affiliation determined a man's power to participate in political affairs. Until 1684, for example, Massachusetts restricted the right to vote to members of the Congregational church; in Pennsylvania the right was restricted to freeholders of 50 acres or more of well-located land, 12 acres cleared and under cultivation, and to other persons worth at least 50 pounds in lawful money. In South Carolina voting was limited to communicants of the Church of England who owned 50 acres freehold or a personal estate of 10 pounds. The Fathers of the Constitution favored much the same type of restric-

tions on the voting privilege and were eager to safeguard property from tax laws voted by persons who owned no property.

Statements made by men at the Convention while debating the composition of the Senate urged that it should be an aristocratic body which would check the turbulence of the lower house. The latter was expected to be quite radical in spite of the fact that its members were to be chosen by the relatively few people who could meet the property qualifications necessary for voters. Edmund Randolph said, "The object of the Senate is to control the democratic branch of the National Legislature." John Dickinson wished the Senate to be "as much like the House of Lords as possible."

THE GREAT COMPROMISE.—Two major plans for the new government were placed before the convention. The Virginia plan gave a great advantage to the large states because the lower house in their congress was to be chosen according to population and the upper house was to be selected by the lower house. The states with the largest populations would therefore dominate both houses of Congress. The New Jersey plan was demanded by the small states. In this plan Congress would consist of one house only, and each state would have an equal number of representatives regardless of size or population. This would enable the small states to protect their interests even if a majority of the total population wanted some other policy. Both plans, however, gave Congress ample powers to tax, to raise money, to control commerce, and generally to correct the weaknesses of the government of the Articles of Confederation.

The convention several times seemed on the point of breaking up because no agreement could be reached between the large and small states. Eventually the Connecticut delegation worked out a compromise. In that plan Congress in the lower house was to be modeled after the Virginia plan, representatives elected according to population of the state; the upper house was to follow the New Jersey plan, each state having the same number of representatives. There were other minor compromises in the convention, but this one was the most important.

RATIFICATION.—Many delegates at Philadelphia were not satisfied with the Constitution as written. A few left the convention; a few refused to sign the finished document. Outside the convention were many groups of people who were very critical of the new Constitution now being submitted to the people for ratification. The people who had property, the large traders and shippers and bankers and owners of large farms or plantations—these groups favored ratifying the new Constitution. Mechanics and laborers in the cities, small land owners and tenant farmers in the rural sections of the states, the debtor classes—these groups were bitterly opposed to ratification; their loyalty was still to their local community, and they were inclined as a group to distrust

strong government. In Virginia men like Patrick Henry opposed the Constitution. John Hancock and Samuel Adams in Massachusetts were leaders against ratification in the state ratifying convention. It took all the oratory that John Jay and Alexander Hamilton possessed to swing the state of New York into line because Governor Clinton and his powerful machine were opposed to the new system proposed in the Constitution. North Carolina and Rhode Island refused to ratify until after Washington's administration had actually begun. Jefferson was critical of the document because he felt that the rights of individual citizens were not well enough protected and that a bill of rights should be added at once. Eventually opposition was overcome or outmaneuvered, the Constitution was ratified, and the new federal government was set up.

The political genius of the men who framed the Constitution has caused succeeding generations to marvel. The document is a masterpiece of political construction. Even though it was built upon the experience of colonial government, it nevertheless departed from any previous schemes for combining confederations or leagues of states. The Constitution performs the miracle of making of 13 states one, at the same time preserving the integrity of each state in the union. This necessarily complicates the problem of jurisdiction and has long provided the basis of much political controversy between the advocates of a stronger central government and those who prefer to see the individual states protected in their sovereign rights. The federal government and the separate states each exercise jurisdiction that overlaps. Through the years the Supreme Court has attempted to analyze and clarify the powers of government in the complex system that the Constitution established. It is natural to expect interests to beget opinions which in turn become the ground for a superstructure of prejudice and bias. Thus political theory has been rationalized by succeeding generations. At present the struggle to interpret the constitutional rights of the masses appears to some people to be uppermost. At some future time another phase of constitutional interpretation will probably provide controversy and enlightenment to the citizens who are eager to keep the Constitution a living organism rather than a sacred doctrine devoid of human meaning.

At this point the student is urged to read the Constitution of the United States.

THE FUNDAMENTAL PRINCIPLES OF THE AMERICAN CONSTITUTION

SOVEREIGNTY OF THE PEOPLE.—The first great principle of the Constitution is that the people are sovereign. It is found clearly stated in the preamble, which says, "We the people of the United States in order to form a more perfect union . . . do ordain and establish this Constitution

for the United States of America." This represented a drastic change because under the Articles of Confederation the states were sovereign. In the early days of the federal government many people thought that "we the people" meant the people of the separate states and not the whole people of the whole country. Supreme Court decisions such as *McCullough vs. Maryland* have established that the United States government proceeds directly from the people, was set up by the people, and cannot be stopped by state governments. The Constitution was adopted by convention especially elected by the people in each state and was not ratified by Congress or by state legislatures. This made the new Constitution even more directly dependent upon the will of the whole people. This principle of the sovereignty of the people goes back to the statement in the Declaration of Independence that "governments derive their just powers from the consent of the governed." Ours is the first Constitution into which this principle was clearly written, although it had long been accepted in England.

FEDERAL DUALISM.—This is the second principle of the Constitution. The powers of the government are divided. The national government is given certain powers, and in its sphere it is to be supreme. Local matters are left to the states. The problem, of course, was how to divide the powers between the nation and states in a satisfactory way. Many people feared that the national government would swallow the states. Two schools of thought soon developed over how the powers should be divided. Hamilton and his Federalists wanted the Constitution to be interpreted loosely so that the powers of the central government might expand. Jefferson and his Republicans wanted a strict interpretation so that the states might keep as much power as possible.

ENUMERATED POWERS.—To prevent confusion the powers of the federal government were listed in the Constitution so that the people of the states might know exactly what powers the states had given up, exactly what powers the new national government was to have, and exactly where the lines between them would be drawn. This is the third principle in the Constitution—that the powers given to the federal government are enumerated and that unless it is clearly listed or implied the federal government does not possess a given power.

The powers given up by the states to the federal government are called "delegated powers" because they were once enjoyed by the states but are now transferred to the national government. The Supreme Court has held that even though a particular power may not have been mentioned in the Constitution as being given to Congress, yet if action is necessary to carry out another power that was mentioned it can be assumed that Congress may exercise this unmentioned power. For example, the Constitution did not give to Congress the right to create

a national bank, but it did give congress the right to borrow money and to collect taxes, and if congress feels that a bank is necessary it is permitted to create a bank even though the Constitution is silent on the subject. This is called the principle of "implied powers." The implied powers of Congress have constantly increased since the creation of the government.

Some powers enumerated in the Constitution are given exclusively to the states, whereas some are prohibited to both the states and the nation. Neither may create a nobility. Neither may levy an export duty. Neither may restrict the right of people to assemble and petition their government.

Some powers are denied to the states only. There are few of these, but they are important. A state may not make a treaty with any foreign power; a state may not by law impair the obligation of a contract.

Some powers are forbidden to the federal government but not to the states. Congress may not pass a law to establish a state religion or prevent the freedom of worship. This restriction does not apply to the states; Ohio could make the Baptist church official in that state as far as the federal Constitution is concerned (though the state constitution in Ohio would probably prevent such an action). Of course, a criminal statute may not be violated in the name of religion. Congress may not pass a law to abridge the freedom of the press or freedom of speech. This is supposed to apply in war time as well as peace, but, as a matter of fact, in war time speech and press are muzzled by laws of Congress despite this constitutional rule. An example is the Espionage Act of 1917. Some of the more recently enacted "gag laws" would seem to be courting a decision of unconstitutionality.

Some powers are to be used by both the states and the federal government. These are very important. They are called "concurrent powers." For example, both governments have the right to tax, and both may enact criminal laws but not on same subject.

All legislative power not given to Congress and not forbidden to the states is considered as belonging to the states. This is termed "reserved powers" on the assumption that originally all powers belonged to the states and, therefore, that what they had not given up they still retained. These are really important and vast powers. Property laws and school laws are in this category. It was partially due to the existence of this group of reserved powers that recent congressional legislation controlling industry and commerce, agricultural adjustment, railroad pensions, and the clarification of labor-union rights were reviewed by the Supreme Court in order to ascertain their constitutionality.

LIMITED GOVERNMENT.—The government of the United States is a limited government. Congress can exercise only those powers granted

to it by the Constitution. Not all governments are so limited. The English Parliament is completely unlimited and can pass any law that it pleases; and if the English law breaks all the most sacred English constitutional traditions, the only thing that can be done about it is to elect a different parliament in a later election. The American government is limited by a written constitution. This written constitution is supreme over any law that Congress can pass, because Congress itself was created by the Constitution, and the sovereign people created the Constitution. The only way new powers can be given to the federal government is to amend the Constitution. The method of amendment is slow and clumsy, and it is easier to bring about social change by a new act of congress than it is to amend the Constitution quickly enough to keep it up to date. This sometimes brings Congress into conflict with the Supreme Court's interpretations of the Constitution. This problem is considered in the succeeding chapter.

SUPREMACY OF NATIONAL LAW.—Another principle of the American Constitution is the supremacy of national law. The states and the nation are not equal in power. If they were, there would be continuous deadlock. The states have a realm of action in which they are free to do as they please (the *reserved powers*), but in its own sphere of power the federal government is supreme. Federal law is supreme, and the judges will enforce it no matter what a state law may say. Many national crises have occurred over disputes on this point. South Carolina tried in the Nullification Ordinance of 1832 to prevent a high protective tariff law from being applied within its boundaries. Wisconsin tried to prevent the national Fugitive Slave Law from operating in Wisconsin. In all cases the federal government demonstrated that in its own realm its powers take precedence over state powers.

JUDICIAL CONSTRUCTION OF THE CONSTITUTION.—The Constitution is a complicated document and outlines a complicated list of rights—national, state, and private. Obviously such an intricate system needs an umpire to settle disputes. This duty was given to the federal courts. If state courts were allowed to settle constitutional disputes involving the states and the federal government, federal rights might be violated, and many conflicting interpretations might be made by the different state courts. The Constitution does not specifically state that when a law of Congress exceeds the constitutional powers of Congress the Supreme Court has the right to set that law aside. In the famous case of *Marbury vs. Madison* in 1819 the Supreme Court itself decided that it had that power and has proceeded to use it ever since. The court may also set aside a law of a state legislature for the same reason that a given state violates rights protected by the Constitution. In many cases these are laws that we call “social legislation” which try to improve the lot of one group

of the population but in so doing harm property rights of another group of people—property rights guaranteed by the Constitution. The law represents the wishes of the people of today; the Constitution was written long ago and is hard to amend; therefore in many such cases when the courts uphold the Constitution they become targets of criticism because they set aside a law that the people want, Constitution or no Constitution. This makes the court seem conservative because it upholds certain rights after the majority of the people wish those rights abolished. Slavery, child labor, the National Industrial Recovery Act, and the Agricultural Adjustment Act of 1933 are examples of this situation.

Many writers in the field of government criticise this principle of the courts to set aside as unconstitutional a law that a majority of the people, as shown by the vote in Congress, clearly want. These critics say that Congress is chosen by the people and that the court is not a popular body (its members are appointed for life by the President with the Senate concurring in the appointments). They argue that Congress responds to changes in public feeling but that the courts do not. They argue that a judicial veto is really a type of legislative power that is not a part of the judicial function. They point out that in England no court can set aside an act of Parliament and that if the act is wrong and contrary to English custom the people must change the law by electing different men to Parliament. Critics point out that in no other country is so much judicial interpretation of the Constitution allowed as in the United States. The American Federation of Labor and men like the elder Senator LaFollette have proposed many changes in the Supreme Court system of judicial construction, but no plan proposed has yet superseded the present arrangement.

SEPARATION OF POWERS.—The separation-of-powers idea in the Constitution goes back to the writings of Montesquieu in France in the middle of the eighteenth century and to later English writers who followed his ideas. These writers argued that to have liberty the legislative, executive, and judicial work of government must be done by different groups of people. They came to that conclusion by watching the king of France and the king of England defeat the purpose of the laws by interfering with the work of the judges. The men who wrote our Constitution were quite familiar with this philosophy. They did not specify that the Constitution was based upon the philosophy that to have liberty the powers of government must be divided between the legislative, judicial, and executive branches, but they acted on that principle, nevertheless.

The clause in the Constitution that discusses the powers of Congress says that all legislative power shall be given to Congress; the next article says that all executive power shall be given to the President; the next says

that all judicial power shall be given to the federal courts. The principle of separation of powers is clearly outlined in the Constitution. The constitutional fathers did not follow the principle strictly, however. In many ways they allowed one branch to check another branch of the government. When Congress enacts a law, the President may veto it, or the Supreme Court may declare it unconstitutional. The courts have judicial power—but the judges are named by the President with the consent of the Senate, and Congress votes money for a judge's salary and defines the jurisdiction of the federal courts by law. This is called a system of "checks and balances."

SECURITY OF LOCAL GOVERNMENT.—The Constitution guarantees the integrity of the states. No new powers may be taken from the states and given to the central government without the consent of three-fourths of the states. The representation of a state in the Senate cannot be reduced without the consent of the state. The federal government guarantees the independence and boundary of each state in the union and provides for its protection from foreign attack. The central government also guarantees that each state shall have a republican form of government. The agencies of a state government are not liable to federal taxation. The federal Constitution, then, guarantees that local government shall be secure by guaranteeing the existence of the states.

THE AMERICAN FEDERAL SYSTEM

Is it true that in spite of a recent centralization of power in the central government, which has alarmed many Americans, the equivalent of what Europeans call the state is to be found less at Washington than in the capitals of the 48 states? The concurrent jurisdiction of the state and nation is very seldom clearly understood. The illustration given by Prof. Munro of the principle of checks and balances also touches upon a controversial point. Not all political scientists would agree, however, that because of the checks and balances embodied in our constitutional system the different branches of the national government can never take effective action.

STATE SOVEREIGNTY.—Following is the conclusion of André Siegfried, a European of unusually shrewd observation.

A European in America is rather puzzled when he comes to look for the state. The Federal government represents only certain strictly limited aspects of sovereignty, for civil legislation is almost entirely vested in the State legislatures which make the laws governing the daily life of the people. In domestic politics, the equivalent of what Europeans call the state is to be found less at Washington than in the capitals of the forty-eight states, which form a polyarchy in which each unit jealously defends its independence.¹

¹ SIEGFRIED, ANDRÉ, *America Comes of Age*, Harcourt, Brace and Company, 1927, p. 240.

THE PRINCIPLE OF CHECKS AND BALANCES.

Some years ago I took a walking trip through southern Ireland. I noticed a good many goats in the fields, but always in pairs, tied to each other. Wondering why this should be the case, I asked an Irish farmer the reason. He was amazed at my lack of sophistication in animal husbandry.

"They're tied to each other so that they won't wander away," he said.

"But I don't see the point," was my reply. "Why can't two goats wander away as well as one?"

"They can't and they won't," he said with true Hibernian emphasis, "for one goat will never go where the other wants to go, and the result is they just stay around where they are."

Then, for the first time, there dawned on me the psychological basis of the principle of checks and balances in government. Just hitch the executive and legislative branches of your government together in such a way that the one can never go anywhere without the other, and you may safely count upon both staying just where they are.¹

OUR CAST-IRON CONSTITUTION.

Since social change is necessarily a slow and painful process, it may be taken for granted that great obstacles will have to be overcome before any program of social reform is realized. But there is one additional factor which must be taken into account in America in the formulation of any program which is to have a completely realistic basis. It is that almost all changes that are currently proposed probably cannot be accomplished under existing constitutional limitations. Either they are so obviously unconstitutional that no responsible Congress could so much as consider them, or their constitutionality is open to so much doubt that the Supreme Court would certainly invalidate them in passing them under review. Here, indeed, is a dilemma, but there is no sign that it is receiving very much attention. In fact, there has never been so complete a divorce between economics and political science. . . .

The reply has always been made to those who have expressed general dissatisfaction with existing American institutions, that the Constitution itself provides a remedy. It can always be amended. It is true that the way of amendment is the only safe way to secure permanent fundamental changes but, alas, the apparent way out is a very illusory one. . . . If the Constitution has been able to function at all, it is because so many changes have been wrought in it by a process of "interpretation." It is true that this interstitial modification of the Constitution which has resulted in its partial adaptation to the needs of the nation in the past is still available, but it is far too slow for the rapid pace of our own times. . . .

A single amendment could necessarily effect only a single change, and it may seriously be doubted whether any genuine social reorientation could now be realized in this manner. Even if it be assumed that a whole new constitution could be submitted by Congress in the form of a single amendment, that obviously

¹ MUNRO, WILLIAM BENNETT, *The Invisible Government*, The Macmillan Company, 1928, pp. 28-29.

would be no way to adopt a new scheme of government. It would simply be a case of taking or leaving what was offered. A constitution must be the result of a process of proposal and counter-proposal, of bargain and compromise.

The only method known to political science which is suited to a thoroughgoing constitutional revision is the general constitutional convention, but under the present Article V it is next to impossible to assemble one . . . the very idea of a constitutional convention makes everybody nervous. The last one this country had in 1787 is too intimately associated with a period of revolution. No court can control a constitutional convention which, representing the people in their sovereign capacity, is supreme. It is recalled, moreover, that as a matter of fact the Convention of 1787 disregarded the Articles of Confederation, so that the present Constitution may be said to have been illegally adopted. . . .

They [the founding fathers] made the amending process particularly rigid to make it difficult for a small group of States to disturb the status quo. As the result of this jealousy of the States, it has been made possible for thirteen States whose population is in the neighborhood of only 5,000,000 (less than that of the City of New York) to prevent a constitutional amendment which may be desired by all the other States whose population exceeds 100,000,000. . . .

The likelihood of any form of revolution depends, of course, upon a whole complex of social and economic forces. But as far as political science is concerned, the only way such a result can be prevented is to deal in time with the amending process of the American Constitution. Many amendments have been offered in recent years, but none of them is as important as the alteration of the amending process itself. It may be regarded as the last counsel of peaceful change. It is, indeed, the amendment of amendments.

The amendment of the amending process itself would pass all problems into social solution. It could enlist the most general support because it would in itself be a definite commitment upon no issue except the desirability of social change. . . .

While the revision of Article V would constitute only a preliminary step to the adaptation of American institutions, it would in itself result in one immeasurably important political reform. A new and more flexible amending process would change the whole character of American constitutionalism. . . .

No definite scheme of a new amending process need here be offered. Once its necessity is realized, it will take appropriate shape. As to its exact form, there will naturally be differences of opinion. But in general it may be said that a good amending process should combine a relatively easy method of inaugurating individual changes with a slightly more difficult method of general revision. The extent to which the power of initiating amendments is to be divided between the nation and the States will always doubtless prove a troublesome problem. Two principles, however, may be ventured as vital in all phases of the amending process: A majority should be sufficient to secure either the initiation or final approval of any changes; in both phases, also, popular participation through the referendum should at least always be possible. The need for stability needs to be reconciled with the no less legitimate need for change. Even a slight relaxation of the present provisions of Article V would be a vast improvement.¹

¹ SEAGLE, W., in *The Nation*, Aug. 17, 1932, p. 135.

In contrast to this gloomy estimate of the efficiency of the amending process James Truslow Adams finds the document adequate and flexible.

A Constitution which can be altered by even formal amendments on an average of once every three years or so, can not be considered too rigid to respond to the genuine wishes of any large part of the people . . . it has indicated the innate political conservatism of the American people.

Moreover, when we realize the enormous alteration in our life between 1804 and 1913, and the fact that we were able to adapt government to them with only three formal amendments incident to the Civil War, we must recognize that flexibility of the Constitution can be secured in other ways.¹

President Roosevelt in his address delivered in Washington on Sept. 17, 1937, on the one-hundred fiftieth anniversary of the signing of the Constitution suggested another way by which the Constitution can be adapted to necessary social change. After declaring that the Constitution was a laymen's rather than a lawyers' document Mr. Roosevelt restated his faith in democratic government:

I believe that democratic government in this country can do all the things which common-sense people, seeing that picture as a whole, have the right to expect. I believe that these things can be done under the Constitution, yes under the Constitution, without the surrender of a single one of the civil and religious liberties it was intended to safeguard.

He then suggests that the problems of democracy can be solved by interpreting the Constitution not as a lawyer's contract but as a layman's document. He stresses the fact that the Supreme Court has occasionally admitted that it has been wrong and then after a number of years has reversed its previous rulings. His solution of the problem of keeping the Constitution flexible is to insure a court sufficiently in harmony with the desires and needs of the people to interpret the Constitution in the light of contemporary needs.

The economic depression following the market collapse of 1929 brought the Constitution into prominence as front-page news for the American people. A succession of daringly devised laws to cope with the economic emergency forced the people to study the Constitution in the light of current needs. Because some of the new laws with which the New Deal was seeking a new prosperity were declared unconstitutional by the Supreme Court, the controversy over the adequacy of our fundamental law became acrimonious. Some of the fundamental differences of opinion concerning constitutional questions are considered in the chapters that follow.

¹ ADAMS, J. T., quoted in *The Literary Digest*, Jan. 25, 1937, p. 4.

QUESTIONS AND TOPICS FOR DISCUSSION
AND STUDY

1. Is government to be regarded as a necessary evil? Support your answers with definite historical facts, figures, and statements from men whom you consider authorities on the subject. (It is suggested that you read Chap. I, Book V, of John Stuart Mill, *Principles of Political Economy*, as an aid to a clearer understanding of the purpose of government.)
2. To what extent is the state regarded as a person in itself, superior to the individual citizen, and with rights opposed to those of the citizen?
3. Is the nation-state to be regarded as the ultimate and permanent form of political organization? Can you discern evidences of political institutions in the making which would perhaps make the nation-state idea seem both inadequate and ineffective for human progress?
4. Is the League of Nations likely to become a superstate? Is it a nation-state now?
5. Some authorities say that the Constitutional Convention of 1787 was an illegal revolutionary body. Discuss, criticize, and seriously consider this statement. (An interesting presentation of data on the origin of the American Constitution is embodied in Chap. I through III of Ewing and Dangerfield, *Source Book in Government and Politics*. For a discussion of the same data see the splendid account given by Orth and Cushman in *American National Government*. See Chap. I through IV.)
6. Discover instances indicating the manner in which our system of "checks and balances" has operated during the last few years in our national government's grappling with problems of farm relief, tariff making, unemployment, public works, the Reconstruction Finance Corporation, and attempts at balancing the federal budget. Then estimate the efficacy of checks and balances in the light of your study of recent American history.
7. What is meant by "states' rights"? What are some of the present focal points in the states'-rights controversy?
8. Read the Constitution of the United States asking yourself, "Is human welfare the dominant aim of the Constitution, or are property rights defined and emphasized so much as to place human rights in a secondary position?"
9. List the more important functions of government. Indicate certain changes in the functions of government that are exemplified in American history. (*Recent Social Trends* is suggested as one source of information in this discussion.)
10. Define the terms "government" and "state." Are they synonymous? Discuss. It may prove interesting to check up the various definitions that have been presented by writers on government.
11. What is your estimate of John Stuart Mill's discussion of the primary functions of government?
12. Construct a diagram to represent the structure of the government of the United States. Construct it in such a manner as to permit the relationship between various governmental agencies to be prominently shown.
13. Discuss the relative advantages claimed for a written and an unwritten constitution. On the basis of your comparison of the two forms, which do you think is preferable?
14. What were the chief defects of the Articles of Confederation?
15. Having read the article entitled "Our Cast-iron Constitution" in *The Nation* for Aug. 17, 1932, vol. 135, No. 3502, pp. 141-142, what is your reaction to the suggestions made for changing the American Constitution?

16. What is the status of the Cabinet in relation to (1) the Constitution of the United States, the President? (2) Congress, (3) the Supreme Court? How does the American Cabinet differ from the English Cabinet? Would you favor a change in our cabinet system to make it a responsible body? Responsible to whom? Discuss fully.
17. Study the problems of American government that have resulted in amendments to the Constitution. How long a period of time is generally required to add an amendment? Would you suggest changes to increase the efficiency and effectiveness of amending the Constitution? Is our Constitution responsive to social needs and changes?
18. It is evident that greater cooperation between the President and the administrative departments and Congress is desirable. What suggestions have you for securing such increased cooperation?

TERMS

government	monarchy
state	tyranny
entity	aristocracy
sovereignty	oligarchy
city-state	commonwealth
empire	cabinet
feudalism	ministry
nation-state	unitary government
family of nations	federalism
anarchist	constitution
individualist	convention
collectivist	bicameral
socialist	ratification
bill of rights	amendment
statute	

SUGGESTED READING

BEARD, C. A. *An Economic Interpretation of the Constitution of the United States*. The Macmillan Company, 1925. A significant emphasis in the study of a document too often misinterpreted. Professor Beard provides plenty of food for thought which is highly desirable in the present controversy.

———. *American Government and Politics*. The Macmillan Company, 1931. For a splendid general treatment of the position of the Constitution in the history and development of American government.

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- MAGRUDER, F. A., and CLAIRE, G. S. *The Constitution*. McGraw-Hill Book Company, Inc., 1933. An article-by-article interpretation of the Constitution.
- ORTH, S. P., and CUSHMAN, R. E. *American National Government*. F. S. Crofts and Company, 1931. A reading of Chap. IV will help the student understand the theory as well as the difficulties of constitutional government.
- WOODY, C. H. *The Growth of the Federal Government, 1915-1932*. McGraw-Hill Book Company, Inc., 1934. A *Recent Social Trends* monograph which will help the student to see the expanding demands of the people on their government and incidentally to appreciate the difficulties of constitutional interpretation.

8. In the United States (though not in England) the success of political democracy has imprinted deeply upon the population the anarchic habits of a frontier civilization. That is, in a real way, a safeguard of democracy. . . .
9. In successful political democracies, further, it is difficult for a government to proceed by discretion rather than by rule. . . .
10. The time-factor is a thing to which in these matters too little attention has been given. At some period, a dictatorship always needs to find a method of building its institutions upon the basis of consent; otherwise it has no means of providing for its own continuity. . . .
11. In all dictatorships, however skilfully the appearance may be masked, the pivot of its life is the army; and, in a great state, this means, sooner or later, foreign adventure in which defeat is fatal to the dictator. . . .
12. One psychological feature of democratic societies contrasts vividly with that of dictatorial societies. Their life is one of normal routine. The average citizen knows, in a broad way, what he can expect from the morrow. There is no feverish excitement to bring the poison of uncertainty and, therefore, of insecurity, into his habits. . . . The very foundations of a non-democratic régime are thus pathological in that they deprive average human nature of access to normality. This is never a condition which can long be maintained.
13. It is inherent in the notion of a successful political democracy that it does not drive opposition underground. Under a dictatorship, all criticism is suppressed; and organized criticism which looks to action is compelled to assume conspiratorial form. . . .

On this analysis, the advantage to any society which is democratic in political form seems to me clear. No other political system offers the same prospect of rational solutions to its political problems or the same opportunity of those successful compromises which enable wide adjustments to be made on terms which do not outrage the parties to them. . . .

I expect, therefore, to see the slow erosion of political democracy in all capitalist states in the next two generations. I think it will pass slowly, partly because, where it is deeply rooted, its habits are likely to be tough, and partly because, as Adam Smith said, there is a good deal of ruin in a nation and dramatic collapse is likely to be the culmination of a long process and not some sudden event.

The duty, therefore, of those who, like myself, believe in the inherent value of democracy is, I think, to work for an abridgement of the transition period so as to make the return to its operation as rapid as possible.¹

QUESTIONS AND TOPICS FOR DISCUSSION AND STUDY

1. Distinguish between democracy as a way of life and democracy as a form of government.
2. List the aims of democracy. How do you account for the appeal of the word "democracy" to the people of the United States? To what extent are the aims of democracy attained in our political life?

¹ *Survey Graphic*, LASKI, H. J., What Is Vital in Democracy? April, 1935, pp. 179-180, 204-205.

3. Give examples of efforts now being made to make industry more democratic. What is involved in this process? Is capitalism inimical to democracy?
4. It is generally conceded that equality is an aim of democracy. What kind of equality is involved? With what success and by what means are we achieving that aim in the United States?
5. How is education affected by our ideals of democracy? What would a democratic system of education seek to achieve? Is our educational system now democratic?
6. List in the order of their importance the "rights" that a democracy seeks to insure. What is the basic element in these rights? On what grounds do people argue for their "rights"?
7. Construct a table in which you list in opposing columns the points of strength and weakness in a democratic form of government. In the light of your study what is your estimate of the future of democracy as a form of government?
8. Enumerate the various references to "liberty" in the preamble and the Constitution of the United States. Discover from newspapers descriptions of instances that seem to violate some of these "liberties."
9. How does a democratic form of government affect industry? Give specific instances and examples.
10. Discuss the "good life," and indicate its relation to democracy.
11. On May 12, 1932, an American Civil Liberties Union delegation appeared before Judge A. M. J. Cochran at London, Ky., seeking an injunction to prevent interference with its party while studying conditions in Bell and Harlan counties. Judge Cochran denied the request for such an injunction, holding that these counties "should be protected *from* free speech." Discuss.
12. It is argued that "Communists and other radicals are entitled to protection of their constitutional rights of free speech and free assemblage." Discuss and weigh the arguments on both sides of the controversy.
13. How do "gag laws" fit into a democratic theory of government?

TERMS

ethical	humanizing
social	apprenticeship
fraternity	professional training
liberty	technical training
justice	kingship
equality	ecclesiastical
brotherhood	oligarchic
loyalty	abstract
individuality	<i>laissez-faire</i>
sociality	dictatorship
living wage	sovereignty
employer	electorate
employee	constitution
axioms	republic

SUGGESTED READING

ADAMS, J. T. *The Epic of America*. Little, Brown & Company, 1931. Supports the thesis that through all American history the people have been striving for a richer, happier, democratic life.

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- HOOVER, H. *Challenge to Liberty*. Charles Scribner's Sons, 1934. A defense of the philosophy of individual liberty as opposed to regimentation. Very readable.
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Chapter XVIII

Problems Relating to the
Presidential Office

The growth of the United States in territory, population, and international power has necessitated an expansion of the powers and a multiplication of the functions of government. The administrative head of the vast government is the President, who occupies one of the most difficult as well as most conspicuous executive positions in the world. Not only do the American people expect of the President the administration of the laws in terms of the common welfare in normal periods, but they demand his leadership in time of crisis. Especially during years of depression the people demand that the President provide the leadership to bring back prosperity. The attitude of the people toward the President and his office is almost childlike at times. Too often they expect him to be a miracle worker capable of doing the seemingly impossible, who needs but to smite the ground with a magic stick and, presto, the whole people will again be near prosperity.

The office of President is worthy of study. This chapter is divided into four sections: the President, the Cabinet, the powers of the President, and recommendations for improving executive efficiency. A brief glimpse into the deliberations of the Constitutional Convention is given; the nature and composition of the President's cabinet is discussed. The relation of the President to his cabinet as well as the relation of the latter to Congress and the people is briefly analyzed.

THE PRESIDENTIAL OFFICE

At the Constitutional Convention some of the most interesting debates related to the powers of the office of President. No other department of government aroused the fears of the Convention to the same degree. There were questions as to the type of executive, and equally important if not terrifying were the questions of the length of tenure of office and the powers of the President. There was difference of opinion in the

Convention on every detail. The delegates realized that one of the paramount needs of the new nation was an executive officer with enough power to carry out the nation's business promptly and efficiently. On the other hand, they sought to devise means of checking the powers of this officer against autocratic abuse. To make the problem more difficult, they were unable to find models in history of the particular kind of executive officer that they had in mind. They were satisfied with neither a little king nor a big governor.

Edmund Randolph favored a committee of three men for the executive function and office, because he feared that a one-man executive might become king. After long and bitter debate the Convention decided in favor of a one-man executive officer. The question of the title of the President was also perplexing. After various proposals had been deliberated and debated, it was decided that the executive should be called just "President of the United States." Only after a long struggle were the words "His Excellency" dropped from the title. Congress later had a committee look into the matter more fully, and it was the desire and will of the joint committee to retain the title "His Excellency, the President," whereas the Senate favored the title "His Highness, the President of the United States of America and the Protector of their Liberties." George Washington wanted the title to read "His high Mightiness, the President," instead of "His Highness." But the House of Representatives refused to accede to this, so the matter was dropped. By usage and choice the American people and the men who have been elected to that high office appear to favor the congenial democratic title of "Mr. President."

Naturally, the questions of the salary and qualifications for the office of the President needed to be settled. Some favored an extensive property qualification for aspirants for the office. Charles Pinckney moved that

"The President of the United States, the judges, and members of the legislature should be required to swear that they were respectively possessed of a clear unincumbered estate" of certain definite amounts. In the case of the President he firmly believed it should not be less than \$100,000, but he was willing to leave the sum to be adjusted by the Convention. But this motion found very little support. Franklin made a characteristic plea against it, believing that it tended "to debase the spirit of the common people. If honesty was often the companion of wealth, and if poverty was exposed to peculiar temptation, it was not less true that the possession of property increased the desire of more property. Some of the greatest rogues he was ever acquainted with, were the richest rogues. We should remember the character which the Scripture requires in rulers, that they should be men hating covetousness. This Constitution will be much read and attended to in Europe, and if we should betray a great partiality to the

rich, will not only hurt us in the esteem of the most liberal and enlightened men there, but discourage the common people from removing to this country."¹

Needless to say, the Convention voted down Pinckney's proposal. The question of salary was left for congress to decide, with the provision that the compensation of the President should be neither increased nor decreased during his term of office.²

TERM OF OFFICE FOR THE PRESIDENT.—Opinion on the length of the term of the President varied from suggestions for a two-year term to life. Alexander Hamilton wanted it limited only by good behavior. Many wanted a seven-year term without possibility of reelection. Washington held the office for two four-year terms, but Thomas Jefferson set the two-term precedent:

My wish was that the President should be elected for seven years and be ineligible afterward. But the practice adopted, I think, is better, allowing his continuance for eight years, with a liability to be dropped at half-way of the term, making that a period of probation. Though this amendment has not been made in form, yet practice seems to have established it. The example of four Presidents voluntarily retiring at the end of their eighth year, and the progress of public opinion that the principle is salutary, have given it in practice the form of precedent and usage; in so much that should a President consent to be a candidate for a third election, I trust he would be rejected on this demonstration of ambitious views.³

WILSON ON THE DELUSION OF THE SHORT TERM.

It is difficult to perceive . . . upon what safe ground of reason are built the opinions of those persons who regard short terms of service as sacredly and peculiarly republican in principle. If republicanism is founded on good sense, nothing so far removed from good sense can be part and parcel of it. Efficiency is the only just foundation for confidence in a public officer, under republican institutions no less than under monarchs. . . . Unhappily, however, this is not American doctrine. A President is dismissed almost as soon as he has learned the duties of his office.⁴

THE PHYSICAL STRAIN AND RE-ELECTION.—The controversy over the length of time that the President may hold office continues to interest

¹ ORTH, S. P., and CUSHMAN, R. E., *American National Government?* F. S. Crofts and Company, 1931, p. 249. Cf. the Constitution for full qualifications for the presidency.

² For data on salaries of public officials consult the current issue of *The World Almanac*.

³ JEFFERSON, THOMAS, *Autobiography*, in *The Writings of Thomas Jefferson*, edited by Albert E. Bergh and Andrew A. Lipscomb, The Thomas Jefferson Memorial Association, 1905, vol. I, p. 119.

⁴ WILSON, WOODROW, *Congressional Government*, Harcourt Brace & Company, 1885, p. 255.

the American people. Many argue that the term should be subject only to the people's willingness to keep a given man in office. Those who favor an unlimited term suggest that the President should be permitted to hold office as long as he is efficiently serving the people, just as a corporation president is kept in office until he no longer serves the corporation efficiently. Others insist that one term of four years is more than enough because of the physical strain of the President's duties. They argue that the responsibilities of the office are more than any man can stand successfully for more than one term. The proponents of this view point to the relatively brief span of life that most presidents have enjoyed after leaving either a one- or a two-term period of service as President of the United States. They also insist that since that President is not only the Chief Executive but the political leader of his party as well, no man should be asked to be President for more than one four-year term.¹

The question of a third term for the President remains unanswered. Mr. Coolidge set rumors at rest with his cryptic message preceding the 1928 campaign, "I do not choose to run." The question again gained prominence in current discussions in 1937 following the pronouncement of Governor Earle of Pennsylvania that he would "unqualifiedly and finally" support Mr. Roosevelt in the 1940 campaign. Proponents of a third term were slow to take up the argument but opponents were plentiful. The following excerpts from an editorial entitled "Third Term: Bad Medicine" present a liberal journal's objections to breaking the two-term tradition of American presidents.

We never took the third-term talk about President Roosevelt seriously until Governor Earle's pronouncement of last week . . . there can be no doubt that this is the least opportune time that could have been chosen to bring the third-term talk into the open. The air is filled with charges of dictatorship. Nothing could play more directly into the hands of the opposition than this, especially since the pronouncement comes from a governor who is closely associated with the Lewis cohorts.

We have never blanched at the bogey of a "Roosevelt dictatorship." Nor are we generally given to cherishing the sanctity of political traditions or conventions for their own sake. But the two-term tradition has a relevance for today which makes it more than a tradition: it is a living safeguard of our values. . . .

The real question is not how authentic the tradition is historically, but how wise it would be to break it. We agree with Jefferson that to leave the Presidential term unlimited would be to open the gates wide to bureaucracy and despotism. And whatever may have been true in the past, this is no time to venture on such a course. The dictatorships of Europe have drawn the issue with democratic government. Their emphasis is always on the indispensability of a particular

¹ See editorial in *Outlook*, Jan. 19, 1916, and the statement of A. B. Cummins, *New York Times*, Aug. 6, 1932.

leader. If Mussolini goes, the whole fabric of power that he has built up goes with him. Democracies do not function that way. They seek to draw upon the resources of leadership in the people themselves. Despite the high regard we have for the character, abilities, and programs of Mr. Roosevelt, we feel that no man is indispensable for the future of America. . . .

But suppose that in 1940 the alignment is such that no Democrat except Roosevelt looks strong enough to beat a reactionary Republican? In that event we should still feel the same way. First, because it is always easy to maneuver the situation so that the choice seems crucial. Second, because we regard the precedent of an indefinite Presidential term as bad medicine, even for such a disease. It is medicine that could be used as easily, and much more harmfully, by someone in the near future who really has fascist leanings.¹

The question as to the most desirable length of time a presidential administration is to serve the nation thus comes up for discussion and controversial argument practically each time that a second term nears its conclusion. Suggestions continue to be made for settling this matter once and for all by means of an amendment to the Constitution. Thus far no such movement has won sufficient public acclaim to warrant any real effort in that direction.

THE CABINET

Like our party system, the cabinet is an extralegal institution. Just as with political parties, the cabinet meets a pressing need which was not fully anticipated by the framers of the Constitution. The American Cabinet, however, does not function in a manner similar to the English Cabinet. Its members are not selected from Congress, nor are they elected by the people. Hence, they are responsible neither to the people nor to Congress. The members of the President's Cabinet act only in an advisory capacity, responsible directly to the President. They cannot be held directly responsible for any decision or policy by the people.

The Cabinet from the beginning was composed of the heads of the great administrative departments. President Washington from the outset of his administration regarded the heads of departments as his assistants. He required the opinion, in writing, of the heads of departments and also asked for the advice of Vice-president Adams and Chief Justice Jay upon several occasions. The Supreme Court, however, refused to give legal advice prior to the existence of an actual case. It had been expected that the President would secure advice from the Senate with regard to foreign relations, but an attempt to confer with it concerning an Indian treaty so discouraged the President that no further attempt was made to proceed in this way. The effect of these events was

¹ *The Nation*, vol. 145, p. 4, July 3, 1937.

to make the President more dependent upon his own appointed heads of departments. The first meeting of the Cabinet was held in 1791 when the President was absent from Philadelphia. The Vice-president and three heads of departments met together to consider certain pressing problems. The Vice-president presided at this meeting and submitted a report to President Washington. Later the Attorney-general became a member of the group, and the Vice-president was excluded. The Cabinet was enlarged as new departments were created. Of late, the policy of including the Vice-president has been re-established. This practice has much to commend it if the Vice-president is to perform any service other than presiding over the Senate or if he is to be prepared to take over the duties of the President in case of the latter's death or disability. The following letters and comments on the Cabinet and certain Cabinet members will clarify certain problems of the relation between the President and the Cabinet.

Below is given in full the call for the first Cabinet meeting issued by President Washington. The informal style of the letter shows clearly that Washington realized the important services to be rendered by his cabinet members while he at the same time permitted considerable latitude in activities that the Cabinet might pursue in his absence from the scene of the meeting. This spirit is in striking contrast to that later expressed by Woodrow Wilson in his correspondence with Secretary of State Lansing.

WASHINGTON'S CALL FOR THE FIRST CABINET MEETING.

To The Secretaries of The Departments of State, Treasury, and War.

Mount Vernon,
4 April, 1791

Gentlemen,

As the public service may require, that communications should be made to me during my absence from the seat of government by the most direct conveyances, and as, in the event of any very extra-ordinary occurrences, it will be necessary to know at what time I may be found in any particular place. I have to inform you, that, unless the progress of my journey to Savannah is retarded by unforeseen interruptions, it will be regulated, including days of halt in the following manner. [Here follow details of his travel plans.]

After thus explaining to you, as far as I am able at present, the direction and probable progress of my journey, I have to express my wish, if any serious and important cases (of which probability is but too strong) should arise during my absence, that the Secretaries for the Departments of State, Treasury, and War, may hold consultations thereon, to determine whether they are of such a nature as to demand my personal attendance at the seat of government here; and, should they be so considered, I will return immediately from any place at which the information may reach me. Or should they determine, that measures,

relevant to the case, may be legally and properly pursued without the immediate agency of the President, I will approve and ratify the measures, which may be conformed to such determination.

Presuming that the Vice-President will have left the seat of government for Boston, I have not requested his opinion to be taken on the supposed emergency; should it be otherwise, I wish him also to be consulted. I am, Gentlemen, your most obedient servant.

Much interest is manifest in a President's selection of his Cabinet members. The following rather amusing description of the process of selection is offered as one writer's estimate of how members are chosen.

CHOOSING A CABINET BEFORE ELECTION.

The candidate, presidential or other executive, will find that the victory which perches on his banner is a bird that never ceases its importuning. If he listens intently he will hear that its most important demand is for him to pick his crew.

Those who are born wise or have had wisdom thrust upon them will have picked the crew, or at least the candidates for the important posts, before election night. This is difficult to do, because in many cases one cannot be sure that the man chosen, say for a cabinet place, will accept. There are many reasons why the candidate cannot put himself in the place of making pledges to offer posts. One of them is that for some reason the fact of the pledge, as it is always called by an unsympathetic world, always leaks out. Remember that it is not necessary that the future Secretary of the Navy should tell it, even to his wife, to have it made public. The press watches those who talk with the candidate, and the fitness for special positions of all who have contact with him is carefully weighed. Suppose then that the candidate has pledged the Secretaryship of the Navy to Senator X. The correspondents know that Senator X was the defender of the Battleship Appropriation Bill; he might make a good Secretary of the Navy. They ask him if he is prepared to deny that the candidate has pledged this post to him. If he is a truthful man he at least loosens his collar before he gives a categorical denial.

The next day he is mentioned all over the country as the man who will in all probability be appointed, whereupon the other eight thousand aspirants for the post begin to hint that there is something dark and sinister about the arrangement.

Therefore the most that can be done and the spirit of the inquiry are represented in the following conversation: The candidate lights a cigar and says, "If perchance I am elected, I may wish to speak of a certain matter to you."

They all say that. Some mean it, others think they mean it, others know they mean nothing of the kind.

"Well, Senator," the candidate says, "I was thinking of the Navy."

The other chokes, but manages to say, "You mean the Cabinet job?"

"Yes. I don't know exactly what I will do about it."

The face of the Senator falls; the luminous quality of hope grows gray and cold.

"But if I am elected I want to know, in case I desired you to serve. . . ."

"I'd rather not talk about that now." Often the decent, unselfish element in human nature comes bubbling up stronger than any ambition.

"Nor I," says the candidate. "But if I found I needed you? I may not, but supposing I did? Would you help me? Could I count on you to accept? I can't tell what I will do, but it would be a comfort to know how you'd stand."

"I'd accept."

That is the typical conversation, and there is nothing in it except delicacy of feeling and practical foresight. A wise candidate will have many of these conversations. Some men will interpret such a conversation as being an implied pledge. I have known several who have tried to cash such conversations at the bank of realization, but I have no particular respect for these men. They place their own personal fortunes and ambitions above friendship for the candidate, and above the public welfare. They are in the minority. The fact that this minority exists does not even throw a shadow on the fine willingness of other men to give up their hopes and to submit to the judgment of the man elected.

"My stars!" said a successful candidate to me once, "I am astounded! It is like a picture puzzle—like a jig-saw picture. A man cannot merely pick out the fit men. There is geography. There is party obligation, and what astounds me is the number of supposedly valid promises which have been made in the emergency of the campaign or by a misunderstanding. Not promises I made. No! Promises made for me."

Some years ago I knew that three men serving as ambassadors or in the Cabinet were men who had battered their way into place by proving that a man not the candidate, but high in the councils of the party, had promised that certain places would be delivered. One of them—an old man seeking a crown for the end of his career—had suffered a nervous breakdown when he had heard that there was doubt about his appointment, and the President was actually begged to save his life—and perhaps did it!¹

The question of the exact degree of power and responsibility of cabinet members has never been completely answered. The following exchange of letters between Secretary Lansing and President Wilson provide interesting viewpoints as well as evidence of the difference between Washington and Wilson in their attitude toward the presidential cabinet.

THE RESIGNATION OF SECRETARY LANSING.

Wilson-Lansing Correspondence

The White House

Washington, 7 Feb., 1920

My dear Mr. Secretary:

Is it true, as I have been told, that during my illness you have frequently called the heads of the executive departments of the Government into conference?

¹ Anonymous, *Behind the Scenes in Politics: A Confession*, E. P. Dutton & Co., Inc., 1924, pp. 115-118.

If it is, I feel it my duty to call your attention to considerations which I do not care to dwell upon until I learn from you yourself that this is the fact. Under our constitutional law and practice, as developed hitherto, no one but the President has the right to summon the heads of the executive departments into conference, and no one but the President and the Congress has the right to ask their views or the views of anyone of them on any public question.

I take this matter up with you because in the development of every constitutional system, custom and precedent are of the most serious consequence, and I think we will all agree in desiring not to lead in any wrong direction. I have therefore taken the liberty of writing you to ask you this question, and I am sure you will be glad to answer.

I am happy to learn from your recent note to Mrs. Wilson that your strength is returning. Cordially and sincerely yours,

Woodrow Wilson.

Hon. Robert Lansing, Secretary of State.

The Secretary of State
Washington, Feb. 9, 1920

My dear Mr. President:

It is true that frequently during your illness I requested the heads of the executive departments of the Government to meet for informal conference.

Shortly after you were taken ill in October certain members of the Cabinet of which I was one, felt that in view of the fact that we were denied communication with you it was wise for us to confer informally together on inter-departmental matters and matters as to which action could not be postponed until your medical advisers permitted you to pass upon them.

Accordingly I, as the ranking member, requested the members of the Cabinet to assemble for such informal conference; and in view of the mutual benefit derived the practice was continued. I can assure you that it never for a moment entered my mind that I was acting unconstitutionally or contrary to your wishes; and there certainly was no intention on my part to assume powers and exercise functions which under the Constitution are exclusively confined to the President.

During these troublous times when many difficult and vexatious questions have arisen and when in the circumstances I have been deprived of your guidance and direction, it has been my constant endeavor to carry out your policies as I understood them, and to act in all matters as I believed you would wish me to act.

If, however, you think that I have failed in my loyalty to you and if you no longer have confidence in me and prefer to have another conduct our foreign affairs, I am, of course, ready, Mr. President, to relieve you of any embarrassment, by placing my resignation in your hands. I am, as always faithfully yours.

Robert Lansing.

The White House,
Washington, Feb. 11, 1920

My dear Mr. Secretary:

I am very much disappointed by your letter of February 9 in reply to mine asking about the so-called cabinet meetings. You kindly explain the motives of these meetings, and I find nothing in your letter which justifies your assumption of presidential authority in such a matter. You say you "felt that, in view of the fact that you were denied communication with me, it was wise to confer informally together on interdepartmental matters and matters as to which action could not be postponed until my medical advisers permitted me" to be seen and consulted, but I have to remind you, Mr. Secretary, that no action could be taken without me by the Cabinet, and therefore there could have been no disadvantage in awaiting action with regard to matters concerning which action could not have been taken without me.

This affair, Mr. Secretary, only deepens a feeling that was growing upon me. While we were still in Paris I felt, and have felt increasingly ever since, that you accepted my guidance and directions on questions with regard to which I had to instruct you only with increasing reluctance, and since my return to Washington I have been struck by the number of matters in which you have apparently tried to forestall my judgment by formulating action and merely asking my approval when it was impossible for me to form an independent judgment, because I had not had an opportunity to examine the circumstances with any degree of independence.

I therefore feel that I must frankly take advantage of your kind suggestion that if I should prefer to have another to conduct our foreign affairs you are ready to relieve me of any embarrassment by placing your resignation in my hands, for I must say that it would relieve me of embarrassment, Mr. Secretary, the embarrassment of feeling your reluctance and divergence of judgment, if you would give your present office up and afford me an opportunity to select some one whose mind would more willingly go along with mine.

I need not tell you with what reluctance I take advantage of your suggestion or that I do so with the kindest feeling. In matters of transcendent importance like this the only wise course is a course of perfect candor, where personal feeling is as much as possible left out of the reckoning.

Very sincerely yours,
Woodrow Wilson.

Hon. Robert Lansing, Secretary of State.

The Secretary of State
Washington, Feb. 12, 1920

My dear Mr. President:

I wish to thank you sincerely for your candid letter of the 11th, in which you state that my resignation would be acceptable to you, since it relieves me of the responsibility for action which I have been contemplating and which I can now take without hesitation, as it meets your wishes.

I have the honor, therefore, to tender you my resignation as Secretary of State, the same to take effect at your convenience.

In thus severing our official association I feel, Mr. President, that I should make the following statement, which I had prepared recently and which will show you that I have not been unmindful that the continuance of our present relations were impossible, and that I realized that it was clearly my duty to bring them to an end at the earliest moment compatible with the public interest.

Ever since January, 1919, I have been conscious of the fact that you no longer were disposed to welcome my advice in matters pertaining to the negotiations in Paris, to our foreign service, or to international affairs, in general.

Holding these views, I would, if I had consulted my personal inclinations alone have resigned as Secretary of State and as a commissioner to negotiate peace. I felt, however, that such a step might have been misinterpreted, both at home and abroad, and that it was my duty to cause you no embarrassment in carrying forward the great task in which you were then engaged.

Possibly I erred in this, but if I did it was with the best of motives.

When I returned to Washington in the latter part of July, 1919, my personal wish to resign had not changed, but again I felt that loyalty to you and my duty to the administration compelled me to defer action as my resignation might have been misconstrued into hostility to the ratification of the treaty of peace or at least, into disapproval of your views as to the form of ratification. I therefore remained silent, avoiding any comment on the frequent reports that we were not in full agreement. Subsequently, your serious illness, during which I have never seen you, imposed upon me the duty—at least, I construed it to be my duty—to remain in charge of the Department of State until your health permitted you to assume again full direction of foreign affairs.

Believing that that time had arrived I had prepared my resignation when my only doubt as to the propriety of placing it in your hands was removed by your letter indicating that it would be entirely acceptable to you.

I think, Mr. President, in accordance with the frankness due, that I cannot permit to pass unchallenged the imputation that in calling into informal conference the heads of the executive departments, I sought to usurp your presidential authority. I had no such intention, no such thought.

I believed then and I believe now that the conferences which were held were for the best interests of your administration and of the Republic, and that belief was shared by others whom I consulted. I further believe that the conferences were proper and necessary in the circumstances, and that I would have been derelict in my duty if I had failed to act as I did.

I also feel, Mr. President, that candor compels me to say that I cannot agree with your statement that I have tried to forestall your judgment in certain cases by formulating action and merely asking your approval when it was impossible for you to form an independent judgment because you had not had an opportunity to examine the circumstances with any degree of independence. I have, it is true, when I thought a case demanded immediate action, advised you what, in my opinion, that action should be, stating at the time the reasons on which my opinion was based.

This I conceived to be a function of the Secretary of State, and I have followed the practice for the past four years and a half. I confess that I have been surprised and disappointed at the frequent disapproval of my suggestions, but have never failed to follow your decisions, however difficult it made the conduct of our foreign affairs.

I need hardly add that I leave the office of Secretary of State with only good will toward you, Mr. President, and with a sense of profound relief.

Forgetting our differences and remembering only your many kindnesses in the past, I have the honor to be, Mr. President,

Sincerely yours,
Robert Lansing.¹

THE POWERS OF THE PRESIDENT

Although the Constitution defines the powers of the President in some detail, the question of extending them is a matter of continued interest and discussion. The following excerpt briefly discusses the question not only of the powers of the President but also of at least one method of checking the executive power. If the statement had been written in 1938 instead of 1926, it is probable that the radio would have been included as an additional method of publicity.

It is now trite to say that the American President is the most powerful elected ruler in the world. The Constitution grants him enormous authority, and he is almost completely free from the check which many governmental systems place upon the chief of the executive. He is, that is to say, not dependent upon a majority in the legislature; he holds office by the calendar, and not by parliamentary or public approval; and he can be removed only by the cumbersome and almost impossible process of impeachment. He governs in his own name, and by his own authority; no ministerial counter-signature is necessary to validate his acts. The party machine is for the time being the machine of the President. His tremendous appointing power can be and is used to give him a national body of supporters who constitute a personal caucus to rally to support his side, and, if he desires, to work for his renomination and election. His powers of appointment and veto, and his position as the only elected representative of the nation permit him on occasion to make Congress do his bidding; and apart from legislation, in the field of administration there are ample areas in which the President has from the Constitution and statute, full and irresponsible authority. Indeed, impeachment aside, the principal check upon the executive power of a President is the vague and frequently impotent restraint of public opinion. Hence the importance of the methods by which the President creates or encourages a favorable public sentiment. The principal method is newspaper publicity; the exploitation of a willing President by a complacent press. If such a circle of partiality were only personal, it would do no more than turn up a few political noses; but unfortunately the relationship is institutional as well, and it has conse-

¹ *Congressional Record*, vol. 59, pp. 2882-2883.

quences which are possible only under a system of government such as that set up by the Constitution of the United States.¹

PRESIDENTIAL APPOINTMENTS.—The President is empowered to appoint many federal officers to help him in his administration of the laws. The founding fathers feared that this appointive power might lead to the President's building up such a strong personal following and political machine that he might even become king.

That this power would lead to great centralized authority and personal sway was foreseen by the framers of the Constitution. Mason feared it would create "a more dangerous monarchy, an elective one"; whereas Franklin was alarmed lest "The executive will be always increasing here, as elsewhere, till it ends in a monarchy." (FARRAND, M., *The Records of the Federal Convention*, I, 101, 103, 1911.) Hamilton thought "The nomination to offices will give great weight to the President." And afterwards, in *The Federalist*, in defending the extensive powers of appointment he said, "the sole and undivided responsibility of one man, will naturally beget a livelier sense of duty, and a more exact regard to reputation." (FARRAND, M., *Records*, II, 525, *The Federalist*, No. 76.) While some of these fears have not been realized, there can be no doubt that the power of appointing officers of the government, especially during the days of the spoils system, made and still makes the President a political chieftain of royal proportions.²

In the light of the tremendous expansion of government functions under the Roosevelt administration, the number of appointive positions has grown to almost extravagant proportions. Although there are many positions filled by presidential appointment with the advice and consent of the Senate, most of the New Deal jobs are not subject to Senate review and confirmation.³

CONSTITUTIONAL PROCEDURE IN APPOINTMENTS MADE BY THE PRESIDENT.—The President sends the name of a prospective appointee to the Senate, where the committee's report precedes the vote. Senatorial courtesy is taken into account. The Senate can occasionally force the President into appointments that he does not relish. The President, even though he disapproves of the process, is bound by precedent and by the Constitution. This tends to make a Senator a powerful political boss in his own state. The President, however, has a free hand on Cabinet and foreign-service appointments.

REMOVAL POWER.—The Constitution does not say how an appointed man may be removed. Hamilton said, "President must consult the Senate too"; Madison, "President is free to do as he pleases." Congress

¹ ROGERS, LINDSAY, *The American Senate*, F. S. Crofts & Company, 1926, pp. 215-216.

² ORTH and CUSHMAN, *op. cit.*, p. 275.

³ For a brief discussion of this problem and civil service see *The President's Committee on Administrative Management*, United States Government Printing Office, 1937, pp. 7-12.

and the President have sometimes had disagreements on the subject as exemplified in the controversy over the Tenure of Office Act of 1867 which was set aside by the Supreme Court in *Myers vs. United States*, 1926. It was argued that since the President was responsible for the conduct of his appointees, he ought to be free to remove them at will. President Coolidge was said to have asked for a letter of resignation in advance of removals that he made. The Senate tried to get President Hoover to resubmit names after men had been on the job awhile; he refused, and the Senate had quite a siege of distemper over this controversy, but the President won out. That the President's power to remove appointees is not absolute, however, was clearly shown in the ruling of the Supreme Court on May 27, 1935, wherein the ruling was laid down that the President could not remove a member of a quasi-judicial body except for cause. In this case Mr. Roosevelt removed William E. Humphrey from the Federal Trade Commission on Oct. 7, 1933, in spite of the fact that his appointment held until 1937. Mr. Humphrey had been appointed by President Coolidge and reappointed for an additional term of seven years by President Hoover. The exchange of letters between Mr. Roosevelt and Mr. Humphrey indicates very clearly that the chief count against Mr. Humphrey was that he did not agree with the Roosevelt policies. Before the case was decided by the Supreme Court on May 27, 1935, Mr. Humphrey died. The Court ordered that compensation be paid to his estate for the unexpired term of his appointment to the day of his death. The Roosevelt-Humphrey controversy brought to the attention of the public the possibility of the spoils system's operating even in the quasi-judicial bodies such as the Federal Trade Commission and the Interstate Commerce Commission, whose members are appointed for periods of time that exceed a four-year presidential term. The Supreme Court's ruling in this case takes such commissions out of the realm of partisan politics as far as removal from office is concerned. They still offer attractive political plums of presidential patronage whenever a vacancy occurs or a term of office expires.

That questions concerning the President's appointive power are of current interest is shown by the controversy that rocked the country during the summer of 1937. On June 2 Justice Van Devanter's retirement from the Supreme Court became effective. But since the Court had begun its summer holiday and would not reconvene until October, Mr. Roosevelt was in no hurry to fill the vacancy. The Attorney-general, Mr. Cummings, ruled that it was not legally necessary for the President to announce the appointment of a new member of the Court while Congress was in session. Senator Borah suggested that a retirement does not constitute a vacancy on the Supreme Court bench; that therefore no appointment was possible. Senator Vandenberg offered a resolution

asserting that it "was the sense of the Senate" that Supreme Court appointments should be made only when the Senate was in session so that confirmation of the appointments could occur before nominees began service. Otherwise the newly appointed judge would be able to sit on the bench from the beginning of the fall session of the Court until Congress reassembled in January.

President Roosevelt appointed Senator Hugo Black of Alabama as associate justice of the Supreme Court. After a brief but acrimonious period of debate the Senate approved the appointment. During the summer of 1937 sensational newspaper stories about Senator Black's one-time membership in the Ku-Klux Klan created opportunity for heated discussion and further debate. On Oct. 1, 1937, Justice Black addressed the nation over the radio stating the facts of the case. Newspapers, inclined to criticize the New Deal, continued to refer to the appointment of Justice Black as a grave mistake by the President. The exposé of the senator's previous adherence to the Klan gave some ground for skepticism concerning the validity of oath taking, whether in accepting appointment to the Supreme Court or in becoming affiliated with such an organization as the Klan.

LEGISLATIVE POWERS OF THE PRESIDENT.—The most interesting development of the powers of the President has occurred in the legislative field. The people expect the President to outline a legislative program, and they hold him responsible for making Congress carry it out. Furthermore, the people will judge the President's work by that standard. Although this may be neither fair nor Constitutional, such is the case. Many a President has been repudiated on no other grounds than that Congress failed to follow his lead in enacting legislation sponsored by him.

In his "Dear Alben" letter to Senator Barkley of Kentucky, President Roosevelt said:

. . . that on the Congress of the United States falls the responsibility for the adoption of methods but that on the President falls the responsibility of recommending objectives. This is in accordance with the Constitution.

The controversy over the administration's plan to reorganize the judicial system was at its height when that letter of the President was made public. A typical and highly critical reaction to the paragraph quoted above is the following excerpt from an open letter of Amos R. E. Pinchot of New York to Mr. Roosevelt.

. . . Mr. President, that sentence you will regret as long as you live. It is a repudiation of government by the representatives of the people. It is a plea for one-man government. You, the President, are to choose the objectives! The Congress is merely to busy itself with "methods." In other words, you limit

the people's Congress to the bare function of finding ways and means to do your will.

If you will read Articles I and II of the Constitution, you will see that Congress, as the nation's deliberative body, is empowered to make all laws required for carrying into effect the purposes of the Constitution.

Concededly the President may recommend for the "consideration" of Congress any measures he may deem advisable. But to say, as you do in your astounding letter to Senator Barkley, that you alone have the responsibility for "objectives," and that the responsibility of Congress is merely to find methods of carrying out such objectives, is, I submit, an attempt to deceive the people as to the nature of their government. It is in particular an effort to make them believe that, because you have proposed a measure to pack the Supreme Court, it is the duty of Congress to obey you and enact that measure.

Mr. President, you stand in the shoes of men, some weak and some strong, some great and some of lesser stature. But all of them have been frank and courageous enough in their dealings with the public to refrain from seeking, by subterfuge, to destroy the government and the Constitution, which they swore in their oath of office to defend.

And, I think the time has come for your administration to call a halt to this kind of dealing. If you have, in fact, lost interest in democracy, if your faith in constitutional government has gone by the board, and, if you now honestly believe in personal government, dominated by the will of one man, or of a little group of men, then, in the name of fairness, it is time to give the people a clear outline of your program and of your intentions, including whether or not you propose to remain in the White House after 1940.

Sincerely yours,

Amos Pinchot.¹

In a democracy, criticism of the chief executive is included in the right of free speech. It is by means of a public airing of opposing views concerning public policy that the President and the Congress discover the will of the people.

There is need for legislative unity. The Constitutional separation of powers left the Senate, the House, and the President more or less independent. Yet a bill requires the approval of all three with the provision that a presidential veto may be rejected by Congress. There is no machinery to unify the bills into a logical practical program. England has a responsible Cabinet which works out a balanced program and sponsors its enactment into law. In the United States the people expect the President to provide the unifying leadership to put through such a program in the interests of the whole people.

CONSTITUTIONAL POWERS OF THE PRESIDENT. *Veto*.—The Roman law provided the power of veto. In England the king had veto power.

¹ *Kansas City Times*, July 29, 1937, p. 7. Cf. metropolitan newspapers between Feb. 5, 1937, and July 18, 1937, for controversy over judicial reform.

Colonial governors exercised veto powers. The first charge in the Declaration of Independence was that the English king vetoed too much. Yet the Constitutional Committee desired a check on the Congress. Hamilton even wanted the President to be able to veto a law *about* to be passed. Wilson wanted an absolute veto. The qualified veto was accepted by the Convention. The President in a veto message gives his reasons for dissenting. Washington vetoed only two bills, and then only after consulting his Cabinet. Jefferson vetoed none and had respect for the opinion of the legislature. Jackson vetoed often—not only on account of a belief that the laws were unconstitutional but because he personally did not approve of them. That policy is used now. Cleveland vetoed 358 bills, Theodore Roosevelt, 50; Wilson, 26. The President cannot veto a separate item in a bill, nor can he veto a Constitutional amendment. By a two-thirds vote of a quorum of House and Senate a veto may be overridden. A clever President leads and uses his veto power sparingly. He uses it as a threat, as Franklin D. Roosevelt used the threat of a veto on the bonus bill in 1934. However, he also used the veto itself when the bill came to him for his signature.

MESSAGE TO CONGRESS.—The President may send as many messages to Congress as he desires. Franklin D. Roosevelt sent short messages on each item of the New Deal as the legislative program developed early in his administration. If the President so wishes, he may read his message personally to Congress. The message is a fair lever because of the publicity given to it. Congress cannot disregard it. In the House of Commons such a message is debated and becomes the basis for debates. There is no debate on it in the American Congress. Neither does Congress send back an answer. The President cannot defend his message in Congress as the English Cabinet does. In America the President may use his press conferences and the radio to defend his proposals. Mr. Roosevelt set a precedent in 1935 by reading his veto of the bonus measure to Congress. This was frowned upon by proponents of the bonus as tactics that gave the Administration's view undue and unfair weight. There was, however, no legal hindrance to the President's reading his veto message in person.

EXTRA SESSIONS.—The President is the sole judge of when to call extra sessions of Congress. However, he cannot limit the topics to be discussed in the special sessions. It may be recalled that Mr. Hoover called a special session to meet the problem of farm relief, but Congress proceeded to pass a tariff bill that lifted import duties higher than they had ever been before. In November, 1937, President Roosevelt called an extra session to consider legislation on agriculture, wages, reorganization of administrative management in the executive branch of the government, and taxation. One of the first matters discussed but not acted

upon in the House of Representatives in this special session was the antilynching bill. Not one of the bills for the enactment of which the session was called was passed.

EXTRA CONSTITUTIONAL MEANS.

1. The President may and does use patronage as a lever to force through legislation that he favors.

2. The President can usually prevail upon Congressional and lobby leaders to dine with him at the White House. This gives him a subtle power to influence the opinions of leaders.

3. The forces of public opinion can be manipulated by the President through use of the newspapers and the radio and by making speaking tours.

4. As leader of his Party, the President, if he has both the requisite tact and a clear-cut majority, can generally unify the Senate and the House. He can cause leaders to bind recalcitrant members in a caucus. Until the summer of 1937 President Roosevelt's control over congress was phenomenal. His first defeat was the failure of his judicial reform proposal to win Senate approval.

CONTROL OF FOREIGN AFFAIRS.—The President of the United States has exceedingly broad powers in guiding and dictating the conduct of foreign affairs in which this country is interested. The Constitution gives to the President the power to make treaties with foreign governments by and with the advice and consent of the Senate. Sometimes the advice of the Senate is not accepted, and the Senate's consent is withheld. Such was the experience of President Wilson in seeking Senate ratification but not revision of the Versailles Treaty. Furthermore, the President is free to negotiate with foreign powers through ambassadors, through personal correspondence or conference, and through the appointment of special commissions to represent him in international conferences. As has been implied, the Senate has the power to reject or amend treaties submitted to it. However, the problem of amending treaties is a tedious process, and it is difficult to get a two-thirds vote of the Senate on their revisions. The President may anticipate Senate objections and incorporate Senate suggestions in the drawing up of treaties by naming senators on treaty committees.

Another important source of power over international and foreign affairs enjoyed by the President is his practice of receiving foreign ambassadors and recognizing the existing government of foreign countries. This is an important power, and the President is practically free to use it at his discretion. The President can break off relations with another country. Congress has the power to declare war, but the

President can maneuver the country into such a situation that Congress has no alternative to declaring war. Such situations arose in the Mexican War, in the Spanish-American war, and more recently in our invasion of Mexico in search of Villa prior to our entry into the World War. The President also has the power to shape foreign policy. Thus Madison enunciated the now famous Monroe Doctrine; Theodore Roosevelt proclaimed the open door in China; and Franklin D. Roosevelt has declared "the good neighbor policy" and the policy under which the United States has refused to recognize Manchukuo. The so-called "gentleman's agreement" with Japan is a presidential agreement only. It has never been sent to the Senate for ratification.

As commander-in-chief of the army and navy the President of the United States wields an important fiscal and political power in both domestic and international affairs. If the President favors a big navy and a big army, the chances are that Congress will appropriate the funds necessary to bring about the realization of an expanded military and naval machine. It will be worth while to watch the effect of our current expansion of land, sea, and air force on the international situation. Less than any other human being can the President of the United States live unto himself alone. Whatever he does affects both the domestic and the international relations of millions of people.

PRESIDENT ROOSEVELT'S COMMITTEE ON ADMINISTRATIVE MANAGEMENT.—Early in 1937 the President's Committee on Administrative Management presented its report and recommendations. The following excerpts from that report indicate the problem of managerial efficiency confronting the President as well as give a summary of the Committee's recommendations.

The government of the United States is the largest and most difficult task undertaken by the American people, and at the same time the most important and the noblest. Our Government does more for more men, women, and children than any other institution; it employs more persons in its work than any other employer. It covers a wider range of aims and activities than any other enterprise; it sustains the frame of our national and our community life, our economic system, our individual rights and liberties. Moreover, it is a government of, by, and for the people—a democracy that has survived for a century and a half and flourished among competing forms of government of many different types and colors, old and new. . . .

By democracy we mean getting things done that we, the American people, want done in the general interest. Without results we know that democracy means nothing and ceases to be alive in the minds and hearts of men. With us the people's will is not merely an empty phrase; it denotes a grave and stern determination in the major affairs of our Nation—a determination which we propose to make good as promptly and firmly as may be necessary and appropriate—a determination which does not intend to be baffled in its basic plans and

purposes by any cluttering or confusion in the machinery for doing what it has been deliberately decided to do. . . .

The President is indeed the one and only national officer representative of the entire Nation. There was hesitation on the part of some timid souls in providing the President with an election independent of the Congress; with a longer term than most governors of that day; with the duty of informing the Congress as to the state of the Union and of recommending to its consideration "such Measures as he shall judge necessary and expedient"; with a two-thirds veto; with a wide power of appointment; and with military and diplomatic authority. But this reluctance was overcome in the face of need and a democratic executive established. . . .

As an instrument for carrying out the judgment and will of the people of a nation, the American Executive occupies an enviable position among the executives of the states of the world, combining as it does the elements of popular control and the means for vigorous action and leadership—uniting stability and flexibility. The American Executive as an institution stands across the path of those who mistakenly assert that democracy must fail because it can neither decide promptly nor act vigorously.

Our Presidency unites at least three important functions. From one point of view the President is a political leader—leader of a party, leader of the Congress, leader of a people. From another point of view he is head of the Nation in the ceremonial sense of the term, the symbol of our American national solidarity. From still another point of view the President is the Chief Executive and administrator within the Federal system and service. In many types of government these duties are divided or only in part combined, but in the United States they have always been united in one and the same person whose duty it is to perform all of these tasks.¹

Summary of Committee's proposals:

1. Expand the White House staff so that the President may have a sufficient group of able assistants in his own office to keep him in closer and easier touch with the widespread affairs of administration and to make a speedier clearance of the knowledge needed for executive decision;

2. Strengthen and develop the managerial agencies of the Government, particularly those dealing with the Budget, efficiency research, personnel, and planning, as management arms of the Chief Executive;

3. Extend the merit system upward, outward, and downward to cover all non-policy-determining posts; reorganize the civil-service system as a part of management under a single responsible Administrator, strengthening the Civil Service Commission as a citizen Civil Service Board to serve as the watchdog of the merit system; and increase the salaries of key posts throughout the service so that the Government may attract and hold in a career service men and women of the highest ability and character;

4. Overhaul the 100 independent agencies, administrations, authorities, boards, and commissions, and place them by Executive order within one or the

¹ *The President's Committee on Administrative Management*, United States Government Printing Office, 1937, pp. 1-2.

other of the following 12 major executive departments; State, Treasury, War, Justice, Post Office, Navy, Conservation, Agriculture, Commerce, Labor, Social Welfare, and Public Works; and place upon the Executive continuing responsibility for the maintenance of effective organization;

5. Establish accountability of the Executive to the Congress by providing a genuine independent postaudit of all fiscal transactions by an Auditor General, and restore to the Executive complete responsibility for accounts and current financial transactions.¹

Proponents of the recommendations interpreted and welcomed them as solutions of some of the most difficult problems impeding the efficiency of the executive department of the government. Opponents raised the cry of dictatorship, overcentralization of power, abandonment of states' rights, undemocratic procedure, and further evidence of the lust for power by the President. The concluding paragraphs of the committee's report sum up the situation as viewed by those who favor reorganization of executive efficiency.

It may be said that there is danger that management itself will grow too great and forget where it came from or what it is for—in the old and recurring insolence of office. But in the judgment of your Committee, based upon broad observation of the bewildering sweep of recent events here and elsewhere, the really imminent danger now is that our democracy and perhaps others may be led by false or mistaken guides to place their trust in weak and faltering inaction, which in the bitter end runs to futility and defeat. In the late war, democracies showed vast strength and tenacity in times of strain that racked every fiber of the ship of state. And now we face and will master the critical tasks of reorganization and readjustment of many tangled parts of our national life on many new frontiers. The injustice and oppression intertwined with solid good in our American system will not always yield without a firm display of our national constitutional powers. Our national will must be expressed not merely in a brief, exultant moment of electoral decision, but in persistent, determined, competent day-by-day administration of what the Nation has decided to do.

Honesty and courage alone are not enough for victory, either in peace or in war. Intelligence, vision, fairness, firmness, and flexibility are required in an assembled, competent, strong organization of democracy. To falter at this point is fatal. A weak administration can neither advance nor retreat successfully—it can merely muddle. Those who waver at the sight of needed power are false friends of modern democracy. Strong executive leadership is essential to democratic government today. Our choice is not between power and no power, but between responsible but capable popular government and irresponsible autocracy.

The forward march of American democracy at this point of our history depends more upon effective management than upon any other single factor. The times demand better governmental organization, staffed with more competent public servants, more free to do their best, and coordinated by an Executive

¹ *Ibid.*, p. 46.

accountable to the Congress and fully equipped with modern tools of management. Thus the President will have effective managerial authority over the Executive Branch commensurate with his responsibility under the Constitution of the United States.¹

QUESTIONS AND TOPICS FOR DISCUSSION
AND STUDY

1. Briefly summarize the history of the development of the Cabinet in American history, indicating the conditions under which each successive additional member was brought into the Cabinet. How many Cabinet members are there? Who are they?
2. List the functions of the President of the United States.
3. In 1885 Woodrow Wilson wrote: "A President is dismissed almost as soon as he has learned the duties of his office." Discuss the statement. Do you favor a change in the term of the President? If so, what change?
4. As a matter of interest, bearing upon the oft repeated statement that "the great responsibility and the tremendous strain of the office are more than any man can stand," construct a table or diagram showing the age of our presidents at the time of their election to office, the number of terms served, the length of time they survived after leaving office.
5. What constructive conclusions do you draw from the readings relating to the controversy between President Wilson and Secretary of State Lansing?
6. Would you favor the establishment of a National Department of Education with a Secretary of Education in the cabinet? Why has such a department not been established? What is the controversy relating to this matter? In which department is education listed at present?
7. Is the President completely blocked in naming a person for an appointive office when the Senate refuses to confirm the appointment? Of what importance is the appointive power of the President? To what extent is the "spoils system" justifiable?
8. What weapons are available for an aggressive President in attaining his legislative program? Give some specific instances from recent American history to support your statement.
9. What are the duties of our diplomatic and consular representatives abroad? How are these representatives chosen? To what extent is the merit system operative in their selection?
10. What is your estimate of the effectiveness of our system of checks and balances as it operates in the national government?

TERMS

Cabinet	department head	senatorial courtesy
merit system	patronage	ordinance
foreign relations	ministers	ambassadors
special agents	treaty	negotiation
spoils system	veto	appropriation

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¹ *Ibid.*, p. 47.

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Chapter XIX

The Judiciary: Law and Justice

Most disputes that do not lead to violence require the aid of an umpire, referee, or impartial judge. The primary function of our judicial system is to provide umpires for all the legal disputes that arise in our complicated social system. Just as the umpire officiating in a ball game occasionally makes decisions that bring criticism from the crowd, so also does the Supreme Court run counter to what the people apparently desire in certain decisions. At any rate, the public attention given to the rulings of the Supreme Court varies with the division of opinion among the people as to the importance of the question at issue and the amount of discussion that is aroused by partisans to the dispute.

During the last few years the Supreme Court has provided much of the news of the day. In the sparring for advantage in the preliminaries to the 1936 election campaign the Supreme Court was prominently mentioned as a possible issue. There is evidence even now of presidential dissatisfaction with the relative conservatism of the Supreme Court as well as with its power to veto legislation. Congress chafes under the restraints imposed by possible decrees of unconstitutionality of laws that come up for judicial review. The balance of power between the legislative, executive, and judicial branches of our government is again exposed to serious criticism. There are threats and rumors, hopes and fears of changes to be made in the Constitution to curb the powers of the Court.

The problems relating to the Supreme Court and the judicial system can only be touched upon in this chapter. Reference is made to the growth of the judicial system of the United States; the origin and the basis of judicial review is described by quoting from a decision of the Supreme Court in 1803; certain proposals for limiting the power of the Supreme Court are presented; some recent decisions of the Supreme Court are briefly reviewed; and some present-day attitudes toward the court are

quoted. Lest anyone assume that the Supreme Court is the only category of courts in this country, reference is made to state courts, lawyers, election or appointment of judges, and the degree to which our courts make laws.

THE SOURCE OF THE SUPREME COURT'S POWER

The Supreme Court derives its power from the Constitution. It is to the Constitution that it owes its origin. Founded thus in the basic law of the country, its function is to act as final judge in all legal matters that come into conflict with the Constitution. Article III of the Constitution is the birth certificate of the Supreme Court. Sections 1 and 2 are quoted:

Section 1.—The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office.

Section 2.—1. The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens, or subjects.

2. In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State the trial shall be at such place or places as the Congress may by law have directed.

Article VI, paragraphs 2 and 3, give further data on the basic law and the duties of the court and its judges:

2. This Constitution and the laws of the United States which shall be made in pursuance thereof and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Early in the history of the United States the question arose concerning the degree of freedom that the President had in appointing officers and the freedom of Congress to enact legislation. In the now famous case of *Marbury vs. Madison* the decision rendered by Chief Justice John Marshall of the Supreme Court decided that any act of Congress that was repugnant to the Constitution of the United States was null and void. That portion of Marshall's opinion dealing with the question of the Supreme Court's power to invalidate an act of Congress is quoted:

The authority, therefore, given to the Supreme Court, by the act establishing the judicial courts of the United States, to issue writs of mandamus to public officers, appears not to be warranted by the Constitution; and it becomes necessary to inquire whether a jurisdiction so conferred can be exercised.

The question, whether an act, repugnant to the Constitution, can become the law of the land, is a question deeply interesting to the United States; but, happily, not of an intricacy proportioned to its interest. It seems only necessary to recognize certain principles, supposed to have been long and well established, to decide it. That the people have an original right to establish, for their future government, such principles as, in their opinion, shall most conduce to their own happiness, is the basis on which the whole American fabric has been erected. The exercise of this original right is a very great exertion; nor can it, nor ought it, to be frequently repeated. The principles, therefore, so established, are deemed fundamental; and as the authority from which they proceed is supreme, and can seldom act, they are designed to be permanent.

This original and supreme will organizes the government, and assigns to different departments their respective powers. It may either stop here, or establish certain limits not to be transcended by those departments. The government of the United States is of the latter description. The powers of the legislature are defined and limited; and that those limits may not be mistaken or forgotten, the Constitution is written. To what purpose are powers limited, and to what purpose is that limitation committed to writing, if these limits may, at any time, be passed by those intended to be restrained? The distinction between a government with limited and unlimited powers is abolished, if those limits do not confine the persons on whom they are imposed, and if acts prohibited and acts allowed, are of equal obligation. It is a proposition too plain to be contested, that the Constitution controls any legislative act repugnant to it; or that the legislature may alter the Constitution by an ordinary act.

Between these alternatives, there is no middle ground. The Constitution is either a superior paramount law, unchangeable by ordinary means, or it is on

a level with ordinary legislative acts, and like other acts, is alterable when the legislature shall please to alter it. If the former part of the alternative be true, then a legislative act, contrary to the Constitution, is not law: if the latter part be true, then written constitutions are absurd attempts, on the part of the people, to limit a power, in its own nature, illimitable.

Certainly, all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently, the theory of every such government must be, that an act of the legislature, repugnant to the Constitution, is void. This theory is essentially attached to a written constitution, and is, consequently, to be considered, by this court, as one of the fundamental principles of our society. It is not, therefore, to be lost sight of, in the further consideration of this subject. . . .

It is, emphatically, the province and duty of the judicial department, to say what the law is. Those who apply the rule to particular cases, must of necessity expound and interpret that rule. If two laws conflict with each other, the courts must decide on the operation of each. So, if a law be in opposition to the Constitution; if both the law and the Constitution apply to a particular case, so that the court must either decide that case, conformable to the law, disregarding the Constitution; or conformable to the Constitution, disregarding the law; the court must determine which of these conflicting rules governs the case: this is of the very essence of judicial duty. If then, the courts are to regard the Constitution, and the Constitution is superior to any ordinary act of the legislature, the Constitution, and not such ordinary act, must govern the case to which they both apply.

Those, then, who controvert the principle, that the Constitution is to be considered, in court, as a paramount law, are reduced to the necessity of maintaining that courts must close their eyes on the Constitution, and see only the law. This doctrine would subvert the very foundation of all written constitutions. . . . The judicial power of the United States is extended to all cases arising under the Constitution. Could it be the intention of those who gave this power, to say, that in using it, the Constitution should not be looked into? That a case arising under the Constitution should be decided, without examining the instrument under which it arises? This is too extravagant to be maintained. In some cases, then, the Constitution must be looked into by the judges. And if they can open it at all, what part of it are they forbidden to read or to obey?

. . . it is apparent, that the framers of the Constitution contemplated that instrument as a rule for the government of courts, as well as of the legislature. Why otherwise does it direct the judges to take an oath to support it? This oath certainly applies in an especial manner, to their conduct in their official character. How immoral to impose it on them if they were to be used as the instruments, and the knowing instruments, for violating what they swear to support! . . .

Why does a judge swear to discharge his duties agreeably to the Constitution of the United States, if that Constitution forms no rule for his government? if it is closed upon him, and cannot be inspected by him? If such be the real state of things, this is worse than solemn mockery. To prescribe, or to take this oath, becomes equally a crime.

It is also not entirely unworthy of observation, that in declaring what shall be the supreme law of the land, the Constitution itself is first mentioned; and not the laws of the United States, generally, but those only which shall be made in pursuance of the Constitution, have that rank.

Thus, the particular phraseology of the Constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the Constitution is void; and that courts, as well as other departments, are bound by that instrument.¹

THE STRUCTURE AND JURISDICTION OF COURTS IN THE UNITED STATES

JUDICIAL INTERPRETATION OF LAW.

Any one can see what importance the duty of interpretation gives to the American Courts. They become what may be called the living voice of the people, because they are in each State the guardians of that Constitution through which the people have spoken and are still speaking till such time as it pleases them to amend the fundamental instrument. The judges need to be not only able and learned, but also courageous, firm to resist any popular agitation, faithful to the Constitution they are set to guard. This is true of State Judges, who have to interpret the constitutions of the several States in which they hold office. It is especially needed in the Federal Judges, who have to interpret the Federal Constitution, declaring invalid any provision of a State constitution or of a State law, or of a Federal act passed by Congress, which transgresses that Constitution which is the supreme law of the land. Most of all is it needed in the Supreme Court of the United States, to which all questions affecting the Federal Constitution come ultimately either directly or by way of appeal from inferior Courts. Though that Court has been expounding and applying the Constitution for one hundred and thirty years, new questions raised by changing economic and social conditions are continually coming before it for determination. Its decisions as to what Congress may and may not do, and as to what the State legislatures may and may not do, have often an importance greater than any Act either of Congress or of a State legislature.²

THE LAWMAKING FUNCTION OF THE COURTS.

It is the height of fashion for conservative patriots to attack members of Congress and force them out of office because they make bad laws. But anyone who seeks to criticize or to remove a judge who makes bad laws will be called a "dangerous radical" and may even be excluded from cocktail parties in our "best homes."

The portentous warnings of eminent counsel often reveal their reverential attitude with amusing clearness. During the arguments of the O'Fallon case before the Interstate Commerce Commission, I had suggested to the commission

¹ *Marbury vs. Madison*, 1 Cranch, 137, 1803.

² BRYCE, JAMES, *Modern Democracies*, The Macmillan Company, 1921, vol. 2, p. 84.

that it had an independent function of government to perform; that it might properly seek light upon legal duties and legal rights in the decisions of the courts; but that it should not "listen with reverent ears to every casual opinion" of a judge upon "questions of public policy," which the courts themselves agree should be decided by legislators and not by judges. Whereupon Judge Brantley, one of the chief counsel for the railroads, announced that his only reply to my argument would be to tell a story of the old doorkeeper in the Capitol, who was trying to keep a visitor out of the crowded Supreme Court room, and who said: "You better remember this. If you get in contempt of this court you ain't got nowhere to appeal except to God!"

In comment upon these humorous remarks, I would observe that respect for superior intelligence or authority may indicate a sound sense of social discipline; but that prostration before human beings or their opinions indicates only a lack of full self-respect. If in truth the only appeal from the Supreme Court is to God, it might be wise to provide for an intermediary appeal to the American people! Instead of taking an appeal to the "God of Hosts" in 1861, it might have been less ruinous to have appealed even from the Supreme Court to the bleachers! The judge who himself has the courage to dissent should expect no less courage in those against whom he rules. Those who cry shrilly with Chief Justice Marshall that "an attack on the judiciary is in fact an attack upon the Union," betray a fear of criticism which is likely to destroy both the freedom of a people and the wisdom of their rulers. . . .

As a young man I listened with deep respect to the teaching of the eminent John Chipman Gray of Harvard. But it was years later before I got understanding of his wisdom and appreciated the scientific accuracy of his definition of "the law":

"The true view, as I submit, is that the law is what the judges declare; that statutes, precedents, the opinions of learned experts, customs, and morality are the sources of the law; that back of everything lie the opinions of the ruling spirits of the community; who have the power to close any of these sources; but that as long as they do not interfere, the judges, in establishing law, have recourse to these sources."

There, written in scholarly language, is the dangerous secret which is well known to legal scientists but seldom revealed by lawyers or politicians—principally because they don't know it: "*The law is what the judges declare. Back of everything lie the opinions of the ruling spirits of the community.*" For twenty-five years we progressives babbled about "invisible government" and occasionally bleated about "judicial usurpation." Meanwhile our law was being visibly prepared in the noisy, cock-sure opinions of our "ruling spirits." These opinions were then being made into law, not by "judicial usurpation," but by judges doing exactly what they were elected or appointed to do.¹

CHANGING CONDITIONS AND THE SUPREME COURT.

The domestic trades have left the home; about each an industry has been established; and industries have been loosely agglomerated into an economic

¹ RICHBERG, DONALD, *The Judicial Barricades, Survey*, August, 1929, pp. 502-503.

order. In its growth the economic order has paid little attention to state boundaries; its far-flung lines are integrated into an organic whole; the forces which give or withhold employment record the residual item of the balance-sheet in black or red, and bring the alternation of prosperity or depression, come, literally, from the ends of the industrial system more than national in its reach. As decades have passed—in terms of sheer undisputed fact—item after item has passed from the domestic to the commercial economy, or from a commerce within a state to a commerce among the several states. To hold objects within the regulating authority to which they once belonged, is to overlook the plain words of the Constitution. . . . If an application of the commerce clause as it was plainly written narrows the province of state regulation, it is the industrial system which is to blame. It has ceased to be local in character. Affairs of commerce have emerged in which the several states lack competence. And it has come about without conscious intent on the part of anyone.

Here lies a most ingenious paradox. As industry has become more and more interstate in character, the power of Congress to regulate has been given a narrower and narrower interpretation. . . . The strong urge which has of late impelled conscientious justices to a sincere disapproval of Acts of Congress is a deep-seated distrust of the capacity of the Federal Government to give orders, direction, and purpose to the affairs of business.

. . . an older common sense has it that the interference of the government can bring only paralysis and confusion into the affairs of business. And a newer common sense declares that industry lacks the capacity for self-government; that regulation lies beyond the state's competence; and that the only choice is between Federal control and chaos. . . .

A conflict persists within the government. The Congress, dominated by a national democracy, is intent upon a program of social legislation. The judiciary, representing a powerful minority, would hold a government which is not to be trusted to a restricted regulatory sphere. There may for a time be delay, confusion, or sham battle; but the course of events which hurries the nation towards an unknown future will not be long stayed by even the most conscientious judicial scruples.¹

SENATOR SHIELDS DEFENDS THE POWER OF THE SUPREME COURT.

Our dual form of government required that there be lodged somewhere in the fundamental law supreme power to construe the Constitution. This power is essentially a judicial power and the exercise of it a judicial function. Without such power the Constitution would be without vigor or life and its limitations unenforcible, as the history of our Government has conclusively demonstrated. The Congress could exercise all the powers of the Government and the Bill of Rights would be subject to the whim, caprice, passion and political exigencies influencing temporary majorities of each succeeding Congress, according to their views and political policies. There would be no protection for the rights

¹ HAMILTON, W. H., and ADAIR, D., *The Power to Govern*, W. W. Norton & Company, Inc., 1937, pp. 191-194.

of the minority. Congress has passed such laws, and but for the power of the courts they would have been enforced.¹

SENATOR OWEN UPON THE RELATIVE POWER OF THE SUPREME COURT.

Any Federal judge who declares any act passed by the Congress of the United States to be unconstitutional should be declared to be guilty of violating the constitutional requirement of "good behavior," upon which his tenure of office rests, and he should be held by such decision *ipso facto* to have yielded his office, and the President of the United States should be authorized to nominate a successor to fill the position vacated by such judicial officer.

Congress by statute established a Supreme Court and the executive departments, and fixed their powers in accordance with the Constitution and in accordance with the power vested in Congress as the law-making power. Congress fixed the number of Judges of the Supreme Court. It can add to that number now, or it can diminish the number by an act of Congress. To say that the Supreme Court has co-equal power with the Congress of the United States is obviously preposterous.

I am speaking of relative power, the power given under the Constitution to the Congress of the United States as compared with the power given to the Supreme Court by the Constitution. The only power they were given under the Constitution was to have appellate power with such exceptions under such regulations as Congress saw fit to make, and the negligible original jurisdiction in cases where a State was involved or where ambassadors or foreign ministers were involved.²

SOCIAL LEGISLATION AND PROPOSALS TO CURB POWERS OF THE SUPREME COURT.

A study of social legislation is in large measure an analysis of constitutional limitations. That in turn tends to emphasize the attitude of the Supreme Court of the United States which, actually or potentially, is the ultimate arbiter of most of it. Under the due process clauses of the Constitution it is called upon to determine the validity of acts of state legislatures and of Congress. Likewise it must pass upon contentions that state enactments violate the equal protection clause of the Constitution, impair the obligations of contract, or involve an interference with interstate commerce. By its interpretation of these constitutional provisions it determines the limitations on the exercise by the states of their police and taxing powers.³

On May 27, 1935, the Supreme Court rendered three unanimous decisions: One decree terminated the National Industrial Recovery

¹ SHIELDS, J. K., Senators Discuss Proposal to "Curb" Powers of Supreme Court, *The Congressional Digest*, June, 1923, p. 273.

² OWEN, R. L., U. S. Senators Discuss Proposal to "Curb" Powers of Supreme Court, *The Congressional Digest*, June, 1923, p. 273.

³ *Recent Social Trends*, CLARK, C., and DOUGLAS, W., "Law and Legal Institutions," Whittlesey House, McGraw-Hill Book Company, Inc., 1933, p. 1431.

Administration; another declared the Frazier-Lemke Farm Mortgage Moratorium Act unconstitutional; the third ruled that the President had exceeded his authority in removing the late W. E. Humphrey from the Federal Trade Commission without cause specified by law. It is not unusual for three decisions to be announced on one day, but it is extraordinary for the decisions to be both unanimous and against the administration in power. The most important of the three decisions was that outlawing the N. R. A. The following comment on that decision indicates the furor that it created and the violently opposing interpretations of the judgment of the court called forth by legalizing the collapse of much of the New Deal structure.

Under the heading "N. R. A. Invalid" the *Literary Digest* stated:

A crowd that filled the Court Chamber to capacity waited tensely while nine Justices of the Supreme Court filed in and took their places. . . . The crowd sighed as the suspense ended. . . .

Here, at last, was the Schechter case, involving the fate of an obscure Brooklyn poultry corporation—and that of the N. R. A. itself.

Reading with emphasis, shifting in his chair, stroking his beard, the Chief Justice delivered the unanimous opinion that cleared the little poultry concern, and put the stamp of illegality upon the N. R. A.—pride of the Roosevelt Administration and "heart of the New Deal." . . .

N. R. A. was invalid, the Court held, because Congress had delegated legislative powers that were unconstitutional. Thus 750 codes under the N. R. A. collapsed. But more than that, the Court ruled that Congress had no right to fix wages and hours in intrastate commerce; that no economic emergency could justify the encroachment of Federal Authority upon the States. . . .

With labor aghast, and business exultant, the strong undercurrent of editorial opinion was not that labor had suffered a catastrophe, but that general conditions now should improve. A tremendous surge of business confidence was foreseen, altho Wall Street remained doubtful. The plea went up for voluntary codes to stabilize wages and hours, and thus avoid labor upheavals.¹

Among many comments clipped and quoted from newspapers all over the country, collected by *The Literary Digest*, the following show the difference of opinion registered in editorial columns:

"It puts the whole New Deal in a position of questionable constitutionality."

The decision "not only knocked most of the Brain Trust inventions into the proverbial cocked hat but it opens the way for sanity, common sense, and Constitutional Government."

"After all is done, the Supreme Court, thank God, still stands as a rock of defense between the people and their fallible leaders."

"Constitutional Government—that is a government of law, not of men—has returned to America."

¹ *Literary Digest*, June 8, 1935, p. 10.

"Almost in the twinkling of an eye the Supreme Court reestablished the Constitution of the United States."

One journal was thankful that "we have at least nine men in this country who know what the Constitution is, and what it means after they read it over once or twice."

Another paper found the decision affirmed that "none but the people, by their own vote, or a two-thirds vote of both houses of Congress, may change the form and structure of their Government."

But not all comment was so favorable. One paper stated that:

It is unfortunate that such an instrument as the Constitution, designed to promote liberty and happiness, should conflict with legislation apparently designed to make more specific these two ethereal substances. It seems to be one of those occasions when fundamental law interferes with attempts at progress.¹

A writer in the *Survey Graphic*, under the title "Back to the Confederation," wrote:

Nine learned judges now rule that in this season of novel and disastrous change we must not go forward by action but back by interpretation. By their unanimous verdict our emergent task is not the safeguarding of our country's daily life but "the maintenance of our Constitutional system." Industrial-financial Tories of our day yap happily, "The Constitution still stands." But what the Supreme Court actually has said is that the Constitution stands still. Which is shocking rather than novel. . . .

One sees that new conditions, as so often before, have failed sufficiently to impress the judicial consciousness. One feels, as many have felt from time to time since John Marshall died, that the Court has chosen to emphasize not so much the facts of our country's present and future but rather the theories of its past. One notes, as so often previously, that these theories are concerned not with the fresh application of national political power to the enhancement of our general welfare but to the logically right working out of ancient checks and balances. . . .

From an historical point of view, the one big fact to my mind is that this Schechter case verdict reverses the basic argument and position of the men who established our Federal Constitution. . . .

The fact remains that the greatness of Washington and his colleagues lay in their ability to see the true line of larger future advantage for our American community as a whole. And that they then dared break through the barriers of popular prejudice, vested interest, and legal technicality, to frame a structure that would ensure that greater general welfare. . . . When the balance of advantage lay in going beyond the extant constitutional system of state power to the wider inclusion and greater authority of a then merely theoretical and possible national power, these men did so and made their new structure the law of the land. They set Perhaps above Is, Ought above Maybe. Thus our nation's present bench of jurists reverses the basic statesmanship of the Founding

¹ *Ibid.*, pp. 10-11.

Fathers, and, so ironical is history, commits this political mayhem in the devout thought that only thus can the statesmanship be maintained. In other words, take care of the ancestral house even if you have to throw out the inheriting family for whom the fathers built it. . . .

Politically, the issue set for 1936 is whether election returns then will or will not follow the Supreme Court. . . . The commerce clause of 1787 is not a Koran to loose or bind our fair trade practices till kingdom come. We will not go back to the Confederation. The Court which stands remote in law, apart from politics, has forced the concerns of national decision upon everyone who has part or lot in the business of making a living. Stirred by that authoritative decision the people of this nation must and will find a way to do their common work as they think it can best be done.¹

WHAT TO DO WITH THE SUPREME COURT.—Under the title "What to Do with the Supreme Court?" *The Nation* published three essays. Morris R. Cohen wrote on "Fallacies about the Court" listing eight, as follows:

1. That the judges merely find the meaning of the Constitution and in no way make or mold it has long been characterized among scientific jurists as a childish fiction. . . . The truth, then, is that constitutional law is just what judges make it. A leading conservative newspaper put it aptly when it said that the United States Supreme Court is a continuous constitutional convention. This it is in fact. But we do not generally recognize it, else we should demand that the work of this constitutional convention be ratified by the people before it goes into effect, or at any rate that the delegates be more responsive to, and in closer touch with, popular needs.

2. We are frequently told that the Constitution represents the eternal principles of justice, or at least those principles of liberty and right which are characteristic of Anglo-Saxon civilization. The first of these claims is obviously question-begging; specific decisions which strike people as unjust can certainly not be defended that way. The second claim is even more readily disposed of by the fact that our English cousins have never given their courts power to set aside legislation on grounds of unconstitutionality.

3. Quite fallacious also is the rhetorical argument that without this power vested in the courts we should be at the mercy of legislative majorities. This argument ignores the historic fact that in few, if any, actual cases have the majority of our people felt themselves saved from Congressional oppression by judicial intervention. . . .

4. . . . In no other country also is there such a complete separation between power and responsibility as in ours, where those who have the final word on all questions of law are in no way answerable to the popular will or to any other earthly authority.

5. It is generally urged that the judicial veto over legislation has been in force since the case of *Marbury vs. Madison* in 1803 and it is too late to change it.

¹ WHITTLESEY, W. L., Back to the Confederation, *Survey Graphic*, vol. 24, pp. 325 et seq., July, 1935.

This argument is historically untenable. . . . In his written opinion Marshall did, in the fashion of his day, indulge in speculations about constitutions written for all time and superior to acts of Congress; but most of it was mere dictum.

6. The subordination of Congress to the courts has often been defended on the ground that under this system we have greatly prospered. . . . And it may well be argued that our present depression is in part due to such judicial vetoes as those of the *Lochner* case, the *Adair* case, the child-labor cases, the minimum-wage cases, and others, which by depressing the economic power of the laboring classes have depressed our home markets.

7. When we realize that the important questions which come before our highest court involve political, economic, and technical issues, then if we lay aside pious rhetoric we must admit that far from being the strongest, the judiciary is the weakest part of our governmental system—for it has the least opportunity of getting adequate information.

On the relation between federal courts and state legislation, Mr. Cohen wrote:

8. But if the virtue of a federal system be the opportunity for different experiments in different states, that virtue has been effectively minimized by the way in which the Supreme Court has turned the Fourteenth Amendment—intended by the people as a protection for the Negroes—into a prohibition of experiments in the field of social legislation.¹

An essay by Louis B. Boudin in the same issue stresses the fact that there is no provision in the Constitution that definitely gives the Supreme Court power to declare specific laws duly enacted by Congress unconstitutional.

When Mr. Justice Brandeis joins in declaring a law of Congress unconstitutional, he says in effect: Assuming the power of the Supreme Court to declare an act of Congress unconstitutional, and bearing in mind the uses to which this power has been put in the past by this court, I am of the opinion that this law deserves to be annulled by putting it into the unconstitutional class. . . .

There is only one way really to amend the Constitution and that is by depriving the Supreme Court of the power to declare acts of Congress unconstitutional. But this power, too, is "of course not in the Constitution."²

Asmond K. Fraenkel argued against the Administration's tardiness in bringing the issue of constitutionality to the Supreme Court. He wrote:

If Congress decides to preserve some of the features of the N.R.A., it is to be hoped the Administration will leave off hiding its head in the sand in order to postpone decisions of constitutional questions of importance. . . .

¹ COHEN, MORRIS, R., Fallacies about the Court, *The Nation*, vol. 141, pp. 39-40, July 10, 1935.

² BOUDIN, L. B., The Supreme Court and Democracy, *The Nation*, July 10, 1935, p. 41.

It would seem, therefore, that two courses lie open to the Administration. It must educate the public to the need for far-reaching constitutional changes—changes in the distribution of federal power and changes involving the redefinition of due process. In the preparation of its law it must use greater skill than heretofore, better judgment in the selection of its test cases, and it must press, above all, for prompt determination. Until the court has passed on the bulk of the New Deal legislation it will be impossible to define to what extent the Constitution must be changed.¹

The upshot of the Supreme Court decisions in the railroad pensions and the Schechter cases is that full self-government by the people of the United States becomes impossible. . . . The history of the Supreme Court is replete with instances in which great ingenuity has been shown in finding legal warrant for doing what was necessary under circumstances which were not foreseen when the Constitution was written. The boast of the advantages of the American system of government has been that the Constitution, though conceived in another age, has been flexible, and that it did not hamper democracy. Indeed, the American has been taught that democracy is as well preserved by our Constitution as by Great Britain's unwritten constitution.

What the Supreme Court now implies is that democracy no longer is possible under the Constitution, that there can be no national self-government in an industrial age, when every part of the nation is closely interrelated with every other part, since the Constitution did not foresee the coming of that age and did not provide for it. . . . The ruling has been made, and our democracy is gone unless we safeguard it in some other manner.²

What is needed is a thorough reexamination of our governmental system, which shall be searching enough to weigh dispassionately such sacred relics of our colonial history as the sovereignty of our states, and which shall then press for such affirmative action with respect to constitutions and "fundamental law" as the needs of a modern political organization, capable of acting in time of crisis or otherwise in the interests of all its constituents, demand. In short, there should be amendments to the national Constitution, and probably also to the state Constitutions, to change our major constitutional doctrines so as to provide for a truly national government not hampered by state sovereignty and to promote legislative and executive responsibility.³

CHECKING TREND TOWARD DICTATORSHIP.

Let us forget all the excuses and alibis of the N. R. A. and see if sportsmanship cannot be introduced in government too. The Supreme Court has defeated the tricksters and the authors of legislation which sought to evade constitutional responsibility. Let the defeat be accepted manfully and gracefully and, in the light of new circumstances, let us turn to legislation which can really aid recovery. . . .

¹ FRAENKEL, OSMOND K., Value of Judicial Review, *ibid.*, p. 42-43.

² A Constitutional Plutocracy, *The Nation*, vol. 140, June 12, 1935, p. 672.

³ CLARK, CHARLES E., The Supreme Court and the N. R. A., *New Republic*, vol. 83, p. 122, June 12, 1935.

The issue is clean-cut. To the everlasting credit and praise of the nine noble men who rendered the unanimous opinion it should be written in indelible letters on the tablets of history that they met the issue courageously and fearlessly. They will ever be remembered as the nine men who withstood intimidation and threats of legislative reprisal, the men who saw their duty in the finest traditions of Anglo-Saxon justice and pronounced their verdict with a responsibility only to their consciences and their God.

If there is to be an effort to compel the adoption of a constitutional amendment, giving all-inclusive powers to the federal government, the American people in due time will decide against such a reactionary doctrine.

Let him who seeks to divide the Union and break down our system of dual sovereignty take heed of the consequences. This is a time for plain speaking. The repercussions of the course adopted in the next few weeks may be felt throughout the civilized world.

If America surrenders to selfish groups of the political-minded, bent only on perpetuating their own power, then democracy everywhere will be imperilled.

Economic recovery needs no magic formula. Anybody truly familiar with the principles of economics and the rules of human nature knows full well that recovery can be accomplished in the United States as in England by reducing to the minimum the amount of intervention by the state.¹

SHALL THE CONSTITUTION BE AMENDED?

Whether the Federal Constitution should be amended to bring about further centralization of Government, displacing State sovereignty, was the subject of an address by Senator William E. Borah (Rep.), of Idaho, over the network of the Columbia Broadcasting System on June 2, 1935. Excerpts from that address follow:

"We live under a written Constitution. Many people believe that is our good fortune. Some people seem to think otherwise. But fortunate or unfortunate, it is a fact. This fact is the cause of much debate at the present time." . . .

Speaking of changes in the Constitution he said,

"The only thing I shall urge is that in the matter of the change the people be consulted. The Constitution should not be changed by the Supreme Court. It should not be changed in Washington. It should be changed by the people alone."

Concerning the N. R. A. decision, Mr. Borah said:

"The decision of the Supreme Court—wherein national recovery legislation was involved—has renewed interest in our Constitutional form of government.

"The Court decided three main questions. First, that the Supreme Court, in rendering its opinions, is bound by the written terms of the Constitution. Second, that Congress alone under the Constitution as it now stands possesses the legislative power of the National Government. Third, that the States alone may legislate touching matters wholly within the State."

Referring to the theory held by some critics of the Court that in times of emergency, the power of the President and the Congress are somehow enlarged, Mr. Borah said:

¹ LAWRENCE, D., editorial, *The United States News*, June 3, 1935, p. 20.

“A decision of the court upon the theory that the court consider anything other than the terms of the Constitution itself would create a complete judicial oligarchy. It would leave the question of the extent of power to the determination of those exercising power—a complete definition of despotic power. . . .

“If any such power is to be given the court or to Congress or to the Executive, let those who urge that such powers be given come forward with a proposal in the way of an amendment to the Constitution. A change of this stupendous moment should not be made by the court through strained and unnatural construction or by the Congress through disregard of its constitutional obligation. . . .

“I undertook to frame an amendment. I wanted to get a full view of its hideous legal and moral aspects. My draft reads as follows:

“The legislative power is hereby vested in the Congress of the United States and in the different executive departments which may be created from time to time.” . . .

“The people know what if any portion of their local rights they are safe in surrendering better, far better than the courts or the Congress, or the executive departments can possibly know. There is an instinct in regard to such matters more to be trusted than the wisdom of rulers.

“The court should be commended for jealously guarding such rights. The law-makers should resolve all doubts in favor of such rights and when it is proposed to curtail them it should be done only through the approval of the voters. If the people wish to wipe out State lines and consolidate the Union into one unbroken empire, they have the power under the Constitution to do so. No one else has. . . .

“In conclusion I do not wish to be understood as contending that the Constitution is a sacred document never to undergo amendment. Neither do I wish it to be inferred that the decisions of the Supreme Court are above the consideration and criticism of the people.

“But I do wish to be understood as contending that the great underlying principles of the American Constitution are indispensable to a republican form of government—that to strike at those underlying principles is to strike at the life of a representative democracy.”¹

That the proposal to limit the Supreme Court’s power of vetoing legislation is not a recent issue is shown with reference to history. In 1923 Senator Borah proposed to the Senate “A bill providing the number of judges which shall concur in holding an Act of Congress unconstitutional.”

That in all suits now pending, or which may hereafter be pending, in the Supreme Court of the United States, except cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, where is drawn in question an Act of Congress on the ground of repugnancy to the Constitution of the United States, at least seven members of the court shall concur before pronouncing said law unconstitutional.²

¹ *United States News*, June 10, 1935, p. 14.

² Senate 4483, 67 Congress, 4 Session.

The 1924 platform of the Progressive Party contained the following plank:

We favor submitting to the people, for their considerate judgment, a constitutional amendment providing that Congress may by enacting a statute make it effective over a judicial veto.

We favor such amendment to the constitution as may be necessary to provide for the election of all Federal Judges, without party designation, for fixed terms not exceeding ten years, by direct vote of the people.¹

IMPROVING LEGAL ADMINISTRATION.

Certainly our legal administration should be more economical, more expeditious, more reliable, more eagerly sought by suitors; in a word, it should be more civilized. The quality of justice in any society depends upon the qualities of its functionaries—that is, the bench and bar—the background of public opinion, the adaptation of procedure to diverse kinds of litigation, the organization of the courts, and the volume and nature of the business they have to discharge. These considerations apply to all courts. But, unlike most, the federal courts also serve a political function. They are one of the vital means for achieving the adjustments upon which the success of the American union depends. The distribution of judicial authority between state and federal courts is one phase, and perhaps the most delicate, of the ever-recurring problem of the distribution of power between the states and the nation. Wisdom in the distribution of this judicial power is thus important for the happy relations of the states to the nation. It is with some of these aspects of “the entire federal machinery of justice” that I am here concerned. . . .

To make the fullest use of our judicial resources, to simplify as much as possible the inevitable complexity of a system of courts spanning a continent, to secure a fair balance between the federal system and state judiciaries, to maintain the authority of the federal courts through the prestige of its judges, to relieve the Supreme Court from all obstructions to the performance of its duties as the ultimate tribunal in our federalism—these must be the aims of all legislation regulating the organization. . . .

The seemingly technical issues outlined here touch the sensory nerves of effective law enforcement through the federal courts. For whatever our preferences, the interdependence of modern society is bound to throw increasing burdens of litigation upon the federal courts. The scope of federal authority has been steadily extended during the past twenty years. Circumstances have been more compelling than differences in the temperaments of our Presidents or the prevailing temper of Congress. Whether national responsibility or states' rights were the accent in speech, the administrations of Roosevelt, Taft, Wilson, Harding, and Coolidge alike, have contributed to the growth of federal authority. This has had its reflex in federal litigation. The process will not stop. Future controversies in the federal courts, perhaps even more than in the past, will demand discernment, mastery of facts, and insight into the ways of government. Men

¹ PORTER, KIRK (compiled by), *National Party Platforms*, The Macmillan Company, 1924, p. 519.

who inspire the widest confidence, cultivated and highly trained lawyers, with a touch of statesmanship, should be drawn into the service of the federal bench. That they may discharge their great functions, the federal courts should be given only such powers as are appropriate to a national judiciary under a federal system so limited as to be capable of disposition by a relatively small number of distinguished judges.¹

CONTROVERSY OVER THE SUPREME COURT.—President Roosevelt's proposal to modernize the federal judiciary immediately created a controversial storm among the citizens of the country. Prior to the date of his surprise message urging judicial reform, the Roosevelt administration had met with Supreme Court decrees deeming unconstitutional its policy and program in the N. I. R. A., the A. A. A., the Guffey Coal Act, and the "Hot Oil" case; judicial censure for the dismissal of Mr. Humphrey from the Federal Trade Commission; and adverse decrees on the first Frazier-Lemke Act, the Railroad Pension Act, processing tax refunds, the right to withdraw Security Exchange Commission registrations, and the Municipal Bankruptcy Act. Long before Feb. 5, 1937, the Supreme Court had been the object of criticism from many quarters in the press, over the radio, and in political campaigns. Some of the critical comments have been referred to above. The controversy aroused by the President's proposal on judicial reform is briefly reviewed by means of statements and comments from various sources. On May 18, 1937, the Senate Judiciary Committee by an adverse vote of 10 to 8 recommended that the court plan be dropped. On July 22, 1937, after over five months of argument and discussion the Senate voted to recommit the act to reform the judiciary to the Judiciary Committee of the Senate. The issues of reforming the federal judiciary are still unsettled.

PRESIDENT ROOSEVELT'S PROPOSAL FOR A MODERNIZED JUDICIARY.

To the Congress of the United States:

I have recently called the attention of the Congress to the clear need for a comprehensive program to reorganize the administrative machinery of the Executive Branch of our Government. I now make a similar recommendation to the Congress in regard to the Judicial Branch of the Government, in order that it also may function in accord with modern necessities.

The Constitution provides that the President "Shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient." No one else is given a similar mandate. It is therefore the duty of the President to advise the Congress in regard to the judiciary whenever he deems such information or recommendation necessary. . . .

¹ FRANKFURTER, FELIX, *The Federal Courts*, *New Republic*, Apr. 24, 1929.

. . . the Constitution vests in the Congress direct responsibility in the creation of courts and judicial offices and in the formulation of rules of practice and procedure. It is, therefore, one of the definite duties of the Congress constantly to maintain the effective functioning of the Federal Judiciary.

In almost every decade since 1789, changes have been made by the Congress whereby the number of judges and the duties of judges in federal courts have been altered in one way or another. The Supreme Court was established with six members in 1789; it was reduced to five in 1801; it was increased to seven in 1807; it was increased to nine in 1837; it was increased to ten in 1863; it was reduced to seven in 1866; it was increased to nine in 1869. . . .

The simple fact is that today a new need for legislative action arises because the personnel of the Federal judiciary is insufficient to meet the business before them. A growing body of our citizens complain of the complexities, the delays, and the expense of litigation in United States Courts. . . .

A part of the problem of obtaining a sufficient number of judges to dispose of cases is the capacity of the judges themselves. This brings forward the question of aged or infirm judges—a subject of delicacy and yet one which requires frank discussion.

In the federal courts there are in all 237 life tenure permanent judgeships. Twenty-five of them are now held by judges over 70 years of age and eligible to leave the bench on full pay. . . .

Life tenure of judges, assured by the Constitution, was designed to place the courts beyond temptations of influences which might impair their judgments: It was not intended to create a static judiciary. A constant and systematic addition of younger blood will vitalize the courts and better equip them to recognize and apply the essential concepts of justice in the light of the needs and the facts of an ever-changing world.

One further matter requires immediate attention. We have witnessed the spectacle of conflicting decisions in both trial and appellate courts on the constitutionality of every form of important legislation. Such a welter of uncomposed differences of judicial opinion has brought the law, the courts, and, indeed, the entire administration of justice dangerously near to disrepute.

Finally, we find the processes of government itself brought to a complete stop from time to time by injunctions issued almost automatically, sometimes even without notice to the Government, and not infrequently in clear violation of the principle of equity that injunctions should be granted only in those rare cases of manifest illegality and irreparable damage against which the ordinary course of the law offers no protection. Statutes which the Congress enacts are set aside or suspended for long periods of time even in cases to which the Government is not a party. . . .

. . . Government by injunction lays a heavy hand upon normal processes; and no important statute can take effect—against any individual or organization with the means to employ lawyers and engage in wide-flung litigation—until it has passed through the whole hierarchy of the courts. Thus the judiciary, by postponing the effective date of Acts of the Congress is assuming an additional function and is coming more and more to constitute a scattered, loosely organized and slowly operating third house of the National Legislature. . . .

Now, as an immediate step, I recommend that the Congress provide that no decision, injunction, judgment or decree on any constitutional question be promulgated by any federal court without previous and ample notice to the Attorney General and an opportunity for the United States to present evidence and be heard. . . .

I also earnestly recommend that in cases in which any court of first instance determines a question of constitutionality, the Congress provide that there shall be a direct and immediate appeal to the Supreme Court, and that such cases take precedence over all over matters pending in that court. . . .

My desire is to strengthen the administration of justice and to make it a more effective servant of public need. In the American ideal of government the courts find an essential and constitutional place. In striving to fulfill that ideal, not only the judges but the Congress and the Executive as well, must do all in their power to bring the judicial organization and personnel to the high standards of usefulness which sound and efficient government and modern conditions require. . . .

If we increase the personnel of the federal courts so that cases may be promptly decided in the first instance, and may be given adequate and prompt hearing on all appeals; if we invigorate all the courts by the persistent infusion of new blood; if we grant to the Supreme Court further power and responsibility in maintaining the efficiency of the entire federal judiciary; and if we assure government participation in the speedier consideration and final determination of all constitutional questions, we shall go a long way toward our high objectives. If these measures achieve their aim, we may be relieved of the necessity of considering any fundamental changes in the powers of the courts or the Constitution of our Government—changes which involve consequences so far-reaching as to cause uncertainty as to the wisdom of such course.¹

FRANKLIN D. ROOSEVELT

The White House, Feb. 5, 1937

ARGUMENTS AGAINST THE COURT PLAN.

I charge that the President's proposal for the so-called purpose of reforming the federal judiciary, strikes a vital blow at all four of these concepts which liberty loving Americans have considered fundamental.

- 1—*States rights* will become a slogan of an age that is gone.
- 2—*Division of powers* into three departments will be an empty term, for a powerful President, be he good or bad, will have the means at hand to shackle the other departments.
- 3—*Limitations on governmental powers* will be stricken, so that all powers, heretofore reserved to the states or retained in the people themselves will be held by Congress subject to domination by an all-powerful executive.
- 4—A *judiciary independent and fearless* will, after a century and a half of struggle and distinguished service, bow before its "master."²

¹ President Roosevelt's Message to Congress, *Congressional Record*, Vol. 81, No. 25, pp. 1065-1066.

² Summary of radio address by Senator Edward R. Burke, New York, Mar. 12, 1937.

. . . my conviction is that the ethical propriety—the “constitutional morality”—of the President’s proposal, as distinguished from its advisability or expediency, is a deep and vital consideration. The belief that the proposal lacks moral sanction is widespread and is strongly held by moderate and disinterested men of all parties and all shades of political and social thought. This feeling is more than a temporary emotion. It rests on a solid basis—on the well-grounded belief that a truly independent judiciary is vital to our democracy and that this proposal will in fact cloud the independence of our highest court, and on the equally well-founded view that so serious a change in constitutional doctrine ought not to be sought in this way.

It follows that the President’s proposal (or any substitute affecting the principle of an independent Supreme Court) should be defeated as contrary to the best thought and most profound feelings of the country.

But having said this, I conclude further that it is not enough to oppose the specific proposal. There is a reasonable popular demand that the powers of the federal government be enlarged and that the jurisdiction of federal courts to invalidate state laws be restricted. Some of the federal powers that are now desired or may soon be deemed necessary cannot be found in the present Constitution (unless by a tortured construction by judges appointed for the purpose), and the Fourteenth Amendment imposes oppressive duties upon the Court in respect to passing on the constitutionality of state laws.

It will, therefore, be the part of wisdom to submit amendments: first, to clarify in specific fashion certain powers of the federal government; and, second, to limit the jurisdiction of all the federal courts to pass upon state legislation.¹

LAW AND PROCEDURE IN STATE COURTS

THE VALIDITY OF LAW IN THE UNITED STATES.

In the United States there are four grades of law. First, and highest, the Federal Constitution, next in power the federal laws, statutes and treaties, next lower the state constitutions, and lowest the bodies of state law. In case of claimed conflict between the first and second, or between the first or second and the two lower grades of law, the only question to be decided by the Supreme Court is as to the existence of that conflict. If, from its interpretation of the law, the Supreme Court decides such conflict to exist its work is done. The higher law governs the lower. There is no contest, no struggle between the grades of law. It had already been settled which grade of law is the higher, and therefore to govern. There is no dispute between the court and the legislature. “It is natural to say,” says Dicey, “that the Supreme Court pronounces acts of Congress invalid, but in fact this is not so. The court never pronounces any opinion whatever, upon an act of Congress. What the court does is simply to determine that in a given case, A is, or is not, entitled to recover judgment against X; but in determining that case, the court may decide that an act of Congress is not to be taken into account, since it is an act beyond the constitutional power of Congress.”

¹ CLARK, GRENVILLE, *The Supreme Court Issue*, *The Yale Review*, Summer, 1936, pp. 687–688, quoted by permission of the editors, copyright Yale University Press.

Every act of the legislature is presumably valid. Its constitutionality can be tested only when brought before the court in a specific case. The court never goes to meet a law, nor anticipates its execution by an opinion as to its constitutionality.

If an act is held void it is because it is contrary to the Constitution, and not because the court claims any control over the legislature.¹

THE WEAKNESS OF THE CRIMINAL LAW.

The criminal laws have been so carefully framed and so admirably expounded for the benefit of the lawyers and their clients, the malefactors, that a very large proportion of American murderers escape the proper penalty of their acts; and these dilatory and dubious judicial methods are undoubtedly one effective cause of the prevalence of lynching in the South. There is more to be said in favor of our civil than of our criminal courts. In spite of a good deal of corruption and of subserviency to special interests, the judges are usually honest men and good average lawyers; but the fact that they are elected for comparatively short terms has made them the creatures of the political machine, and has demoralized their political standards. They use court patronage largely for the benefit of the machine; and whatever influence they have in politics is usually exercised in favor of the professional politician. If they do not constitute a positive weakness in the system of local government, they are certainly far from constituting a source of strength; and considering the extent to which our government is a government of judges, they should exercise a far more beneficent influence than they do.²

THE JURY AS A SAMPLE OF THE PUBLIC.

Of the third method, that of public opinion by sample, we have a singularly good illustration at hand in the Common Law jury—an institution used for matters about which the people at large cannot form a real opinion based upon familiarity with the facts. Service on a jury is irksome; to sit on more than one jury at a time is impossible; to read the evidence in all the cases that are tried in a single populous county is beyond the powers of any citizen; and therefore the whole people cannot by any stretch of the imagination be supposed to possess knowledge enough of the evidence in all the cases in court to have an intelligent opinion of them. But the jury-men are a sample of the great and general public, whose verdict may be taken to express what the opinion of the whole people would be if everyone heard the evidence; and they are drawn, as we draw a sample from a bale of merchandise, by a process designed to secure average, not selected, specimens.

Of course the sample must not only be a fair one, but it must remain so. It must not be open to corrupting influences or pressure, and that condition might prevent the use of the jury in some countries. The assertion has been made, for example, that it cannot be adopted for the natives of India, because they would

¹ Relation of the Judicial Branch to the Legislative Branch and to the Executive Branch, *Congressional Digest*, June, 1923, p. 261.

² CROLY, HERBERT, *The Promise of American Life*, The Macmillan Company, 1909, p. 318.

not convict rich offenders. Even with all our traditions, all our inherited experience, the jury is not a perfect instrument; and everyone knows that it would be a mere mockery if it were not encompassed by elaborate safeguards to insure an impartial hearing, deliberate consideration, and a judicial attitude. The jurors are brought into the court room, and solemnly instructed in their duties by the judge; they are seated together, apart from other people, while the case is being tried; they are compelled to hear all the evidence, and permitted to hear no evidence whose tendency to cause a bias is out of proportion to its proper probative values; newspapers are restrained under penalty of contempt of court from prejudging the case during the trial; the questions at issue, which have been carefully defined, are argued by counsel for each side; then the judge charges the jurors gravely; and finally their verdict must be unanimous. Moreover, the judge can order a new trial if anything irregular or improper has occurred.¹

MR. TAFT'S INDICTMENT OF OUR SYSTEM OF CRIMINAL JUSTICE.—President Taft, later Chief Justice, was not the first to call the attention of the bar to the abuses of our administration of criminal justice, but it is certain that his ringing condemnation of that system delivered in Chicago in 1909 put new life into an old and half-forgotten indictment. His language characterizing our criminal law and its administration as “a disgrace to our civilization” may have been a bit strong, but strong words were needed to rouse the bar to a sense of its responsibility in this matter. The criminal branch is the stepchild of the law. Criminal-law practice is an unpleasant one, and the financial rewards are meager. The consequence is that few lawyers of standing will have anything to do with it and that the profession as a whole knows and cares as little as does the man in the street as to what goes on in the criminal courts. If any change is made by the legislature in the present antiquated system of procedure, it is usually dictated by criminal lawyers in the interest of their actual or prospective clients. The criminal court has ceased to be—what it never was in fact but what popular imagination has pictured it to be—a tribunal for the disinterested search for truth and has become a forum for the display of the wits of opposing counsel in which justice is flouted—except by the impotent judge on the bench—and the devil takes the hindmost. This, too, like Chief Justice Taft's characterization, is a hard saying, but it is near enough to the truth to let it stand.

Relatively little progress has been made in removing the defects in legal administration to which Mr. Taft referred. The spectacle of making a Roman holiday out of the 1935 trial of the Lindbergh kidnaping case showed up our state courts in their most undignified procedure. Overnight the little town of Flemington, N. J., became the center of world attention, housing in its courthouse the world's greatest show.

¹ LOWELL, A. L., *Public Opinion and Popular Government*, Longmans, Green & Company, 1913, pp. 242-243. Cf. TAYLOR, H., and MCGOLDRICK, J., *Readings in Contemporary Problems in the United States*, 1930, vol. II, pp. 254-272.

With movie cameras grinding, telegraphic instruments clicking, spectators climbing through windows to catch a glimpse of the accused, with radio announcers and commentators bringing into the American home partisan interpretations of the daily proceedings, the case was tried many times and judgment rendered on editorial and news pages long before the "jury of the accused's peers" rendered its verdict. The whole atmosphere of that trial made it almost impossible for the jury to consider the case calmly on its merits.

The American public must have been impressed also by the technical evidence presented to the jury to such an extent as to raise questions as to the jury's ability to interpret such evidence. The tactics of counsel for the state and for the defense left much to be desired as to the deportment of counsel in court. It seems highly questionable to permit newspapers to use the occasion of a trial of this type for the purpose of building up circulation on the basis of excited, feverish, partisan ballyhoo and sob stories written by staff and special writers who judge a case before it reaches the jury. If American justice is to achieve the respect of the people, it seems eminently desirable to change radically the procedure in our state courts. In the Lindbergh case the last vestige of dignity was shorn from the court and its attachés.

One of the basic questions confronting the people of the United States today is that of the jurisdiction and power of the federal and state courts. The turmoil created by Supreme Court decisions in the "gold clause case," the "N.R.A. case," and "the railroad pensions case" as well as the decisions on the processing taxes and other aspects of the Agricultural Adjustment Administration indicates that before long the question of jurisdiction and power will need to be faced much more seriously than it has yet been.

Are economic prosperity, industrial peace, and social welfare possible in a country unified by trade and finance as long as it reserves to the states legal functions that they cannot perform? Faced with the fact that practically every legal issue arising in trade, finance, and industry has national implications not necessarily defined under the narrow interpretation of interstate commerce, the American people must eventually choose to bring their legal structure into harmony with the conditions of life in the twentieth century. How this is to be accomplished remains to be seen. But the problems confronting the courts, Congress, and the President, complicated by the scheme of "balanced powers" and the abortive distinctions and powers implied in state and federal spheres of action, must be more honestly faced if modern American life is to be conducted on a less controversial plane. At present that problem is made up of almost insurmountable barriers, especially in the field of social legislation which the Supreme Court has often blocked.

QUESTIONS AND TOPICS FOR DISCUSSION
AND STUDY

1. Define a "court." Name the various federal courts. What is the relationship between the federal and state courts? What are the functions of the federal courts?
2. It has been said at times that our judiciary also assumes a legislative function. What is the relationship of the Supreme Court to legislation? Does the Supreme Court veto legislation?
3. What is the judicial injunction? Give illustrations of its use from recent history, preferably in your own community. What is the penalty to violation of an injunction? What is the logic underlying the defense of the injunction proceeding?
4. From your own reading and observation give illustrations of recent disrespect for law in the United States. What conclusion do you draw from a study of these instances? How is respect for law to be increased?
5. You have heard it said that "it is difficult for a poor man to obtain justice in our courts." How do you interpret that statement? How can means be devised for the adequate legal defense of all persons?
6. Give examples of the law's delays in achieving settlement of a legal difficulty.
7. What is meant by "common law," "adjective law," "substantive law," "statute law," "criminal law," "tort," "civil case," "case in equity"?
8. Discuss the merits of the jury system. What is your estimate of its efficiency and effectiveness in achieving justice? What kinds of cases are presented to juries? What is a hung jury? Would you suggest a substitute for the jury system?
9. In our system of courts, some judges are elected by the voters, whereas others are appointed. Indicate the classes of courts to which judges are appointed and elected, respectively. Would you defend the practice of electing judges? Discuss the problem.
10. What is meant by the jurisdiction of the court? What is the distinction between "original jurisdiction" and "appellate jurisdiction" of courts?
11. Who are the present justices of the Supreme Court of the United States? When and by whom were they appointed?
12. Distinguish among a criminal offense, misdemeanor, breach of contract, larceny, felony. Give examples of each.

TERMS

jurisdiction	equity
original jurisdiction	statutory law
appellate jurisdiction	civil law
judicial review	tort
unconstitutional	criminal law
court of appeals	adjective law
common law	Roman law
jury panel	juridical

SUGGESTED READING

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- Recent Social Trends*. Whittlesey House, McGraw-Hill Book Company, Inc., 1933. See Chap. XXVIII.

Chapter XX

**Some Problems Concerning
Congress**

Continuing our survey of the American system of government, we now proceed with an analysis of the legislative branch of our federal government. In this chapter our interest centers upon Congress, the scope of congressional power, lawmaking and public opinion, leadership in the two houses of Congress, congressional procedure, filibuster tactics, and the need for better congressmen.

PROBLEMS OF ORGANIZATION AND REPRESENTATION

THE BICAMERAL SYSTEM.

For a long time it was regarded almost as an axiom in political science that legislative bodies—especially national legislatures—should be constituted of two chambers, and in practice the great majority of them are so constituted today. This principle, said Bryce, is the *quod semper*, the *quod ubique*, the *quod omnibus* of American constitutional doctrine. Sir Henry Maine expressed the opinion that almost any kind of second chamber is better than none; what ought to be expected of it, he said, is not a “rival infallibility but an additional security.” Bagehot thought that with an ideal lower chamber “perfectly representing the nation, always moderate, never passionate, abounding in men of leisure, never omitting the slow and steady forms necessary to good consideration” an upper chamber would not be necessary, but it would be “extremely useful” as a “revising and leisured legislature.”

In the eighteenth and early part of the nineteenth century single-chambered (unicameral) assemblies were looked upon with more favor. In America the unicameral system had an influential advocate in Benjamin Franklin, who is said to have compared a double-chambered legislative assembly to a cart with a horse hitched to each end, both pulling in opposite directions. Largely through his influence the legislature of Pennsylvania under its first constitution was constructed on the unicameral principles, and we have the testimony of John Adams that the question of whether the early American legislatures generally

should consist of one or two chambers was one of transcendent importance at the time of the adoption of the first state constitution.¹

THEORIES OF BICAMERALISM.

Three theories have been and are held of the functions of a Second Chamber.

1. One is that it should have all the powers of the First or Popular House. We have, however, seen that such powers will not be granted to it unless it is directly elected, and the objections to two directly elected Houses confronting one another have been already stated. To make it the equal of the First Chamber is to invite it to contend for an equal right to popular support.

2. The second view is that it should be subordinated in financial legislation to the Popular House (and consequently should not be able to displace a Ministry) but should be for other kinds of legislation on the same footing. According to this theory it will be entitled not only to initiate bills, but also to amend and possibly reject bills sent up from the latter, though it will recognize that in a trial of strength it may prove the weaker.

3. The third is that its competence should be confined to the modest function of revising Bills passed by the "Popular" House, *i.e.* of suggesting amendments, and perhaps of recommending modification of detail in financial proposals, but without power to reject or substantially alter a measure when returned to it by the Popular House in the form which the latter has approved.²

A DISCUSSION OF SECOND CHAMBERS.—Even though most parliamentary systems make provision for two chambers of the legislative branch of government, questions continue to be raised about the expediency of the resulting division of the power to legislate. A compromise necessitated by conflicting opinions in the Philadelphia Convention was the basis for the establishment of our two houses of Congress. The example of other governments, especially the English parliamentary system, provided a precedent which the Founding Fathers decided to follow. An excerpt from the comments of an English scholar on American government is presented for consideration.

On the general issue, this much may be said. Wherever in a State the legislature has two houses, one or other will always take the lead. One or other will therefore come to be the centre of importance, and to that chamber political talent will invariably gravitate. The second chamber will, as a consequence, either live in a state of suspended animation or else, to secure some degree of attention, it will oppose measures for which it cannot hope to gain the credit. Rather than see itself impotent, it will in Bentham's forcible phrase, "play off the whole artillery of fallacies" against the bills it sought to pass. It will waste time in useless debate; and it will, thereby, keep executive officials from other and more urgent duties. Broadly speaking, any second chamber which agrees

¹ GARNER, J. W., *Political Science and Government*, 1928, pp. 600-601. Used by permission of American Book Company, publishers.

² BRYCE, JAMES, *Modern Democracies*, The Macmillan Company, 1921, vol. 2, p. 208.

with the first is superfluous; and, if it disagrees, it is bound to be obnoxious. For the argument that there must be delay against the rashness of a single, elected assembly mistakes, or ignores, the conditions of modern politics. Legislation is not made *ex nihilo*; it does not suddenly, as out of a clean sky, find its way to the statute-book. Almost any measure that is enacted becomes law as the result of a long process of discussion and analysis. The problem of Home Rule for Ireland was debated for thirty years before its essential passage; the reform of the House of Lords has been in the public mind for a generation. The minimum wage, the abolition of the poor law, town-planning, the nationalisation of the mines, all questions of this magnitude are before the public for years before parties adopt them with a view to legislation. Between the Education Act of 1902 and Mr. Fisher's attempt to complete its structure nearly sixteen years elapsed. It took nearly twenty years to accomplish the federation of Australia. That, I think, would be the length, and not the shortness, of time which intervenes between the administration and the realisation of idea.

And, in any case, the kind of check provided by a second chamber is not the most desirable form available. Necessary delay is always secured by the slowness with which a great organisation like a political party is persuaded to the acceptance of a novelty. Necessary revision is best effected by the prior consultation by government of the interests touched by the legislation proposed. Most criticism in a second chamber will merely repeat the arguments already adduced in the first. What it has to say will not, except by accident, possess any special quality of *expertise*. It will tap no sources of knowledge or opinion not already in contact with the first. The true place for such an effort is in the advisory bodies by which the executive departments are surrounded.¹

OCCUPATIONAL REPRESENTATION.—During recent years the movement in favor of a system of professional or occupational representation has achieved some success in Europe. Instead of relying upon geography or territorial divisions as the basis of representation in the All-Russian Congress, the principle of occupational representation has been followed. Thus the miners, the ironworkers, professional groups, farmers, and other classes choose their representatives without regard for territorial boundaries. In Italy Mussolini has worked out a similar scheme by means of which the Italian Senate is composed of representatives of such trades, professions, employees, and trade unions belonging to groups recognized by the Fascist government. In the United States the principle of occupational representation has been but slightly discussed and never tried out in either state or national elections.

REORGANIZATION TO REALIZE SOCIAL AND POLITICAL DEMOCRACY.

A quite different method of two-chamber government has been outlined with great attractiveness by Mr. and Mrs. Webb. Broadly, they accept the case against a second chamber in its present form. But they are so impressed by the overwhelming burden of the modern legislative assembly that they suggest a

¹ LASKI, H. J., *A Grammar of Politics*, Yale University Press, 1925, pp. 330-332.

division of its business into two parts, each of which is to possess a Parliament for its control. "What we shall call the Political Democracy," they write, "dealing with national defence, international relations, and the administration of justice, needs to be set apart from what we propose to call the Social Democracy, to which is entrusted the national administration of the industries and services by and through which the community lives. The sphere of the one is *Verwaltung, autorité régaliennne*, police power; that of the other is *Wirthschaft, gestion*, housekeeping. The Cooperative Commonwealth of to-morrow must accordingly have, not one national assembly only, but two, each with its own sphere; not, of course, without mutual relations, to be hereafter discovered, but co-equal and independent, and neither of them first or last. We regard . . . two co-ordinated national assemblies, one dealing with criminal law and political dominion, and the other with economic and social administration, not merely as the only effective way of remedying the present congestion of parliamentary business, but also as an essential condition of the progressive substitution, with any approach to completeness of the community for the private capitalist."¹

THE AMERICAN SENATE.—The American Senate is in some respects an undemocratic institution. In other respects it is more democratic than the House of Representatives. It is composed of an equal number of senators from each state regardless of size. That tends to give the small states a disproportionate share of representation and power in relation to their population. But if the individual states are considered as units of equal power in the American system, equal representation and democratic cooperation are made possible by considering two senators from each state a symbol of equality.

The following statement of Prof. Lindsay Rogers discusses the functions of the two houses of our federal legislature. He calls attention to certain legal fictions on which the separation of Congress into two branches is based.

The House of Representatives is not an ideal chamber. It meets hardly one of Bagehot's conditions, which are essential to the validity of the Abbé de Siéyès' oft-quoted dilemma. This must be qualified also, by reason of the fact that, in the United States there is no prior vote on legislation by a Cabinet which possesses complete initiative of bills and control of the time of the chambers. When members of a lower house have a free and equal right to propose legislation; when there is no executive control, and, indeed, no control whatever except that of the committee chairmen who become such through longevity rather than ability and have no collective programme or responsibility; when legislation is drafted by Representatives whose competence comes as the gentle dew *vocis populi*—then there must be a second, revising chamber, and it must have real authority. This is not to deny that, were Congress a unicameral legislature, the House of Representatives would feel a greater sense of responsibility and would refrain from passing, as it now does, incomplete, ambiguous

¹ *Ibid.*, p. 335.

and poorly drafted measures, confident either that the Senate will not consider them at all, or if it does, that it will correct their defects. If the Senate were abolished, the legislative grist of the House of Representatives would be of a much higher grade, but in the absence of responsible leadership, a homogeneous programme, and the requirement of trained draughtsmanship, a revisory chamber is necessary. This function the Senate is well adapted to perform.

Two chambers of equal powers permit, and even invite deadlocks. This is the price (believers in throttling down the governmental machine will consider it a small price) that the congressional system pays for an upper chamber that represents the states *qua* states—that rests on the federal principle. Yet what a federal principle; the *equality* of the commonwealths of the United States is the purest sort of legal fiction! Other federal systems have carefully eschewed basing their federal assembly on such a fable, which history and tradition have made palatable but not justifiable. This equality of representation, however, has not made it impossible for—perhaps it has even invited—the Senate to shelter spokesmen for minorities that otherwise would have been without congressional advocates. It is, moreover, not the least interesting aspect of the American Senate that, set up as the “great compromise” of the Constitution to protect the small states against the large states it could have been impotent throughout the whole of its history and the statute book (from this standpoint) would have substantially the same contents. The federal currents of legislation, in other words, have neither been kept from nor led into different courses by the Senate. Lecky declared that this “illustrious body” had “excited the envy and admiration of many European statesmen and writers on politics,” because it had played “so important a part in American history.” This “part,” however, must be understood as “important” in spite of the theory of representation and contrary to the idea of the Senate as a federal body.¹

It is often said that the United States Senate is an “unrepresentative” body of lawmakers because of the fact that regardless of the size or the population of a state the number of senators is identical. However, those who look only upon that aspect of representation seem to forget that no legislation is enacted by only two senators, that in order to accomplish anything in the way of legislation senators must combine with those from other states. It is thus not at all probable that the majority of senators voting for a given bill will represent less than a majority of the people of the United States. Another fact also needs to be noted, namely, the frequent alignment of two senators from the same state on opposite sides of a question. Such was recently the case in a striking way in the Supreme Court controversy. Furthermore, thanks to the development of a two-party system, the combination of senators from both large and small states in each major party makes it unlikely that whenever a party has a substantial majority its members in the Senate will represent a smaller population than the opposing

¹ ROGERS, LINDSAY, *The American Senate*, F. S. Crofts & Company, 1931, pp. 89-91.

minority party. Of course, when the control of the two houses of Congress are not vested in the same party a relatively unrepresentative Senate may result because of the overlapping of the terms of the senators. Viewed in terms of long periods of time, the Senate tends to follow the dictates of the electorate about as closely as the House of Representatives and hence probably represents the people equally well. But there are individuals who have never acquiesced in the great compromise that settled the method of election and the number of representatives and senators.

THE SCOPE OF CONGRESSIONAL POWER

No phase of the activities of the Constitutional Convention is more interesting to study than the care that the framers of the Constitution bestowed upon the question of the extent of the powers that the Congress was to enjoy. Throughout that historic session a conflict of interests and fears was evidenced in the debates and discussions of the momentous issues that had to be decided. There were those who feared that the states would lose their recently won freedom of local government. But there were no members of the convention who did not see the need for "a more perfect union" to remedy the defects of the Articles of Confederation. Before the sessions had proceeded very far, the delegates came to the conclusion that a mere patching up of the old order of government would not suffice. Instead of remodeling the old Articles of Confederation they set themselves to the task of erecting a new state.

THE LAWMAKING POWER OF CONGRESS.

Congress is primarily a legislature. The first thing to be observed is that whatever law-making powers the national government possesses belong to Congress: "all legislative power herein granted," says the constitution, "shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." Not only is all national law-making authority thus conferred on Congress, but that body cannot, under the wording of this provision, delegate its essential legislative authority to the President or to any other branch or organ of the government. This does not mean, however, that it may not authorize the President to decide when a certain law shall go into effect, or that it may not establish by law some general rule or principle and then empower the President or some administrative board to apply the rule to special cases as they arise. Some problems, like those connected with the fixing of freight and passenger rates in interstate commerce, are so complicated that Congress long ago gave up the attempt to solve them by exact and detailed legislation. In the instance mentioned, for example, it was prescribed that all rates should be reasonable, and an expert body, the Interstate Commerce Commission, was created to which was assigned the duty of determining the reasonableness or unreasonableness of rates in specific cases. For similar reasons, power to apply other general laws has been conferred upon the Federal Trade Commission and

various other administrative bodies. The inability of Congress to delegate its strictly legislative powers would seem to render of doubtful constitutionality, if not totally invalid, any congressional action authorizing a nation-wide referendum as a means of determining acceptance or rejection of a measure. Without a constitutional amendment, Congress cannot, it is believed, delegate its legislative power even to the whole people.

In the second place, it is to be observed that Congress does not have full and unrestricted legislative power, like the English Parliament, but only "all legislative power *herein granted*"; in other words, every exercise of legislative power by Congress must be based upon some authorization in the Constitution. When, therefore, certain legislation is proposed or demanded, its advocates must be able to point to some clause of the constitution which, either expressly or by fair implication, grants the necessary authority. On the other hand, if the opposition can show that there is no constitutional sanction, it will be useless for Congress to enact the proposed measure; for the Supreme Court, which is the final judge of congressional powers, will be practically certain to find that the Congress has exceeded its authority, and that, accordingly, the supposed statute is void. This restricted scope of congressional power easily explains why debates on the constitutionality of proposed laws occupy so much time and attract such wide attention in connection with congressional proceedings.¹

SHALL CONGRESS REGULATE COMMERCE?

Mr. Chief Justice Marshall delivered the opinion of the Court.

The appellant contends that this decree is erroneous, because the laws which purport to give the exclusive privilege it sustains, are repugnant to the constitution and laws of the United States.

The subject to be regulated is commerce; and our constitution being, as was aptly said at the bar, one of enumeration, and not of definition, to ascertain the extent of the power it becomes necessary to settle the meaning of the word. The counsel for the appellee would limit it to traffic, to buying and selling, or the interchange of commodities, and do not admit that it comprehends navigation. This would restrict a general term, applicable to many objects to one of its significations. Commerce, undoubtedly, is traffic, but it is something more; it is intercourse. It describes the commercial intercourse between nations, and parts of nations in all of its branches, and is regulated by prescribing rules for carrying on that intercourse. The mind can scarcely conceive a system for regulating commerce between nations, which shall exclude all laws concerning navigation, which shall be silent on the admission of the vessels, to prescribing rules for the conduct of individuals, in the actual employment of buying and selling or of barter.

If commerce does not include navigation, the government of the Union has no direct power over that subject, and can make no law prescribing what shall constitute American vessels, or requiring that they shall be navigated by American seamen. Yet this power has been exercised from the commencement of the government, has been exercised with the consent of all, and has been understood

¹ OGG, F. A., and RAY, P. O., *Introduction to American Government*, D. Appleton-Century Company, Inc., 1928, pp. 461-462.

by all to be a commercial regulation. All America understands, and has uniformly understood, the word "commerce" to comprehend navigation. It was so understood, and must have been so understood, when the constitution was framed. The power over commerce, including navigation, was one of the primary objects for which the people of America adopted their government, and must have been contemplated in forming it. The convention must have used the word in that sense; because all have understood it in that sense, and the attempt to restrict it comes too late.

The word used in the constitution, then, comprehends, and has been always understood to comprehend, navigation within its meaning; and a power to regulate navigation is as expressly granted as if that term had been added to the word "commerce."

We are now arrived at the inquiry. What is this?

It is the power to regulate; that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations, other than are prescribed in the constitution. These are expressed in plain terms, and do not affect the questions which arise in this case, or which have been discussed at the bar. If, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations, and among the several states is vested in Congress as absolutely as it would be in a single government, having in its constitution the same restrictions on the exercise of the power as are found in the constitution of the United States. The wisdom and discretion of Congress, their identity with the people, and the influence which their constituents possess at election, are, in this, as in many other instances, as that, for example, of declaring war, the sole restraints on which they have relied, to secure them from its abuse. They are the restraints, on which the people must rely solely, in all representative governments.

The power of Congress, then, comprehends navigation within the limits of every state in the Union; so far as that navigation may be, in any manner, connected with "commerce with foreign nations, or among the several states, or with the Indian tribes." It may, of consequence, pass the jurisdictional line of New York and act upon the very waters to which the prohibition now under consideration applies.¹

Few questions in American history have proved more difficult than the determination of the extent of congressional power to regulate commerce. When it can be clearly shown that a case refers to commerce across state lines, the power of Congress is no longer questioned. But what is commerce? The National Industrial Recovery Act was declared unconstitutional on the basis of the *Schechter* case which involved a relatively small business unit engaged in business within one state. This decree of the Supreme Court once more set limits to the power of Congress over commerce.

¹ *Gibbons vs. Ogden*, 9 Wheat. 1. 186-197, 61, Ed. 23., 67-70, 1824.

But in the Jones and Laughlin Steel Corporation case the constitutionality of the Wagner Labor Relations Act was upheld by the court even though the corporation contended that manufacturing was not interstate commerce and cited the Schechter case in support of its contention. The National Labor Relations Board found that the Jones and Laughlin Steel Corporation had engaged in unfair labor practices affecting commerce. The board charged the corporation with unfair labor practices defined in Section 8 of the Act which established the N. L. R. B.

Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection.

The corporation's counsel argued that manufacturing was not commerce and hence not subject to federal regulation. The Supreme Court's decision ruled that in this case manufacturing was commerce.

It is thus apparent that the fact that the employees here concerned were engaged in production is not determinative. The question remains as to the effect upon interstate commerce of the labor practice involved. In the Schechter case, *supra*, we found that the effect there was so remote as to be beyond the federal power. To find "immediacy or directness" there was to find it "almost everywhere," a result inconsistent with the maintenance of our federal system. . . .

. . . the fact remains that the stoppage of those operations by industrial strife would have a most serious effect upon interstate commerce. In view of respondent's far-flung activities, it is idle to say that the effect would be indirect or remote. It is obvious that it would be immediate and might be catastrophic. . . . When industries organize themselves on a national scale, making their relation to interstate commerce the dominant factor in their activities, how can it be maintained that their industrial labor relations constitute a forbidden field into which Congress may not enter when it is necessary to protect interstate commerce from the paralyzing consequences of industrial war?

The decision marks a milestone in the progressively liberal interpretation of the Constitution by the Supreme Court. Gradually Congress is winning the right to legislate in terms of social welfare where commerce and industry and labor are concerned.

LEADERSHIP AND OPINION IN CONGRESS

The various views held regarding the grounds for choosing a representative, and the duties incumbent on him, may be reduced to three theories or types of theory.

(1) He may be chosen as the person whom the constituency selects to urge its special local demands, to state its special grievances, to obtain for it from

the Government a full share of whatever is going in the way of money grants for local purposes, or any other favors.

(2) He may be chosen as a person eminently fitted by character and attainments to meet and consult with other representatives in the council of the nation on public affairs, while also in accord with the general views of the constituency regarding those affairs.

(3) He may be chosen as a spokesman of the party which holds a majority in the constituency, bound, whatever his personal opinions on any question, to speak and vote as the majority commands him, being thus a sort of telephone wire by which it transmits its wishes. This is the doctrine of the *mandat impératif*, and has been strongly urged by those who carry furthest the belief that the people, *i.e.* the whole mass of voting citizens, hold a definite opinion and are prepared to declare their will regarding every question of some moment. Any other kind of representation seems to them undemocratic and delusive.

It is possible that the same man may combine the qualifications and fulfil the duties required and imposed by the first and third theories. He may serve the constituency for its local purposes and the party for its national as well as for local purposes. But he could not at the same time discharge also the duties prescribed by the second theory. No man can serve two masters. Cases arise in which the demands of a locality or the commands of a party are at variance with the interests of the nation, and the honest man who perceives this variance will have to sacrifice one or other. The third theory makes his duty to the party majority paramount.¹

The provision of trained leadership in Congress remains an unsolved problem. Selection of representatives and senators on a geographical basis and then permitting seniority to rule the placing of individuals in charge of congressional committees is probably not the most effective means of insuring adequate leadership in our legislative branch of government. Improvement of personnel in government positions, more critical and intelligent voters, and the development of university centers for the specific training of prospective public servants and officials are features of a program of development that have not yet had time to show their effectiveness in solving the problem of adequate congressional leadership.

CONGRESSIONAL PROCEDURE

It is said that the government of the United States is the world's largest business. In terms of dollars spent and employees on its payroll this is undoubtedly true. Congress controls the purse strings of the government. It should therefore prove of some interest to note the rules under which one branch of this important business operates in making decisions that affect 130,000,000 persons and results in the expenditure of billions of dollars annually. The remainder of this

¹ BRYCE, *op. cit.*, vol. 2, p. 351.

chapter is devoted to excerpts discussing various aspects of congressional procedures.

CERTAINTY OF BUSINESS VS. LIBERTY OF DISCUSSION.

The major problem of parliamentary procedure has been the reconciliation of two irreconcilable principles; certainty of business and liberty of discussion. The leaders of a legislative body must be able to have their programme acted upon, but to accomplish this there must be frequent curtailment of debate. Taciturnity is rarely a characteristic of a person chosen to represent constituents, and there is thus a fairly constant tendency for those who control the procedure of a legislative assembly to sacrifice discussion to their timetable and to deal more and more ruthlessly with the rights of their own followers and of opposing minorities. Changes of rules have had two principal objectives. They have been designed, in the first place, to make it certain that the majority steam-roller would proceed and not be stopped by the minority; and secondly, to prevent the course of the steam-roller from being diverted through members of the majority venturing to repudiate the leaders and their programme. These two objectives are distinct. Rules of procedure which simply provide for expeditious and businesslike attention to bills may be justified to the extent that they accomplish this purpose, while they become objectionable if, in limiting debate, they stifle deliberation and reduce the assembly to a position where it must act as a rubber stamp. The principal defect of procedure in the House of Representatives at the present time is that rules which were originally adopted for the purpose have been transformed for the second purpose. The closure on discussion is moderate but the closure on decision is unconscionable.¹

THE ATTACK OF MR. DAWES UPON THE RULES OF THE SENATE.

The power of filibustering and of debate without limit of time, made possible under the present defective rules of the Senate, has produced such continuous and such serious obstructions to legislation that since May 12, 1910, in sixty-six instances the majority and minority leaders of the two parties have been compelled to arrange for unanimous consent agreements to enable the consideration of important legislation. This means that they must go like suppliants to every individual member of the Senate to get his consent that the majority shall act on important legislation and must consider the conditions in regard to other legislation which the individual Senator may desire to impose as the price of his agreement.

It was the great public resentment which was aroused by filibustering in the Sixty-third Congress, during 1914, in an effort of the minority to prevent legislation by the majority, which, in my judgment, led to the only serious consideration of reform in these rules that the Senate has given in recent years. In that Congress the River and Harbor Bill had been debated for thirty-two days; the Panama Canal Bill for thirty days; the Federal Trade Commission Bill for thirty days; the Clayton Amendments to the Sherman Act for twenty-one days, and the Conference Report on the Clayton Act for nine days. Accordingly, in

¹ ROGERS, *op. cit.*, pp. 120-121.

the early days of the Sixty-fourth Congress, because of public sentiment aroused by the intolerable legislative situation in the Senate, a provision to close debate by a two-thirds vote was reported by the Senate Rules Committee and, during the special session of the Sixty-fifth Congress in 1917, after a conference of the Republican and Democratic leaders, the present rule enabling a two-thirds majority to bring a matter to a vote was adopted.

But this change in the rules did not cure the evil. In that very Congress, with this rule in force, *six major appropriation bills were defeated by the filibuster*, to say nothing of eight other measures favored by the Administration. An extra session of Congress was called as a result. Filibustering, or the use of it as a threat, proceeded in the usual course in the Sixty-eighth Congress, despite the alleged rule reform.

As a result of the consuming of time which the Senate has for constructive legislation by efforts of the minority, through frivolous and unlimited oratory, to obstruct the responsible majority, it becomes necessary that there be occasional outbursts of speed by the Senate in passing bills on the calendar and jamming through appropriation bills. These outbursts of speed are a dangerous reaction from the cumulative inaction preceding them. Individual Senators have bills on the calendar in which they are interested, as well as items in appropriation bills. The forces of normal action are held in check by some obstruction until the reaction comes with a rush that does not make for due or wise consideration. To pass bills in less time than it takes to read them, especially in the case of appropriation bills carrying hundreds of millions of dollars, after spending days on a revenue bill or a tariff bill demonstrates the necessity of so amending the rules of the Senate as to bring about a proper application of time to the consideration of *all* its business. . . .

Simply, the issue presented to the American people is:

Shall the rules of the Senate be changed, without interfering with the right of a Senator to be fully heard on any subject, so as to prevent at times a minority of even one Senator from blocking the constitutional right of a majority of the Senate to legislate?

This issue at last is being debated before the American people. It should be debated, since it profoundly affects them and the nature of their government.¹

SENATOR NORRIS UPON MR. DAWES'S OUTBURST.

Most people would agree with Mr. Dawes that filibustering in the Senate should be abolished, but the trouble is that the remedy he suggests is worse than the evil he would eradicate. His proposition is to end the possibility of a filibuster by the adoption of a rule which would absolutely close debate. The closing of debate by an arbitrary rule would, in effect, likewise prohibit the offering of amendments, or, if amendments were offered, it would mean that they must be passed upon without any debate whatever.

This would put the Senate upon the same basis as to legislation that exists in the House of Representatives, where bills, sometimes containing hundreds and even thousands of paragraphs, are passed without the opportunity for discussion

¹ As Mr. Dawes States the Case, *Recent Speeches by the Vice-president, The Forum*, 1925, p. 577.

or analysis, and without opportunity to suggest amendments. Amendments very often come as a result of discussion and analysis, and hence the closing of debate means the passage of the bill without change and without any opportunity to suggest a change.

In the Senate, where unlimited debate prevails, it is possible for a complete analysis of any proposed legislation to take place, and the discussions that go on throughout the country, regarding pending legislation in Congress, nine times out of ten have reference to the legislation pending in the Senate rather than in the House. This is because cloture rule prevails in the House and does not in the Senate.¹

ONE-MAN FILIBUSTERS.

To accomplish single-handed the defeat or modification of a measure is an endurance test of no mean severity, and the Senate has been the arena in which the records for long speeches have been made. In the debate on the Force Bill of 1890, Senator Faulkner of West Virginia spoke for thirteen hours. Senator Allen of Nebraska held the floor for fourteen hours in the controversy over the repeal of the Silver Purchase Act in 1893, but this filibuster failed. On March 3, 1901, Senator Carter of Montana talked a River and Harbor Bill to death with an oration of fourteen hours, and in September, 1914, Senator Burton held the fort for a twelve hour stretch against a similar dip into the "pork barrel." A filibuster that failed was that conducted in 1908 against the Vreeland-Aldrich Emergency Currency Law. Senator La Follette held the floor continuously for more than eighteen hours, and sustained himself by drinking a mixture of egg and milk. During occasional roll calls, to secure a quorum, he ate sandwiches, and for part of the time he sat on the arm of his chair. The arrangement was that Senator Gore of Oklahoma, a member of the filibustering group, would speak until relieved by Senator Stone of Missouri, who in turn was to be succeeded by Senator La Follette. Mr. Gore, who was blind, suddenly stopped talking in the belief that Senator Stone was in the chamber, and ready to procure the floor. Stone was not there, and Senator Aldrich who had obtained an agreement that, when the vote finally came upon the adoption of the Conference Report, the roll would be called without further action, promptly put his motion. Aldrich's name was the first on the roll, and when the Clerk began to call, Aldrich responded, and there was no possibility of resuming the debate.

Such performances of strength are of doubtful success unless they are participated in by several Senators. One man, that is to say, can never filibuster successfully unless he takes the floor in the final hours of a congressional session, when important business remains to be put through before the moment fixed for adjournment. A group of obstructionists is necessary if there is to be effective delay during the session. Indeed, when one comes to investigate the dates of the most important filibusters, it is found that practically all the successful ones have come in the short sessions of Congress, which must end on March 4 of the odd years.²

¹ NORRIS, G. W., Mr. Dawes and the Senate Rules, *The Forum*, 1925, p. 581.

² ROGERS, *op. cit.*, pp. 171-172. Since the passage of the "Lame Duck" amendment, filibusters are even less likely to succeed.

In June, 1935, Senator Huey Long of Louisiana, seeking to defeat a Senate bill which would extend the N.R.A., held the floor of the Senate for 15½ hours in a one-man filibuster which failed. It was estimated that the long speech cost over \$4,600 to print in the *Congressional Record*. Senator Long's was the second longest nonstop speech in Senate history. Speaking ostensibly against N.R.A. extension, Mr. Long found time to give recipes for potlicker and Roquefort-cheese salad dressing; discuss the sword of Frederick the Great, "a blue buzzard in every front window," philology, theology, and history; and use plenty of oratorical bombast. Three and one-half hours before the end of his speech Mr. Long was reduced to the following:

Soon I will have talked 12 hours doing the best I can for the benefit of mankind and my friends here. . . .

The discussion has all been conducted in good spirit. It has been fine, wholesome, friendly, well advised, well considered, not half-baked; and I believe that when Senators go home tonight and take down my speech, which they will find in the *Congressional Record*, and discover how to fry oysters, it is going to help them a great deal. . . .

It is getting late. The night is dusty, and good souls rusty. . . . Two hours and one-half from now the sun will be coming up over the eastern horizon, and the lazy mist will be driven before it; the darkness will fade as the mist fades, as though it were driven by the seaborne gale. The honeysuckle in all its myriad splendor will glisten in the sunshine. The humming birds will be singing about, and everything will be gay and everything will be happy.¹

As an endurance test Huey Long's speech-making filibuster effort should be placed along with the tree sitters, the flagpole sitters, "walkathons," rocking-chair endurance competitions, and other such extra-senatorial activities. On the floor of the Senate such antics invite criticism and ridicule of our particular brand and scheme of popular government.

The excerpts that follow suggest some of the details of ponderous procedures which at times tend to limit the efficiency of the two houses of Congress. The procedures have not changed radically since the days when the situations described were contemporary events.

On Mondays, under Rule VIII, the Senate proceeds to the call of the calendar. By unanimous consent numerous bills are passed—amendments necessary to correct the defects of existing legislation, private bills, and those relating to particular sections of the country. It has been suggested occasionally that objections by two or three Senators (instead of one) should be necessary to shut off consideration, but as the rule now stands it permits the Senate to get through with an adequate amount of business.

Unanimous consent agreements are frequent also to fix an hour at which the Senate will vote on pending proposals of great importance. There must be

¹ *The United States News*, June 17, 1935, p. 6.

some definite expectations as to when action will be taken; Senators wish to be present to be recorded on the roll calls. There must, also, be safeguards against surprise; those having a particular bill in charge must not call for a vote when those who desire to speak are not present. These requirements can sometimes be met by informal announcement of the leaders' intentions and by notices that particular Senators desire to make speeches before a vote is taken. To get some business through, however, more formal action is frequently necessary. As the Senate rules now stand—with a cloture provision that is unworkable except in emergencies—there must be some safeguard against endless delays by reason of individual idiosyncracies. Hence, it is a familiar practice for unanimous consent agreements to be entered into that the Senate will vote on a certain day, or that after a certain day speeches will be limited. These usually suffice to secure action.¹

SUSPENSION OF THE RULES IN THE HOUSE.

On May 29, 1920, with Congress slated to adjourn on June 5 to permit the members to attend the presidential nominating conventions, the Rules Committee proposed a rule. "That it shall be in order for six legislative days, beginning May 29, 1920, for the speaker to entertain motions of members of committees to suspend the rules under the provisions provided by the general rules of the House." This proposal but poorly concealed its real purpose; suspensions for the final six days of a Congress had been resorted to, almost without exception, only during the short sessions, when Congress must adjourn on March 4, and when there is the greatest congestion of business. There were no special reasons to make such a procedure necessary at this time. Nevertheless, the rule was adopted, and Representative Fordney immediately moved "that the rules be suspended and that the House pass H. R. 14157, known as the soldiers' bonus bill." Twenty minutes a side were allowed for debate, the rules were suspended, and the bill was passed. As Representative Mann, one of the ablest parliamentarians in the House, said, no bill as important and complicated had ever been forced through with no opportunity for amendment:

"Here is the situation: Congress has been in almost continuous session for more than a year. The Republican side of the House has had a reasonably large majority. If we say to the country, as we will if this resolution be passed, that the Republican majority in this House, with a year's time, has been unable to bring in legislation and perfect it where it is subject to amendment, it acknowledges its impotency and its incapacity. It will be called to your attention and to your constituents on every stump that the Republican majority of the House has not enacted much reconstructive legislation, and then it will be told in addition that the Republican majority of the House was afraid to enact legislation under ordinary rules and was incapacitated from following the ordinary practice. What will you answer when men say to you that a Republican majority in the House passes a revenue bill raising a billion and a quarter of dollars without a chance to amend it? No party in the history of the country has ever passed a revenue bill under the suspension of the rules."²

¹ ROGERS, *op. cit.*, pp. 184-186.

² *Ibid.*, p. 146.

ENFORCING THE RULES OF THE HOUSE.

The House of Representatives, engaged in the making of laws for the rest of us, has for years taken lightly one of its own enactments. There is a statute which forbids Congressmen their salary when not attending sessions. Our national legislators have always honored this law a thousand times more in breach than observance.

Last year, on August 25, the leaders suddenly decided that there was too much Congressional truancy. Perhaps they arrived at this decision because the public was beginning to take notice of no-quorum difficulties. At any rate, they started the time clock and arranged to check up members in the most effective way—no attendance, no salary. And they advertised far and wide this devotion to public business. That was a significant phase of the incident. Advertising is the life of politics. Had those politicians not desired advertising, they might have done no more than enforce the old law on the subject. Of course that could not have been done in such a way as to yield the coveted advertising, because publicity so founded would also have advertised the fact of their having so long ignored the law. Accordingly, with trumpets tuned high they passed a new resolution, which was as follows:

House Resolution 601

Resolved, That all leaves of absence heretofore granted to Members are hereby revoked.

Resolved further, That the Sergeant at Arms is hereby directed to notify all absent Members of the House by wire that their presence in the House of Representatives is required, and that they must return without delay to Washington.

Resolved further, That the Sergeant at Arms is directed to enforce the law requiring him to deduct from the salary of Members their daily compensation when they are absent for other cause than sickness of themselves and their families.

This was remarkable. It said to Congressmen, "You are neglecting your official duties; return to work and remain at your task; otherwise you will be arrested and brought back." It charged the makers of law with disrespect for and the breaking of law. It was an admission that leaves of absence had not been legally founded. In instructing the disbursing officer in this special exigency to enforce a law which had so long been disobeyed, it showed the necessity of at least a double enactment to validate a statute so far as the authors of it were concerned. It constituted a confession that a law affecting members was not to be taken seriously unless the House specifically, in a subsequent action, commanded its enforcement.

House Resolution No. 601 accomplished its purpose. . . . Many members hurriedly returned and stood around—in working clothes. It brought to Washington Congressmen who had been so persistently away that the doorkeepers hardly recognized them. Others did not return. Possibly they knew what the sequel was to be.

The advertising ended at this point. Subsequent developments lacked the spotlight. Only a careful searching of the records would disclose that on March 3, 1915, the last all-night session, with only a sleepy, worn-out few present, under suspension of the rules, without debate, this resolution was adopted:

House Joint Resolution 437

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Speaker be, and he is hereby, directed to certify for payment of the respective amounts heretofore deducted from the annual salaries of members of the House in obedience to H. Res. 601, agreed to August twenty-fifth, nineteen hundred and fourteen. And the Sergeant at Arms is directed to pay said Members the amounts so respectively certified.

This was the sequel of the small attempt to make members earn their salaries. The politicians, with blare of trumpets, had docked themselves, and then, with the lights of publicity turned off, quietly returned the money to their own pockets.

This refunding resolution was even more remarkable than its predecessor. The first resolution put temporary life into an unrepealed, but dormant and neglected statute. The second one, without repealing either, set aside not only the previous advertising resolution which had supplemented the law, but also the solemn statute itself.¹

Many of the items referred to in this section have been amusing. Most of them have occurred within the last twenty years. In recent years both the House of Representatives and the Senate have been severely criticized for their failure to take their duties more seriously and also for following in too docile a manner the requests of the President concerning "must" legislation. Mr. Roosevelt's domination of Congress was complete during his whole first term of office. Beginning with the defeat of his judicial reorganization proposals, Congress appears to have regained its voice and its interest in debate and argument over pending legislation.

It is impossible to separate the problems of Congress from those of the two other departments of the federal government. The questions confronting the legislators in both the national and the state bodies arise because of the rapid changes occurring in the economic and social life of America. Just how far Congress may go in enacting social legislation remains to be seen. It is not yet evident that the Supreme Court will permit the stringent federal control of commerce, manufacturing, and finance that the complex structure of American life today emphasizes. In the meantime a reading of the *Congressional Record* tends to support the contention of certain critics of American political practices who insist that 435 members of the House of Representatives and 96 Senators are too many individuals to permit efficient functioning of the

¹ HAINES, LYNN, *Your Congress*, National Voters League, 1915, pp. 13-15.

legislative branch of our government. However, little serious effort is being expended on improving legislative efficiency.

QUESTIONS AND TOPICS FOR DISCUSSION
AND STUDY

1. Compare the arguments for and against a bicameral and unicameral legislature.
2. It has been suggested that there be two coequal and independent legislative bodies—one dealing with legal and political problems only, the other with economic and social problems. This suggestion frankly accepts the situation now confronting our legislators as they face these conflicting and difficult problems. What do you think of the proposal?
3. Why did Congress fail to reapportion representatives to the states in 1921? What changes in representation occurred following the tardy reapportionment in 1931? Analyze the changed sectional representation resulting from the new apportionment.
4. What problems did the new representative reapportionment create in your state? Was redistricting of your state accomplished prior to the 1932 elections?
5. In our theory and practice of government whom does the representative in Congress represent? To what extent is he an advocate of local demands and the grievances of his constituents? In the 1932 election, every representative from Missouri was elected at large. By 1934, representatives were elected according to the redistricting based on the 1931 census. Should these representatives represent the state of Missouri, their local counties, or the country at large?
6. Occasionally opposite parties control the two houses of Congress. Sometimes the President is of the minority party, especially in the last two years of his administration. How might this situation be remedied?
7. What is a lobby? Are its functions legitimate in a democracy? What are some of the methods whereby the lobbyists attain their ends? What remedies should you suggest? (It is suggested that the student study and report on a particular lobby, such as the "power" lobby in 1935.)
8. List the standing committees of each of the houses of Congress. Chairmanship of these committees is generally determined by the seniority rule. Is this the most logical way to select the most efficient and learned chairman? What changes do you suggest?
9. Who is the present floor leader in Congress? What are his prerogatives? On what basis is he selected?
10. What was the "lame duck" session of Congress? How do you account for this institution's long survival in our governmental system and practice in spite of the continued criticism leveled against it for many years?
11. How can the electorate reassure itself concerning the independence and integrity of Congress?

TERMS

bicameral
parliament
House of Commons
House of Lords
Second Chamber
syndicalism
unanimous
constituent

electoral
executive
judicial
impeachment
legislative
speaker
decennial

SUGGESTED READING

- ALEXANDER, D. S. *History and Procedure of the House of Representatives*. Houghton Mifflin Company, 1916. The title gives a clue as to the content. Old but still interesting.
- BEARD, C. A. *American Government and Politics*. The Macmillan Company, 1931. Chapters VI and VII present materials that will supplement the discussion in this chapter on congress.
- BRYCE, JAMES. *The American Commonwealth*, 4th ed. The Macmillan Company, 1910. Even though this book was written many years ago, the interpretation of American institutions by Bryce continues to be illuminating. See Chaps. I through XX, vol. 1.
- FORD, H. J. *Representative Government*. Henry Holt & Company, 1924. An interesting, clear-cut presentation of the structure and problems of representative government.
- LASKI, H. J. *Grammar of Politics*. Yale University Press, 1925. See pp. 80-88 and 308-340. Professor Laski's comments and interpretations are always cogent.
- LODGE, H. C. *The Senate of the United States*. Charles Scribner's Sons, 1921. A description and discussion of the Senate by one of its most illustrious recent members.
- ORTH, S. P., and CUSHMAN, R. E. *American National Government*. F. S. Crofts & Company, 1931. Chapters XIV and XV present data, interpretations, and historical facts concerning Congress which will help the student to understand the legislative process.
- ROGERS, LINDSAY. *The American Senate*. F. S. Croft & Company, 1931. Probably the best single volume yet published on the Senate. A scholarly, critical, and interesting book.

Part IV · *International Problems*

Chapter XXI

International Insecurity —
Peace or War?



At the conclusion of the World War in 1918 it seemed relatively safe to assume that the peoples and nations of the world would turn their attention definitely toward the building of a lasting peace. Optimism reigned in the hearts of the masses as they heard discussed the values inherent in the League of Nations and the Permanent Court of International Justice and saw delegates to numerous international conferences gather in Europe to discuss the implementation of peace. But the peace movements seem to have dwindled to relative impotence, and the world breathes the atmosphere of a prewar era once more. More attention is being devoted to national defense plans. Larger appropriations are directed into the channels of military preparedness.

The sorry status of the peace movement is indicated by the collapse of the naval limitations conference at Geneva and London, Japan's haughty refusal to countenance any longer the Washington Treaty of Naval Limitations and her insistence upon equality of naval units with England and the United States, Italy's high-handed conquest of Ethiopia, Germany's successful military occupation and annexation of Austria, the Spanish civil war, and the current Japanese invasion of China. Everywhere there is feverish haste in building up armaments. The United States, not to be found laggard in the international armament race, records annual peace-time appropriations for defense that dwarf previous military and naval appropriations. In 1934, with but slight criticism from peace adherents, President Roosevelt was able to authorize by executive order the transfer of 200 million dollars of P.W.A. funds toward naval construction. England is engaged in a rearmament program that calls for the expenditure of more than 7½ billion dollars within five years.

In this chapter attention is directed to certain important factors in the international scene. Most of this chapter deals with the problem

of peace and war. It need hardly be argued that the most important problem confronting the peoples of the world today is the one of achieving and keeping the peace. Without the stability of international relationships that peace affords, there can be but slight hope of solving many of the more local social problems. As regards the problems that have been discussed in this book, this is as true within the United States as it is of other nations. Hence, the discussion presents certain attitudes that are favorable to war as an agency of social progress as well as selected arguments of those who have lost faith in war as an instrument of social worth. The question of defending the *status quo* is raised, and the constantly inflammable sentiments of nationalism and patriotism are analyzed briefly. Some of the causes of war are listed. Costs of war are briefly presented. Finally, the problem of controlling the forces making for international disaster are considered along with the alternatives to peace. Conflicting theories and philosophies of government are briefly analyzed. At the same time the dilemma of peace and the problems coincident with peaceful international relations are brought into the discussion.

Probably no problem is more difficult to discuss in a coolly detached spirit than that of war. It is easier to take sides in the argument for or against war than to study dispassionately the problems involved. Even though such is the case, the student is invited to exhibit an objective attitude in the study of this problem so as to arrive at an intelligent point of view for himself.

THE CONFERENCE METHOD IN INTERNATIONAL RELATIONS

There is sometimes a tendency to ascribe to the international conference characteristics that do not belong to it and to expect results of it that in the nature of things cannot be realized. For instance, the work of an international conference is sometimes spoken of as international "legislation." This is a misuse of the term legislation. A multilateral treaty concluded by a conference is legislation in the sense that it becomes a part of international law and is legally binding upon the states that have made themselves parties to the agreement. But the procedure of an international conference is diplomatic rather than legislative in character. When a bill is passed by a majority of the representatives in the Congress of the United States and signed by the President, it becomes a law binding upon even those states whose representatives voted against the bill. That the action of a representative body, by whatever majority designated by the Constitution, is binding upon all the people represented is an essential characteristic of the legislative process. This condition is not met in the work of an international conference. Before

a multilateral treaty or a convention can be held to be binding upon a nation, it must be expressly ratified, according to the procedure laid down in the Constitution of the state.

There is a definite limit upon the value of the nonperiodic conference. An international conference is not easily called together. The date, place, membership, and agenda must all be agreed upon in advance. The preliminary discussion is likely to center around the agenda. States insist, before they are willing to enter a conference, that everything to be discussed be clearly stated in the agenda. Nothing else can be talked about. Also, it is becoming the practice, before any conference meets, for each state to have a draft proposed or an expression of views from every other state on each of the items on the agenda. Calling a conference is, then, no easy task and takes considerable time. Two years passed after President Theodore Roosevelt initiated the Second Hague Conference before it finally met. There were four months of preliminary negotiation before the meeting of the Washington Conference in 1921. The preliminary work for the Conference for the Codification of International Law of 1929 and the drawing up of draft proposals for the subjects to be discussed continued for five years before the conference assembled. Recent conferences such as the London Monetary Conference and the Buenos Aires Conference required much preparatory work before they convened.

In the following paragraphs Raymond Fosdick speaks of the success of the periodic conference. It should be noted that the success of the special conference since the World War has in large measure been dependent upon the permanent machinery in existence at Geneva.

. . . the League has promoted a steady succession of conferences and committee meetings to deal with a great variety of problems, such as the standardization of international statistics, the suppression of the international traffic in opium, the unification of standards of antitoxic serums, the feeding of Russian refugees, the return of prisoners of war, the reduction of armaments, the private manufacture of arms, the deportation of women and children in Asia Minor, the abuses of double taxation, and a score of other topics which represent the legitimate concern not of one nation, but of the family of nations.

In brief, the spasmodic employment before 1914 of the conference method of handling international interests has given way to a general acceptance of this new technique. What we did in 1787 in broadening and regularizing the scope of social contact in our own country is now being done on a far wider scale.¹

RESULTS OF THE BUENOS AIRES CONFERENCE.

The Buenos Aires meeting was one of a succession of inter-American Conferences which have been, for nearly fifty years, a factor of ever-growing importance

¹ FOSDICK, RAYMOND B., *The Old Savage in the New Civilization*, Doubleday, Doran & Company, Inc., 1928, pp. 209-210.

in the international life of the Western Hemisphere. There were, however, two features of outstanding importance which distinguished it from its predecessors and invested it with the character of a really extraordinary occasion. The first of these was the subject-matter of the Conference itself, its all-embracing concentration upon the problem of safeguarding the maintenance of peace. The second was the dismal world setting in which the representatives of the American Republics assembled for their arduous and momentous labors. . . .

Three main premises were accepted by all. The first was that the American Hemisphere has a distinct and peculiar contribution to make, because no nation in it is driven by any compulsion or professes any right to threaten the peace of its neighbors. The second was that the only safety for all nations is loyal acceptance of a rule of law under which the integrity of every country, large or small, will be assured. The third was that renunciation of war and other similar declarations must be implemented by a method of action which can set into operation almost instantaneously the cooperative effort of the Hemisphere in the direction of pacific settlements. . . .

In a world in which cynics scoff at all efforts to banish war, the twenty-one American Republics have resolutely declared their determination to keep alive the spirit of peace. They have affirmed their trust in each other and their faith in the sacredness of treaty obligations. At Buenos Aires there was no cynical dismissal of the idea that a nation's pledged word is a valid obligation. There was a determination among these nations that their relations with each other should be conducted on the basis of friendly cooperation, of law and justice, and not by the rule of force. . . .

I cannot believe that it is beyond the power of the statesmen of today to check and reverse the drift toward international anarchy, in the direction of which some parts of the world find themselves moving. The work of the recent Conference proves, in my judgment, that no part of the world needs to reconcile itself fatalistically to the inevitability of war. Upon the same basic principles that were implemented at Buenos Aires, the entire world can—and, I hope with all my heart, *will*—build a structure of enduring peace.¹

THE WORLD COURT

In January, 1926, the Senate passed a resolution providing for the adherence of the United States to the World Court, with five reservations, or conditions, which were enumerated. These reservations had, of course, to be accepted or rejected by the other nations who were already members of the Court. The first four reservations were accepted, but the fifth was not. The fifth reservation provided that the Court should not, without the consent of the United States, entertain any request for an advisory opinion touching any dispute or question in which the United States has, or claims, an interest. The nations were afraid that such a reservation might hamper the work of the Council and prejudice

¹ HULL, CORDELL, *The Results and Significance of the Buenos Aires Conference*, in special supplement to *Foreign Affairs*, vol. 15, April, 1937.

the rights of members of the League. The word "claims" was the stumbling block. The Council is given the right to ask of the Court advisory opinions for the guidance of the League. The United States is, of course, not a member of the League. Therefore, the United States would have no voice in the submission of an advisory opinion to the Court. On the other hand the other nations were not willing to give the United States a position of special privilege. A second obstacle to our becoming a member of the Court was the Senate resolution providing that recourse to the Court could be had only by agreement through general or special treaties concluded between the parties in dispute. It was an evidence of the determination of the Senate to have a definite voice in the control of foreign affairs. Without being a member of the Court at all, the United States can submit or respond to a suit by a simple action of the President. But if we entered the Court on this condition, we could not submit a case without getting a two-thirds vote of the Senate. The United States would be further away from the Court than at present.¹

The jurisdiction of the Permanent Court is of two kinds, "voluntary" and "compulsory." It is "voluntary" when two states, having a dispute which they cannot settle, agree to refer it to the Court. In such a case each side presents its case to the Court which calls for evidence, hears arguments in public sessions, and renders its decision after deliberating in private. Its "compulsory" jurisdiction arises when states in treaties duly made have agreed to submit to the Court differences arising under such treaties, or when states have signed the "Optional Clause" attached to the protocol adopting the Statute of the Court. This clause pledges the states accepting it to hold "as compulsory, *ipso facto* and without special Convention," the jurisdiction of the Court in matters relating to the breaking of treaties, and the infraction of international law and international obligations. In cases of "compulsory" jurisdiction one state can summon another to appear before the Court for trial and if the state so summoned fails to respond the Court can give judgment by default. Here, as in "voluntary" jurisdiction, the Court views written statements from each side, hears evidence and arguments in public sessions, and deliberates in private. In the Peace Treaties made at the end of the World War are mentioned some specific cases which must be referred to the Court.

It is also the function of the Permanent Court to give advisory opinions at the request of the Council or the Assembly. In such a case it takes steps to obtain all the significant facts that each can offer and to give due consideration to the terms of treaties affected and to the rules of international law that are pertinent.²

¹ Cf. BASSETT, J. S., *The League of Nations*, Longmans, Green & Company, 1928, pp. 360-363.

² *Ibid.*, p. 13. In January, 1935, the United States Senate voted down a plan that would have made possible United States' membership in the Permanent Court of International Justice. Thus, we are as far from the Court as we were in 1926.

An effective international court is absolutely essential to the maintenance of peace. The failure of the United States to participate in such a court places heavy handicap upon it, whereas our full co-operation would help greatly to insure its successful operation. A total of 47 nations have already signed the protocol of the World Court, including all major powers except Russia, Germany and the United States. Those persons who are opposed to the entrance of the United States into the World Court advance four main arguments: (1) it is unnecessary since we already have a Hague Tribunal; (2) it is dependent upon the League of Nations; (3) it does not have compulsory jurisdiction; (4) it does not provide for the outlawry of war. . . .

Concerning the fourth objection, the failure to provide for the legal outlawry of war as a crime is a very serious one and must be remedied if permanent peace is to be assured. The question arises, however, as to how war is to be outlawed. Such an international agreement cannot permanently be effective without a World Court. "War cannot be outlawed by proclamation," says Mr. Root, "or by resolution, or by mere agreement, or by mere force. War can be outlawed only by arraying the moral force of the civilized world in support of definite rules of conduct which exclude war, and by giving to that moral force institutions through which that force may be applied to specific cases of attempted violation." Is it easier to create an entirely new court or to change and strengthen the one which has already been accepted by 47 nations?¹

THE PERMANENT COURT OF INTERNATIONAL JUSTICE.

We have in the world of our day a Permanent Court of International Justice, established at the Hague, competent and able to decide any and every dispute which may be presented to it. And if we bear in mind the opinion of Mr. Justice Baldwin speaking on behalf of the Supreme Court of the United States, that the agreement of nations to submit a dispute between them to this court makes of the political a judicial question, there is no limit to the controversies arising between the nations which may be submitted and decided by that tribunal, and, therefore, no limit to the beneficence of the present Permanent Court of International Justice. . . .

I submit that the way to bring about a peaceful settlement of the great troubles, trials and disputes in Europe is, if I may be bold enough to say so (although it is doubtless immodest on the part of an American) to take a second leaf from the American book of experience, which, in this case, is nothing more nor less than the organization of Europe—and I speak solely of Continental Europe—upon the basis of a formal recognition of the territorial integrity, and of the political independence of each of the European states, by the European states themselves—a protection of Europe, by Europe, for Europe, and through European agencies, after the model of these thirteen states of ours now numbering forty-eight, in which, because of the guaranty of their territorial integrity, and of the protection of their governments from dangers within and without, all controversies arising between and among them can be and are settled by due process

¹ EDDY, SHERWOOD, and PAGE, KIRBY, *The Abolition of War*, Harper & Brothers, 1924, p. 61.

of law, in the Supreme Court of the States, according to principles of justice obtaining between and among the individuals composing each of the states of the Union. It is a solution which has been tried, has given peace, justice and prosperity for more than a hundred and thirty-six years, and the day of the American Union and of the American experiment is not yet run.

Therefore, instead of counting up the number of ships which the seaboard states of Europe may possess, or the units of arms which they may properly keep, or the aircraft which they may make and use, I would venture to call attention to the fact that the American experiment of judicial settlement which the world is now trying can, I believe, only be successful in the long run if it be accompanied by a guaranty of the territorial integrity of the states of Europe, the protection of the states of Europe by common opinion and public sentiment, and, if need be, by the combined force of Europe itself. The limitation of armament, and much more so, disarmament, is, in my opinion, a consequence of, not a condition precedent to, organization.¹

It is doubtful whether many informed persons today would take such an optimistic view of the problem of guaranteeing the territorial integrity of European or Asiatic states. The experience of Manchuria and Ethiopia are still too vivid in the minds of the people to give them ground for supporting any thesis based on the assumed territorial integrity of small countries. The current civil war in Spain with its mercenary recruits from various nations of Europe is another obstacle to the acceptance of faith in territorial integrity of a nation.

But if the problem of international insecurity is ever to be successfully solved, what more rational starting point can be devised than the principle of territorial integrity of existing states? Without that assurance no nation can be expected to place credence on the labored efforts of those who seek to avoid wars through international organization for peace.

THE LEAGUE OF NATIONS

A traditional policy of the United States is that of isolation. It originated in certain geographical and political factors, which were taken into account by Washington and Jefferson in their warnings against alliances. President Washington, in his Farewell Address, warned his countrymen against the dangers of permanent alliances, although he made an exception of temporary alliances for specific purposes. Jefferson also spoke of the dangers to the country from "entangling alliances." The factors that caused those famous statesmen thus to outline a foreign policy for the United States were, as has been said, both political and geographic.

The most important political factor was stated in the words of Washington as follows: "Europe has a set of primary interests" peculiarly

¹ SCOTT, J., Disarmament through International Organization, *Annals of the American Academy of Political and Social Science*, vol. 126, pp. 148-150.

her own with which we can have no concern. The United States in Washington's day was an experiment in democracy with which the monarchical governments of Europe had no sympathy and which they would crush if they could. At that time the part of wisdom was to keep aloof from Europe and give as little cause for offense as possible. The geographical factors were our distance from Europe and the great potential economic resources of the American continent. We were not within easy reach of the armies of Europe, and the great variety and wealth of natural resources made for our economic independence.

The policy of isolation was the only policy possible at that time. With the exception of the first French treaty, the United States never concluded a defensive or an offensive alliance with any nation. Detached from Europe the country prospered and grew powerful.

Are the social, political, and economic conditions similar today? They are, of course, different in many respects. Except for Italy, Germany, Russia, and some of the Balkan states, Europe is no longer particularly prejudiced against the democratic form of government. Some of the governments of Europe are at least as democratic as that of the United States. Other forms of government have also fallen under suspicion. Neither does the United States any longer have a detached and distant position in economic and social life. Space has been lessened by steam and electricity, by the cable, by wireless telegraphy and the radio. Modern economic interdependence means that industry in America depends upon industry in every part of the world. There are intimate commercial, financial, and social relations.

What has this to do with the question of the relation of the United States to the League of Nations? It means that the United States can no longer be isolated in the old sense, because conditions of life all around the world and daily events in Asia and Europe affect the welfare of the United States. Does this mean that the United States should become a member of the League of Nations? There is no agreement in the United States upon this question. Each student must examine the structure and methods of the League.

The League is an international fact. But it is not a supergovernment or a military agency enforcing its decisions against states by means of troops and battleships. Instead, representatives from forty to fifty nations meet together, or a smaller number in the Council, and talking across a table contribute varied points of view on the problems under discussion. Representatives of nations consider together in the Assembly Hall, or at a friendly dinner, the details of some new understanding. It is a far different method from the old diplomacy with its foreign-office routine and the formal diplomatic note. It is a new technique. Representatives of small powers often do not hesitate in open meeting to

challenge the Great Powers with unethical conduct and to demand explanations from their representatives. Secret understandings are more difficult, and the weaker powers can shout their grievances to the ends of the world. Aggression is harder to explain in open conference. All treaties must be published, or else they are invalid. During a portion of the period between 1921 and 1930 the League functioned in a manner satisfactory at least to its friends. More recently the old diplomacy of secret agreements in support of the *status quo* seems to have replaced international cooperation through the League of Nations.

The new conference method is intended to develop public opinion. Moral force is almost the sole sanction of the League. The procedure is a means intended to focus public opinion upon the particular difficulties as they arise. The small as well as the large states present their points of view. The disinterested as well as the interested are present. The latter fact is important because states less intimately concerned in a dispute, such as is usually the case with Switzerland and Sweden, have avoided many difficulties by suggesting remedies or solutions not seen by the principals because of their preoccupation as parties to the dispute. Another effect comes from the introduction of the technical expert into international negotiation. The League committees are composed of outstanding economic, social, military, legal, and other specialists. They inquire into the facts, and their advice is sought by statesmen. Since the World War, for the first time in the history of the world, scientific study has been applied to the problems of international relations.

The cooperative functions of the League will probably continue to become more important. Its most important work in the future may lie in this direction. It may be less important that the number of signatories of the League Covenant increase than that the membership of the League become universal in respect to those cooperative functions.

THE PLACE OF THE LEAGUE IN WORLD AFFAIRS.

The League of Nations was born of sheer necessity. If the catastrophe of 1914 had not brought it into existence, sooner or later it would have come by other means. If this league fails, another league is inevitable. The organization at Geneva sprang from that definite sense of the interdependence of modern nations, which was growing before the war and which was sharpened into keen anxiety by that tragic experience.¹

When the various nations have developed their internal efficiencies, renounced commerce of pressure and violence, and prepared themselves by organization and change of acquisitive spirit for commodity exchange as mutuality of benefit, then the League of Nations can be developed into a cooperative organ for building something approximating "a world order," and facilitating the appropriate

¹ FOSDICK, *op. cit.*, p. 206.

international transactions. Until then the United States will have a care for its interests conceived as security and commonweal.¹

During recent years the League of Nations has lost caste. Its failure to intervene successfully in the Japanese invasion and domination of Manchuria, its unheeded verdict on Japanese bombing of Shanghai, its halting imposition of sanctions on Italy during the Ethiopian war, its current inability to interpret the Spanish civil war have combined to reduce its esteem in world opinion. The resignation of Japan, Italy, and Germany from the League has greatly undermined the faith of the peoples of the world in international cooperation. It is, however, too early to count the idea and ideal of the League of Nations out of the efforts of nations to establish orderly procedure for the settlement of international disputes.

THE PROBLEMS OF WAR AND PEACE

In order to avoid confusion it is well to remember that the term "war" is used in more than one sense. It is applied to describe acts of hostility between nations, such as bombings and invasion of the territory of another country by armed forces of a foreign nation, without the formality of a declaration of war. As an example of this type of war we may refer to the Japanese invasion of China and Manchuria without a formal declaration of war. The term war is also used to describe the legal state of war, preceded by a formally stated declaration. The nations that still go through the formality of declaring a war against another nation thereby serve notice of their intention of despoiling the enemy, but they hold to the old idea of chivalry by giving him some warning and a challenge to defend his territory before it is invaded. It is thus seen that acts of war may be committed by one government against another without a declaration of warlike intention.

Emil Ludwig, in his chapter on "War and Peace" in *Whither Mankind?* gives seven arguments for war:

1. The biological argument: Man and all animals have a fighting instinct and the survival of the fittest is the first law of nature. Sloth would result from cooperation and a vigorous race necessitates the letting of blood.

2. Expansion: Territory, new provinces, more people may be added to a realm by war. Or, at least this has been true in the past, and has been responsible for many of the wars of history. A ruler or royal House increased his prestige because of such wars. It was claimed that culture and commerce profited.

3. The progress of industry in the victorious country: The winning nation would force concessions; would secure a greater share of the world's trade. A

¹ BEARD, CHARLES A., *The Open Door at Home*, The Macmillan Company, 1934, p. 274.

monopoly of resources; coal, petroleum or money would be established through conquest. The owners of steel mills and the powder magnates wanted war in order that they might grow wealthy manufacturing shells and battleships.

4. The splendor of heroic death: The highest honor was often paid to the youth who risked his life to win personal renown. The satisfaction of having been a soldier. The development of greater personal resources to contend against calamities.

5. Nationalism—Love of the Fatherland: Nationalism and patriotism mean only a proper pride in the nation. The individuals of a nation praised their common stock and spoke of their duty to impose their culture upon what were presumably less advanced peoples.

6. The Cultural Argument: The hope of restoring the common tongue by a military victory recovering or developing the culture peculiar to a particular people.

7. "National Honor": When the collective honor of a people is violated by an insult, it is necessary that the insult be avenged and the honor of the state be protected by war.¹

The struggle for existence is, in the life of Nature, the basis of all healthy development. All existing things show themselves to be the result of contesting forces. So in the life of man the struggle is not merely the destructive, but the life-giving principle. "To supplant or to be supplanted is the essence of life," says Goethe, and the strong life gains the upper hand. The law of the stronger holds good everywhere. Those forms survive which are able to procure themselves the most favourable conditions of life, and to assert themselves in the universal economy of Nature. The weaker succumb. This struggle is regulated and restrained by the unconscious sway of biological laws and by the interplay of opposite forces. In the plant world and the animal world this process is worked out in unconscious tragedy. In the human race it is consciously carried out, and regulated by social ordinances. . . . "The internal development, the intrasocial struggle, is man's daily work—the struggle of thoughts, feelings, wishes, sciences, activities. The outward development, the supersocial struggle, is the sanguinary struggle of nations—war. In what does the creative power of this struggle consist? In growth and decay, in the victory of the one factor and in the defeat of the other! This struggle is a creator, since it eliminates." (NOTE: Clauss Wagner, "Der Krieg als schaffendes Weltprinzip.")²

In the military service as in no other walk of life there is that sense of duty to the community. The spirit of *get* is subordinate to the spirit of *give*. The average citizen thinks of his country in terms of what he can get from it. The soldier thinks of his country in terms of what he can give it. There is need in the world for more of the spirit of service and cooperation for a greater respect for the rights of others, for a higher sense of civic responsibility. These are the natural outgrowths of that discipline which war demands and which is the product of

¹ BEARD, CHARLES A., *Whither Mankind?* Longmans, Green & Company, 1928. Adapted from chapter "War and Peace" by Emil Ludwig, pp. 165-174.

² BERNHARDI, F. A. J. VON, *Germany and the Next War*, Longmans, Green & Company, 1914, pp. 18-19.

military training. Abolish war, and the greatest school of unselfish citizenship is lost to the world.

Can the world afford to do without this heroic school from which its sons are graduated into the noblest manhood? Can the world afford to eliminate those exalting courses in loyal citizenship which develop "particularly the qualities of discipline, of self-control, and of decision which are at the base of all success in human activity?"

The legitimate object of war is more nearly perfect peace. War, not the abolition of war, is the condition precedent to perfection. When the world has attained perfection in peace, then, but not before, can the world afford to outlaw war. Until that perfection is attained, war will and should remain, not as a curse, but as one of the most effective agents for the advancement of mankind.¹

In the first place a sharp distinction should be made between fundamental causes and excuses for war. The latter may be a single event which touches off what is otherwise inevitable. The accidental sinking of a ship, the murder of an archduke, or the question (in 1853) of whether the Latin monks in Palestine should have one of the keys of the door of the sacred manger in the Church of Bethlehem may each have been the excuse for a war, but the real causes have lain deeper in national rivalries, excessive armaments, national destiny, or imperialistic ambitions, for example the expansion of landlocked Russia in the case of the Crimean War in 1854. The fundamental causes may then be grouped as economic, political, social, and psychological.

Some of these causes of war will be discussed in the following readings. There is no consensus of opinion as to which is the most important contributing cause. Some believe fear (psychological) to be the cause of most war. Other writers maintain that economic imperialism has been the most fruitful cause of war in the modern world. Social maladjustment (as, for instance, overpopulation) is often pointed out as a cause. Still other writers assert that overarmament (probably to be classified as political) is the real cause of modern war. If nations did not have their arms, they could not fight. It is probable that in truth all of these causes may operate to bring about war, some being of greater importance at one time than another. For instance, great nations must be supplied with raw products from countries rich in natural resources, or their machines slow down. They have been willing to go to war to obtain these natural resources. Private profit from armament may also be a motive for urging war. For instance, the United States from 1906 to 1914 paid \$440 per ton for armor plate, which, it is said, could have been manufactured for \$279. At any rate, late in 1914, Bethlehem steel shares, which had fluctuated around \$10, sold for \$36. By October, 1915, they had gone to \$500. More recently the Senate investigation

¹ HILMAN, G. W., JR., *The Moral Value of War*, *Forum*, July, 1925, pp. 54-55.

of the munitions industry has unearthed amazing figures on profits for all manufacturers of armaments.

It is probable that if the economic factor as a cause of war is without permanent basis, it can be controlled through organizations and institutions. If it is inherent, it will nullify the efficiency of the League of Nations or other machinery set up for a like purpose. Perhaps, as some contend, war is inherent in an economic system based upon the goal of private profit. If such is the case, a changed attitude of mind toward economic aims will probably be necessary before war can be eliminated from national policy.

To-day the greatest menace to peace is, I believe, fear. It was at least one of the causes of the World War, if not the principal cause. Since the Armistice, fear has been the great obstacle to world peace. Without fear, disarmament and peace could be easily realized. No nation fears any military aggression upon the part of the United States. When no nation shall fear aggression by any other nation, then indeed shall we approach the fulfillment of the Prophecy of Isaiah, when he said, "And He shall judge among the Nations and shall rebuke many peoples and they shall beat their swords into plough shares, and their spears into pruning hooks, nation shall not lift up sword against nation, neither shall they learn war any more."

Another cause of war is the spirit of conquest, of thirst for power. An illustration of this is the belief upon the part of many people that the present government of Italy has ambitions to extend her territory to restore the Roman Empire to all of the glory and power it had many centuries ago. Fortunately civilization has so far progressed, and moral standards have been so elevated, that there is little danger of this being a serious menace in the future. Modern warfare is far more destructive and expensive than ever before. Democracy is much more powerful than ever before. One great lesson taught by the World War will not soon be forgotten, and that is that from a material standpoint, no one wins in a great war. The United States is commonly said by Europe to be the only nation that profited by the war, but we would have been much better off to-day had it never occurred. Our twenty billion dollars of internal indebtedness, and our war taxes, our loss of lives, our crippled soldiers, our heavy pension and compensation rolls, all proclaim loudly that the war was not profitable to us.

In Europe, Germany was beaten, her colonies were taken away, her naval fleet was sunk, her people, impoverished to the point of starvation, and yet I shall not be surprised if ten years from now Germany is the most prosperous nation in Europe.

Another cause of war is misunderstanding between nations, growing out of honest disputes, but eventually leading to distrust, suspicion and finally hatred, which so often precede war. It is this cause particularly that we may confidently expect the World Court to deal with effectually, once the popular sentiment of the different nations is strong enough to compel those in authority in all proper cases to resort to it.¹

¹ LENROOT, HON. IRVINE L., *Disarmament and the Present Outlook for Peace, Annals of the American Academy of Political and Social Science*, vol. 126, p. 142.

The primitive negro who first beholds a white man shrinks back from the stranger in religious fear. A long time passes before he discovers that this demigod dies of thirst without water, is hungry if there be no game to eat; that red blood flows from his wounds, which are painful to him also; and that his children are born and suckled in the family pickaninny manner. The fact that certain people wear bear skins, eat blubber, and live in snow huts, keeps them worlds apart from the Hindu who chews almonds and washes himself and his breech-cloth daily in the stream. And yet the mysterious mechanism of their bodies, so much more wisely and complexly constructed than all houses and machines, functions in both in the same manner and living energy radiates in the same waves through both organisms.

The great thinkers, teachers of wisdom to mankind, know this well because their thoughts went back to the fundamentals of our existence and did not rest content with the particular customs and beliefs of their own peoples. Confucius and Buddha, Socrates and Jesus, Francis of Assisi, Spinoza, Voltaire, addressed their words to a being who must breathe, eat, drink, and die; who can feel, dream, think, and invent; who desires, suffers, and enjoys; and who is at home everywhere on this round earth which we shall soon encircle with ships that ride the air. Here we have the word, which, more than all the wisdom of philosophers, will girdle all the earth, building one common society in which men like unto one another will dwell:—the word *velocitas*, which means speed, is the word to which our century hearkens.¹

. . . in *The Great Illusion* Norman Angell attempts to show that the belief that economic prosperity depends on national power “belongs to a stage of development out of which we have passed; that the commerce and industry of a people no longer depend upon the expansion of its political frontiers; that a nation’s political and economic frontiers do not now necessarily coincide; that military power is socially and economically futile, and can have no relation to the prosperity of the people exercising it, that it is impossible for one nation to seize by force the wealth or trade of another—to enrich itself by subjugating, or imposing its will by force on another; that, in short, war, even when victorious, can no longer achieve those aims for which peoples strive.” Since 1918, Angell has been able to say, “I told you so”; and in spite of the business opportunities in national tariffs and in colonies, a vast number of business men, the much-abused “international bankers” at the head, have come to feel that in economic cooperation, rather than in rivalry, lies the greatest prosperity. Indeed, to many the League of Nations has become a commercial ideal, in which investors of all nations can cooperate in brotherly fashion in exploiting the “backward portions of the globe.”²

PATRIOTISM

It was the Reformation that brought the first signs of patriotism to the surface in Germany; the Hussite wars were, perhaps, the first great nationalist movement. After England had developed a national consciousness during the

¹ BEARD, *Whither Mankind?* Ludwig, “War and Peace,” p. 180.

² RANDALL, *op. cit.*, p. 634.

Middle Ages, France, Spain, and other national powers came into being. Under Napoleon, who occasionally united several nations in one regiment, there existed momentarily something like a sentiment of a European fatherland. But after the nineteenth century had opened, Europe grew more and more divided. The Greek nation freed itself from the Turks, the Italians threw off the Austrian yoke, the Belgians parted from the Dutch, the Scandinavian peoples went their separate ways, and the Balkan nations discovered themselves. National states organized themselves everywhere, and most of them became permanent.¹

Whatever its origin and its ultimate value, patriotism is beyond doubt the most widespread social ideal of the day; it is the modern religion, far stronger than mere Christianity in any of its forms, and to its tribal gods men give supreme allegiance. Nationalism is almost the one idea for which masses of men will still die. Commercial and industrial expansion afford it large scope, but it is in war, in devotion to military glory and heroism, that it finds its chief rituals. Nationalism has been taught in schools, emphasized in newspaper, magazine, and book, and preached and mocked and sung into men, until to fail to feel the sweeping force of its appeal is to fail to belong to the modern world, to be an outlaw and a wanderer upon the face of the earth, that dreadful thing, a man without a country. Necessarily, so mighty a force enshrines priceless values; yet its present prostitution to unworthy and ignoble ends seems to many to counterbalance whatever of good it may include.²

In 1838 William Lloyd Garrison formulated a declaration of such principles:

We cannot acknowledge allegiance to any human government. We recognize but one King and Law-giver, one Judge and Ruler of mankind. Our country is the world, our countrymen are all mankind. We love the land of our nativity only as we love all other lands. The interests, rights, and liberties of American citizens are no more dear to us than are those of the whole human race. Hence we can allow no appeal to patriotism to revenge any national insult or injury. We register our testimony, not only against all wars, whether offensive or defensive, but all preparations for war; against every naval ship, every arsenal, every fortification; against the militia system and a standing army; against all military chieftains and soldiers; against all monuments commemorative of victory over a foreign foe, all trophies won in battle, all celebrations in honor of military or naval exploits; against all appropriations for the defense of a nation by force and arms on the part of any legislative body; against every edict of government, requiring of its subjects military advice. Hence, we deem it unlawful to bear arms, or to hold a military office.³

In the last generation the outstanding apostle of this pacifism was the Christian Tolstoi.

¹ BEARD, *Whither Mankind?* Ludwig, "War and Peace," p. 170.

² RANDALL, J. H., JR., *The Making of the Modern Mind*, Houghton Mifflin Company, 1926, p. 630.

³ GARRISON, WILLIAM LLOYD, Declaration of Sentiments, adopted by the Peace Convention held in Boston, 1838.

Patriotism cannot be good. . . . If patriotism is good, then Christianity, which gives peace, is an idle dream, and the sooner this teaching is eradicated, the better. But if Christianity really gives peace, and we really want peace, patriotism is a survival from barbarous times, which must not only be evoked and educated, as we now do, but which must be eradicated by all means, by means of preaching, persuasion, contempt, and ridicule. If Christianity is the truth, and we wish to live in peace, we must not only have no sympathy for the power of our country, but must even rejoice in its weakening, and contribute to it. A Russian must rejoice when Poland, the Baltic provinces, Finland, Armenia, are separated from Russia and made free; and an Englishman must similarly rejoice in relation to Ireland, Australia, India, and the other colonies and cooperate in it; because, the greater the country, the more evil and cruel is its patriotism, and the greater is the amount of the suffering on which its power is based. And so, if we actually want to be what we profess, we must not, as we do now, wish for the increase of our country, but wish for its diminution and weakening, and contribute to it with all our means. And thus must we educate the younger generations.¹

Patriotism is based upon the personification of the nation-state. It is a sentimental devotion. It is commonly associated with war because it is greatly intensified during hostilities. Many American citizens seem to consider patriotism the singing of national hymns, setting off firecrackers on the Fourth of July, and saluting the flag, and they think that the true patriot is one who has died on the battlefield. Monuments are built to soldiers but scarcely ever to a man who was a martyr because of his love of humanity.

In reaction to this kind of patriotism Tolstoi asserted that patriotism cannot be good. Goethe wrote that, "Patriotism as well as knightly conduct is now as much out of date as chivalry and priestcraft." It is charged that the spirit of a nation cannot be conscious of injury and that there cannot be honor of a collective body. It is not the nation, but popular orators and chauvinistic newspapers that assert the insult and demand revenge.

But patriotism in this popular sense is not true patriotism. Delight in cheering for one side, for one tribe, for one nation may be the result of a desire to contribute the peculiar and legitimate advantages of a nation to the benefit of mankind. There is no reason why love of one's country should interfere with devotion to humanity. A man's love for his home may be the most helpful asset to the community. What is needed is a new patriotism, a heroism of service and not of destruction. Differences of nationality founded upon race and habitat probably will always exist. Variety always lends pleasure, and it is to be hoped that they will continue. Traditions of virtue and of necessity need not be

¹ Tolstoi, Leo, letter to Manson, 1896, quoted by Randall, *op. cit.*, pp. 636-637.

supplanted, but ignorance and bigotry may gradually be displaced. They have no place in a new and better patriotism.

The chief material use of the patriotic bent in modern populations, therefore, appears to be its use to a limited class of persons engaged in foreign trade, or in business that comes in competition with foreign industry. It serves their private gain by lending effectual countenance to such restraint of international trade as would not be tolerated within the national domain. In so doing it has also the secondary and more sinister effect of dividing the nations on lines of rivalry and setting up irreconcilable claims and ambitions, of no material value but of far-reaching effect in the way of provocation to further international estrangement and eventual breach of the peace.

Into the cultural and technological system of the modern world, the patriotic spirit fits like dust in the eyes and sand in the bearings. Its net contribution to the outcome is obscuration, distrust, and retardation at every point where it touches the fortunes of modern mankind. Yet it is forever present in the counsels of the statesman and in the affections of the common man, and it never ceases to command the regard of all men as the prime attribute of manhood and the final test of the desirable citizen. It is scarcely an exaggeration to say that no other consideration is allowed in abatement of the claims of patriotic loyalty, and that such loyalty will be allowed to cover any multitude of sins. When the ancient philosopher described Man as a "political animal," this, in effect, was what he affirmed; and today the ancient maxim is as good as new. The patriotic spirit is at cross purposes with modern life, but in any test case it is found that the claims of life yield before those of patriotism; and any voice that dissents from the order of things is as a voice crying in the wilderness.¹

DOLLAR DIPLOMACY

It is all perfectly right and proper for me to take my dollar to Mexico—or any other place—and get all I can out of it by every decent means (or leave it there and come home, as most investors do). But for me—after subjecting my dollar to the larger and fully anticipated risk for the sake of the larger and fully anticipated return—to come running to the American taxpayer the moment the risk materializes, and the return does not, demanding that he, the taxpayer, who has never invested a cent in Mexico, and probably never will, shall send his son and his money southward to get my adventurous, deliberately hazarded dollar out of trouble, is obviously a performance that requires diplomatic description, lest the public should see it in its true light and call it by its correct and by no means agreeable name.

And it is not as if the fate of the American dollar invested on foreign soil meant anything to the American consumer. It does not. A limitless supply of petroleum coming from the Mexican wells to this country would hardly lower the price of gasoline or kerosene here by a fraction of a cent. As conclusively shown by the report of the Senate Sub-Committee on Manufactures, based on

¹ VEBLEN, THORSTEIN, *The Nature of Peace*, The Macmillan Company, 1917, pp. 40-41, 76.

its investigation of the oil industry in 1922-23, the price of petroleum products has no relation to the supply of petroleum. For not the law of supply and demand, but the Standard Oil Company controls prices by controlling the avenues of transportation. Indeed, the whole shoddy theory of dollar imperialism is a too much tolerated fraud, the tragedy as well as the comedy of which lies in the fact that, under the hypnosis of industro-financialism, society is inclined to accept any humbug that allegedly helps business.

There is only one course to take in regard to this war-breeding doctrine. We should abandon it—abandon it promptly and wholly. There is no halfway ground. Either American arms protect the American investor's dollar in foreign lands, or they do not. If they do, then we must be prepared to fight in Mexico, Nicaragua, or any country where the dollar needs us. Obviously the only way to keep out of such embarrassing and dangerous positions, is to go on precisely the opposite theory from that of the Coolidge administration.

The American dollar away from home is on its own, and must take its chances. It must accept the laws, good or bad, and the administration of laws, good or bad, of the government whose territory it has entered. It must rely solely on the good-will and intelligent self-interest of that Government to protect it, and not on an extraterritorial extension of the authority of the American Government. And, though it may occasionally suffer, in the long run it will be the gainer, for such a course will go far, much farther than the present bullying policy of our State Department, toward establishing good-will, security, and increasing trade opportunities among our neighbors.¹

Early in his first term President Franklin D. Roosevelt proclaimed the "end of dollar diplomacy." This seems to be supported also by certain parts of the recent neutrality legislation.

IMPERIALISM.

Speaking simply in the capacity of an humble observer, I think that imperialism is with the United States to stay. It is less a necessity than an irresistible temptation. The strongest power on the globe, the United States can do what it wishes, and there is no one to say it nay. Nor should the fact be ignored that its ancient doctrine of security has been so amplified, amended, and inflated as to amount virtually to a claim that the United States has the right to exercise its will, as it sees fit, anywhere in the western hemisphere. Of course, such a claim reveals our imperialism in all its naive vanity. There is, I dare say, a good deal of sheer childish fustian in the claim, for the United States hardly has the disposition, though it undoubtedly has the force, to back the claim to the limit; nevertheless, I do credit the United States with the disposition to make the hemisphere safe for the dollar. And so long as it has this disposition, it will incessantly be "tinkering" with countries which are dollar-doubtful. A true non-imperialism would require of the United States a complete abandonment of both neo-Monroeism and dollar-and-national protectionism abroad. And that American opinion would ever sanction such a program of renunciation is scarcely conceivable.

¹ PINCHOT, AMOS, *The Flag and the Dollar*, *The Forum*, vol. 78, p. 436, 1927.

Since, then, imperialism we have and imperialism we are going to have, would not the nation be spared an endless loss of dignity, a vast deal of humiliation, and many an unnecessary practical embarrassment, if it were to discard its present covert imperialism deviously arrived at and substituted for it an open imperialism openly arrived at?¹

THE CHANGING CONCEPT OF SOVEREIGNTY.

The idea of "sovereign" nations must go as completely as is disappearing the idea of sovereign individuals. The isolation of sovereign nations is so utterly complete that they cannot really (and I mean this literally) even see each other. The International League is the one solution for the relation of nations. Whenever we say we can have a "moral" international law on any other basis, we write ourselves down pure sentimentalists.

There are many corollaries to this project. We do not need, for instance, a more vigorous protection of neutrals, but the abolition of neutrals. The invasion of the rights of neutrals in this war by both sides shows that we can no longer have neutrals in our scheme of union; all must come within the bond.

Further, diplomatic relations will be entirely changed. "Honor among thieves" means loyalty to your group: while to lie or try to get the better of your own particular group is an unpardonable offence, you may deceive an outsider. We see now the psychological reason for this. Diplomatic lying will not go until diplomatists instead of treating with one another as members of alien groups consider themselves all as members of one larger group—the League of Nations.²

DISADVANTAGES OF WAR

The state has the right to command. It is and has long been a guardian of human rights. But the state, which is personified and regarded as an object of patriotic devotion, is not governed by the ordinary precepts of morality. Certain acts of individuals are, by the state, made crimes for the protection of the public because of their inherent nature. But if one of these acts is committed by a government, it becomes the object of public rejoicing and national pride. A social standard expects honesty of the individual in private life. A diplomat was formerly defined as "one who goes abroad to lie for the good of his country." Equivocation and not sincerity is still expected of the diplomat.

The state punishes with death the individual who kills his personal enemy who has done him a real wrong. But the state may also require the individual to join in killing innocent people who have injured no one. These innocent people may not really be interested in the dispute, and their morale is kept up only by a war psychology created by a propaganda of falsehoods and distortion of fact. The state represses and punishes

¹ McNALLY, W. J., Open Imperialism Openly Arrived At, *The Forum*, vol. 78, p. 828.

² FOLLETT, M. P., *The New State*, Longmans, Green & Company, 1920, p. 352.

robbery within, but in its external relations it sometimes acquires and despoils the property of other states. If modern examples are needed, we may cite Italy in Ethiopia and Japan in Manchuria and China. In ethics, it is impossible thus to distinguish between private and public morality. The state is, of course, not concerned with ethics but with a privilege that is a historic fact. Each state has used armed force for any purpose it saw fit because in the past there has been no restraint outside the will of the state itself.

War is a means of attempting to settle international or civil disputes, by armed military forces, through the organized destruction of life and property, in which each side seeks to impose its will upon the other by force.

Several points are fundamental in this definition. First of all, war is a *means* and not an end. We must not confuse it with the high and holy ends that may be in view, such as the freeing of slaves, the protection of the helpless, the attempt "to end war," "to make the world safe," etc. The end may be right while the means may be futile or wrong. The end does not justify the means. The noble end of winning the world does not justify the Jesuitical means of deceit; the praiseworthy object of the saving of souls does not vindicate the tortures of the Inquisition; the holy zeal of our Pilgrim fathers did not justify their burning of witches and peaceful Quakers. Our Civil War freed the slaves, but other countries liberated their captives without shedding blood. Great Britain, long before our American Civil War, liberated all her slaves with full compensation to the owners; without leaving her country embittered, divided, impoverished and with a lasting prejudice against the Negro.¹

The cost of armament during the years from 1910 to 1914 amounted to 1.8 billions of dollars for Austria and Germany together and 2.4 billions for France and Russia. The total was more than four billions. Yet these were small sums compared with those piled up by the War. On land and sea or in the air, 12,990,570 soldiers were killed in the World War. The War cost the combined combatants 250 billions of dollars, half their total national wealth.

Thus, within four years, for no reason and without any essential consequences, Europe had sent up in smoke half of all it had gathered together during centuries. How should we characterize an act of this kind on the part of a large bank or a powerful family?

In so far as the victorious powers are concerned, France was a creditor nation to the extent of 30 billions before the war and a debtor to the extent of 31 billions afterward. During the struggle, the national wealth of France decreased by one third; that of England by one fourth. Even the United States Government had to expend during two years more than it had previously laid out in the course of a century; and if in spite of this fact it remains today the creditor of the world, the reason is not participation in the second half of the war but rather abstention during the first half. The small countries which remained neutral are in a relatively better position than any of the imperialist states.

¹ EDDY and PAGE, *op. cit.*, pp. 13-14.

With the exception of America, all the warring countries lost millions of men and billions of money; and any territory gained in the process at the expense of the conquered peoples is of intrinsic worth only in the case of the new free states established at the end. During the past ten years Germany, though beaten and stripped of considerable territory, has recuperated more rapidly than enlarged and victorious France—a new proof that neither vastness of domain, number of “souls,” the fortune of arms, nor the rôle assumed at the signing of peace determines the strength of a nation but, rather, a series of biological factors. Even the single positive result of the World War—the destruction of four realms anachronistically ruled by emperors, and the creation of eleven republics—was therefore purchased at a price which, in civil life, only an insane person would pay.¹

It will then be seen that France has suffered a total loss of 965,000 able workers, or one out of every twenty-eight inhabitants.

The real significance of these figures emerges upon comparison with those of other countries:

Germany lost 1 out of every 35 inhabitants
Austria lost 1 out of every 50 inhabitants
England lost 1 out of every 66 inhabitants
Italy lost 1 out of every 79 inhabitants
Russia lost 1 out of every 107 inhabitants
U. S. A. lost 1 out of every 2000 inhabitants

Such a crushing loss of able-bodied men is in itself serious enough. But how much more serious when we realize that those who remain have to assume the responsibilities of those who have disappeared. The French government had to take care of 2,620,000 cripples incapacitated by the war. In addition to this, it has also to take care of 695,000 widows and orphans, and 1,040,000 dependents, making a total of 3,715,000 persons now upon the pension list of the government.²

Despite the chivalry of individual fighting airmen, the generosity of the fallen foe after aerial gladiatorial combat, the sum total of the matter is that the extreme mobility and astounding speed of aircraft, together with their ability to overcome the heretofore inherent limitations of the third dimension, became the temptation of temptations to those cold-blooded staff officers who saw in the destruction of morale and the terrorization of whole populations the very marrow of strategy and essence of victory. “Mastery of the air will win the war!” became the cry of the Allies and their foes alike. Gas warfare, twin-sister of aerial bombing used along the front, was to be carried by plane the length and breadth of Europe; the armistice came just in time to forestall this horror. Nevertheless the employment of aircraft in the wholesale murder of non-combatants, hundreds of miles from the scenes of troop combat, during the World War is now an antiquated joke in comparison with the heartrending schemes being planned and placed under

¹ BEARD, *Whither Mankind?* Ludwig, “War and Peace,” p. 179.

² HOFFHERR, FREDERIC G., *The French View of an Understanding between France and Germany*, *Annals of the American Academy of Political and Social Science*, vol. 126, p. 9. Cf. *World Almanac* for figures showing cost of World War to nations engaged.

experimentation for the aerial bombing, gassing, germ inoculation and liquid-fire devastation of areas behind the battle lines in future wars.

These bombing and gassing objectives, it is claimed, are to include cities, towns, individual homes, industrial centres, railroad centres, land under crops, hospitals, water works, sanitary works, mines, docks, food manufactories, and so on; indeed, the smashing of morale, the utter wiping out of the necessities of life, and the rise and spread of famine and pestilence among an enemy people are to be counted as prime factors in the future successful prosecution of the nice business called war. How successfully these terrifying schemes can be put into operation depends on so many conditions that we cannot consider them in full, but common consent among military and naval authorities points to the probable efficacy of chemical warfare, aerial warfare, and submarine warfare, to the extent that they will in future wars modify to a great degree the current accepted rules of strategy and tactics, and, moreover, revise the rights of belligerents and upset methods and customs embodied in international law which have been made part and parcel of so-called civilized warfare through centuries of strife. It would seem that chemical warfare, air power, and the unrestricted use of submarines in war, cooperating, ignore certain age-old ideas behind the uses of armies and navies, the rights of non-combatants, and strike sudden and deadly blows, without warning, in areas far afield from the actual or, at first thought, logical and contemplated combatant fronts on land and sea. Thus we have in these modern agencies of warfare, personified, a hideous triumvirate capable of unrestricted and semi-secret use in the sense that they may be employed unheralded and unknown to the main fleets and the armies in the field.¹

TOWARD THE CONTROL OF THE WAR MENACE

It must be admitted that the antiwar forces are not exhibiting any high degree of unanimity as to the most effective means of controlling the menace of war to civilization. Many contend that it will be forever impossible to set up the machinery or to agree upon the formula that would prevent war. In spite of the high idealism that is embodied in the Covenant of the League of Nations, the possibility that the League may be used to perpetuate selfish ambitions and existing injustices embodied in the Versailles Treaty creates fear in the minds of many who are opposed to war. Undoubtedly the effectiveness of the League has been greatly reduced by the fact that it was saddled with the obligation of supporting and defending the Versailles Treaty.

Some hold that mechanical disarmament would operate to prevent war, whereas others, opposed to that idea, insist that the warlike spirit of nations must first subside. Still others contend that all nations ought to attend an international conference at which war would be declared a crime, that with war outlawed it would cease to be looked upon as a method of settling disputes among civilized nations. Cynics

¹ TINKERS, CLIFFORD ALBION, *Planning New Horrors in Warfare*, *Current History*, vol. 24, p. 405, June, 1926.

have been quick to point out the naïve faith that such a procedure requires, for, say they, this would tend to penalize the nation that kept its pledge of peace, while others armed and won an advantage through breaking the peace pledge secretly.

Still another school of pacifists argues that such plans and programs as are referred to above represent reasoning in the rare atmosphere of abstractions. They point out the success attending the efforts of the United States in 1917 in rapidly arming and training an effective fighting force in spite of the will to peace which was evidenced in the United States by its lack of military preparedness prior to the beginning of hostilities. Something more practical must be done than to wait for the distant day when human nature will have changed to the extent necessary for a peaceful world. Hence, it is argued that it is practicable for nations to organize cooperatively for mutual security.

The danger in security pacts arises from the practice of attempting to arrive at a balance of power through such pacts. Nor is it sufficient for nations merely to assert in a multilateral agreement to outlaw war as an offensive weapon of national policy. Rarely indeed are such pacts drawn up in such a way as to include outlawing of defensive war as well. But what is a defensive war? Was there ever in modern history an admittedly offensive war? When the French armies under Napoleon were burning the walls of Moscow, that was defensive warfare from the viewpoint of the French. They were merely anticipating the menace of the Russian armies the following spring, and they sought to prevent the harm that Russia might inflict upon France. When the United States went to war with Mexico in 1846, that, too, was a defensive war from both sides of the battle lines. The Japanese military maneuvers in Manchuria, Shanghai, Jehol and Chahar were purely defensive measures according to the Japanese apologists for such action. Japan insists that it is not at war inasmuch as war has not been declared. Evidently no military or naval action in modern days need ever be offensive. Any action can be rationalized into defensive tactics based upon national security and self-defense. If war is to be outlawed, defensive as well as offensive wars must be included. During the recent Italo-Ethiopian War the respective spokesmen of the warring countries were loud in their vociferous insistence that they were interested in peace—and each declared the other guilty of warlike preparations and unwillingness to settle the dispute amicably.

Whether the search for permanent peace has been as fruitless as it appears to be from the bare recital of the post-war story of disarmament, security, and the renunciation of war cannot well be determined until the world's peace machinery is put to a more severe test than any which has been applied hitherto. It is possible that the more subtle and less tangible results of these seemingly barren

efforts are working on opinion in many lands and molding a new will to peace. But the efforts themselves have clearly not fulfilled the expectations of those who anticipated that the demon of war would be exorcised by benevolent intentions, world conferences, bureaus, commissions, draft treaties, and international agreements to settle disputes pacifically. "Peace, peace," has been cried from the housetops, from the chancelleries, from the conference rooms—and after fifteen years there is no peace. Treaties have been drawn up, amended and multiplied in confusing complexity. The governments of the world have entered into scores of pacts, conventions, protocols, and covenants—to outlaw war, to reduce armaments, to settle disputes, to respect frontiers, to guarantee independence and integrity, to insure neutrality, to come to one another's assistance against attack, to renounce aggression, to tie down the dogs of war by a thousand chains. But the chains are of paper and from under the seemingly crushing weight of documents issue ominous growlings as disturbing to the peace seekers as the muffled thunder of the decade before 1914. War is unthinkable, argue pacifists, for it would be the suicide of civilization. But other civilizations have also died. War is impossible, argue jurists, for it has been outlawed. But law is feeble indeed when it is supported neither by force nor by public sentiment.¹

A TRUCE OF GOD?—Recently a group of American churchmen have suggested a cooperative effort be made by all religious bodies of the world to appeal to the nations of the world to observe a five-year "truce of God." Commenting on this suggestion *The Christian Century* in an editorial said:

But the most important fact about the proposed truce of God is this: *No more peace pronouncements are needed.* Every additional renunciation of war weakens the force of the renunciation that has already been made. The nations have pledged their word. In time of stress, they may keep it and they may not. But they will not keep the great pledge they have already made any more faithfully for being asked now to make a little one which lies wholly within the scope of the other. The nations have agreed not to have recourse to war for the settlement of their differences. To be sure, having no great confidence in each other's fidelity to this agreement, they continue to arm. But there has been no war since the promise was made, except marginal disturbances that have not affected the main situation in Europe and America. . . . And even if the promise seems to be cracking, nothing is gained by reinforcing it with another promise. . . . To ask the nations now to ignore as meaningless all that has been done heretofore and make a new start is to promote confusion in the public mind and not progress toward permanent peace.²

THE UNITED STATES AND INTERNATIONAL ARBITRATION SINCE THE WORLD WAR.

The United States, instead of being, as we like to think of ourselves, the leader in the development of new arbitral forms, has in recent years, become a

¹ SCHUMAN, FREDERICK L., *International Politics*, McGraw-Hill Book Company, Inc., 1933, p. 726.

² The Truce of God, editorial in *The Christian Century*, Feb. 6, 1935, p. 169.

second- or third-rate figure. America's arbitration history of the last fifteen or twenty years is disgraceful. We have accomplished almost nothing. What have we done? In 1908 we made some treaties of arbitration with a number of powers, but they were seriously lacking in two respects. First, they contained those saving clauses in reference to national honor and vital interests. We were to arbitrate legal disputes, provided they did not involve national honor or vital interests—a door wide enough to drive anything through, since each state signatory to the treaty was to be the judge in any given case whether any particular controversy did or did not involve national honor or vital interests. Second, these treaties required that each specific case of reference to an arbitral board must go before the Senate as a separate and specific treaty and there receive the normal two-thirds vote of that body.

Speaking of these treaties a few years ago, John Bassett Moore said:

“The result of this action is that, so far as the United States is concerned, it is now in actual practice more difficult to secure international arbitration than it was in the early days of our independence.”

Similarly, the Senate's insistence that separate treaty claims commissions must come before the Senate in each instance, led Mr. Moore on another occasion to write as follows:

“As we are somewhat proud to boast of leading the van in the cause of peace, it may be worth our while to consider whether we should not gain a position far in advance of that which we now hold if we were to recur to the practice we followed a hundred and twenty-five years ago.”

It seems to me worth while for Americans to remember that this talk about our leadership in arbitral developments in recent years is mostly bunk. An example of our leadership was a treaty which we made with Sweden in 1924. This treaty contained the old-fashioned exception about national honor and vital interests, and yet it followed by some years treaties which Germany and other countries had been making among themselves, which rendered this old shibboleth obsolete and absurd. The facts are that America's recent history in arbitration is a shamefully backward and hesitating one.¹

THE PROBLEM OF ARMAMENTS

Some think it has been fairly well established that preparation for war is no safeguard against war because it has too often been the prelude to war. The history of Anglo-German naval rivalry prior to 1914 is cited as evidence to prove this. There has never been any proper protection against the uncontrolled power to arm. The race in armaments is a race with inventive science itself. Progressive disarmament is the ideal toward which those who recognize the dangers of overarmament look. The League of Nations has recognized the necessity of reducing national armaments but has been unable to achieve any important results. One reason may be that the Allies have failed to fulfill their promises in regard to the disarmament clauses of the Treaty of Versailles. Now even Ger-

¹ McDONALD, JAMES G., *American Obstacles to Arbitration and Conciliation*, *Annals of the American Academy of Political and Social Science*, vol. 126, p. 57.

many deems herself equal to the victorious Allies in armament. Europe is more heavily armed now than it was before 1914.

“To keep the peace we must prepare for war.” Someone said that long ago, and men have repeated it as though it were a word from the mouth of God. Its hollowness is evident to anyone who will look into it. The fact is that to keep the peace we must prepare for peace. If you want war, then prepare for war, multiply your guns, burnish them and make reverberations of the roar of cannon. Swing your fleet from one ocean to another just when hearts are most irritated. Fill your newspapers with accounts of what your ships are doing, crowd your magazines with pictures of torpedo boats and destroyers. Set all the young men of the country thinking and talking about war, and then some day war will come. It is inevitable! If a nation does not want to fight it must put up its sword.¹

Discussion of mobilization, and plans for mobilization, are too often misinterpreted by those unfamiliar with such questions, as preparation for war. Insofar as American mobilization is concerned, this is a mistaken notion. Our mobilization is intended as a preparation against war. It is our hope that the fact of such preparation will prevent a war from being held, and that, if a war should be held, it will shorten its duration. As one of the means of preparation against war, the Army is interested in universal service. The basic principle of universal military service is that in time of war every individual has a transcendent obligation to the state and should be employed in the manner which will most effectively contribute to the defeat of the national enemy. This principle is as old as civilization. But in English-speaking countries, owing to their almost complete immunity for many centuries from danger of invasion, the principle had a tendency to fall into abeyance. It was for this reason that universal service could not be enforced during the critical period of the Revolutionary War, and was only enforced with great difficulty, and not very effectively, on both sides during our Civil War. Fortunately for this nation, the principle was accepted by the country during the World War. The happy results of our adoption of compulsory service in 1917 have become so evident that all are agreed that armies in the field in a major effort must be recruited by the principle of universal service.²

Twenty years after the outbreak of a war fought to end war, the nations are plunging closer and closer to the brink of armed annihilation. At this appropriate moment let us survey the two decades which have passed since the spark of Serajevo exploded powder mines all around the earth. Then let us calculate the price that must be paid for international peace.

1. The beginning of wisdom in relation to the World War is found in the recognition that Germany did not cause that holocaust. Governments in wartime always attribute their belligerency to a mad-dog neighbor who can be resisted only by armed action. But we now know that the passionate conviction of hundreds of millions of citizens in Allied countries that the war was caused by

¹ JEFFERSON, CHARLES E., Some Fallacies of Militarism, in *Publications of the American Peace Society*, p. 6.

² DAVIS, D. F., Universal Service, *The Forum*, March, 1926, p. 375.

the Kaiser and his Potsdam gang of Prussian militarists rested on nothing more substantial than illusion and myth and falsehood. Historians of all nations are now in agreement to an extraordinary degree that the World War was not caused by a man or by a nation, but was produced by the explosion of clashing economic and political forces for which the Great Powers (especially) were equally responsible. Germany's struggle for a place in the sun was not different in kind, nor in degree, from those of Great Britain, France and Russia. At no time did Germany have the largest army or largest navy or heaviest appropriations for armaments. The mad-dog theory was diabolically effective as wartime propaganda, but it has not a leg of historical fact upon which to stand.

2. From the perspective of 1934 we can now see clearly the futility and folly of reliance upon armaments for security. One has only to keep his eyes upon the relevant facts to recognize the absurdity of the hoary assertion that the way to keep out of war is to be so strongly armed that nobody will dare to attack you. At best this theory could hold true for only one nation in a given region, and if any country armed to this extent it would be regarded as an intolerable menace by other peoples. The answer to a simple question smashes into atoms the nobody-will-dare-attack-you theory: Which nations in Europe were the most heavily armed in 1914? The effort to be adequately armed leads inevitably to counter-armaments across the border, and the race of armaments increases the likelihood of war. In response to the frequent assertion that Switzerland kept out of the World War because she was well armed, I should like to inquire: Was it Switzerland's army, or was it her internal divisions, as illustrated by her three official languages—French, German and Italian, that preserved her neutrality? Was it a big army and a big navy that kept Holland out of the war?

3. A third lesson of recent history was pointed out bluntly by Secretary of War Dern on Armistice Day before the tomb of the Unknown Soldier: "There has been much dispute as to who won the war. The plain truth is that nobody won. Everybody lost." Nobody won! The supporting evidence is cumulatively overwhelming. The destructiveness of modern warfare is so vast and the interdependence of peoples so extreme that prolonged hostilities on an extensive scale threaten the existence of orderly society. The passion for gain and the desire for security were alike frustrated by the war. That the economic losses for every action involved outweigh the economic advantages secured cannot be questioned by any sane man. And that security through armaments and war has proved to be a vanishing mirage is likewise undeniable.

4. From our present vantage point, it is obvious that the United States committed a terrible blunder in entering the World War. When we get behind the explanations advanced as to why we had to fight—to end war and to make the world safe for democracy—we discover that the real reason for taking up arms against Germany is found in a conflict over neutrals' rights and a determination to protect property and life on the high seas. The extent of our failure is reflected in the record of the costs of the war in money and in men. If the government of the United States had relied upon non-warlike means of seeking to protect the rights of its citizens, the damage sustained from submarine attacks might have amounted to hundreds of millions of dollars. But even the maximum estimated damages would have been trivial and inconsequential in contrast to the

financial loss already sustained—from 50 to 100 billion dollars. The number of American lives lost on the high seas, if the United States had refrained from armed hostilities, might have mounted into the thousands. But surely no sane person will maintain that these losses would have exceeded the 100,000 Americans who died in the war. In property and in life, we lost the war.

Few thoughtful Americans are now inclined to doubt that in entering the war this country sustained a colossal net loss in money and in life. But the impression still prevails in many quarters that the belligerency of the United States was justified on the ground that such action prevented a German victory and an even worse treaty than that of Versailles. The evidence seems conclusive to me that the war would have ended as a draw in 1916 if the Allies had not been assured by Colonel House, in a statement signed early in 1916 and initialed by Woodrow Wilson, that the United States would probably enter the war against Germany. By this time a stalemate had existed for months across the entire Western front. As early as January 15, 1915, Ambassador Page wrote to Secretary Bryan: "I lunched today with General French [Commander-in-Chief of the British Armies in France], who came here secretly for a council of war. He talked, of course, in profound confidence. He says that the military situation is a stalemate." Concerning the state of affairs a year later, Professor Seymour of Yale writes: "For as the spring and summer of 1916 passed, Colonel House guessed what the historian now realizes: that the war had reached a state of deadlock which could only be broken by the interjection of some force from outside." The first chapter of the second volume of Winston Churchill's "The World Crisis" is entitled "The Deadlock in the West." "When the old year closed," he wrote, "a complete deadlock existed between the great combatants in the West by land and by sea."

That the world situation would now be less intolerable if the war had ended as a draw seems incontestable to me. No more prophetic words came out of the war than those uttered by Woodrow Wilson three months before the United States became a combatant, in his famous peace-without-victory speech:

"The statesmen of both of the groups of nations now arrayed against one another have said, in terms that could not be misinterpreted, that it was no part of the purpose they had in mind to crush their antagonists. But the implications of these assurances may not be equally clear to all. . . . They imply, first of all, that it must be a peace without victory. It is not pleasant to say this. . . . I am seeking only to face realities and to face them without soft concealments. Victory would mean peace forced upon the loser, a victor's terms imposed upon the vanquished. It would be accepted in humiliation, under duress, at an intolerable sacrifice, and would leave a sting, a resentment, a bitter memory upon which terms of peace would rest, not permanently, but only as upon quicksand." Nevertheless: The Americans are here! Triumphant victory for the Allies! The Treaty of Versailles bayoneted down Germany's throat! Hitler! Quicksand!¹

For questions, terms, and suggested readings on war, peace, and international relations, see conclusion of Chapter that follows.

¹ PAGE, KIRBY, in *World To-morrow*, July 26, 1934, pp. 371-372.

Chapter XXII

The Problem of Preventing War

V. G. M

In this chapter we deal with four questions relating to the problem of preserving the peace between nations. Disarmament is discussed by means of excerpts from a statement issued jointly by the Carnegie Endowment for International Peace and the League of Nations Association, Inc. Neutrality provides the second topic and suggested solution to the problem under consideration. We then take up the problem presented by certain current conflicting philosophies of government which tend to disturb the peace of nations; and in conclusion we discuss certain aspects of the World War in terms of present trends.

NO SECURITY IN ARMAMENTS

The main argument against disarmament, in fact the only argument which can be advanced plausibly, is that armaments are necessary for security. In the preceding article we traced the steps already taken to substitute peaceful methods of settling disputes for armaments as a basis of security. We submit that however inadequate these methods may be in the present state of world opinion, they offer greater security than do armaments, that in fact, armaments fail to afford security at all. Let us examine the reasons which support this contention. In the first place security gained through armaments at best can be only relative. If all nations are unarmed, all are equally secure; if all arm to an equal extent, they enjoy the same relative security. It is only by relatively greater armament that a nation can gain advantage, and this fact is the root of the evil, for each nation tries to excel others. Fear and suspicion result on the part of other nations, they in turn increase their armaments and the never-ending race is begun. . . .

In the final analysis therefore, no nation can gain security by armament unless it is stronger than the rest of the world combined. What nation can hope to acquire this degree of strength? . . .

Sir Robert Peel, leader of the British Conservative Party for many years, declared in a speech made in 1879: "Is not the time come when the powerful countries of Europe should reduce those military armaments which they have so

sedulously raised? What is the advantage of one power greatly increasing its army and navy? Does it not see that if it intends such increase for self-protection and defense, the other powers will follow its example? The consequence of this state of things must be that no increase in relative strength will accrue to any one power, but there must be universal consumption of the resources of every country in military preparation."

Another British statesman, Lord Grey of Fallodon, who as Foreign Secretary in the years before the war, viewed the race in armaments at first hand, says in his *Twenty-five Years*; "The moral is obvious; it is that great armaments lead inevitably to war. . . ."

The suspicions and fears bred by armaments are not merely vague and general, they are definite and specific. A nation does not prepare for war in general, it prepares for a war. At the head of each army and navy is a general staff, whose duty it is to make detailed and definite plans for war against all possible opponents. The psychological effect of preparing for a war against some definite nation is to make that war seem inevitable, at least to the experts who do the planning. The greater the armaments, the greater the number of experts who have convinced themselves that war is unavoidable. When a crisis arises between two nations, the military and naval experts can do much to stampede public opinion into war. . . .

Where is there any security except in building up a public opinion which will not tolerate war and in strengthening the machinery for the peaceful settlement of disputes? To quote Professor Shotwell: "We have reached a place in history where we must choose between the dangers of the destruction of civilization in its entirety, and the possibility of making secure the happiness and well-being of nations by the abolition of war as the instrument of their policy." . . .

In normal times armaments are a check on the natural expansion of business, for the fear of war which armaments breed is always present. . . .

Finally there is the moral argument for disarmament, the fact that all signatories of the Treaty of Versailles are legally bound to reduce their arms. In Article 8 of the League Covenant it is stated:

"The Members of the League recognize that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

"The Council taking account of the geographical situation and circumstances of each state shall formulate plans for such reduction for the consideration and action of the several governments."

In the preamble to Part V of the Versailles Treaty the following reason is given for Germany's disarmament: "In order to render possible the initiation of a general limitation of the armaments of all nations, Germany undertakes strictly to observe the military, naval and air clauses which follow." When the treaty was presented to the German representatives in May, 1919, they made the following observation to the sections providing for German disarmament: "Germany is prepared to agree to the basic idea of the army, navy and air regulations . . . provided that this is a beginning of a general reduction." To this observation the Allied Powers replied: "The Allied and Associated Powers wish to make it clear that their requirements in regard to German armaments were not made

solely with the object of rendering it impossible to resume her policy of military aggression. They are also the first step towards the reduction and limitation of armaments which they seek to bring about as one of the most fruitful preventives of war, and which it will be one of the first duties of the League of Nations to promote." . . .

We have called the obligations accepted in the peace treaties a moral argument for disarmament. Salvador de Madariaga in *Disarmament* lifts the moral argument to a higher plane: "But the greatest loss of all is in the realm of the spirit. For the existence of armaments is a permanent blot on mankind. That in our present stage of civilization, twenty centuries after the divine teachings of Christ, five centuries after the all but divine creations of Leonardo, four centuries after the splendid achievement of Shakespeare, mankind should still be treasuring, piling murderous weapons in its arsenals, divided against itself, its soul blackened by fratricidal passions and its hands still soiled by human blood, is an appalling thought on which no mind can rest that is worthy of the name of human."¹

THE CASE AGAINST DISARMAMENT PROPOSALS.

If by some miracle all weapons were abolished tomorrow, no change whatever would thereby be effected in the pattern of Great Power politics into which war is so closely woven. Power contests between States would be conducted with brickbats and rowboats until the scientists, engineers, and manufacturers had time to produce modern weapons once more. States will not consent to the abolition of armaments so long as they continue to engage in diplomatic contests for power and prestige and so long as armaments continue to be the primary weapons of such contests, whether they are used in war as instruments of coercion or maintained in peace to intimidate prospective enemies and insure "respect for national interests." States will not consent to reduce armaments unless each perceives some advantage to itself, from the point of view of power relationships, in diminishing the strength of possible rivals in return for a reduction in its own strength. States will not consent even to the limitation of future armaments unless they similarly perceive some advantage to themselves in checking competition. The task of insuring peace through disarmament is an impossible one so long as war remains a possibility, for States necessarily feel bound to be prepared for all eventualities. The advocates of disarmament—in pulpits, on lecture platforms, in the press, and in the foreign offices—have not yet succeeded in breaking through this circle, nor does it seem likely that they can do so.²

Disarmament is not a popular cause in the United States. The traditional policy of this country to live at peace with other nations has been well established. It has even led the movement toward the reduction

¹ "Why Disarm?" a statement issued by the Carnegie Endowment for International Peace, May 20, 1932, No. 4. For a graphic account of the development of the "Preparedness for Peace" movement prior to America's entry into the World War, see Walter Millis, *Road to War*, Houghton Mifflin Company, 1935.

² SCHUMAN, FREDERICK L., *International Politics*, McGraw-Hill Book Company, Inc., 1937, pp. 579-580.

of military forces in the past. President Roosevelt, however, said on Jan. 3, 1937, in his message to Congress:

But in a world of high tension and disorder, in a world where stable civilization is actually threatened, it becomes the responsibility of each nation which strives for peace at home and peace with and among others to be strong enough to assure the observance of those fundamentals of peaceful solution of conflicts which are the only ultimate basis for orderly existence.

Resolute in our determination to respect the rights of others, and to command respect for the rights of ourselves, we must keep ourselves adequately strong in self-defense.

What is adequate strength for self-defense? Evidently disarmament is not an integral part of American policy at present.

✓ THE PROBLEM OF KEEPING OUT OF WAR: NEUTRALITY ✓

On Apr. 29, 1937, Congress passed its second recent neutrality act. Its chief provisions are the mandatory embargo on all exports of arms and ammunition to belligerents and regions of civil strife and prohibition of traffic in the securities of belligerent governments; American citizens are automatically prohibited from sailing on the ships of belligerents; further embargo of nonmilitary goods and commodities is left to the discretion of the President; belligerents who wish to trade with Americans must do so on a cash-and-carry basis; American ships cannot carry goods that the President declares contraband, thus forcing belligerent governments to come to American ports to carry the goods desired back to the country at war.

Immediately following the passage of this act of Congress the merits, possibilities, and deficiencies of legislative neutrality became the object of controversial discussion in the press, on the radio, and in pamphlets and books. Some insisted that the act did not go far enough in providing for automatic and mandatory neutrality. Others insisted that it is impossible to define neutrality sufficiently broadly to insure the maintenance of peace between this country and the world. The cash-and-carry item in the neutrality bill came in for especial criticism, since, it was argued, this insured American trade with the nation at war that controlled the seas and could establish the funds with which to pay cash. Some critics saw in the prohibition of American ships in the carrying trade during war periods evidence of a willingness to shift the blame for war traffic on to the shoulders of others while Americans still reaped the profits from such business.

While the bill was still being discussed in Congress a few ships were hastily loaded with cargo designed for use in the Spanish civil war. In August, 1937, the question as to whether Japan and China were at war aroused opponents and defenders of the neutrality act to further argu-

ment. The following excerpts from two magazines of opinion indicate the basis of the argument over invoking the neutrality act immediately in the Japanese-Chinese situation.

It is not difficult to explain the hesitation of the Department of State or the President in applying an embargo on exports of arms, ammunition and implements of war, or forbidding the use of belligerent ships by American citizens, under present circumstances. The news from China is so confused and self-contradictory, and the intentions of the adversaries are so uncertain, that it is difficult to be sure whether the existing hostilities will be prolonged sufficiently to become a genuine war. In the meantime, we can be sure that diplomatic representations are being made which are aimed at preventing war or at least at localizing the conflict and bringing it quickly to an end. It is not desired, during these conversations, to make it too plain what limits may be set on intervention by the United States in case affairs take a more serious turn. Furthermore, both Secretary Hull and the President have always leaned toward the doctrine of "collective security"—international action to punish the aggressor—and for that reason have fought for the largest possible amount of presidential discretion whenever the bilateral measures of the neutrality legislation were under discussion.

We can see that it might be awkward to set the neutrality in motion and then, a week or two later, to be confronted by an agreement between Japan and China which would mean that no war would now occur. Nevertheless, it is necessary to point out another fact of utmost importance—that if there is to be a war, every day's delay will make it more difficult to put the embargoes into effect. . . .

Of course wars are fought without being declared, and to wait for a declaration of war is therefore unrealistic. How shall we tell whether what is going on is really "a state of war"? Bear in mind that while the law gives the President discretion in deciding whether a state of war exists, it does not give him power to deny that war is war. He cannot stretch his discretion too far. There is no doubt that armies are now fighting each other in the Hopei-Chahar provinces. The situation will not be considered war only if the Chinese forces soon withdraw and let Japan have her way without forcible resistance. They may do this if they are not supported by Nanking. But if troops of the central government come into action, there can no longer be any doubt about what is in store. China will be fighting Japan. Whether short or long, the war cannot fail to be called war under any definition of the term or under the intention of the neutrality act. It will be the legal obligation of the President so to proclaim it.

In terms of good policy, it will be desirable to apply the law as soon as the Nanking forces become engaged. When this happens, all diplomatic maneuvering will surely have lost its usefulness; there will no longer be any hope of staying the hand of either combatant without a test of strength. Our national business will be to keep from being involved. That is the purpose of the law. It should therefore be promptly invoked and enforced.¹

¹ Is It War in China? Editorial in *New Republic*, Aug. 11, 1937, pp. 4-5. In July, 1938, the Japanese-Chinese undeclared war entered its second year. Still the Neutrality Act was not invoked.

Why does President Roosevelt delay in applying the neutrality law to the war in China? What makes the administration so loath to do what an overwhelming majority of the American people feel that it should do, and at once? The law which was enacted only a few months ago was designed to govern American policy in precisely such a crisis as has been precipitated in the Far East. It provides for certain regulations which are calculated to keep American business interests and citizens from becoming involved in foreign conflicts in such ways as to drag in the United States. Wisdom would have dictated that the new law should have been invoked from the moment Tokyo announced that Japan had been put on a war footing. Certainly the neutrality regulations should have gone into effect after the bombing of Tientsin. . . .

It is probable that the crisis in the Far East affords as good an opportunity as could be afforded to test the neutrality law in practice. Indeed, that law is being tested at this moment by the very refusal of the administration to invoke its provisions! From the day of the law's enactment its proponents have admitted that it was not perfect; that experience would probably disclose many features needing amendment. One need for amendment is already coming into view. Evidently there is too much presidential discretion left with regard to situations in which the law does and does not apply. But let it be presumed—as it is certainly to be hoped—that as the fighting in China grows more severe the President will change his mind and bring the law into effect. What will happen?

. . .

It would be folly for the United States to allow itself to become involved, now or at any later time, in the tragic events by which the Asiatic peoples will work out their fates. Accordingly, the American neutrality law should be applied to the present state of war in the Far East immediately. As a matter of fact, if Mr. Roosevelt desires to convince his countrymen of his intention to observe the spirit as well as the letter of the law which they have caused Congress to enact, he will apply it speedily wherever states of war exist and against all nations involved. That is to say, if the President wished to give the country a complete testing out of the neutrality policy he would invoke the law not only in the Orient but against Italy, Germany and Russia as well as against the ostensible combatants in Spain. But in any event, unless it is his purpose deliberately to circumvent the will of the nation, he should invoke the neutrality law at once against the war in the Far East.¹

A general note of pessimism concerning the adequacy of any neutrality law is evidenced in the following statement:

If war begins in any single place, the social tensions are universally too great to permit the other countries to remain spectators for long. The adherents of neutrality will be torn to bits by the conflicting elements in their respective countries. Within a few hours after the outbreak of the conflagration in any one spot, the entire ship will be on fire.²

¹ Apply the Neutrality Law, editorial, *The Christian Century*, Aug. 11, 1937, pp. 989-991.

² LUDWIG, EMIL, *The Causes of the Coming War*, *Forum*, April, 1937, p. 207.

Mr. Ludwig states in the same article that

War is coming because the Germans have not yet fulfilled their role and because they are strong enough—or at least because they find others weak enough. It is coming because they have fused their brutal impulsive force with the war philosophy of fascism, because they have given their cold organizational set-up a mystic background, because they march forward to the triumphal procession of the Germanic race. "The Germans," Goethe wrote, "are honorable as individuals and infamous as a group, and yet they picture themselves as precisely the opposite."¹

Evidently the path of the neutral in the future as well as in the past will be fraught with considerable danger. The question as to the validity of neutrality by legislative action remains for time to prove.

CONFLICTING POLITICAL AND ECONOMIC PHILOSOPHIES ARE THREATS TO PEACE

To many students of international relations the chief threat to peace among the nations of the world arises from the intense rivalry of competing philosophies of government and economics. In the pages that follow, certain prominent philosophies and systems are briefly presented for comparison. The scheme of comparison may be considerably extended by students interested in such a venture.

Professor Laski has pointed out the accidental connection in the thinking of many persons between capitalism and democracy.² It is irrefutable, however, that during the past 150 years capitalism has flowered most extensively in countries supporting democratic government. Hence, in the mind of many people, the present conflict resolves itself into democratic capitalism vs. communism or fascist capitalism. In the section that follows, capitalism, communism, and fascism are briefly compared.

CAPITALISM: ITS CHARACTERISTICS.—Capitalism is generally considered as a system of economic organization characterized by private property; private profit; competition; individual initiative; individual responsibility for one's economic activity; and a minimum of government interference, direction, or control of business. Under capitalism, individual liberty of owners and workers is stressed, and much reliance is placed on the right of free contract. Economic freedom of the individual in a capitalist system is limited only by his own initiative and by the competition of other individuals. No limit is placed on the amount of wealth or money that a man may amass. Inheritance of private property is considered a basic right. Concentration of the ownership of wealth tends to be aided by the laws of inheritance under capitalism.

¹ *Ibid.*, p. 207.

² LASKI, H. J., *What Is Vital in Democracy?* *Survey Graphic*, April, 1935.

Assumptions of Defenders of Capitalism.—It is assumed that each individual knows his own interest better than anyone else can know it, that each individual seeking to better his own economic condition will be forced to cooperate with others within the system. This is assumed to result in the maximum welfare of the greatest number. Defenders of capitalism further assume that each individual tends to receive approximately what he is worth from his economic activities. Government is assumed to act merely as an arbiter of disputes and to protect private property rights. Private property is looked upon as sacred. In the long run, unfair methods of competition will tend to be eliminated by the automatic action of the law of supply and demand coupled with each individual's search for his own economic advantage.

Other laws of economics which defenders of capitalism deem "natural" and therefore good are those of diminishing returns, increasing returns, and marginal returns to all agents of production in terms of services rendered. Its defenders assume furthermore that capitalism tends to make possible the maximum production of wealth because each individual by producing more is supposed to sell more (since he produces for sale rather than for use), and this results in greater profits for all producers. Capitalism's protagonists assume finally that there will always be a free flow of goods, services, money, and credit both domestically and internationally, thus making possible an ever increasing geographical division of labor, resulting in more efficient production. It is assumed that capitalism can continue to expand its productive facilities endlessly with a resultant continued increase in general social and economic well-being.

Capitalism: Its Methods.—The methods of capitalism grow out of its characteristics and the acceptance of the assumptions of its defenders as fact. Individual initiative operating within the competitive framework of capitalism supposedly brings a maximum of production of goods and services. Competition, furthermore, acts automatically as an efficient control over unfair competitive methods which alone would tend to undermine the system. Government is benevolently lenient and is supposed to operate as closely allied to *laissez-faire* as is socially possible.

The Case for Capitalism.—Capitalism has succeeded in maintaining the largest population of the world on the highest average level of comfort yet achieved under any system of economic and political organization. The arts of production have registered greater advance in all lines than the whole preceding period of human history witnessed. Under capitalism society has been equipped with capital instruments which are constantly increasing the quantity as well as the quality of both equipment and the production of wealth. Capitalism has been sufficiently flexible to permit adjustment to changing conditions. And such adjustments

have been possible without uprooting the fundamental utility of the institutions that have been changed.

One of the chief values of capitalism has been its success in the preservation of individual liberty even though the individual's adjustment has been worked out on a trial-and-error basis in the free competitive market of workers and employers. Capitalism has been a spur to inventors and science and, although used for private profit making, has made possible a progressively varied and efficient system of production. As long as capitalism is expanding, democratic forms of government have been supported by capitalism's adherents. An expanding capitalism has not presented insurmountable obstacles to the development of democratic government.

COMMUNISM: ITS CHARACTERISTICS.—Communism gets its basic principles from the *Communist Manifesto* of Marx and Engels. In Russia, where communism has been more fully tried out than in any other modern country, the Marxian philosophy has been reinterpreted so as to include and be applicable to a predominantly agricultural society instead of being limited to an industrial society. Communism opposes private ownership of wealth and the means of production, hates and eliminates the profit motive, and seeks to develop economic equality among its members. Other characteristics of communism as a system are its acceptance of the economic interpretation of history and acceptance of the class struggle as both a fact of history and a means toward the attainment of the communist goals.

Communism promises to establish the dictatorship of the workers; it favors pacifism while at the same time fomenting world-wide revolution in order to establish an international communistic society of nations. Communism insists upon the nationalization of all property used in the production of wealth. It seeks to establish a motive for working under communism on a basis of competition in service rather than for individual monetary profit. Its slogan is "plenty for all" instead of maximum welfare through scarcity and profits as under capitalism.

Assumptions of Defenders of Communism.—Those who defend communism assume that capitalism is dying, that economic planning which is essential under modern complex industrial conditions is impossible under capitalism; that the institutions of private property, private profit, profit initiative, private monopolies, and competitive greed can and must be replaced by others more socially sound and desirable. They further assume that wealth and its use can be more suitably distributed and that this will increase the efficiency of production; that production for use is a practical goal of economic activity; that the working class can be trusted to utilize economic power without wrecking the economic system; and that distribution of wealth according to need is more prac-

tical than capitalist distribution in terms of profit-making abilities. They expand their assumptions by insisting that socially owned capital can be more effectively utilized in promoting the social welfare than privately owned capital; that all means of production belong to society; that graft can be eliminated from communistic society and that communism makes possible an efficient planned economic society.

Protagonists of communism insist also that their system would make for international peace, that it would make use of scientific improvements in production more effectively than private capitalism, since there would no longer be any brakes applied to the production of plenty. They assert that communism would remove the probability of the vagaries of the business cycle, since production would be smoothed out and the distribution of goods would be a function of the state and therefore there would never be a cessation of production on account of lack of purchasing power. They insist that economic security is more to be desired than liberty, that the class struggle will cease when communism is once established, and that the minimum needs of all are to be filled before any variations in reward for individual effort are inaugurated.

Communism: Its Methods.—Since communism is a revolution, the revolutionaries cannot trust their case to the established courts of the order that they are striving to overthrow. Hence terror, violence, and coercion are the methods of communism at its beginning. During the process of becoming established, since government is essential to order, a temporary dictatorship of the workers is set up. This turns out to be the dictatorship of a small group of strong-headed leaders. As the system of communism becomes firmly grounded in a country, the dictatorship of individuals or the working class is gradually to be changed into more democratic methods of government. But terror and violence must first eliminate, or “liquidate,” the opposition to the communistic philosophy of government.

Since it is too early to make out any except a theoretical case for communism, no effort will be made to list the strong features of such a system of society. If a case were to be made for communism, it would be necessary to fall back upon the long list of assumptions that support the defenders of such a system in their struggle to win an opportunity to try their schemes in practice. A revolutionary movement is not deemed successful until it has proved its worth on the stage of history.

FASCISM: ITS CHARACTERISTICS.—Fascism is a system that glorifies the state. It retains private property in production goods but places the investment and management of capital under strict government control. Fascism criticizes the waste and inefficiency of democracy and individualistic capitalism. It replaces individual economic interest and ambition with intense nationalism. It plays upon the patriotism of its

people. The interests of individual citizens under fascism must always be subordinate to and merged with the interests of the state. The essence of fascist theory is the identification of the interests of the individual with those of the state. Politically, fascism is the negation of democracy. Governmental power is vested in a dictator. Representative government is foreign to fascism. The corporate state is emphasized; agriculture, commerce, transportation, banking, and the professions, each is organized into separate corporations or syndicates with limited powers of discussing policies affecting their immediate interests. Strikes and lockouts are prohibited by fascist law. Classes and parties are not permitted the privilege of existence in the fascist state. The interest of the state is supreme. All efforts must be devoted to the attainment of the goals of the state.

Assumptions of Defenders of Fascism.—Fascists assume that capitalism, in order to survive, must be subjected to rigid governmental control under a political dictator. They believe that inefficiency, waste, and class strife can be forcefully and successfully removed from economic activity only under a dictator. They assume that individuals can and must be coerced into merging their self-interest with the national interest as envisaged by the dictator. Apologists for fascism insist that individualism, democracy, and liberalism have failed completely and that the desirable goals of a state economy can be quickly achieved through an absolute dictator. They argue, furthermore, that individuals do not desire to assume responsibility for economic and political action and hence are ready to accept the edicts and commands of the dictator. Fascists act upon the assumption that might makes right, that the dictator is infallibly right, and that the individual exists wholly for the state.

Fascism: Its Methods.—The methods of fascism may be summarized as coercive power centralized in the dictator who governs by edict and ordinance backed by the military powers of the state. Dissenters are eliminated by order of the dictator. Violence and terror are used in order to hasten the establishment of the dictator's position of absolute authority. Relying on force in order to establish internal order and efficiency, fascism also glorifies war as an instrument of state policy. When matters become unsettled within the state, the dictator tends to arouse patriotic fervor in accepting the ideals of the state by fomenting external crises.

Fascism depends on strict military organization of the whole population coupled with a severe regimentation of all industry on a permanent war footing. Both Mussolini and Hitler have evidenced brutality and harshness in destroying any opposition to their interpretation of the welfare of the state. Real parliamentary or representative government is anathema to fascism. Courts are made completely subservient to

the will of the dictator. Fascism means one-man authority exercised swiftly, ruthlessly, and efficiently.

The following excerpts from an article written by Mussolini define fascism and state the philosophy of the dictator.

Mussolini Defines Fascism.

Fascism today has a distinct personality of its own, both as a regime and as a doctrine. The word must be interpreted in the sense that today fascism, exercising its critical faculties on itself and on others, has its own unmistakable points of view and of reference—and, therefore, also of direction—with regard to all the problems which affect the intelligence or the material aspects of the life of the peoples of the world.

In the first place, fascism, as it generally regards the future and the development of humanity and laying aside all considerations of present-day politics, does not believe either in the possibility or the utility of perpetual peace. It therefore repudiates pacifism, which betrays a tendency to give up the struggle and implies cowardice in the face of the necessity of sacrifice.

Only war raises all human energies to the maximum and sets a seal of nobility on the peoples which have the virtues to undertake it. All other tests are mere substitutes, which never place man face-to-face with himself in the alternatives of life or death. Any doctrine therefore, which starts from the initial postulate of peace, is foreign to fascism.

Equally unrelated to the spirit of fascism are all those international and League of Nations institutions—even if they are accepted for the usefulness they may have in certain political situations—which, as history proves, may be scattered to the winds when sentimental, ideal or practical elements cause storms to rage in the hearts of peoples.

A Stoical Motto.

Fascism carries this anti-pacifist spirit into the life of the individual. The proud motto of the fighting days of fascism, “*Me ne frego*” (“I don’t give a damn”) which a legionary wrote on the bloody bandages covering a wound on his head, is an assertion not only of a stoic philosophy and the essence not only of a political doctrine. It is also an expression of the training to fight and of the acceptance of the risks that fighting entails; it is a new style of living for present-day Italians. . . .

Fascism still believes and will always believe in sanctity and in heroism; in acts, that is to say, that are prompted by no economic considerations, either remote or near at hand. Having repudiated the theory of historical materialism, according to which men are mere puppets of history, which appear and disappear on the surface of the stream, while the real directive forces exist and work in the deeps, it follows that fascism repudiates class war. Particularly does fascism deny that class war is the preponderant agent of social transformations. . . .

Democratic regimes may be defined as those in which, every now and then, the people are given the illusion of being sovereign, while the true sovereignty

in actual fact resides in other forces which are sometimes irresponsible and secret. Democracy is a regime without a king, but with a number of kings, often more exclusive, tyrannical and ruinous than a single king, even though he be a tyrant. This explains why fascism, though having assumed before 1922 a tendency toward a republican attitude, reversed that attitude before the march on Rome. It was convinced that the question of the political system of a State is not to-day of preeminent importance and that if samples of past and present monarchies and past and present republics are examined it will be found that the monarchical and republican systems must not be judged as though they were eternal, but that they represent forms in which political evolution, history, traditions and the psychology of any particular country manifest themselves. . . .

Fascism repudiates and leaves to democracy the free use of the absurd conventional falsehood of political equality, the habit of collective irresponsibility and the myth of indefinite happiness and progress. But, if democracy could be differently understood, the writer of this article would be able to define fascism as an "organized, centralized and authoritative democracy." . . .

Unity and Liberalism.

The Fascist negation of socialism, of democracy, of liberalism, must not lead people to believe, however, that fascism wishes to push the world back to what it was before 1789, which is usually given as the opening year of the democratic-liberal century. It is not possible to turn back. Fascist doctrine has not elected de Maistre to be its prophet. Monarchical autocracy is a thing of the past, just as rule by any church is. In the same way, feudal privileges and the division of humanity into impenetrable castes are things of the past. The conception of Fascist authority has nothing to do with a police-ridden State.

A party which governs a nation entirely is a new fact in history and therefore no reference points are available and no comparisons can be made. Fascism has rescued from the wreckage of liberal, socialist and democratic doctrines those elements which still appear to be vital. It has retained those that may be termed the "proved facts" of history and has rejected everything else. It has rejected, in other words, the conception of a doctrine that can be applied to all peoples in all ages.

A cornerstone of Fascist doctrine is its conception of the State, of its essence, of its duties, of its aims. For fascism, the State is something absolute, before which individuals and groups are something relative. Individuals and groups are conceivable only inasmuch as they exist within the State. The liberal State does not direct the material and spiritual growth and development of the community, but limits itself to registering the results. Fascism, instead, has a consciousness, a will of its own. For this reason it is called an "ethical" State.

In 1929, in the first quinquennial assembly of the Fascist regime, I said: "For fascism, the State is not merely a night watchman, who must think only of the personal safety of the citizens. It is not even an organization with purely material aims, such as guaranteeing a certain well-being and a relatively peaceful life for the community, in which case it could be replaced by a board of directors.

It is not even a creation of pure politics, without any adherence to the complex material life of single individuals and of communities.

The Fascist Idea of the State.

“The State which fascism has conceived and brought into being is a spiritual and moral fact, because it is a concrete expression of the political, juridical, economic organization of the nation, and such an organization is, both at its birth and in its development, a spiritual manifestation. The State is the guarantor of internal and external peace, but it is also the custodian and the agency which transmits the spirit of the people, such as it has been elaborated through the centuries in the language, in the customs, in the faith. The State is not only the present, but it is also the past and, above all, the future. . . .”

Fascism and the State.

The Fascist State does not remain indifferent toward religion in general and toward that particular positive religion which Roman Catholicism is. The State has not a theology, but has a moral code. In the Fascist State religion is considered to be one of the deepest spiritual manifestations. Religion is, therefore, not only respected but defended and protected. The Fascist State does not create a god of its own, as Robespierre wished to do in the last delirium of the convention; nor does it vainly try to wipe God from the minds of men, as bolshevism does. Fascism respects the god of the ascetics, of the saints and of the heroes, and the God that is believed in and prayed to by the simple and primitive heart of the Italian people.

The Fascist State is a will to power and empire. Roman tradition is here an idea of power. In the Fascist doctrine, empire is not only a territorial, a military or a mercantile expression, but a spiritual or moral one. One can conceive of an empire or a nation which directly or indirectly leads other nations, without the need of conquering a single square mile of territory. Fascism regards the tendency to empire—that is to say, the expansion of nations; as a manifestation of vitality; the converse, or an inclination toward stay-at-home principles, as a sign of decadence. Nations which are rising or are rising again are imperialist; dying nations are renouncers. . . .

Never as in this moment have the peoples of the world been athirst for authority, for leadership, for order. If it may be said that each century has its own doctrine, then a thousand indications point to fascism as the doctrine of the present century.¹

Democracy and private capitalism are opposed by communism and fascism. According to some observers the next great war will be fought by democracy on the defensive against the forces of collectivism. The problem of the future is that of steering a middle course between the extremes of individualism and collectivism. If democracy and

¹ MUSSOLINI, BENITO, *Fascism Defined*, *The New York Times*, Sept. 18, 1932, p. 3, based upon data in the *Encyclopedia Italiana*, Milan, Italy.

capitalism can devise such compromises between individualistic and collective action as to preserve the social values of individualism and democracy while increasing the efficiency of society in its economic and political aspects, social progress is assured. However, at the present time these conflicting philosophies of government and economic organization seem to provide the basic unsettling influence on international relations.

A NEW INTERNATIONAL SPIRIT?

The true American citizen will use all means in his power to bring about international peace by the frankest and fullest kind of recognition of differences with other nations. His interest will not be in cosmopolitanism, or the bringing of all to a common level, but in a tolerant attitude toward the various cultures and systems throughout the world.

Most people now understand, what they failed to take seriously before the World War, that war is still a grim possibility. A crisis in foreign affairs may lead quickly to war, and modern war affects not only the men who fight in the trenches, on the sea, and in the air but the whole civilian population as well. War affects the people's food; it upsets the whole economic rhythm of a country. During the period of active hostilities all efforts at social betterment must be postponed. Furthermore, since economic recovery is a slow and painful process extending over many years, it is evident that war is at best a great obstacle to orderly, well-organized effort at social betterment.

The duty of the citizen in a representative democracy includes the development of an alert attention to those aspects of the foreign policy of his country which may lead to international misunderstanding and chaos and war. This alertness of the citizen must include a constant awareness of the formation of policies of national defense lest a military and naval machine of such proportions be developed as to frighten the rest of the world into a defensive coalition. It has not yet been determined just where defensive and preparedness tactics cease and offensive plans take form. The current expenditures on the military and naval and air forces of the United States will undoubtedly appear to many citizens at home and certainly to many foreign observers as a not entirely friendly gesture akin to a boast of strength. To some people it no longer seems sensible to prepare for war in order to avoid it after the experience of 1917-1918 in engaging in a war to end wars.

In "penitent reparation" to the Unknown Soldier, the Reverend Dr. Harry Emerson Fosdick, undoubtedly the most influential clergyman in New York City, has gone the whole way in his denunciation of war. He has declared that he will "never again, directly or indirectly, sanction another war." He added, "I'll

see you in prison first." Remembering what he did in France during the World War, he used these words: "I renounce war because of what it does to our men. I've seen it. I renounce it because of what it forces us to do to the enemy. I renounce and will not sanction it because of its consequences and the undying hatred it nourishes. I renounce it and never again will I be in another war.

"I stimulated raiding parties to their murderous tasks. Do you see why I want to make it personal? I lied to the Unknown Soldier about a possible good consequence of the war. There are times I don't want to believe in immortality—the times I want to think that the Unknown Soldier never can realize how fruitless was his effort. The support I gave to war is a deep condemnation upon my soul. . . .

"The noblest qualities of human life, which could make earth a heaven, make it, in war, a hell. Men cannot have Christ and war at the same time. I renounce war." . . .

This is a cause for genuine rejoicing. And so is the fact that five former army chaplains declared at the same conference at which Dr. Fosdick spoke, in the Broadway Tabernacle in New York, that they would not again serve in that capacity. They, too, are tired of urging men to kill other human beings, and then getting up in their pulpits and demanding allegiance to the Commandment "Thou Shalt Not Kill." . . . Lloyd George was for once right when he declared that if the churches of the United States and Great Britain permitted another war to come, they should padlock their doors for all time. There are some compromises that the modern church cannot survive. . . .

The anger of the militarists is perfectly understandable. They know that our people are quite aware that our going to war was a useless crime against America, that we got nothing out of it but misery, and that it nearly ruined the Republic we love. It must gall them to read that of the class of 1924, of Yale University, now ten years out of College, and therefore, between thirty-one and thirty-four years of age, 43 per cent have just voted that they will not take up arms to defend the United States even if it is attacked. How magnificently encouraging this is!¹

The cult of the nation-state, as it expresses itself in the patterns of conflicting nationalism and rival imperialisms, and the search for profits reflected in competing capitalisms, obviously lie at the bottom of that competitive quest for power and prestige which is the essence of international politics and the fundamental cause of war. This quest is not the work of scheming diplomats, secret conspirators, and unscrupulous profiteers who plunge nations into seas of tears and blood for their own advantage. Diplomats and profit-seekers do indeed scheme and conspire, and peoples often find themselves at war under circumstances requiring that they find reasons for fighting after hostilities have broken out rather than before. This was the situation in which almost all the European peoples found themselves in 1914. Each war crisis, however, has a long train of antecedents in conflicting governmental policies which are supported by patriots. In the quest for power, diplomats and entrepreneurs are the tools rather than the masters of the great forces moving States to action. Questions of "war

¹ VILLARD, O. G., in *The Nation*, vol. 133, p. 581.

guilt" and of responsibility for "agression" are quite irrelevant. The roots of power politics and the seeds of war are deep in the soil of western civilization—and only optimistic idealists can delude themselves into believing that the trimming of the twigs and the disguising of the flowers which have gone on since 1919 have killed the plant. It would be more reasonable to hope for an earthquake or a plague which would destroy the soil itself or render it barren. To poison the soil will kill the tree—but nothing else will grow in its place. To permit the tree to grow will accomplish the same ultimate result. In the face of this dilemma, peace seekers must either despair or else develop a more effective technique for uprooting the seeds of war than any which has appeared hitherto.¹

There are still many people who agree with the sentiment expressed in the following excerpts from Prof. Banse:

War, it has been said, is the continuation of statesmanship by other methods. The obvious meaning of this is that it is the business of the sword to complete what the pen has initiated but not carried through to a finish. . . .²

Peace is the ideal state, but it carries with it the risk of stagnation and somnolence; war, on the contrary, is the grand stimulant and uplifter; quickening the whole pace of existence and opening up a completely different and, in most cases, novel world of ideas. . . . Peace puts a premium on the good citizen, the man whose life is tied to a regular sequence of work and pay, food and recreation, procreation and economy. In war, on the other hand, such things are at a discount; what is wanted there above all things, including the bourgeois in soldier's dress, is the warrior, a type which contributes nothing of value in peace-time, but once in the field, immediately stands out by reason of its unexpected virtues, virtues diametrically opposite to those of the bourgeois.³

According to the Kellogg Pact, or the Pact of Paris, "war has been outlawed by treaty as an instrument of national policy." According to the idealism of those who sought to form a real body of human opinion against war by founding the League of Nations, no civilized nation can any longer prepare for offensive war. But the twentieth century has not witnessed the end of war. The war against war appears to have been only a phrase to be bandied about by propagandists and idealists who sought to win adherence to their side of the World War struggle.

If people were misled by cleverly manipulated, artfully developed, skillfully presented propaganda in the last war, as they were, is it not likely that similar reactions in favor of a righteous war may be built up by means of propaganda in the future? The means of communica-

¹ SCHUMAN, *op. cit.*, p. 738.

² BANSE, EWALD, *Germany Prepares for War*, Harcourt, Brace & Company, 1934, p. 3, trans. by Alan Harris.

³ *Ibid.*, pp. 5-6. Cf. *The Science of Arms* by the same author.

tion of ideas have been almost overdeveloped since the World War. In the misuse of that technique of rapid communication lies one of the chief threats to a peaceful future. During periods of war hysteria it is next to impossible for people to think straight or to act sensibly. We have apparently learned nothing from the last war. Already many people are talking about the next one. Against whom? For what idealistically rationalized hidden aims shall we be fighting? To collect war debts? To collect debts owed to international bankers? To insure the safety of the world for communism or fascism or the divine right of kings and dictators to tell the citizen when he is to become cannon fodder once more? And after the next war, what?

QUESTIONS AND TOPICS FOR DISCUSSION AND STUDY

1. How do you account for the fact that resort to war still retains an important place in the policies of nations?
2. Attempt to outline the arguments supporting his position in regard to war of the (1) militarist, (2) pacifist, and (3) one who believes in neutrality.
3. What is your estimate of the effectiveness of international conferences as a means of settling international disputes?
4. What is the judicial function of the League of Nations?
5. Why is the United States not a member of either the World Court or the League of Nations? Discuss fully.
6. Why did Germany, Italy and Japan withdraw from the League of Nations? Why did Russia join the League? What were the circumstances surrounding the actions of these countries?
7. List the arguments for war. Do you think that these arguments are a sufficient justification for nations to place their faith in the war machines as a means of settling disputes?
8. What is patriotism? Are there different grades or brands of patriotism? Attempt a definition of patriotism that you feel is adequate for this century.
9. Are the spoils of modern wars adequate to recompense the nation that goes to war and wins?
10. What would you consider adequate grounds for American participation in war?
11. What is dollar diplomacy? From a review of American history attempt to list the instances in which dollar diplomacy led us into international difficulties.
12. "Sovereignty among nations and individualism among people living under present social conditions are both due for considerable modification." Discuss and evaluate this statement.
13. What is the present comparative military and naval strength of the leading nations of the world?
14. To what extent is war in the machine age different from earlier warfare?
15. Do you think the survivors of modern wars get their money's worth even if they are on the victorious side?
16. What do you think of Dr. Fosdick's position on war?
17. Do you think that the manufacture of munitions ought to be controlled and carried on by the government instead of private manufacturers? Support your answer with pertinent data.

TERMS

war	judicial function
neutrality	treaty
nation	covenant
nationalism	alliance
patriot	economic independence
patriotism	political independence
pacifism	sovereignty
militarism	international politics
arbitration	national honor
international conference	disarmament
pronunciamento	“white man’s burden”
security	mobilization

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Part V · *The Student and the
Future*

Chapter XXIII

**The Social Sciences and the
Student**

There is considerable evidence that the college student is becoming intensely interested in the social problems of this country and other nations. A great increase in the number of high-school and college students selecting courses in the social-studies area bears witness to this trend. Many college officials and writers on college life have sensed the growing interest of the American college student in social problems. The American college student has manifested serious skepticism about the well-being of our present society, and he is searching for more of the basic facts and implications underlying our economic and political life. The musical comedy and movie portrayal of the college student does not correspond to present-day reality. This interest in public affairs is manifesting itself in student organizations. Many students belong to such organizations as the International Relations Club, college branches of the League of Women Voters, the American Student Union, peace organizations, and other clubs concerned with the peace movement, political parties, academic freedom, and civil liberties. Some adults interpret these manifestations to mean that the American college student is becoming radical, but those who work closely with college students best know that this is not true. Alert college students are industriously seeking to get "at the roots of things."

What should the college student study in the field of the social sciences? Why should he concern himself with these persistent political, economic, and social problems? Is there any need for him to be concerned about the social order? What do colleges offer in the way of further study of social problems? What is the nature of the social sciences? Are they really sciences? If a student should not go any farther in college, what interest should he continue to take in the social problems of his country? These questions should be carefully considered by the individual student, and he should find his own answers.

This chapter endeavors to make some suggestions covering these questions.

This book has endeavored to present some of the persistent problems in American life that should appeal to the intelligent citizen. The presentation has been from the standpoint of the citizen, not from that of any particular branch of the social sciences. The approach might be called "eclectic." Usually any civic problem contains a number of elements, such as the political, the economic, or the social element. There has been no endeavor to keep these elements separate.

Another characteristic of this book has been that the problems have been approached from a psychological rather than a logical point of view. In other words, an attempt has been made to show how the problem has vital interest to the citizen. These problems have not been organized from the standpoint of the nature or content of economics, sociology, or political science. Again, they have been presented with a view to concreteness, with little attempt to present theories and apply them. First the problem has been presented, and then the methods of study of the various social sciences have been used.

This is simply one approach to the study of the citizen's problems. Just as important as this method is the method of studying scientific principles. This is especially true after the student has become somewhat acquainted with the problems that concern him. Students should look for the more permanent rules, generalizations, or principles that govern human relations. After completing this course, a student who is interested in the social sciences should begin to think about taking courses in the principles of economics, sociology, social ethics or political science.

The student should not feel that these are the permanent problems that he will meet throughout his adult life. The problems that have been discussed in this book are those which are uppermost at the present time; but one of the outstanding characteristics of social life is change. There is no pretense on our part to prophesy that these problems will be those of tomorrow. Some of them will undoubtedly persist for a long time; but some of them may change very quickly, and new problems will arise. The best that a student can do is to study the present problems critically and seek to find underlying principles which may aid him in his attack on the problems of tomorrow. In short, the intelligent citizen must be constantly sensitive to new problems and must be a constant student of the changing social scene.

THE PRESENT OUTLOOK

The depression brought to the fore a number of problems. Some of them were basic and of long standing; others were of a more immediate

nature. There was so much dislocation of normal life in the United States, and so many millions of Americans were personally affected, that one outstanding question has arisen from the economic crisis of 1929-1933. This is the one of *social planning vs. social drift*. With betterment of conditions there is great likelihood that this and other questions of importance will be temporarily forgotten. The enthusiasm and interest will die until the next crisis brings social questions to the front again. A college student should give a great deal of attention to the problem of social planning. He should clarify his thinking as to the nature of the social order, the nature of social change, and the rule of human intelligence over the social environment.

The older belief was that society has its own organic growth; it was something like a biological organism. It was a living thing and therefore provided means for its continued life and had automatic means for its own growth and repair. Some social theorists, especially Oswald Spengler, carried the analogy so far as to assert that society went through certain definite cycles, corresponding to human life—birth, growth, and decay. By this means one society died, and another took its place. Some social scientists do not go this far, but they do believe that the social order is evolved and controlled by inherent laws. There is also a religious concept, held by some religionists, that society follows a divine plan and that man can do nothing about setting goals or aiding society in its own improvement. The concept of social planning emphasizes another point of view, that is, that man, by taking thought, can consciously direct social change. Of course this change is always within the limitations of human capacities and the natural and cultural resources at hand. These advocates are not utopians; they adhere to realistic principles of studying the needs of the hour and then consciously attempting to bring about changes in human beings and in their environment conducive to the general welfare. Again, let it be repeated, a student should clarify his own thinking on this issue and take his stand.

A number of references will be given to indicate the present situation in this country. These citations are from the works of outstanding leaders in the social sciences. A number of social documents have been produced during the present decade which should command the attention of all thoughtful citizens. The outstanding one is that of President Hoover's Research Committee on Recent Social Trends. This group of scholars and experts set to work to discover and describe social trends in the United States, and the criticism of political bias or radicalism cannot be successfully made against their findings. A second evaluation of the present American scene was made by a group of scholars under the auspices of the American Historical Association. This body was called the Committee on Social Studies and included in its member-

ship some of the outstanding scholars in all the fields. In the fall of 1937 approximately 60 members of the faculty of the Ohio State University published a significant book, *Democracy in Transition*, a survey. (D. Appleton-Century Company, Inc.) In addition to these studies a group of American social scientists compiled a series of eight studies of civic education in America and seven European countries.

THE NATION'S NEEDS

THE PICTURE.

Our country is cited as the great exemplar of democracy. Do the changing social conditions make the adaptation of democracy a problem? We note lines, which if projected into the future would lead in opposite directions, one away from democratic control and the other toward a more perfect realization of its principles.

From one point of view our observations show great cities from time to time in the grip of organized and defiant criminals, rural districts often forlornly governed, masses of persons losing confidence in the ballot and elections, and regarding liberty, equality, and democracy as mocking catchwords twisted into legalistic defenses of special interests. The swift concentration of vast economic power in a period of mergers, and the inability of the government to regulate or control these combinations, or in many cases to resist their corrupting influences, are not encouraging in their sinister implications; the organized labor movement seems declining in numbers and vigor. The difficulty of providing a steady stream of high competence in political leadership and administration has contributed to the difficulty of our problem, while the expensive control of masses of people through the arts of organized publicity and propaganda presents its dubious aspects to the observer of democratic trends. Many have been led to conclude reluctantly that the emergence of some recognized and avowed form of plutocratic dictatorship is not far away.¹

Our experts show in great detail the wholly unparalleled democratization of education in recent years; the unexampled democratization of forms of transportation, long an index of aristocracy; the democratization of recreation through the moving pictures, the radio, and park systems; the democratization and standardization of dress and fashion, often obliterating long standing marks of class. If we care to look upon democracy as a way of life, these fundamental facts are to be considered along with the corruption and ineffectiveness of much of our governmental machinery.

An interpretation which seems to have a margin of advantage is that of the prospect of a continuance of the democratic regime, with higher standards of achievement, with a more highly unified and stronger government, with sounder types of civic training, with a broader social program and a sharper edged purpose to diffuse more promptly and widely the gains of our civilization, with control over social and economic forces better adapted to the special social tensions of

¹ *Recent Social Trends*, Whittlesey House, McGraw-Hill Book Company, Inc., 1933, vol. 1, p. lxxviii.

the time, with less lag between social change and governmental adaptation and with more pre-vision and contriving spirit.¹

THE NEED FOR SOCIAL RESEARCH.

If one considers the enormous mass of detailed work required to achieve the recent decline in American death rates, or to make aviation possible, or to increase per capita production in farming, one realizes that the job of solving the social problems here outlined is a job for cumulative thinking by many minds over years to come. Discovery and invention are themselves social processes made up of countless individual achievements. Nothing short of the combined intelligence of the nation can cope with the predicaments here mentioned. Nor would a magnificent effort which successfully solved all the problems pending today suffice—if such an effort can be imagined. For, if we are right in our conception of the character of cultural trends, the successful solutions would take the form of inventions which would alter our ways of doing things, and thereby produce new difficulties of endless variety. Then a fresh series of efforts to invent solutions for social problems would be needed.

. . . the Committee stated that the major emerging problem is that of closer coordination and more effective integration of the swiftly changing elements in American social life. What are the prerequisites of a successful, long time constructive integration of social effort?

Indispensable among these are the following:

Willingness and determination to undertake important integral changes in the reorganization of social life, including the economic and the political orders, rather than the pursuance of a policy of drift.

Recognition of the role which science must play in such a reorganization of life.

Continuing recognition of the intimate interrelationship between changing scientific techniques, varying social interests and institutions, modes of social education and action and broad social purposes.

Specific ways and means of procedure for continuing research and for the formulation of concrete policies as well as for the successful administration of the lines of action indicated.

If we look at the ways in which the continuing integration of social intelligence may advance, there are many roads leading forward.

1. We may reasonably anticipate a considerable body of constructive social thinking in the near future developing in the minds of individual students of social problems, pioneers in social discovery or statesmen in social science. More widely in the future than in the immediate past we may expect the growth of thinking about the meaning of the great masses of social data which we have become so expert and generous in assembling. Is it possible that there is radical inconsistency between the industrious and precise collection of material and the effort to interpret and utilize what has been found out? Or the contrary, is there a compelling urgency that they be brought together both for the sake of science and of society? . . .

¹ *Ibid.*, p. lxix.

2. Nor can we fail to observe the interest of government itself, national state and local alike, in the technical problems of social research and of prevision and planning. . . . There is reason to anticipate that this form of organization of social intelligence and policy will develop in the future with the increasing complexity of social life and the realization of the significance of social interrelationship. . . .

3. The Social Science Research Council, representative of seven scientific societies, and devoted to the consideration of research in the social field, may prove an instrumentality of great value in the broader view of the complex social problems, in the integration of social knowledge, in the initiative toward social planning on a high level. . . .

4. Out of these methods of approach it is not impossible that there might in time emerge a National Advisory Council, including scientific, educational, governmental, economic (industrial, agricultural and labor) points of contact, or other appropriate elements, able to contribute to the consideration of the basic social problems of the nation. Such an agency might consider some fundamental questions of the social order, economic, governmental, educational, technical, cultural, always in their interrelation, and in the light of the trends and possibilities of modern science.

In any case, and whatever the approach, it is clear that the type of planning now most urgently required is neither economic planning alone, nor governmental planning alone. The new synthesis must include the scientific, the educational, as well as the economic (including here the industrial and the agricultural) and also the governmental. All these factors are inextricably intertwined in modern life, and it is impossible to make rapid progress under present conditions without drawing them all together.

The Committee does not wish to exaggerate the role of intelligence in social direction, or to underestimate the important parts played by tradition, habit, unintelligence, inertia, indifference, emotions or the raw will to power in various forms. These obvious factors cannot escape observation, and at times they leave only a hopeless resignation to drift with fate. Social action, however, is the resultant of many forces among which in an age of science and education, conscious intelligence may certainly be reckoned as one.¹

ALTERNATIVES

The alternative to constructive social initiative may conceivably be a prolongation of a policy of drift and some readjustment as time goes on. More definite alternatives, however, are urged by dictatorial systems in which the factors of force and violence may loom large. In such cases the basic decisions are frankly imposed by power groups, and violence may subordinate technical intelligence in social guidance.

Unless there can be a more impressive integration of social skills and fusing of social purposes than is revealed by recent trends, there can be no assurance that these alternatives with their accompaniments of violent revolution, dark periods of serious repression of libertarian and democratic forms, the proscription and loss of many useful elements in the present productive system, can be averted.

¹ *Ibid.*, pp. lxx-lxxiv.

Fully realizing its mission, the Committee does not wish to assume an attitude of alarmist irresponsibility, but on the other hand it would be highly negligent to gloss over the stark and bitter realities of the social situation, and to ignore the imminent perils in further advance of our heavy technical machinery over crumbling roads and shaking bridges. There are times when silence is not neutrality, but assent. . . .

. . . The immense structure of human culture exists to serve human needs and values not always readily measurable, to promote and expand human happiness, to enable men to live more richly and abundantly. It is a means, not an end in itself. Men cling to ideas, ideals, institutions, blindly perhaps even when outworn, waiting until they are modified and given a new meaning and a new mode of expression more adequate to the realization of the cherished human values. The new tools and the new technique are not readily accepted; they are indeed suspected and resisted until they are reset in a framework of ideas, of emotional and personality values as attractive as those which they replace. So the family, religion, the economic order, the political system, resist the process of change, holding to the older and more familiar symbols, vibrant with the intimacy of life's experience and tenaciously interwoven with the innermost impulses of human action.

The clarification of human values and their reformation in order to give expression to them in terms of today's life and opportunities is a major task of social thinking.¹

The task of men in Society is, with the aid of movements, to place themselves in a position to act rationally on the basis of assumptions which meet the needs of their environment—of the developing objective situation. That is to say, the task of men in Society is to construct for themselves economic and political systems which will make rational action easy because they square with the developing conditions of social life. That to my mind is the key to the comprehensive social theory which must underlie all political and economic theories that are to give men help in facing their concrete social problems.²

THE ROLE OF THE SCHOOL IN STATE BUILDING

On the whole, the school emerges as the dominant figure in the new process of civic education, and in all probability will continue to hold this position for some time to come, and to strengthen its influence with the adoption of more scientific methods of analysis and instruction. Here will center the struggles, scientific and political, for the control of social and political behavior, at one time or another centering around the family, the army, the church.

The state-builder of the future will address himself to this strategic point in the organization of political interest, allegiance, and ideals. To be sure, the school cannot be effective unless it is integrated with the life of the community, and supported by social morale and a sense of political and social values outside the educational institution. But assuming that the school and society are not

¹ *Ibid.*, pp. lxxiv-lxxv.

² COLE, G. D. H., *Some Relations between Political and Economy Theory*, Macmillan & Company, Ltd., 1934, p. 92.

too far apart in their codes of behavior, the educational organization under such circumstances will wield enormous power over the oncoming generation in the formation of interests, drives, attitudes and skills. It is here, consequently, that those interested in the formation and continuance of state attitudes will address themselves for assistance in the prosecution of their plans.

The school is by all odds the most important of the techniques employed in the process of civic education in the states here considered, and there is every reason to conclude that it will continue to be so. In this connection, the school should be taken to mean not merely the teaching function but also that of research and inquiry into the basic social and political patterns and their application in a given society—a development even now on the horizon.

The formal training system is confronted with many grave problems in the technical field of civic education. Among these basic questions are the closer analysis of the objectives of civic instruction, the most appropriate levels of education, the training and equipment of teachers, the content of courses, and, above all, the closer study of the nature of the political process in the juvenile and youth periods, itself closely related to the larger problem of political interest, drives, and controls, in the larger sense. In most of the countries studied in this series there has been little systematic attention given to these problems, and it cannot be said that very notable progress has been made in this direction. It is all the more important, therefore, to consider some of the outstanding developments and questions in this field.¹

The social sciences are in somewhat the same situation in which the natural sciences found themselves three hundred years ago in the days of Francis Bacon, Galileo and Descartes. They have to emancipate themselves from academic traditions and popular prejudices which suspect and resent any fair statement of the actual terms and conditions of human life. Henry Adams felt that "every instructor has to shut the eyes and hold his tongue as though he were a priest." This is true especially of those dealing with the sciences of man. These subjects have to be dealt with in a gingerly manner in our schools and colleges. Even in the universities one cannot tell all that he thinks he knows about our business system, our banks and factories and mines; about the Legion or the I. W. W.; about religion, marriage, and patriotism; about the newspapers; about the Senate and Supreme Court of the United States. The *virginibus puerisque* argument is always a potent check on scientific frankness. And even our graduate schools are so closely connected with the undergraduate instruction that the same restraints often carry over.²

A PROGRAM OF CIVIC EDUCATION.

Builders of patterns of state solidarity and morale may be concerned with the following conclusions which are derived from the observation of a series of types of civic educational systems.

¹ MERRIAM, CHARLES F., *The Making of Citizens*, University of Chicago Press, 1931, pp. 354-355.

² ROBINSON, JAMES HARVEY, *The Human Comedy*, Harper & Brothers, 1937, pp. 364-365.

1. Increasing attention is given to the systematic and conscious development of elaborate mechanisms of civic training, and less reliance is placed upon unorganized drift.
2. The school becomes the chief center of interest and activity in the development of civic attitudes and skills, followed by the press, political parties, and organized propaganda.
3. Fundamental and revolutionary changes are likely to be made in the future and indeed are already under way in the following important fields:
 - A. Adjusting the overemphasis on traditions to the need for attitudes and aptitudes of adjustment in a rapidly changing modern world.
 - B. Bridging the gap between civic precepts and social behavior—the conflict between competing allegiances and codes of behavior of various types of social groups, by viewing behavior as a whole, and placing the political in its social setting.
 - C. Development of workable international attitudes and codes of behavior as between competing political groups.
 - D. Closer integration of our knowledge of the whole constitution of man, both physical and mental, with plans for the development of types of behavior, and by adjusting the one to the other.
 - E. Radical improvement in the technique of civic instruction through more complete organization of the pedagogy of civic education.
 - F. Broadening the scientific basis of our knowledge of the political man and the patterns and controls of political behavior.¹

If present trends continue, the coming citizen will enter the political world far more adequately equipped than his predecessors for participation in the political behavior essential to the well-rounded life, and protected from many of the deformities, diseases, and obsessions that make political relations a zone of darkness and trouble to so many persons, and often so heavy a burden to the community itself. The long, long line of those who have marched to their doom, in slavery, prison, or the grave, in the tragic struggles for political readjustments, is not yet ended. But there is reason to believe that it is possible for humanity to train itself in such a way as to reduce the terrible and agonizing cost of men's adaptation to each other and to social change, and to release the finer, richer, more beautiful, and satisfying possibilities of cooperation in mankind.

No more fateful enterprise confronts the scientists who work with human relations; or the builders of the coming states.²

If it be urged that the teacher of social studies should have nothing to do with ideas so controversial in nature but must stick to "facts," an invincible answer is forthcoming. Since all the facts cannot be assembled and presented in any scheme of instruction, a selection must be made, and in the arrangement, since some numerical order is necessary, emphasis can not be avoided. Every statesman, every judge, every informed citizen who acts on something more than prejudice has in mind a more or less logical picture of an ideal social order to be preserved or realized; and in concrete cases of controversy throws his weight on

¹ MERRIAM, *op. cit.*, pp. 360-361.

² *Ibid.*, p. 362.

the one side or the other in accordance with his mental picture. The teacher of social science can only escape presenting the necessity of choice in social affairs by fleeing from the world of reality to a land of abstraction. If this is the alternative, then civic instruction might as well be taken out of the schools. By its intrinsic nature, social science requires some picture of the process in which we live and work and when it is realistically conceived it must deal with what is here and now and also with what is emerging from the here and now.

From this point of view, it appears that any social science worthy of the name must objectify itself in the development and improvement of individuals, institutions, human relations, and material arrangements already in course of unfolding in the United States. The people of this country are engaged in no mere political experiment, as often imagined, but are attempting to build a civilization in a new natural setting, along original lines, with science and machinery as their great instrumentalities of work. Though an off-spring of European civilization, America has never imported a large part of the Old World heritage and is constructing a social order of many ingredients that are distinctly unique in emphasis at least. We cannot import civilization wholesale from Europe. . . . While a few critics go abroad for inspiration, while the wise search for ideas wherever they may be found, the great body of thinkers still agree with Emerson that we must stand fast where we are and work out our destiny along lines already marked out—build a civilization with characteristics sincerely our own, in harmony with historic ideals and yet incorporating novel practices adapted to changing needs. As in all other civilizations four aspects will always be in the foreground—political, economic, ethical, and esthetic.¹

. . . one of the major aims of American civilization now in process of realization is the planning and management of economy in such a fashion as to eliminate the poverty and squalor which have cursed the masses in all previous civilizations. On the practical side this may be called the supreme effort of the modern age and though often criticized as "materialistic" in nature may properly be viewed as the great economic objective of our time.²

Civilized people have reached such a stage in moral evolution that they cannot sit comfortably in the midst of plenty while starvation and misery do devastating work a stone's throw away. Whether this is the fruit of religion, philosophy, or revolt, or all three, it is an emergent reality in every modern society that makes pretensions to civilization. Social science cannot ignore ethical considerations; otherwise it would become a branch of inert scholasticism without direction or motive force. At each given moment, it is under obligations to select the striking ethical propensities apparent in society, consider their practical upshot, and indicate the various forms which they may take in the advancement of the good life. Ethics gives to civics a dynamic quality.³

It is the business of social ethics to criticize and expose the perils inherent in animal materialism and to bring into active influence standards of moderate and sincere living. This can be done by laying before children possible alternatives

¹ BEARD, CHARLES A., *A Charter for the Social Sciences*, Charles Scribner's Sons, 1932, pp. 55-58.

² *Ibid.*, p. 67. Cf. Findlay Mackenzie's *Planned Society*, Prentice-Hall, Inc., 1937.

³ *Ibid.*, pp. 72-73.

in modes of life and the importance of sane choices in the use of money and leisure.¹

Social science in the schools, therefore, must bring forward the esthetic interest, illustrate it by notable examples in letters and the arts, indicate its uses and potentialities, inculcate respect for it, and show how through individual and community action it can be more richly and effectively embodied in the visible and outward signs of American life and in the tastes and graces of the home.²

The subject matter of social science is the subject matter of letters. Great poets, essayists, novelists, and critics often penetrate more deeply into the social order than professed writers on that theme, for, as John Morley says, they represent mankind in its most enormous intellectual movements. Many of the classics in economics, history, and politics are also classics in letters. A nation without them is shabby in spirit. Letters reflecting deep currents of humanity inform, inspire, and illuminate living in all its aspects; letters which do not are ephemeral, if not anti-social, in character. Since this is true, social science in the schools has a duty to encourage literary ambitions and interests among students. In this way it can counteract the cheap, flashy, and degrading trash which floods the market, set up standards of judgment, and raise the tone of those who write as well as the taste of those who read—no mean contribution to our supreme object—the making of a civilization.³

THE STUDENT AND THE SOCIAL SCENE.

“What, then, is the eager-minded student to do? . . . Grow the habit of critically examining basic assumptions. There are basic assumptions everywhere—in the newspapers, in business, in churches, in the home, in politics—assumptions that underlie the things that people think and believe and do. The first step towards gaining an intelligent grasp of one’s world is to discover and to question these basic assumptions. That is what the world, despite itself, is forced to be doing today. It is at work with a number of the assumptions that almost brought our civilization to wreck. What are these assumptions? Why did they almost wreck our civilization? What are the new assumptions that must be formulated and believed if a wholesomer civilization is to be achieved?”

As things are now I find myself little interested when I meet new people or address audiences as to whether they have had a college education or not. It seems to make so little difference in one’s general outlook and frame of mind. It should be otherwise. Four years in college should cultivate intelligence and open-mindedness in a sufficiently marked fashion to be easily noted. In most cases the college graduate appears to have undergone no greater alteration than might well take place had he passed the previous four years amidst the vicissitudes of non-academic youth.⁴

¹ *Ibid.*, p. 74.

² *Ibid.*, p. 77.

³ *Ibid.*, pp. 78–79.

⁴ ROBINSON, *op. cit.*, pp. 335–336.

WHAT ARE THE SOCIAL SCIENCES?

Accepting . . . the common distinction between the natural sciences, on the one hand, and the mental or cultural sciences, on the other, it is obvious that the latter fall into two categories. The one deals with man as a separate individual, conceived of as dissociated from his fellow beings. The discipline of logic, for instance, deals with certain mental processes of the individual as a separate entity. Other sciences treat of man as a member of a group. In contrast to the separate wants, which can be satisfied by the unaided action of the individual, are wants experienced by the individual which can be satisfied only by associated or group action. These we call the common wants. Common, like separate, wants are experienced by the individual; the difference consists in the appropriate methods of satisfaction. In the one case the satisfaction of the want is obtained by unaided action; in the other by associated action. The phenomena thus related to group activities are commonly called social phenomena, and the sciences which classify and interpret such activities are the social sciences. The social sciences may thus be defined as those mental or cultural sciences which deal with the activities of the individual as a member of a group.¹

In customary usage, a "science" means a body of knowledge and thought, usually to be found in books and papers; and a social science—history, politics, or economics—is such a body of knowledge and thought pertaining to human affairs as distinguished from sticks, stones, stars, and physical objects. . . .

Contemporary knowledge and thought about chemistry, for example, are to be found in relatively few places. But contemporary knowledge and thought pertaining to human affairs are to be found in millions of books and papers and in the minds of millions of persons, known and unknown to the general public and even to specialists themselves. It is theoretically conceivable that nearly everything printed on chemistry and almost all the living chemists could be assembled in one place. But such an operation is impossible for any one of the social sciences.²

The social sciences are primarily concerned with those manifestations of human nature and those activities occurring within society which involve social *consequences* and *relations*—called for convenience political, economic, and cultural, and with the *inter-relationships* which accompany the functioning of society as a whole in its world setting. For example, if a man decided to wear a green necktie instead of a blue one, the social sciences are not concerned with his thought and action on this point. Buying a necktie, however, is a matter of concern to economics as a social science, because that act of buying establishes relationships with the retailer, the wholesaler, the manufacturer, wage earners, producers of raw materials, and so on through a long chain of connected occurrences. And it is one of the functions of the social sciences in general to trace these relationships to their utmost ramifications.³

¹ SELIGMAN, EDWIN R. A., "What Are the Social Sciences?" *Encyclopaedia of the Social Sciences*, The Macmillan Company, 1934, vol. 1, p. 3.

² BEARD, CHARLES A., *The Nature of the Social Sciences*, Charles Scribner's Sons, 1934, pp. 2-3.

³ *Ibid.*, pp. 10-11.

This knowledge about society, however, has little meaning or utility unless it is *organized*. It is in the effort to give meaning and utility to the social sciences that they have been organized around certain social manifestations—political, economic, and cultural. Hence the various divisions, political science, economics, and sociology, and their respective subdivisions. Each of the various social sciences contains an organized body of knowledge. . . . The organization of knowledge concerning the actualities of society in accordance with their intrinsic and meaningful relations and the purposes of the organizer is indispensable to the functioning of society, and is adapted to uses particular and general. Like all other work of the human mind, this organization may be done well or badly, as the talents of organizers may vary, and it will change with the advance of knowledge and thought, but *organization* of knowledge in the social sciences is essential to any achievement of significance by individuals, groups, or society. Without knowledge, we perish; without organization, knowledge pertaining to any large area of affairs is useless.¹

The social sciences, like the natural sciences, proceed upon the great premise that the intricate flux of events can in some way be explained. What appear to be arbitrary or capricious happenings can be fitted into a scheme which has no room for anything but dependable uniformity and regularity. The social sciences, however, have to be distinguished from the physical sciences, not only because the phenomena with which they deal are more complex, because their data are less exact, and because the experimental method which the more rigorous physical sciences employ is generally not available to them, but also because they encounter problems of orientation which are peculiar to them and from which the physical sciences are free. The physical scientist sets himself, as an impartial observer, outside of nature, inquires into nature's processes, and tries to reduce them to simple general relations.²

HISTORY.

Now it seems to me that the history of the race since Menes I of Egypt (the first recorded human name in history) is a very brief period, and that we are at the beginning of the beginning, as Mr. Wells conjectures—rather than in a somewhat advanced and ultimate phase of human achievement. The human comedy seems to me now about to start. The curtain is up and the play is on. The tempo of the overture has increased from largo to presto and pretty soon, the nimblest fingers will not be able to keep up with the score, unless we acquire unprecedented dexterity—and we may.

History I am now inclined to describe as an effort to recall those reminiscences of the past which cast most light on the present. It is an extension of our personal memories. Memory alone renders us sane and able to make judicious terms with things. History properly conceived should vastly augment our insight by widening our memories. It should contribute to precisely the same end as personal recollection, namely, that of orienting us in a world we never made,

¹ *Ibid.*, pp. 14–15.

² YOUNG, A. A., "Economics," in GEE, W. P., *Research in the Social Sciences*, The Macmillan Company, 1929, p. 53.

where we are strangers and afraid—to paraphrase the delightful lines of Mr. Housman.¹

History—the illuminating reminiscences of times gone by, as I conceive it—should work for sophistication. And sophistication means understanding and insight and wisdom. It is no trivial and supercilious affectation, but something most fundamental. We cannot attack our political, religious, economic, educational and social standards directly, although we may well suspect that they must *per force* be anachronisms. They may all, however, issue into a clearer light when we think how everything that now goes on has come about. So history might be the great illuminator. As yet it is highly imperfect; but some day it may well become the most potent instrument for human regeneration.²

History may be regarded as actuality, record, knowledge, and thought. It differs from the systematic social sciences, such as politics and economics, in the time depth with which it deals. The latter take a minimum time depth requisite for their purposes. Theoretically they present a plane-surface view of the living present, but in reality this is impossible. Both politics and economics, for instance, build into their system of thought illustrations of human experience extending over a period of time, long or short, according to the designs of the several writers. History, in contrast, covers the whole reach of time from the dateless beginning to the latest hour.

As *record*, history consists of the signs, symbols, monuments, documents, and papers that convey to posterity the information respecting the actuality of the past, which has been wilfully preserved or has naturally survived the ravages of time. . . .

As *knowledge*, history is a collection of facts, verified, authenticated, and generally agreed upon. George Washington was the first President of the United States under the Constitution; John Adams succeeded him; and Thomas Jefferson was inaugurated in 1801.

As *thought*, history is the selection, arrangement, and interpretation of facts taken from records and from accumulated knowledge of history as actuality. All facts are not included in any history; those which are included do not select themselves. They are chosen and ordered by the historian with reference to some frame of ideas, purposes, and philosophy which he has in mind, more or less consciously.³

POLITICAL SCIENCE.

The work of modern government runs to the roots of life, liberty, property and the pursuit of happiness. From the cradle to the grave we are within the sphere of its activity and influence. Our births are registered in its official records; it provides schools for our education. We cannot be married without its license, or enter any of the liberal professions without conforming to its standards and securing its sanction. At any time we may be called upon to surrender, for its uses, a large share of our property, in addition to ordinary taxes; to fight

¹ ROBINSON, *op. cit.*, pp. 378–379.

² *Ibid.*, pp. 388–389.

³ BEARD, *The Nature of the Social Sciences*, pp. 50–51.

for it; and if need be to die for it. Wherever we live and work we enjoy its benefits and protection and are subject to its restraints. There is no field of industry, commerce, or labor which it does not enter. It is the symbol of national unity, the pledge of national continuity. Our peace, security, comfort, health, and well-being, in an ever increasing measure, depend upon the wisdom of its policies and the efficiency of its administration. Whenever we inquire into the nature and duties of the good life we confront our responsibilities as citizens. Finally, when the race is run, a permit for our burial must be obtained from the government.¹

Political Science is that division of social study which is concerned with government—its geographical units, forms, sources of authority, powers, purposes, functions, operations, and conditionalities. Like economics, it takes a cross section of time of minimum duration for its purposes, and attempts to show what jurisdictions and offices of government exist now, how they are filled, what powers officers enjoy, and what functions or duties they perform. It is usually a plane-surface description of those aspects of human nature and human activity which pertain to government.²

Everywhere in the center of politics, stresses, strains, and problems, arising from tensions between ideas and interests, between thought and situations, appear as data for observation. Indeed, the American constitutional system is based upon the assumed continuity of their existence. It confers upon governments the power to deal with issues as they arise and authorizes amendments in case the powers conferred are not adequate to the treatment of unexpected contingencies. Ordinarily the adjustment of these tensions is accomplished by debate, compromise, or victory within the framework of fundamental law.³

ECONOMICS.

Another of the social sciences closely related to Sociology and to Political Science is Economics, or Political Economy. It is one of the most familiar facts of experience that man requires many things and desires a practically unlimited number, while the means of obtaining them are limited. Economics deals with the wise or economical use of the available means, or with the "economistic" phase of life. To the fields of ethics and religion are left the selection of ends of action, while Economics deals with making material product and pecuniary advantage contribute more to those ends.

That which delimits a field of science—is not the field of facts treated, but the purpose for which the facts are treated—the point of view or of approach, as determined by the central problem under investigation. As political economists we have small concern, then, with the Australian ballot law or with the popular election of senators; ours is not the problem of government. Nor shall we investigate the chemistry of dyestuffs, or the physics of waterfalls or of steam, or the problems of the electric motor. Yet we must do all this were the political

¹ BEARD, CHARLES A., *American Government and Politics*, The Macmillan Company, 1931, p. 1.

² BEARD, *Nature of the Social Sciences*, p. 73.

³ *Ibid.*, pp. 78-79.

economy of present society rightly defined as "an inquiry into the nature and causes of the wealth of nations" (Smith); or as the "science of the production and distribution of wealth" (J. S. Mill); or as the study that "examines that part of individual and social activity which is most closely connected with the attainment and with the use of the material (?) requisites of well-being" (Marshall); or as an "inquiry concerned with the production, distribution, and exchange of wealth and services" (Sidgwick); or as the science that "deals with those activities of man which are directed toward securing a living" (Bullock); or as "the study of the material world and of the activities and mutual relations of man so far as these are the objective conditions of satisfying desires" (Fetter); or as "the science which treats of these social phenomena that are due to the wealth-getting and wealth-using activities of men" (Ely); or as "the social science that treats of man's wants and of the goods upon which the satisfaction of his wants depends" (Seager); or as the "science of man in his business relations to wealth" (Seligman). Better than any of these, as hinting at the existence of a point of view or of a central problem, is Johnson's formulation: "Economics is the science which deals with wealth in its most general aspect; namely, its value aspect." Still better, perhaps, is the following: "*The science that treats phenomena from the standpoint of price*:—therefore, mostly, industry and business."¹

Still another definition of economics is one propounded by Prof. W. C. Mitchell: "Economics is the science of human behavior in relation to wealth." It will have been noted that Prof. Davenport's definition restricts the whole of economic study to that of price and, incidentally, industry and business and the market in which price is determined. But economics is definitely a human study. Although the major problem is one of price and the mechanism of exchange, it is nevertheless true that the economist can no longer evade taking into consideration the social effects of strictly defined and copiously analyzed economic forces.

Economics, or to use the more exact term, political economy, is that branch of social study which deals with the production of commodities having exchange value, primarily material commodities, and their distribution among people in the form of wages, salaries, rent, interest, profit, and other claims to wealth. Under this head come land, capital, and resources—objective things devoted to the making and transport of commodities, enterprise and management, forecasting, organization, direction, labor, skilled and unskilled—applied in the processes of agriculture, industry, commerce, credit, money, and banking.²

In reality, however, writers on economics, from the earliest to the latest days, have never been able to maintain, over-against the objects they observe, that severe neutrality which characterizes true natural science. Adam Smith dwelt at great length on the public policies which he thought the government *should* adopt with respect to various economic matters, and made exceptions to the rule

¹ DAVENPORT, H. J., *The Economics of Enterprise*, The Macmillan Company, 1925, pp. 24-25.

² BEARD, *Nature of the Social Sciences*, p. 94.

of non-interference by the state, which tore great gaps in his closed system of reasoning. Few if any of the subsequent writers found the economic machine working exactly to their satisfaction, which was strange if economics was a real science, for their discontent betrayed an emotional bias out of place in a true science.¹

Beyond technology lie other forces working for change in the economic system—political, ethical, and meditative. The State did not refrain from intervention in the economic order as the “pure” economists demanded. The supreme function assigned to government, that of keeping order, could not be easily carried out in times of great industrial crises, without making concessions to the people who suffered physical distress in such circumstances. Occasionally governments became engaged in war on a large scale, partly for commercial reasons, and war produced immense dislocations in the “normal” course of industry, making it necessary for economists to reckon with this non-economic phenomenon.²

SOCIOLOGY.

In a strict sense sociology, like history, has for its domain all human affairs in their terrestrial setting and relations; and the great sociologists, Auguste Comte, Herbert Spencer, and Lester F. Ward, for example, have sought to formulate nothing less than a theory or scheme of history covering the forms and evolution of human societies. As such, sociology has partaken of the utopian, ideological, and defensive characteristics of written history. . . .

Thought about these aspects and activities, viewed in their contemporary, as distinguished from their historic, forms, covers morals and ethics, esthetics, religion, ceremonies, amusements, recreation, the family, sex relations, education, crime and punishment, imaginative literature as a mode of thought and expression, and various human associations which are not primarily political or economic in character. For the sake of convenience and with reference to instruction in the social studies in the schools, these aspects of social life are here grouped under the head of “cultural sociology,” with appropriate apologies to the “pure sociologists.”³

Most ambitious of all the social sciences, because in a sense it is most comprehensive, is Sociology. It is an endeavor to lay bare the foundations of all living together, to explain the basis of social behavior. Sociology seeks to catalogue, to estimate, and analyze the complex influences upon social life and processes which are exerted by material and psychological, by social and individual factors. In the broad sense Sociology may be defined as the study of human relations or of the interactions of individuals and of groups. But inasmuch as these relations are the outcome of group life, we may accept as a working definition for Sociology that it is the science of the origin, development, structure, and the functioning of social groups.⁴

¹ *Ibid.*, pp. 98–99.

² *Ibid.*, pp. 102–103.

³ *Ibid.*, pp. 113–114.

⁴ ELLWOOD, C. A., *The Psychology of Human Society*, D. Appleton-Century Company, Inc., 1923, p. 14.

The central problem of Sociology is social control. Just as psychology may be regarded as an account of the manner in which the individual organism, as a whole, exercises control over its parts or rather of the manner in which the parts cooperate together to carry on the corporate existence of the whole, so Sociology, speaking strictly, is a point of view and a method of investigating the processes by which individuals are inducted into and induced to cooperate in some sort of permanent corporate existence which we call society.¹

VOCATIONS GROWING OUT OF THE SOCIAL SCIENCES

After surveying the field of the social sciences, the student may be inclined to ask: "All very interesting, and important as general theory—but what does it mean to my own career?" The obvious answer is that a thorough knowledge of the social sciences, or of special branches of them, is an indispensable preparation for any of those professions which involve dealing with people. In this group of professions and vocations are the most highly respected and best paid individuals in every modern nation. Moreover, those whose lifework requires a knowledge of the social sciences are almost invariably the leaders in their community and in the nation and set the direction for its social, economic, political, and intellectual life.

For those inclined toward teaching and research, the social sciences offer academic positions as teachers of economics, political science, sociology, history, law, commerce, anthropology, social work, and other similar subjects. Colleges and universities are giving more and more attention to the social studies, as the growth of social problems and the demand for a better social order have made the American people more and more conscious of human relations and their importance.

Out of political science and law have arisen many of the most attractive professions and vocations. There is a growing field for well-trained lawyers, both in the older branches of practice (criminal law, domestic relations, tort, property, and contract suits) and in the newer fields of constitutional law, taxation, administrative law, international law, and industrial relations. More and more well-trained young law graduates are seeking and obtaining positions with the various government offices, many of them finding places in the so-called "Brain Trust" of the present national administration. Legislative drafting, legal clinic work, and protection of civil liberties are relatively new fields which will attract many brilliant minds to the legal profession. The legal profession is well recognized as the gateway to public life, since a knowledge of the law is almost indispensable for success as an executive, a judge, or a legislator, and few prominent figures in political life are without at least an ele-

¹ PARK, R. E., and BURGESS, E. W., *Introduction to the Science of Sociology*, University of Chicago Press, 1924, p. 42.

mentary training in the law. At present there are 160,605 lawyers in the United States, many of whom hold high positions in the federal, state, and local governments.

Closely allied to law and political science is the growing profession of public service. With the rapid extension of governmental services, more public employees are needed, and well-trained men and women must be found for these new positions, especially these requiring sound judgment and broad social vision, if these new extensions of the influence of government are to work to the public good. Though ability to gather votes for the dominant political party has long been too much considered in appointing public servants, there is a strong movement for civil service reform in the United States, and some municipalities have gone so far as to set up city manager governments, in which even the chief administrative official is chosen for efficiency and merit rather than for political considerations. The United States has put its diplomatic and consular service under the merit system, with the exception of the highest policy-forming officials, and some states, notably New York and Massachusetts, have divorced many of their public services from politics. In 1930 there were 856,205 public servants in the United States.

The church is a social as well as a religious institution, and clergymen and professors of theology are finding it helpful to have a thorough training in the social sciences, particularly economics and sociology. The social aspects of religious doctrine are being emphasized today more than in the past.

Although the medical and dental professions are usually classified as related to the natural sciences (especially biology, chemistry, and physiology) rather than to the social sciences, these professions have a greater social content than is generally recognized. The physician or the dentist must deal with the public, and often a practitioner in these fields will find that a knowledge of sociology will give him an insight into social backgrounds and attitudes that will increase his effectiveness in dealing with physical ills. The natural sciences studied by the physician or dentist are being more and more combined with the social sciences by those who wish to engage in public health work or merely wish to use their talents and training to serve humanity in their private practice. Moreover, it must not be forgotten that a study of social problems is the best sort of training to instill into the medical or dental practitioner the social obligations of his profession, which are acknowledged by his professional code of ethics.

Education is so intimately connected with all the social sciences as to be classified by some thinkers as a social science in itself. Aside from the teaching of the social sciences, the prospective teacher should be well informed as to the nature and trends of his society, for he is training the

young to take their place in it. If it is true that education is the bulwark of successful democracy—and this is hardly open to doubt—the responsibility of the teacher is very great, and he is neglecting his professional duty if he fails to learn something of the social sciences before beginning his lifework.

Psychology is the study of the behavior of living organisms and involves, more than anything else, the study of the human brain and nervous system; but, though it is usually considered a natural, or biological, science, it has intimate connections with all the social sciences. Social psychology, psychiatry, educational psychology, abnormal psychology, and mental testing are new professions and fields of study which are open to the student with a thorough knowledge of the social sciences and of psychology. These fields are very new, but already some hundreds of men and women are engaged in them.

History offers academic opportunities in high schools and colleges, where the subject is usually required of every student who wishes to obtain a liberal education. Though history is primarily a cultural rather than a vocational subject, there is a growing field for well-trained historians in the fascinating field of archeology. Libraries and museums, as well as historical societies, often employ men and women with a thorough knowledge of history. The federal and state archives, engaged in preserving evidences of past and present events, must have historians on their staffs to carry on their work. Historical magazines, such as *Current History*, represent the work of well-trained students of history.

Economics opens the way to the remunerative and attractive fields of business, banking, stock brokerage, salesmanship, investment analysis, credit analysis, business statistics, and accounting. Perhaps more persons are employed in these fields than in all the other vocations growing out of the social sciences, and the financial rewards are high for those who are equipped to take the best positions or to manage successfully business enterprises of their own. These positions are more subject to the vicissitudes of the business cycles than are the other professions mentioned, since in a system of free enterprise business establishments rise, flourish, and fail, sometimes with startling rapidity. Consequently, one who places a high value on economic security should think very seriously before entering business, unless he or she is exceptionally competent. If governmental efforts to stabilize business by control of the monetary system and to provide social security by means of unemployment insurance and old-age pensions are successful, the element of insecurity will be partially abolished, with perhaps some reduction of the largest financial rewards. Business will probably continue to grow in this country for many years, as technological improvements are made and new products and demands come into being. There will continue to be a

demand for capable young men and women in these fields and also for the business statesman of broad social vision who will help business to correct many of its own ethical defects which have in the past invited criticism and government regulation.

Social research and the extension of government aid to the underprivileged have in recent years given rise to the new profession of social work. The number of social workers has increased very rapidly in the period since 1929, this trend being parallel with the increasing recognition of serious social maladjustment among the poorer classes. National, state, and local governments have done much to relieve the worst effects of poverty and unemployment and also to provide public health service and institutional care for the mentally deficient and the insane. All of these activities have had to be supervised and carried on by trained social workers or else by political appointees, and where the latter have had control the results have not been encouraging. Private agencies, such as the churches, the Y.M.C.A., and private philanthropists, have done much to provide centers of recreation in slum areas, train the unemployed for new positions in the trades, and furnish medical aid to those unable to afford it. The better organized labor unions are also taking up this work in some cities and may be expected to provide more such facilities in the future.

One of the advantages to be considered by the student who contemplates entering social work is that of security. The greatest number of social workers is needed in time of depression, when opportunities are fewest in other fields. Moreover, the social worker has the satisfaction of knowing that he is serving humanity. These two motives have induced many intelligent and capable young men and women to enter this field within the last decade, and many more will find employment and a field for service there in the future.

The following figures, taken from the 1930 census, will illustrate the importance of the social sciences from a vocational standpoint, as reflected in the number of persons gainfully employed in certain professions and occupations.¹

Public service.	856,205
Teachers.	1,062,615
Clergymen.	148,848
College presidents and professors.	61,905
Lawyers, judges, and justices.	160,605
Social and welfare workers.	31,241

Thus we conclude this book. The problems that have been discussed remain to be solved. Many other problems might have been included

¹ U. S. Census, 1930, *Population*, vol. 5, p. 20.

so that the book might well have been extended into a series to fill a five-foot shelf. However, since no single book could possibly include a discussion of all of the problems arising from human relations and changing conditions, the authors feel that a fair sampling of pertinent problems has been included.

Students who have reached the conclusion of this book of problems of modern society are invited to continue their study by entering upon some of the more limited areas of discipline within the social studies. These have been briefly referred to in this concluding chapter. If the student's interest has been aroused so as to drive him to further study, one of the basic purposes of the book will have been achieved. It is the considered opinion of the authors that the task of citizens in a democracy requires continuous study and intelligent action to adjust individuals and systems of social organization to constantly changing needs. This is particularly true if social change is to be intelligently directed within a democracy.

QUESTIONS AND TOPICS FOR DISCUSSION AND STUDY

1. In your opinion, is sociology a "science"? Why or why not?
2. Compare economics with chemistry in (1) the subject matter studied, (2) the methods used, (3) the character of the laws deduced in each science.
3. What is the difference between sociology and social work?
4. Is the average teacher of sociology or political science objective and neutral? Should he be? Why or why not?
5. Suppose that your professor of economics spent an hour in class explaining the content of Karl Marx's *Das Kapital*; that he then confessed that he believed Marx's economic philosophy to be valid; that he then advocated that his students take the lead in bringing about the inevitable change from capitalism to communism; then asked the students to join the Young Communist League. At which point, if any, did the professor deviate from teaching and become a propagandist?
6. Is Adam Smith's *Wealth of Nations* a work of objective science or an ethical (normative) work? Explain these terms, and give reasons for your answer.
7. If "the central problem of sociology is social control" (Park and Burgess), how does it differ from political science?
8. Explain the recent emphasis on the social sciences. Why have the social sciences been given relatively more attention in recent years than have the natural sciences? The classics? The humanities?
9. Suppose that you were appointed governor of Puerto Rico in 1940 and found the following conditions existing there: (1) a strong nationalist movement led by history professors and literary men; (2) widespread unemployment and poverty; (3) communist and fascist agitation among the lower classes; (4) a high infant mortality rate; (5) a higher differential fertility among the lower occupational groups, the poorer classes, the mentally inferior, and the Negroes; (6) an influx of Chinese and East Indian immigrants, who were looked upon with disfavor by the native Puerto Ricans; (7) an inadequate school system dominated by local politicians; (8) an increase of mental diseases; (9) a tendency of the young people

to leave the farms and move to the towns, where they soon become public charges or engaged in vice and crime. What social scientists would you call in for advice on each of these problems?

10. Do you think it advisable for scholars to develop a "pure" science of sociology? Of economics? Why or why not?

TERMS

anthropology	economics
empirical	political science
ethical	sociology
history	cultural anthropology
ethnology	quantitative method
statistics	psychiatry
social work	legal clinic

SUGGESTED READING

BEARD, CHARLES A. *A Charter for the Social Sciences*. Charles Scribner's Sons, 1932. One of the volumes printed by the Commission on the Social Studies of the American Historical Association, of which Dr. Beard is one of the most prominent members. Here the collective views of the Commission as to the objectives of instruction in the social sciences are set forth.

———. *The Nature of the Social Sciences*. Charles Scribner's Sons, 1934. This short and highly readable book is another volume of the same series and is a scholarly treatment of the nature of the social sciences and the objectives of study in the fields of history, political science, economics, and cultural sociology.

Encyclopaedia of the Social Sciences. SELIGMAN, EDWIN R. A. "The Social Sciences?" vol. 1, pp. 3-7. The Macmillan Company, 1930. A very good discussion of the nature and scope of the social sciences, written by a well-known economist.

MERRIAM, CHARLES EDWARD. *The Making of Citizens*. University of Chicago Press, 1931. A survey of the problem and techniques of instruction for citizenship. Rather technical for one not well versed in the field of education, but contains some interesting summaries and conclusions.

Recent Social Trends, vols. 1 and 2. McGraw-Hill Book Company, Inc., 1933. A very thorough summary of social, economic, and political trends during and shortly after the Hoover administration, 1929-1933. This series of studies, compiled by President Hoover's Research Committee on Social Trends, is statistically reliable, unbiased, and scholarly, and will no doubt take its place as a basic contribution to the social studies in the United States. It should be consulted often by the student of the social sciences.

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