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THE

Civil Polity of the United States

CONSIDERED IN

ITS THEORY AND PRACTICE.

BY A MEMBER OF THE NEW YORK BAR.

Παθήματα καθήματα } ἔστιν
Μαθήματα παθήματα }



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CONTENTS.

CHAPTER I.—Origin and Growth of the United States.....	1
CHAPTER II.—Sketch of Civil Polity in General.....	8
I.—The Power to Design, as General Ground.....	
II.—Relation of State to Citizens, as Ground of Reciprocal Development.....	
III.—The Religious Ground:—Faith in Truth and in Persons.....	
IV.—Greek and Roman States.—Deficient Views of Law and Lawmakers.....	
CHAPTER III.—Distribution of Powers in the Nation.....	42
CHAPTER IV.—The Two Parties, and their Use of Power.....	54
What Written Constitutions Signify in General.—The U. S. Constitution.—Necessity of Two Parties for General Judgment.—Their Use of the Constitution and of the Powers it Distributes.....	
CHAPTER V.—Methods of Government.....	65
Legislative: Executive: Judicial:—each a trinity of Powers; the three a moral Self-government.—Relation of the Two Parties in each Sphere.....	
CHAPTER VI.—Methods of Civil Service.....	79
I.—Suffrage designed as Choice of Persons.—The Electoral College, etc.....	
II.—Qualifications for the Suffragan and other Officials. Citizens and Foreigners.—Woman-Suffrage.—Election Laws.—Difference of Parties in Use of the Suffrage.—Effect of the Party-system upon Suffrage and Office-holding in General: requires an organized choice of either men or measures.—Abuse of Party-methods by one party and neglect by the other.....	

III.—Methods of Appointment, and of Removal from Office.—The Civil Service Reform.—The Tenure of Office Act.—The Method of Impeachment.—Party Relation to these subjects.....	
CHAPTER VII.—Methods of Taxation, of Finance, and of Commercial and Industrial Development.....	104
I.—National and State Taxation.—Foreign Relations and Methods.—Protection and Free-trade.—The Power and Duty to Discriminate—A “Tariff for Revenue Only.”—True Criterion for Development of Commerce and Industry.—Attitudes of Parties on Questions of Taxation and Finance.....	
II.—Financial Methods.—Hamilton and his Successors.—The Legal Tender Act and its Consequences....	
CHAPTER VIII.—Business Methods.—Property and Personal Rights.....	130
False Views of Government,—by force, not of force.—Self-government, and its Mutuality.—The Basis and Origin of Property.—English Theory and Practice.—Laws Regarding Property.—Personal Nature of both Liberty and Property.—Criminal and Civil Remedies.—Abuses of Liberty and Property.—False Views of Self-interest.—Conflict Between Capital and Labor.—Strikes and Monopolies.—Communism the Logical Outgrowth of Feudal Relation between Capital and Labor, and the Completion of Natural Theories of Property.....	
CHAPTER IX.—Business Methods:—Private and Public Trusts;—Patent Rights;—Corporations....	159
I.—The law of trust essential to both personal liberty and property. The right of all to good inventions. Capital most fruitful as accumulated knowledge	
II.—Patent-rights and Copyrights.	
III.—The Nature of Corporate Trusts. Their use in	

	England; their abuse in this country. Labor Organizations. True interest of Capital and Labor. Reform of Business Methods.....	
CHAPTER X.—	Theory and Practice of Education in the Nation...	177
	I.—Ethical Theories of Education and Evolution.....	
	II.—Practical Education in Schools, etc.....	
	III.—Literature.....	
	IV.—The Press.....	
CHAPTER XI.—	Morality.....	207
	I.—Spheres and Modes of Moral Suasion.....	
	II.—National and State laws of Morality. Liquor-selling and liquor-drinking. False views of personal liberty. Right and duty to regulate the liquor-traffic.....	
	III.—Moral Use of Evils.....	
CHAPTER XII.—	Religion; its relation to the Nation and to Individuals.....	226
	I.—Prevalent Theories of Religion. Spencer, Comte, Voltaire, etc. Nullity of abstract, necessity of personal views of Religion.....	
	II.—The Nation protecting, and protected by Religion. The criterion for National judgment of a Religion. The Christian Religion. Irreligion and its rights. Buddhists. Mahommedans. Mormons..	
	III.—Religious Education of the Individual; by State and Church, by Science, Art and Philosophy....	
	IV.—Agnosticism and Modern Society.....	
CHAPTER XIII.—	The Future of the Nation.....	258
	I.—Dependent on the character and conduct of Parties.	
	II.—Relation to foreign nations, etc.....	
	III.—The Moral intent. A future of moral persons, or one of feudal things.	



Civil Polity of the United States.

CHAPTER I.

ORIGIN AND GROWTH OF THE UNITED STATES.

The facts respecting the origin and growth of our Nation have been and may be easily poetized, eulogized and speculated upon, as to what they contain beyond what lies upon the surface. But this carries them out of the scope of ordinary observation. Every fact, however simple or commonplace, contains such immeasurable things. Even the fall of a stone has that in it for which the explanation "gravity" is mere name, and does not tell us what makes the stone fall. Much more in the rise and fortunes of a State, is there a boundless exuberance of this "we-know-not-what," within the facts, though it be not essentially any more unexplainable than is that simpler "what is it" that makes the stone fall. It does not come within the purpose of this sketch, either to surmise or attempt to state what lies within or beyond the simple facts respecting the origin and growth of the United States. Let each one rather think for himself what wealth of glory, or what weight of shame may come from a purposeful development of the facts. For though all facts have their own logical sequences, yet for Man, as a living purpose in this world, they are also material to be worked upon. They may be moulded more or less into his likeness, by being wrested from their mechanical tendencies. They may be attuned to such harmonies with his spirit as those by which the walls of Thebes were typically fabled to have been moved into their mathematic adjustment to the sound of the Orphean lyre.

The "simple" fact respecting the origin of the States that compose our Union is, that it was heterogeneous. Both in the public and private motives which prompted the discovery and settling of these States, there was a mixture of all the motives, good, bad and indifferent, which can be described or imagined. In this respect, the truth is that the whole world came here, just as it was, just as it always is, in its entirety, as the world of Man's hopes and strivings. Nations were prompted by lust of power, ambition for predominance, greed

for gold, desire to get rid of the turbulent; all these motives seem still to inspire nations. As to individuals, their objects were not less heterogeneous; they rounded up the full measure of private motives. Necessity, chance, choice, devotion, fear, hope, all had their word to say in the matter. Every imaginable motive was there. And why should the truth be less than this? This alone is what fills our land with the full life of humanity, and gives us as a nation the heart-throb of the world entire.

It is common to point to the fact that desire for religious freedom peopled part of our shores, as though this gave a sacred tinge to our destiny. But this is only part of the fact; and the whole fact speaks more loudly and completely to the purpose. Whoever has the religion of the world must therein bear the burdens of the world. It is these burdens, which man makes for himself, in his endless striving to be a power in the world, through failure or success, through suffering or joy, that make of religion a necessity for him—nay, which reveal it as his inmost prompting through evil as well as good. Religion is his "gravity."

This heterogeneous origin rests ultimately, on something "homogeneous," but by no means simple; on the contrary, as in the whole, so in each individual, it begins with an intense activity vastly differentiated, clearly a world of thoughts in full poise and swing. Such an origin, so pregnant and fully ripe with capacities for immediately diversified good and evil, doubtless no other nation ever had. But this is only an incident of the progress of the world in general. Postponed until this present time, and with the auxiliaries of human will developed as now, the conquest and settlement of this continent would have exhibited a seething overflow of energy that must at least have crowded two or more centuries into one. With time, Man rises above time, more and more; so that in space his projects get an accelerated fruition. This is a palpable fact, whatever may be inferred from it, as to all that is within it. *This* "fall of man" is another "acceleration," over whose laws the statesmen may or may not ponder, but the future of which he can at least foresee and should care for. This ever pent-up, ever entire and unexpended energy of the race, is becoming terrific for those who look back; it is dynamical for those who will not look ahead. Woe to those who merely obstruct its way! blessings for those who can prepare its way, that all its paths may be paths of peace.

The growth of this country, then, was marvellous only for those who lived before it. Every age has its growth according to what is in it. Superficially it may be said that the bringing here of both slavery and freedom as yokefellows for a commonweal was a chance. But among the heterogeneous mass of impulses which made our origin,

these two only struck out in full relief that contrast of good and evil in the whole *as a whole*, and which alone made it a whole—a complete exhibition of the problem of human destiny. It marked the fact that among the things Man has to do is to rule Man himself as well as the external world. That is what the State is for, to rule over Man, if necessary by force; but the State may be made to present itself to him only as a law, a law which he can see to be right; a law also which, if intelligent enough, he can make for himself. Thus the education of the State leads directly to the true solution, namely, that the man who has to *be* ruled is just the Man who also *rules*; in other words, that real freedom is possible for all only when every man rules himself as he would a slave, in respect to what he deems wrong.

But if the principle is laid down that the slave is what is possibly permanent in a man, and that some men have only that relation to other men, this extreme view only serves to drive others' views to the contrary extreme, and to pit the issue once for all in its naked simplicity:—whether mankind itself can be divided in this way as half free and half-slave, and whether this is the solution of the question as to what that moral intensity is which seethes in Man, and calls itself Religion. Without slavery to thus pose the question, it may well be doubted whether this Nation would have yet gone deep enough into its own common thoughts to know what it is that makes it a nation, or to feel what is the necessity laid upon it if it would fulfill completely its destiny as a nation. In a peculiar way, as we have noted, it has been from the first our fortune, to be compendious as to our content, and lacking nothing that is in Man, whether for evil or for good. This completeness of the problem has been laid upon us, and it cannot be put off with partial solutions.

This is the situation, and this explains what has been, what is, and probably also what will be the civil polity of this Nation. Its compromises in the past, vain attempts to escape from a certainty, its vacillations in the present, due partly to terrible shocks, partly to paralysis of all statesmanship by a general absorption in greed for wealth, partly to the old habit of mere makeshifts, and of putting off all political action till a crisis demands it; all these and an undue confidence in a let-alone policy for the future, are but the outgrowth, and show the earmarks of the same heterogeneous mixture of good, bad and indifferent with which the childhood of the Nation began. For it has only just attained to manhood; it can scarcely be called matured. It has settled only with the past, but has no policy of a definite sort for the future; does not realize that any is needed, has not thought of the future, but drifts into it.

This failure to have any really definite policy is what indeed must always characterize all governments which look anxiously for their

justification and support to the opinion of the many. Precisely what this many have not got is this "public opinion" looked for. Ready-made opinion on all questions under the sun cannot be found with any one safely, even the most intelligent; hence least of all with the many who have not even the means for forming such an opinion. What is the public opinion? is a question which must needs be unsettled on most points, and of course in respect to new affairs. Such a criterion for either executive or legis'lative guidance must therefore be an uncertain one. It is easy to see how it seems to leave more latitude to the evil than to the good. Practically the rule amounts to this: that nothing can be condemned except after trial; it must first enter into and be rejected by the public experience. This gives to the society as a whole the air of a merely animal judgment, and to its progress the degenerate character of a merely material growth. Since it has no opinion, it merely touches what is met with, and if too much resistance is felt, takes another route; "the easiest way is the best" where there is so much free choice of an easier. And where public opinion seems fully made up only on one point, namely, that the main point is to get a living, the other points will not receive much discussion. Hence in the history of this country there has been little or no invention except of machines. In respect to civil government the old forms of organization have been accepted, and twisted into adaptation.

Thus the Colonial form was turned into State form and "persists" in the "Territory" also. The league form was first at hand as a means for unity in the revolt of the Colonies; and it was not convenient to settle what public opinion then was as to whether the "Union" was a mere *federal compact* of States or a Nation. Nor was this question settled until it was posed in its naked contrast as a question whether it should be a Nation or not. This is a question as to whether all men, or only part, shall constitute public opinion as to what is to rule. For every nation, whether ostensibly or not, depends upon its public opinion, and its forms of government depend only upon the state of it as more or less expressed and thus rendered definite to the general consciousness as to what it is.

De Tocqueville misstates a mere fact for a capacity, when he says that a democratic government cannot rise above the average intelligence of its members. That it will not, may or may not be the case, and very likely it will illustrate that possibility of falling below even its "average intelligence," which the keen critic leaves open for it but politely only intimates. But it is equally true of every form of government that it will not rise above the average intelligence so far as that is an opinion merely as to form. An aristocratic government falls lowest of all in this respect, because it takes advantage of the general ignorance as to what a State should be, to enslave the whole in a stupid

admiration of what it is merely as a force. So long as the national spirit is worshipful of force, it will get force in some form for its ruler. The worship of wealth will make wealth the ruler. The god is always what is worshipped, and reveals himself accordingly.

De Tocqueville, Frenchmanlike, looks mainly at the matter of organization. The ability to organize perfectly evinces and demands intelligence. And far more admirable than the wisdom shown in even vital organism, is that which can so organize a State as to give perfect expression, or means of immediate expression, as if by a look or a voice, to all that is as yet really definite and asks for expression, in the sentiments and opinions of the people. But there is a danger in this supposed perfection of the machinery of a State which the French, in their admiration for perfect organism, do not appreciate. Hence, inspired though they be instinctively by a love of order, yet most of all nations have they been troubled with disorder. The difficulty is that merely mechanical order is not in the nature of a State. It can neither express what, as intelligence, is ever varying, nor can it adapt itself to this variability: a new machine is necessary for every change of opinion. Or, just as sense organs limit the intelligence itself so long as it looks merely through them, so also with the organized forms of the State; the tendency is, if these are regarded as already perfect, to think no more, as in China: or else, as in England, to regard new ideas as at least suspicious and *prima facie* immoral, simply because they are new, and hence are not expressed or calculated upon in the existing forms of the State.

Now the origin and growth of this Nation, have been such as to defeat any intention, had there been any, to fix a special organic form for all time as a model government of the mechanical sort, which must rather form the people than they it. So also the sweep of events has lifted us high and "fancy free" above the safe anchorage principle of the English ship of state. We rather flatter ourselves that we have, by some happy chance or other got an adaptable system, something that will fit all changes whether of opinion, circumstances or events in the future.

Under this illusion, we fail to observe, what did not escape De Tocqueville's keen perception, that we have really evinced little or no political invention. We prefer to follow precedents, and adopt temporary expedients, and test by trial, rather than venture upon any theoretical thought. In this way the typical "statesman" becomes modelled upon the average intelligence and prides himself upon *not* rising above that. Why should he? Does he not depend upon that, both for his election and his confirmation in the political church? If he falls below it, in a new matter, who is to blame him, since it is not yet expressed? He will conform to it when expressed; but meanwhile

it is perhaps quite as safe to fall below as to go above it; especially when majorities are narrow, or can be made narrow. In such a state of things, where public opinion merely floats and waits for an occasion to decide, it is evident that many occasions must pass without the decision, and that in general only a crisis where things have gone to extremes decides anything, and then only for *one* extreme rather than the other. Hence theory, which unites extremes and moderates them into the "middle way," is really needed. If the people are only to be called upon to choose between extremes, then the legislatures should really avoid these extremes; and the duty of courts is to decide, not so much by precedent what has been, as what is to be and ought to be. Where public opinion remains pretty much absorbed in the matter of private business, and quite aloof from public questions, it is easy for such important questions, for example, as those relating to corporations, to be decided *pro tempore* in legislatures, and even in courts, by such means and in such a way as to bring about eventually one of those crises under which nations quake and all parties concerned are injured.

The difficulty here is that the public opinion which is to be the eventual judge of all in a free State, is not really given to questions of public policy; or even so far as it is so given, must remain more or less unknown. It is in fact, in a State just what a man's own capacity for judging is until it is called into actual exercise. Seeing that all is made to depend upon this mere latency of it, in this country, De Tocqueville affirms rightly enough that for executive purposes, such an agency is inefficient. But just for this reason it is for moral purposes the most efficient. In a State where all opinions are free, and efficient when expressed, there is a possibility of more good being effected than in any other State. For when it comes to a clash of opinions there is a question of truth and not merely of private interests. Just because all opinions are there, the truth alone can survive the conflict and be eliminated, as that alone in which all men are unquestionably in a common possession and a common right, as something authoritative over all. In such a Nation, public opinion and its efficiency both can and must rise above the average intelligence. In any other nation it both will not and cannot; simply because not the truth, but only clashing interests are brought in question. This is DeTocqueville's mistake with reference to the nature of our government, in taking its actual waiting upon a latent public opinion for an incapacity of that public opinion itself. It is equally error, however, to go to the other extreme, and deify the "*vox populi*." It can be right if it will, but only if it will. It can decide the truth, but not unless it decides it as truth, and hence by rising above the average intelligence as to what has been experienced, into the broad Heaven's light of theoretical truth, as to what ought to be enacted.

Public opinion in this nation is not insensible to the inefficiency which results from its lack of expression in time to be efficient. Hence the power of the public press. Half unawares, those who use it feel they have a duty to utter the voice which cannot utter itself. Many do this doubtless with a keen sense that they ought to rise far above the average intelligence. Others may ask whether it "will pay" to do this, and so subside into expediency as "politic," or take for criterion of what they shall say, whatever seems to be current, counting that to be the "best for the hour." Others make it into a theory of true journalism, to be a mere echo of the present, and a mirror for the public to behold itself in; or further still, hold it to be the "duty" of the press merely to express what the average public opinion is, and not what it ought to be, or would be if clarified. Still others, aware of the unconscious way in which most people identify themselves with what they read, use the press as one of the means of advancing their own interests. Thus the press itself is but a mixture of voices, a confusion of tongues; and its Babel only demonstrates again the fact that *that* public opinion upon which the State must rest for its safety, that inmost vitality which can endure all and renew its youth in everlasting springs,—must be an opinion as to the truth.

It will be well therefore to introduce this sketch of what is actually the policy of the nation, by at least a brief account of Civil Polity in general. This cannot be done here in a fully philosophical way, showing the connections of State, Church, Family and Natural life, as different spheres of Man's spiritual endeavor; nor can it be traced even in its successive phases as a historical development. We can only hope to give some general view of what is necessary to a State which will at least suffice to carry suggestion with it as to what must be left unsaid.

CHAPTER II.

CIVIL POLITY IN GENERAL.

- I.—THE POWER TO DESIGN AS GENERAL GROUND.
- II.—RELATION OF STATE TO CITIZENS, AS GROUND OF RECIPROCAL DEVELOPMENT.
- III.—THE RELIGIOUS GROUND:—FAITH IN TRUTH AND IN PERSONS.
- IV.—GREEK AND ROMAN STATES—DEFICIENT VIEWS OF LAW AND LAWMAKER.

It may be said that the intent of a civil polity is to promote harmony and prevent discord in the human family. But this implies that grounds exist for both the harmony and the discord. No theory of a polity would be rationalized, therefore, until these grounds were clearly discerned and put to use for the purpose. Before this clear perception of the means to be used, there would be no civil polity properly so called, no designed adaptation of means to ends. There would be a state of society, but not of civil polity. There would be a family state; for the human race, like every other genus of animals, is by Nature a family; but there would be no organized relation of men, such as we call a civil State, resting upon principles which, while they include the Natural relation, do so only by resting upon what is within and beyond or above it.

I. It is easy to see that what harmonizes men is what they are willing to have in common, and that what occasions separation and discord is what they are not willing to have in common. But these vary with their situation as natural beings and their development as thinking beings. And only at an advanced stage of self-consciousness do men clearly perceive that the former is idea, and the latter what they call "life, liberty and property."

Neglecting to note this difference between the partial and full self-consciousness of mankind, some writers confuse Natural Society with civil society, and try to derive a State from merely animal relations. But as no man fully knows himself as man, until he is conscious of having in idea something he can form and reform at his will, so no society comes to a capacity for organizing a State till it is conscious of ideas which all have in common, and all want to erect into a law for common action. For with this consciousness of thought as a designing power apart from and above Nature, comes also for man the con-

sciousness that he has various powers; a power to think, in which he is substantially in an absolute unity at bottom with all his fellow-men; a power to design or express his thoughts, in which he may differ in excellence but need not come in conflict with any; but also a power over Nature, in the exercise of which he must more or less be subject to competition, rivalry and collision with all others. This power which Man has over Nature, then, is the ground of conflict, his power to think is the ground of unity, and his power to design and will the execution of his design is the ground both for harmony and for discord with his fellow-men. The very business of a State is to organize the relation of these three powers of which men have become conscious.

Now in this process of organizing a State as a mutual relating, in harmonious exercise, these three powers of mankind, the inventive power is itself the mediator, the finder of means to harmonize wills, just as it is also the stimulus of wills into their opposition to each other. It both creates and remedies the difficulty. In this respect it is analogous to gravity, which, being attractive as law and repulsive as form, is a maker of solar systems. But to look upon this forming of States by Man's own invention as a merely mechanical affair, and identical with the action of force, is to deny all freedom to Man's inventive power and to make of force itself the reason and the maker of right. On the contrary, force is only one of the powers which Man uses; and the business of the State is to coördinate it with his other and higher powers, and in subjection to them, as only a means of expression.

No doubt mankind have had and still have these powers, and use them in an instinctive way, before they attain to an intelligent consciousness of them, and of how to relate them rationally. Hence the phenomena of states of human society more or less above animal society, but far below the character of a well-organized civil State. Even high intelligence is not enough if confined to a few. The perfect State does not issue from even a wise control of the few over the many, but only from an intelligent concord of the many in the same design. The inventive power must be active in all; this is what Mr. Seward, with the keen eye of a true statesman, pronounced lacking in China. He saw it was "paralyzed" there by an enforced devotion to inherited forms of government; as though a Civil Society were, like an animal, to accept from its ancestors a certain organism, as a genus which it cannot surpass or even change. So also in Hindoostan the same statesman observes that the intelligence of the few, unsurpassed merely as capacity for intelligence, has never risen to the capacity for forming a State, because lost in merely metaphysical views—a sort of identification of the operation of the moral world with that of the physical world which has disabled even the few from seizing upon the true relation of Man's powers, and transferring this in a systematic

way to the construction of a State. Always, when only the few do the thinking, the mass of men are, in one way or another, made into mere material for the civil power. There is a logical consistency in such forms of a State even when despotic, and even a necessity for them because when the many do not invent, they have really no proper power of possession: it is the man's power to create, to invent and make, which gives him the right of property. Hence the necessity for intelligence, not merely as a capacity to think, but also as a practical power and will to design and create. When this is exuberant in all, there is a necessity for a perfect state which shall itself be an invention, and one of the highest and noblest inventions of a common ingenuity, seeking to relate all the powers of men in a concord of common efforts for common ends.

These remarks may perhaps suffice to show that a really free State is essentially a "morality"—a rational coördination of individual men, whereby their necessary separation, as actors in and upon Nature is made into a harmonious unity through their conscious possession of idea as a common arbiter and authority. This inevitable resolution of a true State into a Moral relation, and the consequent fundamental dependence of it at last upon a religious relation, is what must strike us in every phase of the discussion, as what is the secret,—the behind the veil,—the unsayable, of all this process of State-making. This may be further enlarged upon in treating of the policy of this Nation in respect to morals and religion. Here we must be content to add in an unsystematic and cursory way some merely illustrative suggestions.

The general problem in the forming of a State, as we have noted, is to so relate the three powers which all men possess, and so regulate their exercise, as to give the greatest freedom to all consistent with the general harmony. But this is precisely the problem which presents itself to every individual man as the problem of his own greatest personal freedom as a man. Were it not so, the same problem would not be reflected into the State as a question for that, in the guise of a large or collective man. And for the same reason is it that we find in some State-solutions of it, those imperfections which spring from and reflect the half-conscious, and only tentative way in which the citizens themselves go about solving the question as a personal matter; each for himself, according to the degree in which he has developed and become conscious of his various powers as a man. The U. S. Constitution itself, and those of the States, advanced as they may be in the political art, over ancient codes, yet betray this merely half-reflection of the individual, and the consequent adoption of forms created by what may be called a mutual estoppel, rather than a mutual agreement. The individual thought itself had not gone far enough to see clearly what man is and wants, and how best to obtain it; but only

rather to vaguely feel a repugnance or fear for this or that. Hence the "principle" is very fitly called a "balance of power" by those to whom such a balance seems static, and not really a Union of several into a one complete dynamic activity—a National reality. This tentacular, fearful mode of proceeding is wise and even necessary where the self-consciousness is not complete; for then, feeling rather than thought must guide, and prejudice must have its part. But to praise this, as some publicists do, as though the necessity for it depended upon some mysterious "spirit of a nation," which is conceived of (from the illusion of a metaphor), as quite parallel in all respects to the "life" which forms an animal body, and whose "laws" therefore must be practically left to form themselves,—this is one of the superstitions of metaphysicians. And oddly enough, it is derived from the sphere of mechanics, and does not recognize even the unmechanical operation of life, much less the mode of thought's development. The necessity in the case here depends simply upon an existing stupidity, or inferior development of the general intelligence, which is certainly not to be regarded as anything sacred, although it must be considered as a limit or estoppel for the time. Prejudices, although stages in development, are not of such divine right to be simply because they are, or even because they are precious to the logical evolutionist as "necessary stages," that they must needs be let alone till they die out of themselves. They are rather weeds, which, if thus let alone and sanctified to boot, will live long and propagate lustily. No State can come into the light of real freedom, where there is not such a full sense of moral responsibility in all its members, as to make them get rid as soon as possible of stale stages of development, and especially of the notion that they are something sacred, and that the "Spirit of the State" is particularly resident in and fond of them. However important "evolution" may be to the mere theorizer, as a name which describes nothing, it must be for Man at least, as a practical matter, something which he can help effectuate; otherwise he would never have known there was such a process in reality.

Since all really turns, then, upon the individual effort, and, on the greater or less real freedom of spirit which each brings to it, let us look at this moralizing of the relation of Man's three powers, from the individual point of view, and see how this comes to require an expression in the State and to be reflected in that. And let all its imperfections be referred to their true origin, so that the place and mode of remedy can be found.

II Merely by instinct, every man feels that he has a power to know, a power to design an outer act, and a power to execute this as an act of force. How he exercises these three powers he does not at first inquire. When he becomes fully conscious of them, he knows

that he has them but can no more explain how he can act upon natural forces, than how he can think or form designs. So long as it seems to him that all these processes come about by a co-ordination of mutual collisions, he carries that notion into the State, and his formings there are of the merely tentacular, estoppel sort. Thus he gets the notion of a morality which is made for him and not by him, and to that extent he loses all sense of moral responsibility for such a "State." Evidently he has made of the civil State a mere state of "things," a mechanical State. He has made no distinction between the unlimited power he has to think, in common with all, and in collision with none, and that limited power he has over the form of force. And so long as his thinking is only of designs to be expressed in the form of force, his thinking itself is thereby limited, and not free. Neither is his will free in such a State of "things." His relation as a designer to others who design, is made just the same practically as that of their bodies or physical powers. However abstractly they may agree upon a unity of "thoughts and things," either as a one law of force, or a one nature of thought, yet in fact they, as "persons" are separated; just as much so as "spirits" as they are as bodies. No one is "free." All are limited in some fortuitous way, and their intercourse is adjusted only by collisions. This State of mutual enslavement leads men to deeper reflection.

This reflection is both as to what these three powers are in the man, what their relation to each other should be, and finally, as to the best methods of using each. For a man is not fully free even to think till he finds the true method of thinking,—the law of true thinking. Nor is he perfectly free to design till he is free to think,—then only can he determine the best art-method. Nor yet has he his largest freedom in exercise of his power over force, till he has learned the law, the method of operation in that. To all three of his powers therefore the highest freedom comes only from a knowledge of the law of each,—the method of each within its own sphere,—of Idea, of Art, or of Nature.—This result will recur again and again in various phases;—the only real freedom is in knowing and following law or true method.

Although the civil State, then, is thus based upon the individual "spirit," (and no other as a ghostly outsider), and though all its phases reflect his errors, yet also is the State a necessity to him, to relate him properly to his fellows through a common law, in which alone they can be free. He would be non-effective,—not really Man,—merely as an isolated individual. Nature is no companion for him. She would make him more mute than herself. What would her noises signify, or even her echoes; where there was no speech of thought? Animals have a voice, birds have a song; but it perishes with the uttering. Nature has no memory, and no silent monuments of her past throes can stand

as a history. History appeals to a thinking which reconceives it, and Man would have no history but for fellow-men, in whose memories the past is garnered up. He would have no "development," but for this accumulation of a past thinking which he *rethinks*, takes as "authority" for the time, but improves upon, and himself develops into broader views of the present, as well as of the past. And thus he makes it into more and more a foresight of the future, through his finding in it a law,—a true mode of thinking which is law for all and overrules all past imperfections. In short, Man is so related to his fellows that expression to them is a necessity for him as a thinking being; and the force-form or "body" which separates him from them is the very means for this expression. As soon as he thinks, he wants to speak,—he lives as a Word in the world;—every child shows that. "Man does not live by bread alone, but by every word that proceedeth out of his mouth." Without this expression of his thought, there would be no "evolution" for him. He does not show himself merely as a "force," nor even merely as a "life," but as an active form of thought uttering itself.

Now, even as thinking-being alone, Man requires some agreement with his fellows as to the mode of expression. Language is a conventional mode of using force for this purpose, and it is his own invention, his designed and elaborated invention. However instinctive his use and appropriation of the force form of power may be here, as in every other case in which he exercises it, yet he shows himself capable of using it as no animal does or can; he subjugates it arbitrarily by mere convention into an expression of idea. He needs agreement therefore with his fellows upon the form to be used: *1st*, as to the language itself, its symbols for things and for relations; *2nd*, as to the proper use of it; *3rd*, as to the abuse of it. The comprehension of this mode of expression must be an affair of pure thinking; it calls upon the interlocutor for a complete reconstruction by him of the idea which is expressed. But so also with respect to *all* expression, Man is related to his fellow man as a thinking being; for what they express to each other is their Ideas.

Yet man is also a living being, an animal; and is related to others by need of common regulation in the sphere of his physical wants.

Between these two extremes of his nature, as thinking and eating, man devours all, the physical and the metaphysical. Neither of these exists apart for him in his actual intercourse with others, however he may separate them for himself. For the physical, or so-called "real," must be used for purposes of expression or other action with reference to others, and yet it must also be judged of and handled by him as a thinking being, and hence by some law of idea. The question for him then is, how properly to relate this ideal and this "real," which shall

dominate, which shall be subordinate, and what on the whole shall be the common rule, law, or mode of action for all in such a necessarily external intercourse with each other. The total relation is one of necessity to combine the physical and the metaphysical as they should be,—and to do this by design—by a power and law of design.

Hence the middle and practical world for men in society is and must be a moral world, just as it is for each as an individual. It is a world of methods, laws, modes, of fashions;—the mode of doing is what extends itself into all, as what he is to look to as a law for him because it is so for all. Its authority is in the fact that it is a devised mode,—not an accident, but proceeding from some act of thought. However trivial it may be, or even transient, this origin of it in a thinking imposes it upon thinking-beings as something superior to mere Nature. And it is especially worthy of regard if it show itself at all a common thought, an agreed-upon or conventional mode of acting; for that renders it, in so far as it is communal or general, agreeable as a morality. In this way, the merely animal, or natural is suppressed in society, even by fashions;—by the instinctive common-sense that a thinking-being cannot remain a merely natural being, for the reason that, having the power to design more and beyond what is done in Nature, he has also the right and even the duty so to do. Otherwise he would not be himself, would not exercise the thinking-power that is in him in that independent way to which it impels him by designing. Hence dress is not a sign of shame but a token of glory for mankind. It does not indicate expulsion from his Eden, but impulsion towards it. Nature is not his Eden. His angels point him to a spiritual one, even through his instinct to elevate himself above Nature by the art of dress. It is only the insane that go naked, or worship the nude as a “classic art.” The spiritual man knows that when he is “clothed” he is “returned and in his right mind.”

Thus the inventive, innovating, creative faculty shows itself as what is spiritual in mankind, and as what attracts them from their natural differences into a harmony in idea. They admire only what they recognize as originating in this spirit of invention,—this creative power which seeks to be admired. This impulse to create, which is also the desire to be admired, is that essential unity in difference of masculine and feminine in all Art, which enables creative power in general to unite what it separates, to harmonize what it creates. And so in society, it is what enables creative power properly conducted, to not only furnish a true basis for “right of property,” but to unite all its creations in a community of possession, recognized as none the less real because it is held by an ideal instead of a physical “tenure,” by a “law” instead of by hand, and is enjoyed in the thinking rather than in the eyes. It is in this way that the rich man’s art gallery, for example,

or his fine house is enjoyed more, and therefore really possessed more by others than by himself. A high civilization creates for all, and cannot do otherwise; but it must create most for those who think most and are thus able to recreate and enjoy the very process of the designing.

Man then is, by his very creative nature as a spirit, estopped intuitively from acting in society merely as an animal or Natural being. Every Natural tendency must be *moralized*, modified as to its expression by a common-sense of what is appropriate for one who can think, invent, and show himself superior to mere Nature. Man is held obligated to fashion himself, control himself, and to moralize all his "Natural dispositions," by giving them a form of expression which is fitting for one who is not bound in them as his "human nature."

But since this self-forming or creative power is both an impulse to create and a love for admiration, it is not a merely individual affair, but has relation to others, as judges and authority for what is done. "Taste" is not what it is likened to by metaphor,—a physical appetite. That which enacts or authorizes fashions or modes or morals of any sort is not mere personal æstheticism, but it is essentially a reverence for community in judgment. For it is really indifferent to any particular form of beauty, or rather overpowers any merely sensible form of it, and substitutes for it a higher ideal of beauty,—the harmonious fellowship of spirits in a common idea or in a common action. As to particular forms of conception, Beauty is thus referred to its true *genus*, the absolute idea of Beauty, which can have, and hence seeks, infinitely many particular forms in every inventive mind. In respect to sensible forms, the expression is modified, as it should be, rather by a common acceptance than by an isolated preference. In short, the social spirit is the moralizing power, in respect to actual expression; the form must make its way gradually without rude jars; for it seeks admiration from all, and hence must find in them capacity to accord with it. A new fashion is like a new play for children; it asks all to unite in it. Thus children will say: "Let us find something we can all play together." They know well that otherwise "there will be no fun in it." Mere fashions are mere amusements for the creative power, which is always uneasy unless it is making something new. But they must amuse; and if they do this, it is quite immaterial if it do so only for the time, and seem "shocking bad taste" afterwards,—more comical than beautiful. So of a dance; the delight is not merely sensuous, there must be a notion that all are pleased in mind. Let there be a disgruntled one, and all are "irritated." When the thought festers, all is sore.

This love of admiration by the creative power seems thus to subject it at first to its admirers, as judges or authority for it. But after all, love of admiration is a selfish love and needs to be thus judged and modified. It must eventually find some higher criterion than these merely particu-

lar judgments. Yet they are sufficient judges of it so far as it, also, is only particular, in an affair merely of temporary and formal expression. No artist can appeal from the public *for* which he professedly works; the only question is,—for what public *does* he work? These conventional authorities must always subsist for the individual in the sphere of expression. They are the “judgment” in which he lives merely as an appeal for admiration,—a selfish love. But he may go beyond this merely selfish desire and its peacock display. If he have also a desire to give others the pleasure of admiring, it must be because he knows by experience that this must be for them a joy of recreating,—the power of which does not depend upon him. He can only offer the occasion, and hence may venture upon presenting something which, while it appeals to a present sense, or a particular thought, yet appeals also to all thought and all times, by silently and inwardly unfolding itself with a deeper and deeper meaning, according to the capacity of the one who views it to penetrate into all it suggests. Such artistry as that, such a true *ποίησις*, gives a glimpse of what may be the calm confidence and unselfish joy of a Divine creating; since it needs to create a self,—a thinking, in and by which the Creation must be recreated and so enjoyed in a spiritual way,—by feeling its own process. This is the essential nature of all called “revelation”; it must reveal itself in its own operation and according to the mode of it. That which is spoken for all men, for all time, can be uttered only by those *in* whom it is revealed as an act in the form of idea.

Nothing but the particular is “revealed” to those who recognize only the particular. Those who address themselves only to the particular, speak only of the particular and merely for the time. So far as it is spoken only for a present purpose, it may be wise, for it may be necessary; yet nevertheless it must be transient; it is not one of those “words which men will not willingly let die.”

But this speaking and acting merely for the time is required both by the necessities of Man as a living being, and also by his imperfections as a thinking-being. The community of ideal development appealed to is not developed to capacity for perfect judgment. Yet the value of it as a community is not to be disregarded, nor the authority of its common voice as to mere matters of expression. Hence it is that pure thinking and its needs, does not take the first place in the affections and care of any community. Although it is only because Man is a thinking-being that he insists upon moralizing all his actions, by adjusting them with those of others according to a general opinion, yet since the unity and harmony of *action* is the main thing sought, it is found convenient on the whole to allow the opinions to become habitual, or accept them as hereditary. Thus a check is placed on merely speculative thinking. Such a thinking “out of time and tune” may

be tabooed as "licentious;" it is not to be licensed so far as to intrude itself into the sphere of customary action. In this way, restraints of thought are its first lessons. But they are good masters since they compel it to deeper reflection,—to the sober second thought, and the still wiser third thought, which finds the reason for this contradiction. The thought, as final judge in any case, should not permit itself a merely childish running after every successive new fancy in respect to serious matters. This matter of present expression is really an affair of no great moment: it can only be temporary; and in that, merely as particular, the true thought would have to contradict itself, and deny its own permanent truth. This prevention of immediate expression, however, since it rebuts the will of the inventive thinker, his impulse to express, may be a suffering; especially if his motive is love of admiration. But this also is a lesson to avoid that pang, by rising to higher motive on the wings of a higher thought. Both for the thinking and the will, sufferings may be lessons; as the Greeks expressed it: *Παθήμετα μαθήμετα ἔσθιν.*

These congregational judgments, which are authorities for the individual through his own desire for confirmed membership in the fashionable society of his time, take various forms. Regular education is one of them; it continues the past into the future as a consecutive thinking; it makes of the child the connecting link for this purpose, by filling him with the accumulated judgments of the past, as, for him, mere prejudices,—capital for him to start upon and add to. These received opinions are not his own judgments; yet, as material, he can work upon them if he will, and ought to improve upon them if he can. But these and all else he hears and sees, is matter of thought for him, it all must be re-thought by him to be received, yet he tends to accept it all as from authority, because of his desire to find himself in harmony with others.

Now that a man may be bound up in prejudices is true; but he is only contentedly thus bound, and can break these bonds if he will. No education can operate upon him except by his own thinking act. Prejudices are not judgments; yet they must at least be re-thought to be received. If a man is content with them after reflecting upon and judging them for himself, then he confirms them, to the best of his knowledge and belief. If he takes them merely on authority of others, then he exercises no judgment on them but only as to the goodness of the authority. He consents that some other shall judge for him. This last may be the best he can do in the case. It is what we all have to do in respect to most matters of a particular sort. Especially in physical science is the prevailing opinion an affair of accumulated and received opinion. It is this very necessity of the situation, which calls for united effort and at the same time division of labor, even in the sphere

of knowledge itself, that makes Society a need of Man, and authority of others a law for him. When thus combined with others, he can rise to a greater height from having a broader basis,—or, to avoid such an insufficient mechanical metaphor,—it is because he is in a vast organized activity of a common capacity to think, that he can partake of all that proceeds from it.

Yet it is his own only so far as he himself makes it his own by thinking it, or adopts it on strength of his faith in others, either as faith in the general activity, or as special faith in persons deemed “experts.” But he is not tied up in this process in any mechanical way. He can be as ignorant as he pleases for all the world knows. He can scarcely be very wise, if he depends only on his own experience. It requires great individual effort to get and keep abreast with all that has been thought that is worth re-thinking. No man gets that by “inheritance,” nor by “evolution,” either in his “physical system” or in his metaphysical.

This being “bound up in prejudice” is after all an enslavement to present habit rather than to the “past” as to something mysterious, named a “growth,” or “inherited tendency,” or a “spirit,” according to the kind of metaphysical spectacles through which it is contemplated. For example, were a man to break his leg, if he be loth to invent, and prone to think only of what is customary, it might not even occur to him that he could do as the dogs do in such an emergency, carry one leg and go on three. This would be a true invention in his case; for he has quite lost the “disposition;” he has become prejudiced against any ancient “tendency” in him to quadrupedal movement. Even a capacity for prejudice proves that the mode itself has become the object of choice; and that man judges between and of *laos*.

Now this power which man has over the physical in general, whether as his body or his “property,” seems to be what the State has mainly to do with, and is called upon to regulate and harmonize as between the many. A State would gravely mistake its functions, however, if it wholly lost sight of any relation between this and the other powers of man. That there is such a relation, and an authoritative one, these illustrations from the sphere of ordinary social intercourse, conventional moralities, etc., serve to show. That a similar relation and coördination of powers does or should exist in the civic State, if it is to represent the free man, seems obvious. The State should be based upon the power and the right of intelligence in all men; and this must be its ultimate authority and guide. But as this is ever active in the man, so it should be given an organized and inventive activity in the State. It can be expressed there only as a law-making intelligence,—an inventing of modes of action whereby the physical power which the State must also possess, may be properly related to its fundamental

function as a representative of the thinking, man-like intelligence presumed to be common to all. Hence, to be operative as a triad of powers in activity and not merely dormant, it must have judicial resort of an organized kind. And upon what can this *judging* power be based except upon the very nature of idea,—upon what all men are bound to think because it is true?

Thus a State properly organized represents a Man,—represents every man as he should be, in a definite known relation of his three powers, and in an authoritative reference of them all to truth as the final judge. It is an enacted and operative morality. A morality, even as conventional or transient only, is, as we have noted, essentially a subordination of power as force to power as intelligence; it is exercising the former in a mode designed by the latter. And this is the case whether the intelligence be good, bad or indifferent in its modes of design. So long as these are referred for judgment only to a common consent, or tacit general acceptance, the designing power is left in the vague as to its rights, and *quasi* free as to its exercise, just because it is vaguely referred. If this vague notion of the relation of the three powers is carried into the State, it will make of it either a despotism or a democracy; the former if the citizens are ignorant enough to accept any mode in which intelligence can control force, or if they are too unruly to bear any sway but that of force;—the latter, if the citizens prize their freedom of thinking more than their exercise of unregulated force, yet have no definite view as to what the designing power *should* be, and hence leave it in the vague and subject to merely particular decisions. A partially informed community is apt to be fond of this latter kind of State, since it takes away all law for designing, and seems thus to make of every one by equal right a designer,—a law-maker. The making of laws, however, cannot properly be thus thrown into the void, either as to its authoritative origin, or as to what they can depend upon as judge to accept them. If every one has equal right to make, then every one must be consulted as to acceptance. This is the error in theory which showed itself, in practice, a dissolvent of the Greek autonomies. Instead of gaining a larger and larger sphere of common design, they kept dividing into smaller ones till only the individual was left—wholly to himself, but by no means free.

The difficulty with ancient States was obviously dependent upon the imperfect consciousness of the individual, as to the true relation of the three powers in himself as a Man. The designing power is just as vaguely referred in the State as it is in the Man; and there is no truly free designing, by either State or Man, till Design finds a moral rule in an absolute origin. Beethoven looked beyond the harmony of music, and even beyond the harmony of States, to what is absolute necessity for any harmony for Man, when he said: "The true secret of Art lies, after all, in the moral."

This is no doubt one way of saying that for any work to be truly moral or free Art, its intent must be essentially religious; it must be referred for judgment to something beyond merely particular forms; to a power which is felt in the creation itself, and also will be felt in the so-called "perception," or "reception," since that must needs be itself a *re-creation*. Such a design apprehended only by what can design it, denotes an absolute freedom of the power or capacity, yet only as a law of which the operation being in all, all can *re-cognize* its true and perfect forms, albeit all have not equal active capacity to devise them or express them. Others may appreciate Beethoven's music and recognize its perfection as well as he, without being at all able to utter it for others.

Now when any individual asks himself whence comes this power to design in idea which makes him an individual to himself, and whence comes that power he has to express himself or act outwardly in a body or other force form, which makes of him a "person" for others, he may not refer either of these to anything more definite than a mere potency or capacity in him for so doing. These two powers he can exercise whenever he will and in such mode as he will, except so far as other external wills and forces limit his. This is the disseverance from others in which he finds himself as a spirit, or thinking individual, who has power over force in some way, so that it can affect him as well as he it; otherwise he could not reach others through it nor they him. There is an involuntary side, then, to his relation to force forms. But in respect to his power to think, taken merely as general capacity to know, he is utterly involuntary; he is a must know, whether he will or not; the question is only how much, or what particularly he shall know. This is a very grave question, however, since it depends not merely on circumstances but also and mostly on his own active seeking to know. Although, then, on this side he is in unity with all men, or in indifference from them, in respect to this involuntary knowing, which is mere capacity unless developed by his using it, he may be also in a vast difference with them in the really practical respect as to how much of a knower he actually is; and especially as to how much, as a practical thinker, an accomplished artist, he has real freedom in this art of design;—or, in general, as to how much he knows of that fundamental law of all thinking which, after all, must be the final judge,—from lack of any other in common, if for no other reason.

But thus far, the Man, in seeking for a relation wherein to find authority, has reached only science in general, or knowing, as a capacity which may differ in men. And as a true method or law of knowing, he has found his authority in philosophy inductive or deductive, as an Art of thinking truly. But if he go still further and ask,—to what is to be referred this involuntary capacity to know, which is

ground of unity for all men only so far as it is involuntary, and is just as much a ground for difference among them practically as capacity for design so far as it is voluntary,—he will be thrown into the region of Religion. And since he agrees with his fellow-men also on the bodily side, in their being alike involuntarily affected in their thoughts and wills by force in general, yet differs from them in respect to the will as well as the ability he has (naturally or acquired) to dominate over or use that form of power, he finds no reference also for that capacity in general to use force, except to some creative designing in the universe at large. Thus he expands the relation he feels in himself of three powers, into a relation for the Universe itself, and makes of that a State, in which he would fain find some Morality,—some absolute law or method of action revealed to him, as a true and authoritative mode of using these three powers he has as Man. For all these powers, he finds, are really only “delegated” to him. He represents them in a little Universe of his own. The question is whether there is really any *moral* Universe, except in him, or any possibility of it otherwise. He is elected legislator, judge, of the world, whether he will or not to serve. He is forced by the Universe to take that attitude or else *be* ruled by it as a law of force merely. There is no real Universe, as a definite whole for him, except as he recreates it, or makes it definite by conceiving the laws which pervade it and unify it. And these laws he seizes upon as his rightful property when he finds them merely as laws of force; both instinctively and reflectively, he considers such laws as common property for all men, and the knowledge of them as something by which every man as a designing being may properly extend his dominion over Natural things, as he would over his body if he knew enough of that to have the power of life and death over it.

But so far as a man is impelled by his designs only to this dominancy over Nature, either as over her bodily forms or over her laws in creating bodily possessions, he finds he is exercising only an animal power, a power to live temporarily and not eternally,—to live in space and not in his thinking nature and its process. And in this attempt to extend himself as a Natural power, he comes into conflict with others engaged in a similar effort. He finds he is not the only intelligence in the world. The creation is not all *for* him, hence not by him. Intelligence itself is “dispersed,” and has no perceivable unity; but only a relation to other intelligence through this common disposition and capacity of intelligence to possess itself of a Natural form and law of power.

This discovery that intelligence itself is “dispersed” seems at first to render the reference of the designing to it utterly vague and indefinite. The designing itself is limited; the designing gods are various and many. And since they operate consciously only upon Nature, and

this really exceeds them all, and limits them by the very forms they take in it, as powers to live only more or less freely in it, it follows that there is a Natural "Necessity" above and dominant over all these gods. Precisely the same vagueness with which intelligence, as found distributed in many, has been referred only to an involuntary necessity for it, is carried into the forming of States, and the authority in them is referred to some particular god, some designing man deified for his special art in statecraft, or some tutelary god, growing vaguer in time, as the original inspirer of the work. Thus it is that ancient States rest upon the religion of intelligence, so soon as intelligence itself is consciously known as a designing; although from a sense only of its dispersion, there is no absolute religion of intelligence; and hence a polytheism. In such a state of things, the gods themselves clash, and Force alone is the god of Nations, because design has no absolute reference to Truth as such, but is really only a designing of a life which shall extend itself bodily into the world.

But in fact this "dispersion" of intelligence is alone what can relate it to itself as intelligence, and bring it back from its mere furor for "living," into a consciousness of a deeper life and unity in the thinking activity. This is the outcome of the conflict of States, because it is also that of the contra-position of individuals as already referred to. Were the individual isolated, related only to Nature, then he would have only force-forms to design; and even if he were perfect in his knowledge of the laws of Nature, he would reach no consciousness of his thought as such, because never using it as pitted against other intelligence. He might perhaps find that Nature was already fully designed, at least for him; for what other use for it would he have but to live in it all as a mere body for him,—a mere mode of exercising the physical power of which he knew the ~~in~~most law.

But as related to other intelligences, the man finds a ground, as we have seen, for morality of some sort in every thing that he does. What he is guided by here, however, is only a particular group of intelligences;—and the "customary" is only the god of the hour. Necessarily polytheistic still is man, even in modern times, so far as he worships an intelligence which can demonstrate itself only in a fashion, or even in any other form merely temporal or spatial, such as a power to get money or other means of physical life and expansion of the individual. Mammon or other god of mere force is still the real god of any modern State, so far as it is what is most worshiped by those who compose the State; but that this is any advance upon the gods of ancient States, may be questioned, albeit some hold fealty to it with a superstitious devotion.

Doubtless the individual man takes more kindly to the discipline of these particular authorities, and fellowships with his hour, or province,

or time, because he begins only as a *capacity* for intelligence, and is educated into submission to his *memory*, rather than into questioning of his own intelligence. But no one can get far along in life in this modern world, without having questions of pure intelligence propounded to him; and he has no resource but to try, at least, to solve them for himself. Even the business and commercial relations which characterize the modern world have no choice in this respect; they are not questions of mere force, such as were presented to primitive men and ancient States. Commerce cannot be treated as a state of war between men,—nor even as a question of craft; no one can succeed in it who does not see that it rests upon probity, and a mutual moral regard of men for each other. This “dispersion” of intelligence is then just what necessarily refers every man’s designs back to his own moral sense for pre-judgment,—a judgment which will hold with all others, because it does with him, in that form where it is essential and absolute judgment. But if a man were to begin in the world with his knowledge of others fully developed as it is by experience,—to what else would he then refer this capacity and right of absolute judgment but just this same,—what he finds in himself as such?

But still this is so far, only a subjective result, a personal affair. The man has resolved the relation of his own powers into a morality, an authoritative intent for, and judgment of, his designs. But if he only judges of others by himself, and makes of this “self” by which he judges, an affair of his own particular views, wishes and likings, of how he would *feel* in such a case, or about such a matter, he has evidently reached no universal criterion. What he would do or like may depend very much on his habits; and no one can make a god of his habits; rather the contrary, even for himself.

Thus the morality of Confucius, so much pointed to as quite identical with the Christian, is in fact only the Chinese side of morality. It points to the fact that common habits and common wants make common thoughts and common designs, and thus a sort of criterion by which we can judge for others by ourselves. But the Chinese moralist regards the prevalent as the moral, the habit as the god, the hereditary and the customary as an invariable criterion for all. He has none of that tender charity of the Christian rule, which suggests that we should rather judge for others by *their* habits than by ours, should enter into their circumstances, their views, and ask ourselves how *we* should feel there. Here is a comparison to make, which puts habit in its proper place, as an occasion for charity but not a ground for true judgment, a reason for yielding assent in matters of indifference or even for according it as a matter of necessity; but also of preference for suffering wrong rather than even seeming to do it.

The conflicts of States bring out the same necessity for higher de-

signs than those of mere Natural growth or material expansion, and for referring all designs to a higher tribunal than that of force. States represent successively the gods which men worship, according to the nature of the designs they admire most. As the individual does not find his three powers properly related, so long as he judges only by his private self, his habitual views and desires, so with a State. Something more than the private interests of individuals must be represented in the State, or else it will be a mere conflict of such interests without a criterion by which to judge. If a State is considered as a merely commercial affair, in the sense of a correlation of the merely external intercourse and exchange of material commodities between men, it fails to represent Man as Man, and must do him injury in his most essential character, that of a thinking being. To represent him fully and secure his real freedom, it must represent the relation of the three powers as it is in him. But before it can do this, he must himself rise to a full consciousness of the true relation, and not leave in the vague what it is to which as final arbiter all his designs must be referred. For true harmony, there can be but one god of design for all, a sacred source of design, revered as religious bond between all men. It is not the business of the State to define Religion; but a free State, like a free Man, must at least define God as a God of Truth, and promote a worship of him in that relation.

A State, then, is necessarily a formal teacher of morality; but, like every other teacher of it, teaches best by example. On the other hand, it is distinctly set up as such an example, as a realized expression of the proper relation of the three powers, just as that is understood by the people whether vaguely or otherwise. If self-government is not really conceived of at all, there will be a despotism, whatever name it go under. If morality is conceived of as something special, or only an affair agreed upon by such a particular community, the State will reflect this notion of the individual—that he is a sort of exclusive personage only, and that collisions and compromises of interests are the only guide to morality, and the only way of finding a working unity or hypothesis of what this dispersion of self-wills is. If the conception of morality is a religious one, yet only occultly so, it may still take all forms in the State, from that of an exclusive theocracy like the Jewish, to that of a diffusive polytheism, as with the Greeks. The Romans recognized any of these special gods as sufficing for particular States; but, with a sense of general law as the true notion, named their Jupiter "*Optimus Maximus*" as the only god to moralize all. This Jupiter of the Romans was not the familiar Jove of the Greeks. As "Best and Greatest," he was rather an idea of what ought to be. From this idea was discarded that Natural "joviality" which can be anything yet only as a thing; and the notion, not merely of a law, but

of a one law-maker, stood forth again as vaguely foreshadowed by him. For the Jews, this "lawmaker" was One, but arbitrary; for the Greeks, Natural, but Many; for the Romans, One again but abstract, and so it was ready for that "coming of the Lawgiver" Divinely born of Thought, a designation of Love as law of good design.

States thus have various relations to morals and religion. Each is involved in special forms of these, according to that prevailing notion of what Man himself is, to reflect which the State itself is formed. This is true also of modern States, and is shown in the necessity they may have for "concordats" or other means of relating themselves to Religion.

III. If we grasp firmly the fact that a State is meant to express a law, but that this implies also a reference to some lawmaker, we can see that according as this lawmaker is definitely or indefinitely conceived, so also will it be referred to. And with such varying conceptions, States will vary. By noting this, we may avoid that vague and mystical explanation of ancient States, as mere shadow-dance of a metaphysical theologism. We can see that the changes in them are quite like the revolutions in modern States because due to quite similar modes of thinking, first in the process of reaching the idea of law, then in trying to refer this to a law-maker, and then in generalizing law itself. Let us briefly consider this process as a necessary course for progress in thinking, and hence also in forming States.

We hear much of law nowadays, both in the scientific and political spheres. But so much talk merely about laws, betrays that no one law of laws is yet firmly grasped; or, what is the same, that the search for an absolute lawmaker is not yet satisfied. Hence the reference to that is left vague and indefinite. No total relation, no mode of activity which is a law for itself and hence a lawmaker for all the rest, is realized in the individual as a right relation of all his powers. Hence it cannot be expressed in the State. Yet the State is precisely intended to express this existence of a one moral law, as itself a lawgiver for all. And the perfection of Civil Polity depends upon this finding by every man of some moralizing law in himself, which is also in others, some lawmaker for all, known by all, by which all can be really self-governed.

Is each man to find this law-maker only as a Many? Or are the Many, are all men to find it as a one?—Where, or rather, *how* to find this absolute law-maker, is the ultimate question for communities as well as for individuals. Otherwise the law itself is without definite reference, so that there are really only many laws, and no law in general. Yet the perception of laws as existing is a first step; and it is a step which only intelligence can make. We might infer at once from this, that intelligence alone can make the law, since intelli-

gence alone can perceive it as a general mode of operation. Not that a man's intelligence makes it, merely by conceiving of it, (as a partial metaphysics errs in holding), but that he must re-make it as to its method—as a law of operation, in the very act of perceiving it; otherwise he could not know it as a law,—a mode of operation. The more intelligent and self-conscious a man becomes, the more clearly he becomes aware that he really “understands” things only so far as he perceives, (and re-enacts in perceiving) a law for them, a mode of operation that can make them as they are. This is the first step toward making a State,—for the Man to recognize, more or less clearly, that nothing can be or is made definite except by a law. But he comes to realize even this only gradually, just because he does not realize that he can and does intelligently perceive things at all, only by a law of his mind, which remakes their laws or modes of activity in perceiving them. From failure to realize this creative law of intelligence itself, both Natural and political science wander without definite reference to a law-maker,—the former as to Nature, and the latter as to Man himself.

Let us see how this comes about.—So long as there is merely a perception of “things,” of isolated and dispersed objects, whether as Natural things, or as Spiritual persons, it seems impossible to find any way of uniting them externally, except arbitrarily and despotically. But when we come to reflect upon it, why should any one of these things itself hold together? for that also seems to be made up of smaller things in some external way. The difficulty is just as great for each of them as it is for the whole collectively. When we think of law we seem to understand the “thing.” We seem to have escaped the difficulty of making things from outside, by turning our attention from that mere dispersion of them, and by thinking of a law or mode of operation common to all. By this “law” every “thing” is made, as it were, from the inside. Thus the “law of gravity” unites things of force; and it enables us to think not only the dispersion, but also the total unity of them as something necessary on account of the law itself, since that cannot operate except as both an attraction and a repulsion. In the same way, we can think a law which may unite intelligences, just because they are also dispersed by it. It can operate in different persons by the very capacity of intelligence to think anything, to become any kind of a person, any particular form of intelligence. Just as the law which makes “things” must also separate them, so here the law of intelligence can make “persons” only by dispersing them in external relation to each other. How otherwise could they be “persons” to and for each other? The nature of intelligence is such that it can *represent* its “self” to itself, only in a personal relation.

Now in either of these cases, when we are thinking only of a necessary law, either for things or persons, we are evidently thinking only

of a mode of operation essential to each. We are thinking, on one side, of a method or general law by which "things" can be created; and on the other, of a method or still deeper law, by which intelligent persons can be realized. But when we think these both together, we see that the two methods or laws are necessarily related to each other. They have something in common, when it comes to be an affair of relating particular persons; since this is actually done through the other process of relating things. Now, since the method of intelligence involves this other, it surpasses and includes it;—it is a law for itself in all. It is the law-maker, because all other laws are necessary for its own purposes, *as* intelligence;—they are modes of act, or laws designed by it.

And so when a man comes to realize that, however painful or pleasant for him as an individual, may be his relation to mere things, yet he has a relative power over them as things, and an indefinite power over them, so far as he grasps the law or method of their making; and when he sees that this "knowledge itself is power," in being a knowledge of law, and thus only an affair of intelligence,—he begins to grasp the real relation of his own powers. And through the law of that relation he can rise to a comprehension of the absolute intelligence which is a law for the Universe; not merely as an abstract law, but as an individual law-maker.

Mr. Seward states this result in an admirable way for ordinary comprehension as follows: "The Supreme Power has so far revealed itself in Nature, that Man can attain to the knowledge that it is a single Power; that there is one God, not many gods; and that this one God requires from Man the practice of virtue and desires his happiness. This truth must be seized upon and become a Spiritual conviction. Until a national mind grasps and cherishes this Spiritual conviction, it must ever continue to revolve in a condition of uncertainty and doubt about the providential appointments of good and evil, which renders it incapable of a firm advance in knowledge and civilization. This is only saying in other words, that such a nation becomes bewildered in the subtleties of metaphysics. This bewilderment has hitherto been, and yet remains a condition of the people of Hindoostan."

Such views as these explain why Mr. Seward was one of the most practical statesmen our country has ever had;—because he was the most theoretic, the most philosophical. His method of discussion was to refer all to the "higher law."—the moral or creative law of intelligence itself. He saw that the true question was always a moral one; that human acts always involve a known relation of the physical and metaphysical; and that this was to be found in every Man, as a moral relation; and hence as a true and final method of thinking, of moral

designing. Only this grasp of the law of design as highest law, fits man to either make, or interpret the law of a nation; for by that law alone is he made conscious of a Divine law-maker.

While in the United States as a republic, the civil polity is professedly based on this moral individuality of the citizen, yet not all either of its statesmen or of its citizens, have seized the relation of powers in the Nation in accordance with what this relation is as moral in the individual, and ought to be actually exemplified both by him and the Nation. This will appear in the examination to follow hereafter. It will be well, then, to further note here, in a cursory way, this final reference to a final and true method of thinking, which, if there is to be real freedom, must be found in some practical form, both by the individual and the State.

Much is said about the "liberty of the individual." But this is not something which can be made for him, he must make it for himself. The State does not make it for the citizen; the citizens make it for themselves in and by the State. Freedom is a moral question, a question of methods, and of true relation of methods in one which is authoritative because it is true,—a method of absolute intelligence which admits of no denial.

Now as the liberty of the individual can be absolute only as freedom of thought, according to its own laws, these laws must needs be found as basis for freedom of thought itself. But since this absolute law of thought, as an actual thinking of truth itself, cannot become a "thing," it follows that liberty must be only relative in the sphere of expression, whether it be merely expression of ideas or opinions, or expression of design and will over external things in any way. Thus external liberty is a question of morals as distinguished from Religion.

Morals, thus considered with reference to external acts, is an affair of relative methods, various laws, for such practical acts of design. But for this very reason that it considers only laws, it must relate laws to each other, and find a unity for them in a one law as religious, absolutely moral, sacred against change because it creates the other laws. States may differ as to the form in which they represent this sacred, creative or religious law. But the development of States tends as we have noted, to representing it for purposes of the State as the Truth, recognized as something which can be absolutely known—known as authoritative, whether for idea or for other modes of action. Designing of anything must follow a law of truth.

The field of Morals is thus a practical sphere; a sphere where there is necessarily a combining of all the powers of Man. There is in it, therefore, a designed combining of the two spheres, metaphysical and physical; that of pure thought, and that of its various outer expression. A unity of these is reached through a relation of the moral or design-

ing power to each, whereby they are modified. For the Moral in general relates itself to the thought, by affirming the difference between the true and the false,—not (so long as it is only relative), as to which is which, but as to the authority of the true over the false when determined by the intelligence. Hence, the oath to speak the true. This is already implied tacitly in all speech between men as conscious thinking-beings, since each feels towards the other that instinct of trust in his verity, which is the ground of all authority, and of all accumulation of knowledge through mutual aid. Since wills are thus bent towards each other by a spiritual confidence, in such a way that each takes the other's knowledge for his own, the same mutuality of wills is implied in a promise as to the actions; what each says he will do, he "agrees" that he will do. This instinctive "unity of Faith" in all intelligence is the first ground of Society,—the ultimate ground, therefore, to be always returned to. The agreement of wills implied in a mere say so, as sufficient between intelligent persons (who personate Truth), is the second ground for Society, as authority for compacts, for contracts; and, in general, as a realized possibility for unity in all outer acts, in conformity with that mutual faith which exhibits itself as a fundamental *inner* unity in the nature of intelligence. But here the Moral in these different "persons" goes forth into the field of expression indefinitely; since the sanctity of the True keeps pace with the recognition of the True. The inner unity of these "persons" is through a same faith in Truth itself. Their outer unity depends upon their recognition of each other as "exponents" of this Truth.

Morals, then, so far as only relative, or agreed upon, are restraint upon the actions, as heretofore noted, and need no further be considered. But so also are they a restraint upon the freedom of thought in so far as they demand an authority for the True, and find this only as relative, in a Moral way, or only as arbitrary in a supposed religious form. For real freedom, therefore, the True must be found as depending upon a law of thought, or rather as being itself the absolute law-maker, in respect to all that is formal, whether in the knowledge or elsewhere. This it shows itself to be since it devises, invents, and understands all forms of whatever sort.

Morals in general, then, become finally a question of a true mode of thinking, as guide for the doing. In respect to the thinking, there is a question of an authoritative method of thinking in which alone the absolute freedom of thought can exist, whether with regard to its thinking of ideas or of things. So in general as to expression or action of any kind, the Moral is essentially a question of the best method. In respect to mode of expression, it is a question of Art, useful or beautiful. In respect to thought itself, it is really a religious question for Man, since his power to think or know at all, is a dele-

gated power. And though the mode of it as true, or as law of truth, is a question for Philosophy, yet the question of its source is one for a faith which is intuitive, and hence veils itself as Religion—it needs no “eyes.” So far as there is a question as to means, for external expression or use of things, there is call for Science of physical laws, in aid of all the arts and even of the rhetoric and logical arts, since they also must express themselves, and need the laws of things, rather than things, for their symbols.

In this way, the promotion of Science, Art and Philosophy are of the deepest interest to a community. In fact they are what is making the State, and making it according to what they are in the community. They are not merely aids for the expression which the community desires to realize of that absolute moral freedom which is its social basis. No community really desires to realize any expression but what is already contained in its Science, Art and Philosophy; nor does it rise above these such as they are. Their relation to each other is analogous to that of the seeking intelligence, the designing will and the religious views, of the citizen himself. Hence, in their entirety as knowledge, they go into the State and form it for better or worse, and this is inevitable. Yet they may be given a sphere apart from the State itself,—a sphere of a purely ideal nature, which can be left entirely free merely as speculative; or they may be curbed and limited according to prejudices as to what they are or ought to be. This curbing them in their phase as thought, however, is in vain; for as ideal, it is their very nature and necessity to pervade all and form all. They must and will appear in the State, and in the general life and character which forms the State, as their concrete sphere,—a sphere of mixed reality, yet necessary for them since expression is of their very nature. The insistence which the actual thought of a people has to express itself, just as in case of a man, in the character of the acts, is ample explanation for the imperfections of all States, ancient or modern; and also of the mythical forms in which States have sought for explanation of themselves, so long as the people were not fully conscious of their own thoughts and doings. Neither physical nor metaphysical explanations alone do more than lead us and leave us in a mist (called “mystery” to explain *it*); because the plain fact is that the metaphysical and physical are always united, and neither can be separated from the other, in aught that belongs to a Spiritual Universe, where *persons* of intelligence must exist. The physical theory instead of disproving spirit, as supposed, proves it, or it disproves itself as no prover. The metaphysical which attempts to stand alone, by abolishing the physical, also abolishes itself. It stultifies itself by offering a formal expression which it claims is identical with the thought; if it nullifies the expression so it does the thought. The manifest truth is that there are *three*

modes of power in the world, and yet there is only one,—as Power. Make as many modes of power as you will, they must all come under the mere name of Power. But three suffices to make a difference and a unity of relation in Power as absolutely one, and the sufficient is what alone limits the absolute, because it completes it.

Men arrived at clear self-consciousness sufficient to form a State, have always felt, however occultly, their unity in a common intelligence (as above sketched), and the legitimate consequences of it with regard to their actions. The citizen cannot be a citizen—a fellow of many in one ideal unity—unless he feels the common tie, the sanctity of the true, the binding nature of the promise which refers itself through the oath as appealing to an ideal nature which is sacred. This is the religious tie, however vaguely it may be felt, however imperfect the conception may be as to the character of the Oneness to which it is referred.

Hence Religion is in all ages the *name* given to what really founds societies as States. What else should it be called? What founds States is not a mere abstraction, although it may seem only such. Neither is it only the individuals, though it may seem only they. It is something personal and also something capable of being regarded abstractly. Hence the first impulse is to regard it as a Person—more or less deified; the next is to revert to the abstract side, and regard it as a law, yet as a law of persons. The former is the Greek, the latter the Roman step. The next and final step is the Christian one—to refer the law-making itself to an absolute Person, and thus to complete the thinking of laws also.

IV. Previous to a conception which at least goes beyond perception of things and recognizes persons as law-makers, there are no States. Instincts, such as sense of comfort in fellowship, or of mutual appetitive needs, may congregate animals, as common fears may herd sheep. But what leads to human fellowship in a civic way cannot be called anything short of intuition. It must be a recognition of the True as a basis for all further good to intelligent beings. This sacredness of the Truth is the real worship, even when the good in general, or the "god" remains an object only for vague superstitions. In any case, "the Truth (alone) shall make you free."

Superstitions are made religions only because they are deemed true or feared to be true. With growing intelligence they change their forms. But while they last, they cannot be otherwise than aggravated by opposition, especially if they have taken form in the State; for then they are put there to steady the view, and take away that vague searching for a final authority which leaves all action at loose ends. Safer for a civil polity to oppose a true than a false religion; for the

former knows itself to be beyond the civil sphere, whereas the latter knows itself only in that and through that as its formal expression of what is held sacred as true.

The sanctity of the true is thus in any case the basis of the State. The Greeks as a people could not see the True as an abstraction, nor as a law-maker. Hence they sacrificed Socrates to their civil polity, because he was undermining it, by asking perpetually after the "absolute" of everything, whether as truth, or beauty, or good; and thus intimating, as they thought, that there was nothing personal, no patron "god" of a particular sort to which every one could be referred as founder of the State and authority for its laws. They must have wondered why the gorgon-shield of Minerva although only a statue on the Acropolis, did not turn the sacrilegious man to stone. For they were worshippers of Wisdom, bigots though they were as to the form.

The Romans went beyond this stage of civil polity. They passed the Greek thinking of things, even as so beautiful things as *persons*,—spiritual persons,—gods. They reached a conception of law. But this requires a higher mode of thinking,—a thinking of abstractions. There must be abstraction before there can be generalization,—analysis before a larger synthesis. This habit and power of generalization, in which the Romans surpassed the Greeks, made of them the law-makers of the political world, and still more of the practical commercial world, the sphere of judgments, contracts, the reference to the True as abstract. The law of totality was the object sought, its mode of operation, its self-making as a definite and consistent conception or *thought*; it was no longer that mere external Art-form which the Greeks sought for as a static representation. Hence the Romans were no Artists,—except of bridges. Their only originality in expression of thought was as satirists;—from first to last their literature had this strain: and the first expression of it by old Lucilius, is even accounted by some the best of its genus; at least equal in genius, if not in polish, to the satires of Horace. They did not rise to such philosophy, such art of thinking theoretically as Plato and Aristotle, but they were all moralists. Historians, poets, satirists, orators,—Livy, Tacitus, Horace, Lucretius, Seneca, Marcus Aurelius,—all are engaged with this practical problem, and mainly watching it and trying to see how it solves itself in the actual world, the turbid course of events. They want to find some "law" for it; some "working-hypothesis" whereby to seize upon and use it as a mode of action.

Hence the Romans were superstitious in a different way from that of the Greeks;—more intensely, and in a way they could not express in merely Natural forms or mythical fictions. They had a notion of a more general sort than had the Greeks;—not so much of things or even of persons as of *laws*. Thus their superstition was an intense sense of

what an infinite range of possibility there is for the unknown, so long as the mind does not find some one all-embracing law by which to think all, and so anticipate all, foresee all as *made* by it, and proceeding out of it. Such a law would be a law-maker to which all might be referred. But the Romans could not attain to this result. They saw many laws, but no one law. They made many laws but were not fully conscious of their own act of making. Any nation which has gone so far as to see law as law, both in the power of Nature and the power of mind, yet can make only a vague reference of the power to design, the power to make law itself, has still this superstitious fear rather than the religious sense of what law is. Hence the Romans, from pure fear of offending any law, admitted all the "gods,"—the designers of States, to a Universal Pantheon. Yet, with a secret sense that there could really be only one, they called their Jupiter, "*Optimus, Maximus*". That the Best is the Greatest,—however small it seem,—this was a great thought seething through the Roman Empire. And it paved the way, was the very ground from which upsprang the Christian idea—the possibility of a Christian State, where Religion is known in its absolute truth, and presents itself in an absolute law-maker both for the individual and the Nation, as also for the universe entire.

The Romans reached the power of abstracting and hence of generalization. They were capable of holding abstractions in a way which the Greeks discarded. They dedicated altars and temples to abstractions: for example at the birth of Nero's daughter, to Fecundity. This form of the god, as an abstract good, caught sight of only as a law, may present itself more clearly in later times, especially at the time of the Alexandrian philosophy which it echoes. But it was not unknown in early Rome. Such a tendency to consider abstractions evinces a power to generalize, to contemplate law; for that also is an abstraction. Even when the Romans sought to personalize, they put the good in the form of a law, a best mode of action for the individual. Thus their favorite philosophies were the Stoic, the Epicurean and the Cynic; all trying to be practical through the individual alone in isolation from others. The Stoic said the good was in a contempt for all, the spirit of negation; and denied that there was any pain, if a man would but only think so. The Epicurean said the good was in accepting all, the spirit of identification, the making all pleasant by thinking it such. The Cynic was the critical philosopher, the satirist and the moralist, who could only look on and see the facts as they were, finding laws, it is true, but only laws, and hence also a conflict of laws. This was the really Roman attitude with respect to the world.

Hence the Roman polity was essentially only a "policy"—a selfish policy. What was practicable, rather than what was good, was the question, because after all the good was only a law, and as law it dis-

severed itself into many laws, good, bad and indifferent. It was pantheistic as law. In such a view of the situation, what is best is what is possible for the Roman, without regard to aught but force as only law for all, so far as known. *Vae Victis*: this motto the Romans stoutly recognized as just as much law for themselves as for others. Such a view has by no means ceased to be practically entertained and practiced by nations in modern times. The ancient Germans deified Force, and especially the god of war, so exclusively as to attract the comment of Roman historians. Their modern laudation of "blood and iron," may be a hereditary tendency to worship heroes and acts of force; but it remains to be seen whether they will so bravely accept as did the Romans, the reaction of such a law which, like mathematics, knows no mercy.

Looking upon the conflict of laws as it is in the merely Natural sphere, or as a necessity of outer expression in general, the modern man may copy the Roman whose science went no further, and make of brutal power the only law for his acts. But in this way he will wholly lose sight of any moral law whatever. There can be no morality save in what is itself a designing power. Now this power uses the law of force to express its conceptions. Every such expression, however, since it is in a form of force, must yield and perish before a greater force. Thus for example, any written expression of the truth can be easily blotted out. But the Truth itself can be neither made nor unmade by a law of force. And, in general, all such expressions exist according to their design, to be expressions only, and not to be the designing power itself. The very fact of their destruction by the law of force demonstrates that the designing power itself does not reside in that law, but only uses it.

This designing power, therefore, has relation to a reality of Thought which subsists substantially, and unaffected by all this use of the law of force for purposes of expression. But the man may not recognize that reality; although there is clearly an absolute necessity for it, if there is to be any designing at all. In that case he will overlook this very reality of a triune relation of powers as it exists in himself. He will take note only of those external forms of force clashing against and destroying each other. If he recognizes in their formation a law of design, still this will appear only as a different law in each, and merely a conflict of laws as a whole. The total will be mechanical and undesigning, because referred to a mere law of force, which is necessarily incomplete in itself—a made law and not a lawmaker.

This was the misfortune of the Romans; they could see laws, but no law-maker; hence mere conflict of laws, where on the whole force alone seemed to be supreme arbiter. "*Vae victis*." A terse phrase; but how different it sounds to the conqueror and the conquered! To

one it means slavery; hence to the other it does not mean freedom. No such division in the spiritual world will that moral law permit which is perpetually devising what ought to be. The Romans did not perceive this ought to be, as a law-maker; because with all their power of abstraction they did not pierce to the moral nature of the True. When Pilate asked: "What is Truth?" he evinced the Roman sense of it as in itself a mere abstraction.

Truth is taken as an abstraction because supposed to be derived from, or made up of, mere perceptions of outer facts. Now since there is no completing such data, neither can there be any for Truth itself in that way; and it remains ragged, mere collection, not a-designing; gets no moral source from without. But this is because no moral source, no lawmaker for it, is found within the man. For in that case he can conceive no perfect designs, nor will he perceive the entire truth any outer fact is designed to express. These two sides of his imperfection, the one in perceiving, the other in conceiving, are therefore one and the same thing. He is a bad interpreter. The works of a true Artist are inconceivable by him in such a state of his mind. This depends upon his ignoring any moral law for Truth—a law felt in himself as an active reality, a real maker of designs, and prescribing a certain character for good designs.

Hence this making an abstraction or incompleteness of Truth, makes Good also just as abstract and incomplete. It cannot be found, either within or without, as a real doer, a moral designer. The man does not refer his own active designing power to that One Divine to whom its felt moral obligation points. And since he can certainly have no better knowledge, nor clearer conviction, of such a power than he has of it in himself, it is obvious that he will not find any One God for it at all if he does not for his own share in it. If not thus moralized in and by him, the Good will be mere abstraction. He will not find it as a Divine reality either in himself or in other persons.

For it is clear that, so long as all think in this way, the very fact of their being designers is just what gives them a ground for treating Good also as a mere abstraction. Good cannot be derived by abstraction from anything but designed acts. But when none of these persons recognizes a one law for his own designs, neither can he for those of others. The very object of the State is to remedy in part this difficulty, by presenting at least a common law for certain designs. But the moment the Roman looked beyond this State law, all became vague. There was no morality for him but that of the State. This fact explains the intensity of his civic devotion as well as of that superstition before referred to.

In respect to the True and the Good, outside of the State, therefore, the Roman was all at sea. So with many now-a-days who are all at sea

outside of what they call a "verified science,"— a physical science. The only thing to *do*, is to accept the situation,—to "do as the Romans do." In this way, morality becomes mere acquiescence on the part of the individual, and it is a matter otherwise either of "providence" or of chance,— who can tell? At any rate, the individual is merely a passive material for it; and in some mysterious or fortuitous way, it determines that moral community of action in which he must acquiesce. What he judges this outside formative agency to be, will depend upon his merely speculative views; and in these also, *he* at least, cannot be moral; for, as merely bound to be acquiescent, he can have no responsibility. Besides, of what account are his views? What is truth but a mere abstraction which he and others can handle and relate as they arbitrarily please into any sort of views; so that, indeed, opinions are found to clash and collide in the field of such designs, as much as do the bodies which are formed by Natural laws. In such a state of thinkings, so akin to a state of things, one might as well consult the stars as his own foresight. Hence Tacitus says, in reference to the fact that an astrologer had been tested by Tiberius and found a true prophet: "As for me when I hear such things as this my judgment wavers as to whether the affairs of mortals are involved in an immutable necessity and fate, or in mere chance."

No choice of a law-maker except between fatality and chance, either for thoughts or things, either for the individual or society! Not for the former, because Truth is reached only as an abstraction. Not for the latter, because only a conflict of laws is found which force alone can decide; and so the stars themselves as mere weights, as most abstract forms of force, may, just as well as thought itself, cast the die of fate for man. There is really no moral designing; laws also are a mere "struggle for existence," and perhaps are only fantasies of man.

Such is the sure result of looking to see right or good, not in forms of thought, but in forms of force; they seem mere products of chance. Truth, however, in its own nature has nothing to do with chance. It is therefore the only proper basis of morality, and hence of the State. A civil polity not founded on some truth as a "self-evident truth," has nothing to rest upon. It is a ship of State without either compass or rudder, star to guide, or harbor to rest in. All civil polities are on a sea of change; but this one is on it only to helplessly toss and hopelessly founder.

Such was the "fate" of Rome,—a fate it morally invited. Since it put its trust in force it perished by force. Since it found no law-maker in truth, but only an abstraction, it fell a torpid victim to the most brainless tyrants, and abjectly let armies make its emperors, fear make its laws, and slow dissolution undo all its work of force, in accordance with the mere law of force itself.

Surely this is a lesson for nations that force may be a means, but not an end for civil polity. Force merely extends a nation like a body,—till it can no further go, but then it stands palpitating over its grave and trembling with a sure dissolution already begun. Even for self-defense, force must be related to some higher designs than those of merely material extension in any form; or else it will prove the tyrant within as well as without; either by standing armies which must crush others or those who maintain them; or by demoralizing the public sentiment into military and mechanical notions of a State, which are essentially barbarous, and nourish in some form or other all the “relics of barbarism.”

The obvious necessity for the use of force in any expression whatever of the power of Man, brings into question what is the proper relation of it to his other powers. And with regard to civil polity this is a question also for the State, as to the right use and limitation of force; and whether in fact the State as such can use any other form of power.

Now, since a State is itself made by the moral and religious sense of its people, such as these actually are, it is not its function to make them, it cannot make its own maker. Neither can it reach these in their inner nature, either as consoling or confirming them purely as ideal struggles or convictions, except so far as it exhibits in its own operation an example of morally regulated action which they admire and cherish. It may teach them by its own harmonious acts, subordinated in all things to Reason, how beautiful a thing it is to be thus ruled, as it were, by a god, not as some unknown god, or mere abstract Truth, but by the same moral law the Man feels in himself as what ought to devise and direct, and harmonize all his designs. And so a people may come to love their country, as a model for nations because it is also for men. This moral unity of a State becomes personal for men,—personates something beyond the State, and beyond the man himself. It reveals that which Socrates called the “Absolute Beauty,” and which to know he claimed would prove the immortality of the soul which knew it. It brings forth that devotion to the State itself which the Roman expressed in those immortal words: “*Dulce et decorum est pro patria mori.*” “Both blessed and *due* it is, to die for one’s country.” Duty and joy go together, in life or in death, where the State “fits” the Man.

In this secret and religious way a *true* State affects its citizen, reaches his heart of hearts as something beyond himself. It touches that holiness of all really rational moral nature which makes of it “spirit,” both finite and absolute.

But when a State comes to act upon its citizen otherwise, it can do so only externally; whatever means it uses must in some way take the form of force, and be subject to all the imperfections of that. Even its laws must be expressed, written, in an arbitrary form of force, and be

liable to misinterpretations. Still more the operation of its laws must be external and forceful when they are not obeyed. No such operation of law can be wholly just, since it must be external only, and take no account of the internal differences in men. The innocent and the guilty must be treated alike so long as they are suspected or on trial; though in such a case the innocent must suffer far more than the guilty. In general, the State can only act in a preventive or vindicatory way; it cannot compensate the innocent or even protect them perfectly; for all its "remedies," as external only, may often be more costly to those who are wronged than for those who wrong.

Now, when we look merely to the operation of external laws in the Universe itself, apart from the moral law of Spirit, the same necessity seems to obtain. There is nothing but preventive law, and vindictive law; and the claims of the innocent or of absolute justice in any case are quite whisked down the wind. Hence whoever looks only on that side of things, may feel himself justified in modelling himself or his State upon this "law of Nature." He will tell us cynically "there is no use in trying to be better than the law allows," meaning by the "law," that law which he alone studies—a merely mechanical law. "He will not deem himself bound to reform the world," he tells us, as though he had struck the bed-rock of all Morality, and found it fustian,—mere fiction,—mere pretense to lead the ignorant by the nose.

But what is all civilization but precisely a reforming of Nature? What is Man himself, as a perpetual inventor, but a reformer even of laws themselves, and a bending of them all to his own designs? Were Nature itself a morality, a sufficient guide by its inflictions, warnings, punishments, as to what is right and wrong for Man, what need would he have of the State? But Natural appetites do not even tell us whether we find food or poison; the delicious may be either. Natural laws, acting merely as external, show no sort of consideration for what is Spiritual in man, either as to its innocence, or guilt, or as to its moral intentions in any form. Houses do not grow, nor do any of the designs peculiar to man get any advancement, but rather perpetual attack and eventual overthrow, from the conflict of mechanical laws. Yet it is precisely this conflict which he makes use of by setting it against itself. He reforms it.

Unless a man sees, then, that his function is to be just this subtle and constant reformer, and that, when organized with his fellows, he is adequate for it in all emergencies, and called to it as a spiritual and hence triple power in the world, and not a mere mechanical thing himself,—he will be perpetually in confusion of mind as to his relation to Nature, and his Statecraft will show the same lack of moral sense. The gods of the State will also be, for him, some merely Natural powers which, since they are mechanical, can really know nothing at all, can

neither know nor care for justice. This so-called "justice" is a fiction, useful for State purposes, and which somehow has found its way into their verbiage, but which the State itself is utterly unable to realize as a fact.

Tacitus expresses this conclusion respecting the State, and for the world in general, which the Roman State was for him. As he looks over the moral dissoluteness of his times, and sees in it the reflection of some sort of a general mechanical necessity, he sadly says: "Indeed never was it certified by more terrible calamities upon the Roman people, or by more decisive indications, that the gods are not concerned about the protection of the innocent, but about the punishment of the the guilty,"

—But here is a moral intuition that, after all, there is somewhere an eternal law of justice. If it be only a Nemesis, which "with woolen tread follows the offender," but only considers the offender and not the offended, this is due to the fact that the operation of the law can be only external, so far as it is punitive. The offense also was external;—the offender's prize was external;—that must be taken away from him. So far, at least, both Greeks and Romans got towards the idea of an absolute law of justice. But still this leaves the innocent uncared for. And superstition, which always makes its god an external power, regards the fall of towers of Siloam as evincing some vengeance upon guilt;—the sufferers are proved guilty because they suffer. Young Goethe gave his childish opinion upon this at the time of the Lisbon earthquake, by saying that "he supposed God knew that earthquakes could not injure immortal souls." Here was a poet's first intuition of a spiritual nature which the act of force can neither help nor hinder in what is essential to its happiness. So perhaps in the mind of so great a lover of truth and justice as Tacitus, there is a subtle consciousness that the truly innocent are really no sufferers by merely temporal misfortunes, but have their inner compensation, whereas the guilty, whose life and joy and very substance is only in the outer world, can be punished in and by such a world; death is for them a destruction of all they live for.

Only by going thus deeply into the moral nature of Man as something surpassing his present life and needs, can we find any real law-maker for him as an individual, or any real ground for a State as something needed by him and conformable to his nature. And only by seeing that the exercise of force is a necessary means, yet necessarily always an imperfect one for moral purposes, can we understand that a State, while by its example it ought to be such as Man would love enough to die for, can yet in its regulative operation be only just as imperfect as men by their imperfect morality require it to be. Such also is the moral government of the Universe; when challenged merely as a force,

it can not, merely in that, fulfil the claims of justice. But the State has not in its power the law of compensation which the absolute law-maker has for the innocent. It can only punish the guilty while "virtue must be accounted its own reward."

This is both the necessity and the grandeur of the case; the necessity, since the fact of government at all in this artificial way implies that "offenses must needs come," while the grandeur of it is that the same law which says, "wo to him by whom the offense cometh," and makes of the State an agent for enforcing it in a moral way, also gives blessedness which the State can neither give nor take away, to him who doth not offend,—the innocent.

The very imperfection of the State as punitive or vindicatory, its very incapacity to reach or right this inmost Man, or to moralize the community except through its example, are therefore just what refer both the State and citizen beyond the sphere of mere force, to an absolute law-maker and his absolute justice for all. No doubt a State may devise ways to encourage virtue as well as to discourage vice; but to neither can it give its absolute due. This due of each is not received or receivable by either, merely in an external way. To undertake to "reward" virtue has somewhat the air of stimulating a vanity inconsistent with the highest virtue. Just so, to pretend to precisely value vice, and punish it "absolutely" by some external means, is an affectation of a power no State can possess. The account is not squared in any such way either for virtue or vice. This is the very glory of Man, that he is beyond the measure of mere force, whether as saint or sinner. That is what makes him 'spirit,' and what makes him make a State.

For what we mean by "spirit," is a moralized and three-fold power. Man makes a State to represent his moral sense of the true relation of his three powers. A free State cannot therefore be an organization merely of force, nor indeed of any one alone of human powers. The incapacity just pointed out of any temporal power or external means to effect any absolute justice, shows that a State cannot enter into the sphere of Religion and administer its absolute relations to men. Its necessary forms of action are such that, like those of Nature's operations, they may offer either food or poison under the name of Religion, when they mistake their capacity to reach that sphere. Attempts to reward and punish for religion usually contradict their intention by the eventual result. Martyrs to real truth are only relieved for the present, and glorified for the future by their "punishment;" while the "reward" of the bigot turns into an eternal shame for him. From the lessons of experience rather than from clear philosophic comprehension, the civil polity of the United States has followed that of England into a more complete recognition of this impossibility for the State to be in itself a religion. It can only be a

morality. It can have no "absolute" power over Men as *Men*, because they are *its* makers, and not *it* theirs. It can have no "absolute right" to reward and punish in any religious sense of the term; because no man, and no number of men, from whom it does or can derive its powers and the right to organize them morally, have even any power whatever, if they would, to enter behind the veil of any man's conscience, or control the power of that as a Divine power to reward or punish him absolutely in proportion to his intelligence.

The State, then, is always founded mainly upon the designing power as an essentially religious one,—one which finds its origin and authority, neither in the actuality of the State, nor in the man himself as mere potentiality of design according to his intelligence. To *make*,—to create,—is something absolute which intuitively seeks for a Divine origin. So long, therefore, as Man discerns not his own powers, and the method in which they relate themselves to each other in a moral unity always three-fold, he has vague notions of this "divine;" and seeks superstitious, outside relations of his State with it as "a god." When arrived at a clear perception of what Religion necessarily must be, as distinguished from Morality, (as an absolute designing is distinguished from all particular designs), he sees the folly of proposing any "absoluteness" for his State any more than for himself. He cannot have a particular "god" for either, when he realizes that the faculty of designing is itself something absolute and a law for all else. Then Religion takes its proper place as what is ultimate authority both for the State and for the Man himself, including both in the scope of its designs, and as operative means for their realization.

This result places Religion within the sphere of absolute freedom of conscience, sacred to the individual himself; simply because the common sense of what it is, teaches that the State itself is incompetent to enter that sphere even if it would. It must rather be itself silently formed and transformed into a nobler State by what passes there, as a higher designing in the spirits of its citizens. For this more intelligent conviction as to what Religion is, does not leave either the Man or the State based upon a merely abstract Truth, nor upon an abstraction as "law," any more than upon some particular "god," as the designer of this State only. It tends to make a "Union of States," as well as a brotherhood of men.

A Civic State,—a Nation, is therefore a means for reaching this result. Its Civil Polity is a sign of the stage of progress towards it. Its object is to call forth the highest efforts and purest motives of its citizens. To best effect this, it must itself be, not a mere force, but an organized and operative unity of all the powers of Man in a truly moral relation of them. Thus it declares a common intent to be ruled by the highest intelligence and virtue.

CHAPTER III.

METHODS OF DISTRIBUTING POWER IN THE UNITED STATES.

Sidès thought he had hit upon a discriminating principle in his scheme for having "authority proceed from above downwards and power proceed from below upwards." It was much like Comte's notion of a "philosophic rule" for "Humanity" as a "Supreme Being" based upon nothing. This abstraction of power from authority ignores all moral relation between the two, and hence all ground for a State. Napoleon was clear-headed enough to see that power and authority must have some relation to each other, and that merely for purposes of "order," the military relation was the most efficient, and even the best where no other would subserve that "Heaven's first law." Power, however, is itself triplicate for Man, and no true relation for power and authority can be found for him except in a moral design. Hence also his State must have some moral intent to which both the power and the authority are assigned.

The United States, as a Nation, was explicitly based, as its written Constitution says, upon a common design, to "provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." And it was to "establish justice,"—which would "insure domestic tranquillity," and all the rest.

For this declared purpose, both individual and general, both to watch over the liberty of the citizen and the welfare of the Nation, a general government was organized. What is peculiar to it as a National government is, that it expressly limits its own share of governmental powers, and thus seems to leave it dubious whether *its* Constitution distributes or even regulates the other spheres of power, or whether these are wholly independent of it, and dependent only upon the caprice of a State or other local desire.

But to leave this wholly dubious would also leave in doubt whether there was any design to form a Nation at all. A nation can have no government as such, except in direct relation with all as its citizens, and as based upon their design to be such. Unfortunately this design was rather implicitly than explicitly stated. And since the States already existed, the confirmation of the National Constitution was

naturally submitted to them as States. This left room for difference of opinion as to whether they as States could not also undo the ratification. This was the cavil upon which secession proceeded. Conscious, or at least warned by the moral sentiment of mankind, that slavery itself and its needs could present no moral claim, since it divided humanity itself into an immoral relation, the purpose of secession sought to justify its right by the alleged ambiguity of the National Constitution as to its intent to form a nation.

This controversy has passed. It is sometimes said to have been "settled by the sword." But the sword can settle nothing, except that where mere force claims to rule, force must decide for better or worse; it cannot decide a right. Whoever sees in force alone a law for nations, may therefore still be in doubt upon this point, as to whether we were intended to be a nation, though fully convinced that we are so, at least for the present. And no doubt the willingness of a people to use all its power of force to "promote the general welfare," and especially to "secure the blessings of liberty" as something which pertains to all men, may stand as a significant and final interpretation of what those words were designed to mean, whenever it became a question whether this nation as a whole should uphold the freedom of man or the right to enslave him.

Yet, looking with that "charity for all" which a good man has enjoined upon us, we may concede that, in view of the manner in which the Constitution was adopted, there was room for honest difference of opinion, to say nothing of the blinding effect of an educated prejudice and passion on both sides. The form of the government, whether in State or Nation, did not spring so much from clear and definite design, as we are disposed to say when we do not look closely at the real facts. This has already been noted. Just so the continuation of old forms in new States or other local governments, is rather an affair of habit than of logical design. To some extent, the American people have shown faculty of adapting old forms to new uses; but in the way of invention, their *forte* has not been in the political sphere.

And so, also, has the education into a National sentiment been an affair largely of commercial intercourse,—a logic of interests rather than of thoughts, a product of events rather than of design. Hence this undesigned product worked both ways; there was an education both for and against Nationality. All that served to specialize, or localize, tended to divide; all that served to generalize tended to unify. Thus the localization of shipping interests rendered New England so averse to the war of 1812, as to bring about the "Hartford Convention" and to moot the right of secession for the first time in that section which produced the "great expounder of the Constitution," though he himself was no party to it. Again the localization of

manufacturing interests was the next bone of contention and pretext for dissolution, before the sectional distribution of slavery assumed that guise. Slavery however was the only irreconcilable "interest." Others could be compromised; this could not. It was, as interest, tendency and educational influence generally, in "irrepressible conflict" with nationality. It was necessarily at war with national unity such as that sought for in the Constitution, because it was theoretically abhorrent to moral sense. As theoretically an arbitrary divorce of humality from itself, it was also practically an obstruction to all civil commerce.

In the free-states the education to nationality was inevitable. The tide of emigration and of commerce to and fro across a whole continent, washed over and obliterated the limits of States as much as those of counties. It was an expansion of the individual himself; he might be a man of many States, born in one, living in another, going wherever he would, unfettered by any "special institution" or "peculiar property." His individuality was wherever his property was; and this might be, and for a commercial man generally is, in many States. Nothing but a Nation would suffice for such an intercourse, and for the greatly diversified and interlocked industries and interests which it produces. Differences, when from a same design, only unify. In the free-States, designing was the watch-word and unity the result. Where invention was torpid, there was a dead sameness, a dying liberty. Over mountains, and without that open sea which the slave States had for border, the free-States surpassed them in the race for empire, and educated themselves to nationality. The others were just as inevitably educated in provincial notions, or in schemes not statesmanlike because at war with the moral and inventive spirit of the age. The very obstinacy of their devotion to force, disarmed them of force itself when it came to war. Had they possessed the industrial and commercial development of the free States, they could not have been conquered. But then, neither would they have needed to be. Slavery would have died there as it did in the free States, of inanition. For it was inconsistent with that freedom of design which invents products and makes commerce. Hence it was at war also with that political spirit of freedom which no mere State could hold, and which demanded to be exercised, as it really was, the spirit of a Nation.

When we look merely at the express limitation of the National powers in the Constitution, and then again observe, with a literal eye, that all other powers are "reserved to the several State-," we can see the source, if not the force, of those technical and hair-splitting interpretations, which the exigencies of political and partisan discussions have placed upon it. If we ask, what was this reservation intended for, the

historical answer must no doubt be that its design was partly to avoid the fears of slavery, but also to run the gauntlet of local jealousies in general. These provincial feelings were by no means peculiar to the slave States when the Constitution was formed. Indeed the most strenuous advocates of it were not less Washington, Jefferson, Madison and others from the South, than Hamilton, Livingston and others from the North. The great minds, the designing spirits were not in either case of the fearful sort. It is the small spirits which have an instinctive jealousy and vague fear of what is beyond their ordinary scope of thought, and habitual exercise of power. But the creative spirit, so long as it finds a moral reason impelling its designs, and preparing for its activity a larger field, only feels the freer for this outlook.

Witness upon this matter of local jealousies the fact that little Rhode Island was the last of all to let subside its fears of grandeur; and did not "come in" till surrounded and captured by an actual Nation. Thus it was a practical question for designing statesmen in those days, (and still is), to capture prejudices and soothe small fears in the best way they could. And their theories had somewhat to suffer in the process, and be shorn at least of their clearness of expression if not of their essential intentions. Yet they succeeded in embodying in the Constitution a clause which expressly empowers the National Government to "guarantee to every State in the Union a republican form of Government."

Not so fond of taking this literally are those who would regard the Nation as made and destroyable by the States. Yet they can stultify it and make of it a suicidal instead of a self-preserving power. Either by severing it from the power to amend, or by refusing any moral law for interpreting, they can make of it only a guarantee for what is, and render the past a veto on all progress. For what can it signify if no judgment is to be exercised under it, or if this judgment must be an immoral one? In the one way, they make this very provision throttle the Nation; in the other, they cut its throat. Such was the use made of it in behalf of slavery. Its intent clearly was that no new State at least should set up a Government immoral in form, or at war with the moral design of the Nation expressed in the preamble of the Constitution. But it was argued, on one hand, that since slave States were in the Union, there was no design to describe slavery as inconsistent with "establishing justice and securing the blessings of liberty." By that immoral interpretation it was claimed that the proposed object was absurd unless it recognized slavery also as a blessing, and that slave States, just as much as the free, were within the "guarantee." Hence it was further urged that the intent really was to make a perpetual wedlock of slavery and liberty, as the acme of statesmanship. For such a design there was ample "power"; for any other, none. (It was forgotten on which side jealousy arises in such unions). On the other hand,

it was argued that the makers of the Constitution presumed and expected that slavery would gradually die out. But in fact it did not. It also extended its area, and tried to keep pace with the "area of freedom." The Union became a mother of slave States as well as of free, and thus expressly conceded that the "compact" did not deny to Shylock also his pound of flesh. And Shylock took it, with all its consequences of widening the controversy, until it became a crisis for the life of the Nation and drew blood.

So in respect to the admission of new States in general, the national sense was not awake to any responsibility in respect to what kind of a State it should be, until the necessity for so doing was pressed home as a vital one. That this requirement of a republican form of government meant anything in particular, unless a mere fling at King George or his heirs, was not seriously considered until a crisis came which called attention to it. Even then, how scrupulously it was handled, and under what a shower of constitutional pyrotechnics, when it came to be a question, even after slavery had been abolished, as to whether the Nation had right to supervise and secure such a reorganization of the former area of slavery as was conformable with the Nation's design. It was found necessary, on account of the previous thoughtless or unprincipled course of the Nation, to take anew, through amendments of the Constitution, the sense of the people as to what the design of the Nation, not was, but is. Even this was objected to, with a gravity and unctio which now seems ludicrous. It was argued that it was unconstitutional to amend the Constitution, except in accordance with all that was in it! and thus the ingenious politician would make of it a closed circle within which the Nation might amend as much as it pleased, but could only be like a kitten chasing its tail.

The wisdom of the fathers no doubt was great; but that they intended to limit the wisdom of their children in this way, may well be doubted. What has been most unwise, however, in their posterity, has been just this failure to carry out the original design; which was, to freely devise for all cases, not a mere expedient, but a well-principled and thoroughly-thought method. Such methods alone can either energize or secure rational action. They are, therefore, necessary to the Nation, and authorized by its moral right to be. How much this neglect depends upon the conflict of parties, deeming themselves made undesigning by a written constitution, and making that designless by carping interpretation and captious arguments, may hereafter be considered. Here we must refer it to the careless conduct of the Nation, and its lack of self-consciousness of what it is.

When we look at the manner in which power is distributed by a State of the Union, we find that the law of the State alone can determine what shall be the local limits, powers or officers, of counties,

towns, cities or other subdivisions. So, also, the State takes direct cognizance of the individual, and provides general laws whereby the limits and exercise of his powers are to be regulated so far as they come within the sphere of State supervision.

So also the National government, so far as it deals with Territories or districts of its own, organizes them throughout. New States, on a question of admission as States, are now recognized as subject to a thorough scrutiny of their proposed Constitution and form of Government. But how far this responsibility of the Nation, for the character of government in any actual State extends, is not at present deemed settled upon any fully expressed principle. It is fully expressed and settled, however, that every law of a State must be in accord with and subordinate to the Constitution and laws of the Nation. And the power to amend the latter shows the former to be wholly subordinate to any National design.

The National government, through its courts, is also explicitly the arbiter between different States; and by its armed force, the rightful preventer and queller of collisions between them, or of rebellions in any State against that State, or its laws, as well as against its own. It offers itself of right when called upon for judicial decision, between citizens or corporations of different States. It claims to be the sole proper judge for its citizen when acting as an officer under its own laws; and also, recently, for violation of rights of suffrage when committed against its own laws, which are applied only to National elections.

But how far the National government protects the citizen himself, except in foreign lands, or against foreigners, is a matter of uncertainty and wavering of opinion. Even in respect to suffrage, since the qualification is, not merely citizenship, but official, and as yet only under State laws, the National government does not enter fully into the question how far its responsibility to guarantee a republican form of government requires it either to qualify or defend the suffragan. At this other extreme of its relation, it has not yet defined its power to form or control its voter, any more than its power to shape or reform a State. It may be said that in general this failure to use its own powers has even obliged their use by others. This has led of course to grave abuses, and to contempt of National authority in the sphere of suffrage as well as in that of State-rights. Neglect to devise methods to execute its powers has led to their denial, for it is itself such. In this way the Nation was long kept in poise between, instead of over both State and citizen, as something used by both on emergencies, but not as a general law-maker, and active designer. For example, the power to regulate inter-State commerce was expressly named in Virginia's call for the new Constitution as a chief object and great need.

Yet as late as 1811, New York and New Jersey and Connecticut were making conflicting laws about such commerce; and up to 1824 such chancellors as Livingston were sustaining them by injunctions.

Such deficiencies in the interpretation and methodic use of National powers, and such cases of their practical nullification, raise the question whether the distribution of powers, which is often so much lauded as a system, really tends to strengthen or to weaken the National sentiment. At present the question is involved in past prejudices and passions which must pass away with time and the lack of the circumstances and education which fostered them. It is not therefore to be decided hastily merely by current events, but with reference to principles which are enduring.

Now the designs of any man are to be read in his acts, and especially in the method of his acts. Just so, a civil polity is to be best judged as to its designs by its methods. The Nation, as we see, has not fully methodized and used some of its powers. Taking, then, this universal criterion of the method by which to judge of the design in reference to this first most general matter of organization and distribution of powers, it would seem at first sight that the intent was to make the National government really escape the attention of the people. This was the great argument for it, that it was really a matter chiefly of foreign defence, a necessity for that in case of war and a prevention of war by being prepared for it. It was also shown that it would bear lightly upon the people, since its revenues were to be derived chiefly from customs, and that the National form was the cheapest method of accomplishing such purposes. Besides it would furnish a means, much needed, for liquidating the common revolutionary debt, and for regulating the money system for all by its power of coinage. It was really not a proposition adverse to any local interests or which interfered with any local affairs. The National Government would be a sun for all without their realizing that it ever shone. It was to occupy, as it were, only a sphere of contingency as a provision against possible necessity. It was not to be a system of government, centralized and all-absorbing and all-domineering. It was only to be an "agency" to transact some affairs, because in that way it could be done most cheaply, and mainly it was to be a union against foreign powers, like the confederation, but was to pay its way better.

Doubtless it was these considerations more than any other which tended to the acceptance of the National government. But when it came to a question of actual war again in 1812, that same squeamish jealousy for local interests, which it was necessary to coax into assent by showing that the war-power was the chief affair, was the very first to find its fealty shaken by the exercise of that very power. When it came to the war of 1846 with Mexico,—a war manifestly made in the

interest of slavery-extension, and made upon untenable pretexes, there was moral scruple in the best minds, both as to the war and its objects. Yet in the popular mind the enthusiasm for the Nation swept over all scruples, the moment a collision occurred and the gauge of battle was thrown. How came it about that the national feeling had grown stronger with time, and with the operation of the government itself?

Evidently it was not because the National government had confined itself to merely foreign relations, or secluded its operations within a sphere where it was not felt. Its methods had been such as to make it known to the people in many ways as a servant for all. In no other way, indeed is it possible for any government to reach the affections of a people. It must be for them, not an unknown or unfelt, but something which they know intimately and hourly.

In fact, however superficial or locally jealous may have been the acceptance of the Constitution, we find that its makers were by no means superficial in their making of it. Not because "they builded wiser than they knew." It was the necessity which is imposed upon those who can build at all, to have some morally consistent design,—some thorough-going idea. The National government was therefore really made a system, a centralized system of powers wherein the States took a subordinate position and authority. Could the wiser makers of the Constitution have had their way wholly, they would perhaps have done better by doing more. At least they would not have been obliged, by small prejudices and fears, to mask under implicit forms the noble designs they had for the Nation. Nevertheless the event has shown that they succeeded. Although they were obliged to plant an inevitable conflict in the very ambiguities of the Constitution itself, they did so with a noble faith that the essential morality of Man would eventually confirm and carry out the design of the fathers by the acts of the children. "*Exitus acta probat*" was the motto of Washington.

Despite all prejudices, they succeeded in so intimately blending all the methods of the Nation into a necessary harmony with, through subordination to, the operations of the general government itself, that the whole was really a system, and could not be torn asunder. The powers of the Nation in respect merely to regulating commerce and comity between the States were such that these alone would inevitably have educated us into a National feeling, and made of us a Nation had we not begun as such. It is not because these powers necessarily distribute an army of office-holders within sight of all, either as a menace or a burden; but because the Nation is there by its services, through post-office, custom house, court; and so welds itself with the common life of all, that it becomes, in Napoleon's phrase, "of the very fibre of the people." It is true that a "paternal

government," even as despotic, can be this useful servant, if it will, even more than ours can be, either as State or Nation; and so it may wed itself to the affections of the people, as did Napoleon's, despite all his despotism, merely as an admirable administrator. This is the forte of the French genius, to organize and to admire a thoroughly serviceable government. But the French mistake has been in supposing that this order can be produced as merely an enforced order, thus depriving the citizen of all moral responsibility in the matter, and thereby taking from the State its only safe basis.

Our National Constitution-makers were not victims of this error as to where the final moral unity of power and authority for a Nation are. While they centralized both power and authority in the Nation as a governmental method, they also centralized them both in the individual as the designer of this method, and hence responsible for its actual working, in accordance with its moral intent. For he is responsible to a higher and Divine authority for having a moral intent in all his acts, single or collective. This is the very reason for his having a National government, and a universal harmony with all men if possible.

Thus the relation is direct between the citizen and the Nation; he *is* the Nation in its essential character. No less than the State, does it rest directly upon him as its designer and responsible for its actual character as shown in its conduct. Even more immediately and certainly does the National, rather than the State Government, reflect the character and conduct of the citizen. His attention is more directed to that as a larger object, a nobler object,—a mutual self-government of all by all. This is what creates a true affection for the Nation; that it is for all and not merely for some. Even the vulgar mind intuitively sees this, however vaguely; and the professedly "local self-governor" in this country is just the one who can never find any local issues.

Hence it is vain to talk about the distribution of powers in this Nation as though the Nation itself were not. It is. It is in direct relation with every citizen, so that in his thought, his affections, his practical conduct, he actually subordinates all else to it. Its centralization is in him and through him; and he both can and does reduce all other forms or methods of government into subordination to that. His "parties" are National parties, he knows no other. It is the most difficult thing in the world to give any local issue whatever a local *status*. It must be nationalized. The local politician, most of all, is the one who has a suspicious eye upon such issues. He thinks the great principles of self government are somehow endangered by them. He prefers to refer all such questions to a party verdict as a National question. Otherwise his full freedom as a citizen is not declared. Thus he ties himself up in the Nation, he will be nothing less than a

Nation in himself. He is not a man to be bound up in mere States or petty localities. He knows his largest freedom is in and through the Nation. When he severs himself from that, he feels lost, out of his native element. He cannot contract his habitual sphere of imagination to a sense of personal responsibility for local affairs.

In this way the National feeling has undoubtedly seized upon the imaginations of the common people, so that with them it is even more a passion than with the thoughtful. And when it takes this form of a mere habitual partyism which deprives the man of all "local sense," he may be said to lose his common sense. There is the danger of a centralization springing from the citizen himself, from his loss of moral sense with respect to local affairs and to himself.

In this view of it there may be just apprehension of an undue centralization, through mere partyism in National policy absorbing all else. But how completely this form of the danger nullifies the notion that we were never designed to be a Nation! The danger comes in the form of a National issue,—a conflict in and supposed to be for the Nation itself on both sides. It is a question as to what the Nation shall be. Such a conflict has already passed to a decision by force. The moral sense of the Nation did not suffice to decide it. Thus always will it be the question of what the Nation is, or ought to be, must come at last to blows, unless the authority of moral sense is recognized by every citizen, as what empowers him to *be* a citizen, and must guide all his individual decisions with respect to public affairs.

The moral sense, however, as the largest sense of true freedom, inevitably tends to the largest views. When enlightened and sensitive, it can make great statesmen. Subordinated to mere partyism, it will make great demagogues. When deficient and darkened it can make small politicians, whose blunders even are not the least of crimes against the Nation. But there this moral sense is, in any case, as the recognized basis of the whole governmental system. Such as it is, it will make the Nation, and make it supreme over all, through whatever conflicts. It is in the Nation, as what forms the Nation for itself. The Nation will take the image of this its maker.

It is in vain, then, to place reliance upon written constitutions. Judges may pronounce these sacred; and so they are, so long as they last; but there is nothing sacred for him who makes it, when he ought to make it better. It is vain to look upon the forming of governments as something fortuitous, and "hope that all will come out well" from some mere clash of interests or opinions. Equally vain to suppose that some mysterious "spirit of a Nation" is to care for what it is to be and ought to be, better than it can itself. All such theories are either physical or metaphysical fantasies which take away the respons-

ibility of Man. In this country the relation of the Nation to the moral sense of the citizen is clearly stated. The latter will make the Nation whatever it becomes, and must take the responsibility for it.

This has already been so clearly shown in the history of the Nation, shown to be the very fact which inevitably involves all else in the form of the Nation as a Nation, that it is equally vain to consider the distribution of powers as any more a limitation of the National power as to the States, than there is any limitation of the State power as to counties, towns, etc. Precisely because this Nation is directly related to the moral sense of the citizen, and because this is what gives him the deepest affection for the Nation as his largest sphere of free design, he will inevitably subordinate all else to that, and only his moral sense of fitness and true method in respect to Civil Polity in general will guide him in his practical work of organization,

Such has been the past, such will be the future of the process of organization. The citizen is directly in this as the perpetual designer. He does and will organize the methods and distribute the powers according to the state of his moral sense and intelligence. But citizens must act collectively; that moralizes them as one whole. Yet men will differ, will form parties; this seems to demoralize again, and even to keep the whole ever split in twain. There must, however, be always some actual organization and distribution of powers; The different use the two parties make of these will be the real and constant difference between them. Written Constitutions furnish a first ground for this mode of contention, and prescribe limits for it.

CHAPTER IV.

THE TWO PARTIES, AND THEIR USE OF POWER.

The proposition to form a Union of States into a Nation, presented, for the first time in history, the necessity for devising a written plan which should include the whole design, and be recognized as entirely the work of those men concerned in the act. There had been leagues before, and even confederacies upon written terms. There had been written codes of law in Greece and Rome, coming from a Solon, a Lycurgus, a Numa. Nothing new, then, in having a written Constitution, nor in deeming it a precise limitation and *quasi* sacred against change. But what was new was to make a State of States, and its law, a law of laws; and yet to have all this complicated design recognized as the work of Man alone. The design was a moral one, a free one;—to constitute, not merely a law, but a free and orderly making of laws. The law-maker himself was to act only by law; he has a moral authority and guide in his written Constitution, modelled after his conscience.

It is because of this very fact that we have always had literalists who insist that everything in the design must be explicit, and nothing implicit. Other interpreters, seeing that the main features of every rational design suffice to show its intent, and indeed are better guides to it than mere letters or words taken apart from it, become the advocates of what is clearly implicit,—implied in the very nature of the power organized, since it is organized for action and not as a mere static show. Yet it is evident that the general intention, in such a systematic creation of governmental powers, is to be explicit,—to express as fully as necessary for a clear understanding of the general design. This is the more evident from the fact that the same method of written Constitutions is carried into the States, and beyond them into counties, towns, cities;—everything is chartered, given a definite design to carry out and comply with. Here then is freedom limiting its own acts by recognizing a law for them.

Evidently Man has here risen to the thinking of law in a new way. He has become a maker of laws and of a law for laws. He has fore-sworn superstitions about ancestors, Natural law and Nature-gods in general. What place, then, is there here for that comment upon "growth" as something sacred, (referred to in chap. II), which is indulged in by some writers on our Civil Polity? They are evidently

looking at the English system. Where there is no written Constitution as in England, the origin of laws and of States may well be regarded as hidden in some mysterious process called "growth;" and thus the present and real authority for them can there be muddled in a way to sanctify classes, kings, and any other feudal absurdity grown really obsolete whether treated so or not. But for us to have similar yearnings after the past and to deify "growth," is to make ourselves doubly absurd. For what we are about is clearly a present and continual designing and nothing else. The responsibility is ever present and actual.

And this is just what constitutes our need, and the modern need generally, of written constitutions. They do not abjure the past but define it, so far as it hands down a law for Civil Polity. No such law can be found except as the designing power of Man: this is still living, and is all that is left of the past as such a law. Written Constitutions to-day are simply explicit recognitions that this moral power in Man has become not merely a capacity but even a necessity for self-government. They themselves express such an act. They are a made conscience, or common moral law by which to act.

(1.)—In them, we have, on the one hand, a general design carefully marked out; and on the other, a recognition of our power and right to change even that as often as we please for the better. They clearly contemplate continuity therefore, but only of law-making. Hence the method for modifying the general design is itself prescribed. There are to be no tumultuary proceedings. The persistence is not to be one of force but of law and of obedience to law.

(2.)—Again, this general design must be recognized as authoritative over all others. It must overrule all particular designs opposed to it and be a guide for those in accord with it. In this way, the entire inventive, designing activity of the community is organized for one same general purpose.

(3.)—But still further, such a general design implies intent to be stable, as well as definite, in our civil polity. This written and complete outline of its design will therefore be taken to heart, as more or less sacred or even final, by different persons according to their disposition to be more or less averse to change, or reverential of the past.

This difference of tendency in respect to our written Constitution is one of the grounds for our political parties. In this phase of it, as an interpreting of Constitutions, it will come into view hereafter. Just now the difference between the parties is to be pointed out in a more general phase, as different tendencies in respect to use of political power, and especially of such a distributed system of power as ours.

As already stated, the citizen is the ultimate organizer, the maker and changer of methods. But, at first, with a written Constitution,

he is only a user of established methods. His comprehension of the design of these will be tested by the way he uses them: and that will depend upon his intelligence and moral sense.

Now, a defective moral sense tends first to methodize its power only in a formal way, by merely subordinating the sensibly less to the greater. Such a relation is expressible only in the form of force. It is therefore not really a rational relation: the big is not any better than the little, nor does number make wise. Yet this very form commends itself to the defective intelligence, which is attracted by the principle of majority rule. It deems itself shielded thereby against superior craft. The real moral intuition here is, however, that there must be a community of wills, and hence a moral unity. And this is not an affair of force nor of number; for there must be judgment, however good or bad it may be. The true citizen is really satisfied only with a comparison of moral judgments. The bad citizen may not realize his moral responsibility; but he knows that he has a free will if not a free thought. He will have a vague moral sense that it is proper to "let the ballot decide;" for he really sees no other way to agree as a whole. Indeed this is the simplest and most general form of judgment,—by division. "There are two sides to every question." Hence its parties are the two sides of a judging Nation. The two form its differences and also its unity. It is a moral judging whole only through them so far as it is a popular judgment.

This general division then is simply a matter of necessity so far as *all* are to judge. Hence, the "man of the people" will not so clearly see the propriety of those checks upon mere number, and those resorts to mixed methods for deriving the wisdom of the land, which are so much praised by more reflective minds. A mere counting of heads appeals to that moral sense which ought to be the same in all, and hence the ballot tends to develop it, even where the right to ballot is not determined by the moral character of the man as shown in his acts. But it also seems to appeal to all as though they were equal in intelligence, and in that phase of it it tends to partyism, and is very dear to demagogy. The voter duly flattered as to the wisdom of his choice in respect to "a great party," naturally falls under the illusion that he is not only "as good as any other man," but also as wise in that he belongs to this great party. And he supposes that, in mistaking all its opinions for his own, he is in the right way of authority, the true church. And so, indeed, the ignorant voter is under a safer discipline thus, than left to his own ignorance. In spite of himself, he learns to look elsewhere and higher for his intelligence, and thus lays down his claim of equality in that respect, though he does it only as a partyism.

Such is the philosophic necessity for parties in a free government, and for all issues running into a division as National parties. It or-

ganizes the whole intelligence of the Nation into definite oppositions, states the issue definitely, and puts it in its largest relations as it becomes a nation to judge of it. Such a method for escaping from the meshes of mere ignorance, and the necessity for putting every serious question into a National form, should make of our politicians not mere demagogues, but statesmen. For, under this party method, party leaders become responsible. Party leaders must have brain and heart worthy of a great nation, must have both moral sense and intelligence worthy of its confidence, if they are to make of this devotion to party upon which they insist as a fealty, and to which ignorance in general attaches itself instinctively as its only guide out of its ignorance, anything more than a mere leading of the blind by the blind into the ditch. Evidently the mere getting of offices as spoils is the ordinary form of this ditch; and the blindness is a defective moral sense which would make of every issue, local or other, a mere question of such a partyism, and turn every kind of offices into an entrenchment for such a party.

A more reflective moral sense, which realizes its responsibility to act intelligently according to the actual nature and limits of a question, demurs to this exclusive party-system of government. It would recognize local questions and organize methods for treating them within their own sphere. Yet, oddly enough, it is precisely the merely instinctive democracy,—the imperfect intelligence which needs a party for its fealty and leaders to guide it,—from whom the cry against centralization is loudest; although it is so chiefly, to be sure, only when it is itself out of power. The danger comes only from that merging of all into a national partyism; and, yet, that is just what this party is most of all intent upon doing. It would foist all manner of sins upon the Nation; and thus it makes of itself indeed a national party, (and that only) in the sense that it always wears that badge, and will recognize no other flag,—so long as *its* party carries it. It must be said that this is its education to a National sentiment, and in the only way in which narrow views can be made to overleap the bounds of mere localities, or the prejudices of section, and enter into a larger sphere of thought. Even the seceders were as “national” as any,—in this way; their views and intentions were by no means “sectional”; the trouble was rather the contrary, that they wished to make the whole Nation after their own notion. They took the name of democracy; the principles of democracy were their especial care; and upon this form of it as devotion to party they counted for securing their designs.

When, therefore, we hear of jeremiads over the degeneracy of the Nation, such as Mr. Tilden was wont to indulge in, and of promises to return to the “strict construction of the fathers,” in respect to the distribution of powers, and the exact limits of each, and dwelling with especial unction upon the importance of limiting the National government and

restraining its encroachments upon the powers of the States,—we may perhaps question whether so intelligent and ingenious a leader does not rather see in these recommendations the best possible means for erecting such a system of party entrenchments and defenses, as shall secure for it a return to and indefinite lease of power as a “national party” indeed,—but of the strictly party stripe.

So, also, another of the most eminent, both intellectually and morally, of this same party,—Hon. Horatio Seymour, is eloquent in depicting the educational effect of local divisions, and their administration, upon the people at large. He seems to see in it a wise design of the fathers to prevent the confusion of all in a despotic centralization, and to provide in these humbler spheres a preparatory school and career for true statesmen. Mr. Seward, likewise, was wont to point to these subordinate spheres as proper steps for that experience by which a noble ambition should fit itself for the highest duties and honors. There is no doubt ample provision of this sort, which, owing to the various and ever-varying political complexion of the States and other local spheres, is not likely to be made wholly subservient to the uses or intents of any party. And the very fact that the National feeling divides itself into parties, and must show itself in that general form, also creates by its own operation these local differences. These latter, therefore, do not depend upon any distribution of powers, as a limitation of the Nation; for the National power would in any case differentiate itself in just this way.

In other words, so far as this local difference depends upon partyism it is inevitable; but so far as it depends upon the actual opportunity for distinguishing local issues from National questions, that exclusive devotion to mere party, peculiar to the party of which Mr. Seymour has been so eloquent an advocate, is precisely what prevents this opportunity from being used, whether such were the design of the fathers or not. Town meetings, especially in rural districts, may possibly be free from all political guile;—but even there this may be doubted, if the charmer is about, and the schoolmaster abroad.

But it is chiefly in large cities where this “local government” ought to have its test as “principle;” and there is just where it fails to get any such test. The government of cities reverts into the system of party-government, and this is inevitable where either party insists upon using every local opportunity merely as an entrenchment and base of supplies for the party. The “principle of local self-government” is thus referred to some higher principle as it always must be; for there is no such thing as a self-government in an abstract way, independent of everything else. Only here, the reference not being made to the moral sense of the individual, with regard to the men and the methods suitable for this local sphere, it seeks its alliance with

some higher authority than the locality itself, through the National party. Hence "party" must take the responsibility as it does the profits, and bear the stigmas of shame as well as whatever weight of glory it may earn by its bad or good administration of such "local self-governments." Governments must always be referred to some unity of both power and authority which can bear a moral responsibility. And since the vulgar and ignorant sense of responsibility which prevails under a mere ballot system in large cities looks rather to something external than internal as its "authority;" and is prone to relate the lesser power to the larger in a merely formal way, such is the solution "self-government" receives in cities. It resolves inevitably into the system of National parties, so that cities, in this country, may be said to be seceders from States and to hold themselves responsible only to the Nation. In this view of it as a fact, the question would seem to arise, not whether city governments are something sacredly foreclosed against all interference even from the State itself; but whether, indeed, since they insist upon a National complexion only, they ought not to be redeemed by the Nation itself from their usual subjection to mere ignorance, or their actual use as mere party fortifications.

Such a suggestion would of course startle that instinctive democratic sense, which is clamorous for "local self-government," but which always makes of its "great principle" merely a party principle, and is always ready to share the loaf with others when it is offered part, but never when it can have the whole. Thus, in the case of New York City, Mr. Evarts, who is supposed to know something about laws, argued in favor of a proposition to let the business men of the city at least have an oversight, a mere censorship as it were, over the financial administration of the metropolis. But Mr. Kelly, who is supposed to know much about facts, stood up at once as the guardian of a "great principle," and as a "great party" stood behind him, it was useless to contend against such a fiat. It was not so much a "*fiat justitia*" as a "fiat the party!"—"though the heavens fall." And so New York City has fully seceded not out of, (as one of its ex-Mayors desired), but into the Nation, and from the State. What its government is under party control, must judge that party both as to its designs and its methods, and this responsibility cannot be escaped.

State governments also, and all other local spheres will be subject to the same judgment. This perhaps is their highest use, as a criterion by which parties can be judged, as to their designs and methods, by their acts where they have the power to act. Since a National government, like any other, inevitably resolves itself into parties, and these parties, through the insistence of one or the other, make the difference in every locality, this is what the distribution of powers throughout

the Nation practically amounts to. States, counties, towns, cities, all fall under the supreme sway of a National feeling, and thus the Nation is kept before the eyes of all practically by that very partyism which insists upon them most theoretically and uses them as a slogan. It makes of them party interests and principles, and hence National issues. And thus the conscience of the whole Nation is appealed to, and called upon to judge of a National party by its local character and acts; by these, its motives and methods are to be scrutinized, with reference to their fitness for a higher sphere. True party spirit therefore should take pride in the superior excellence of its local administration. If it cannot point to this with pride, it is not wise. But just here is where exists the "degeneracy."

This tends, perhaps, on the whole, to give us the best general, but the worst local government in the world. The latter is notoriously costly and almost always suspected of corruption. The former stands in the full blaze of concentrated criticism, and its financial management especially is jealously watched. Attention is so exclusively directed to the National legislature, that all others burrow in a comparative obscurity, immensely important though they are. Higher ability is secured for the Nation's congress; for the reason that ambitions in all sections tend towards it as the culmination of the political career. The National judges bear a higher reputation, though less paid; and their courts and juries a higher character, both as to methods and intelligence.

It follows, since the higher intelligence of all parties has its ambition directed toward the National sphere, and this sphere is the center for all eyes, that the recklessness and ignorance which often prevail in local spheres cannot be tolerated there. There is no difference in parties in this respect, that they feel a higher sense of responsibility when they actually touch the National helm. The leaders, if men of any moral sense whatever, find it quite unprofitable there to serve a mere party at the expense of the Nation; it is the surest way to weaken the party itself. Too much capacity is called for there, to permit the weak long to conceal their inefficiency. If a party has no principles, there will be the place to soonest show, that all the designing capacity it is conscious of is a design to rule,—a design wholly barren necessarily of any real projects of reform.

Now, "reforming" is unquestionably the essential business of every self-government. A truly moral man is constantly reforming himself, and trying to do so for the better, in accordance with that higher idea, which growing intelligence develops in him, of what he ought to be because he can be. But in a system of government which adopts throughout the method of written constitutions as a sort of charter for its ideal of duty so far as yet developed, the question of reform turns at first, mainly

upon matters of mere administration. This limitation of the ideal to be observed, is no doubt a wise monition by the fathers to reflect well upon the method of general organization, before concluding you can better it. And the method of amending constitutions is made such as to take time and call forth full debate. But it also tends to the system of mere party government, since it creates a prejudice against constitutional changes, against progress in the ideal, through moral sense and higher intelligence. And this makes of all "reform" a matter chiefly of formal administration.

Hence the ground of difference for National parties, in this country, is, so far as a matter of principle, a difference as to where to look for the "authority," or rather for that unity of power and authority which alone can be moral. The question is, whether it is to be found in an already collected and established public opinion,—a past ideal, expressed in a written form, and held as something sacred and unchangeable;—or whether it is to be always recurred to at its fountain-head in the individual voter himself, as one who ought to judge of every question according to its logical limits and proper sphere. But such a judgment requires more morality than is possessed by the vicious, and more intelligence than is possessed by the ignorant. Hence, for them, party government is the safest system. It organizes intelligence for them. Especially do they need it as a National partyism which requires for them leaders of higher intelligence and greater sense of moral responsibility, from whom to derive their views. It also tends to broaden their views through their leaders, from the necessity of the case, with the progress of events. But since this party always looks to something in the past as an ideal, no constitutional reforms (unless from its leaders), can be expected from it, no progress of the moral ideal itself, no improvement in the methods of organization. It will be essentially a conservative party; and fortunately is it thus tied by its very faults and deficiencies, to what at least is already attained, with devotion to that rather than disposition to destroy it.

This party, therefore, will have a mere "persistence of force," from its very deficiency as moral; or, to speak otherwise, from the abstract character of its morality,—its reference of the moral to something abstract as the party, and not to the creative one in all the citizens which creates the Nation itself. Thus it invites that first despotic form which all government must take for those who cannot or will not govern themselves; and for them this is the absolute government of them by a party. On the other hand, the more intelligent and reflective class will form a party which is weak as a mere force, just because it refers its moral authority not abstractly, but to every individual conscience. It will bear the name, and take all the consequences of the name of "the party of moral reform." Such reform seems immoral to the mind which is

wont to regard the "whatever is is right" as a theory of the universe generally, and also to the thoughtless man who is caught in the net of party prejudice, or in the general habit of regarding habit itself, whether public or private, as something "constitutional," and thus sacredly hedged against reform. A party which bears such a name will no doubt subject itself to just criticism on account of now and then furnishing a hare-brained reformer of the world. And the addiction of its members to moral reforms generally, will tell against it "in odd years"; to say nothing of that peculiar style of "independent criticism" by which a certain class of its journals act towards its leaders the part of the monitor in the Roman "triumphs," and reduce them to the due sense of equality by the "*tu es homo.*" This is, indeed, a just warning to all in this party; their reference of the moral is generally only individual, and hence imperfect. Nevertheless, this alone can be a "party of progress,"—the party to advance the moral ideal of the Nation, and to reorganize its methods, so far as they are methods of recognized freedom in real self-government. For no such method can proceed except from those who have a moral sense demanding it, and intelligence adequate to design it in a consistent form. This party will also be a National party; yet not like the other, merely conservative of progress gained, but seeking for progress. It will be the true soul of the Nation while the other is its body. If this soul,—this intelligence and active moral sense of the Nation, sleeps in a fancied security, or indulges itself in carelessness and neglect of public affairs, then the degeneracy of all will ensue. The whole body politic will become corrupt, or else stiffened in an old age, since it makes of itself mere body and likens itself to what perishes.

Hence, when there is no serious National question before the public conscience, parties will differ only as to matters of administration. But their main difference will now show itself again as determining the methods in which they propose to use the distribution of powers in the Nation, and in a way which depends upon the ground difference in the parties themselves. The one, having only an abstract purpose—to rule, will confuse all local designs with the general one, and bend all local governments to the party end. The other will differentiate its purpose, and seek to accomplish different designs in the various localities according to the special object of the government there erected. Hence it is that the party system which is in general a guarantee of conservatism, as a slow and safe going, for the Nation itself, is, on the other hand, quite a nullifier, especially in cities, of that freedom and reality of local self-government, of which it professes to be the special protector. It is rather a source of debauchment for local governments and a guarantee for their going so slowly as to go back-

ward rather than forward. So far as this is true, it is evident that the "design of the fathers" has not been carried out in respect to local affairs.

Instead of being "checks" upon a tendency to centralization, the distribution of powers among local governments, when thus turned to mere party use, has just the contrary effect. And while it tends no doubt to the supremacy of the National feeling, yet it does this only in an abstract way, or only as a constant division in the whole Nation itself. It does not truly educate the individual to real self-government, by referring him to his own moral responsibility and calling upon him to use his own judgment within spheres where his own personal knowledge and judgment may suffice. It leaves him ever in a vague and abstract sphere of morality, where, however he may flatter himself to the contrary, he has no real self-government. On the other hand, it practically nullifies for him the foolish supposition that any locality can really have an exclusively local interest, or a government apart from that of the whole Nation. It thus tends to destroy the fatal tendency of the individual man to seclude himself in his "private interests," as though he could really have any in a moralized society which protects all his interests for him.

This tendency prevails chiefly in the other party, where individualism is prone to be too abstract and to separate itself both from the party and from the Nation. This it does, either by total neglect of all public interests, or by unreasonable objection to all party rule, leadership, or combined action of any sort, as though inconsistent with moral independence of opinion. But, after all, an individual cannot hold himself to be sole judge of common affairs. Nor is he alone responsible for his State, his party or his Nation in its total action, any more than he is for the Universe. But he is responsible for doing his part. Methodic unity of judgment implies unity of action in accord therewith, in a party as well as in a Nation. So far, the instinctive democracy is right; order, for them, may often be only "order in the ranks!" Yet order is a first necessity of all government. Hence the persistent unity of this party on all questions teaches the "business man" the necessity for organization in public affairs as well as in his own. It brings him perforce out of that false "business spirit," and obliges him to educate his fellows in the same boat, if he deems himself more intelligent.

Both these parties, then, are necessary as well as useful, because it requires both to complete the unity of the Nation. They do not merely divide it, nor divide it at all; rather the Nation divides itself into them and stands as their unity without which neither could be. The one party represents the abstract formal unity of the Nation; and the other its side of many moral individuals. The moral unity of the Nation

must therefore include both, and be represented by the organized form of government, whether this be in the hands of either. The thoughtless party is in danger of being used by demagogues and for merely party purposes, of a wholly abstract and unmeaning National character, to the neglect or misuse of all local interests. On the other hand the thoughtful party is in danger of being too individual in a private way, both as to neglect of public affairs and also as to mere individual whims of a visionary character as to public policy. The other party enforces upon it the necessity of recurring to a general judgment, and thus subordinates the individual to the Nation. So, on its part, it cures the abstract character of the other party's allegiance to the Nation, and obliges it to take National life and character, at least when it reaches the National government itself.

In general, the incapacity which every individual, however intelligent, feels for deciding upon public affairs of any moment, even in local matters, without recourse to the better knowledge or judgment of others, enforces for him this essential fact,—that the necessity of all true government requires an organization of its intelligence, whereby the moral sense may be enlightened, and the method for reaching the desired end be properly designed according to its purpose. In organizing for any practical purpose, whether of business or civil polity, the three powers of man must always be brought into a harmonious moral subordination. The intent to do this is the main thing; the method of doing it is the next, and this requires a designing capacity.

These methods of doing things, as before noted, are what evince the design and its moral character. We have traced this in regard to the nature and design of National parties, in respect to their necessary difference as parties, and their use of the distribution of powers. By the same criterion of the methods adopted, we may now proceed to examine the policy, the design of the Nation, in respect to its three powers, Legislative, Judicial and Executive.

CHAPTER V.

METHODS OF GOVERNMENT.

The method adopted for relating the three powers together in a moral way in the National Government, has been substantially copied or imitated in all local governments. States, counties, cities and even towns, all have their legislative, judicial and executive departments. For the town, these are the Town Board, the Justice of the Peace and the Constable. The County has its Supervisors, its County Court and its Sheriff. The City claims a double Legislature analogous to the National, a more diversified judicial organization, and a Mayor with a veto. Thus the National statecraft shows its influence in the imitative impulse which responds to it.

Nor is this all. Each of these local governments has its constitution,—its limitation by charter or law provided for it by the State; just as that of the State itself is subject, in the first instance to the assent, and always to the oversight of the Nation. Thus the unity of power and authority is everywhere recognized as coming both “from above downward,” and also “from below upwards.” There is not allowed any abstract divorce of the two and thus a practical demoralization of each, as in Sieyès’ scheme. And this method of distributing power shows no design to isolate any locality or government as independent, but rather to constitute the whole systematically, and unite the individual on the one extreme and the Nation on the other, as inseparable in every sphere.

The same general intention to organize intelligence, to make a division of labor for it appropriate to its special sphere or character, and to recognize all three of its powers, is shown in each branch of the government. (1).—Take first the methods adopted for legislation. In the first place, the requirement for order is provided for by rules of order with executive officers to enforce them. Then the projects for legislation are rescued from the blind din of verbal discussion, and from that merely private origin which is freely allowed in this country, by a preliminary reference to committees appropriate to each, and whose members are designed to be specially acquainted with and fit to consider the subject methodically. These committees have in fact come to take the main burden of legislation and bear a large share of the responsibility for it. Then follows a general debate designed to bring the intelligence of all to decide upon the acceptance, amendment

or rejection of a definite proposition. (2).—So also the Executive may have its Cabinet or Council for advice, its special power for orderly administration of its several departments, and thus have an organized and active specialized intelligence to assist its judgment. (3)—In the same way, the administration of justice in its most general form gives to a judge his executive officers for order, his attorneys as *amici curiæ*, in that, even as debaters pro and con, they are his official advisers, and enlighteners of his conscience. So also wherever there is a matter for decision by any other of the three branches of a government, it also must “judge.” Each of these branches, then, must resolve itself into a self-government and organize all the three powers for itself in a moral way, for order, for advice, for methodic, enlightened judgment.

I. The Legislative branch is the highest practically; it makes the laws,—the working-methods of the community. “Bills,” can, in this country, be originated only by one of the two legislative houses, and not by an Executive. But these two houses must concur to make a law; so that they also constitute a moralized judgment-form wherein difference must be made into unity. Each is designed to amend the other’s judgment; so that each must act separately and methodically.

The requirement for the reading of a bill three times, has been dwelt upon by some publicists as a matter of great importance as a security against haste in legislation. It no doubt was so before printing was invented or before the legislators could read. Like many other forms derived from English practice, it has been really superseded as to its intention by other and better forms. To prevent hasty legislation would seem to be sufficiently provided for by having two houses. Prevention of careless legislation ought to be secured by reference to committees, and reprinting with every new amendment.

A more important requirement, and which touches the necessity more nearly as it actually occurs, would be to require the passage of really important bills in an order specified, before all others. An exception might be made in cases of emergency, or for bills which had the recommendation of the executive as urgent, or were met with no dissent. This would prevent that postponement of the most important and necessary bills to the last of the session which practically nullifies the intention of the “three readings” as to them, and would subject to the exigencies of haste that flood of comparatively useless bills with which the statute books are constantly crammed. Less legislation and better is one of the needs of the country; the more so because it flows largely from a private designing at first, and not from an organized judgment. Committees are the first check upon this; discussion the next. In respect to the general debate in the “Committee of the whole” and the right to check an endless flow of it, or

a merely obstructive opposition, by the "previous question" or other method, no doubt each party should be allowed ample opportunity to call public attention to the merits of its cause; but this does not require long in this age of telegraphs, and it certainly does not justify a threat to obstruct the necessary legislation of the country for a merely party purpose. Such a threat, or such a purpose plainly exhibited, should suffice to indicate the duty of the legislature in the case. At the same time, a measure merely for a party purpose, or a matter of comparative indifference or of "special legislation," should not be allowed the benefit of what the French call a vote of "urgency." Let the less important bills be remitted to the last for consideration, and then let these remainders be given a preference by vote of urgency, and we should have less legislation and better.

The existing methods of proceeding, of this general sort, whether in legislatures, courts or executive departments, can no doubt be improved. Yet they may suffice, when used by proper representatives, to secure the essential objects,—full investigation, dispassionate judgment, and subordination of all else to the public weal. The adoption of these orderly methods by party conventions shows their recognized necessity for arriving at any explicit expression of a common design. Even our parties are not managed like the Greek and Roman democracies, by assemblies subjected to the turbulent, to the passion of the moment, or to the sway of demagogues. In all their conventions, especially the National, rules of order direct the discussion, committees prepare its subject-matter, and the "resolutions" are warily drawn by those expert in such work. This organization of intelligence is found necessary, for both the discovery and the best expression of what is in the common intent, and only in that, and hence is the morality of the whole. The man who undertakes to air his hobby, finds it singularly out of place; all the more so, the more peculiar it is to himself. He may deem it asphyxiated by an immoral atmosphere; and so it may be; but, so far as he is there, the common thought of that convention of intelligence must be his morality. Whether it is only his hobby, or he himself that is out of place there, is for him to reflect upon. Wherever there is to be a designed and harmonious unity of men it must be based upon a common thought, and not upon an individual opinion;—the purpose so concluded upon may be far from religious, but the mode adopted for it is a moral one; it states the purpose as ideal, and makes the responsibility for it a common one. Thus it points towards a complete community of opinion as the very object which moral methods seek, not professing to have attained it, but this is its moral "struggle for existence," wherein each man can best do his part by recognizing the authority of others' opinions as well as of his own, and especially by recognizing the necessity for this moral

method of proceeding. This method itself, is what lifts him above the brute on one side, yet restrains him also on the other from mistaking his opinion for the culmination of wisdom, and as the true ground of all morality for others.

Analogous to the lobbyist before conventions, is the lobbyist before legislatures. The moral method, if properly used, shuts both out. The sense of his duty ought to prevent the legislator from being button-holed by private interests, as much as it does a judge. If he represents such, he is out of place upon the judgment-seat to which they come. Committees are organized as the proper places for hearing argument in behalf of such interests; but even there they are bound to prove themselves public in their designs and fealty before they can claim special legislation. The public side must enter into their private nature, as much so as in the case of an individual; so that, in so far as special, they must expect special supervision as well as special legislation, and for the very reason that they require the latter. If they are really of this character, and do not seek to escape from it in the legislation asked for, any one interested in them may perhaps be justified in acting as a legislator upon them; but he must take the risk of suspicion. This sending of "representatives of all interests" to legislatures is looked upon by some as in fact the real way to legislate; for they regard government as only a practical conflict and compromise of interests. Unless however there is an application of this moral criterion to determine whether they are all public interests and recognize their responsibility so to act, such views tend merely to confusion and corruption.

The conflict of National parties is really one by which the public interest is submitted to parties as two final sides for a total judgment of what it is as a common interest. But to many this seems only a division into two party interests, between which the public interest falls dead or else is absorbed into only one of them. In this guise the party conflict comes to a head in legislatures. Party interest, there as elsewhere, judges itself. It shows itself to be not the public interest, and hence not its own real interest, when it has no moral criterion for judging and acting. Yet in this immoral form as merely a party interest, it is often made to decide all questions, even those of the moral or other qualifications of a member (upon which each legislative body is made final judge), or those of fraud in the election of members. In this field also, the two parties show their difference in respect to a thick and thin fealty to mere party, a devotion to party right or wrong. In respect to such matters as require merely judgment on existing law and fact, and not the making of law or fact, it is a serious question whether the present methods ought not to be superseded by the remission of such questions to courts which can be held liable to impeachment for manifest partyism.

To moderate this conflict of parties; to show them their origin in the two phases of the Nation as individual and collective, and that only together do they make up the Nation, to protect each against its own incompleteness, by making of the other a necessity for it, both as check against its own excesses, and as partner in the same acts,—has been the essential reason for dividing the National Congress into two legislative houses. And much more has the practical effect of it pointed to this as its design, rather than to that object often assigned to it, to preserve the autonomy of States, or to indicate them as, at least in part, makers of the Nation. Historically derived by imitation from an English form, it seems, like that, to recognize an existing fact, not indeed in the shape of two conflicting classes in society, but as two conflicting forms or spheres of government in the country;—the one National and the other not so. But the theory that two such antagonists were to hold each other at arms' length, and thus describe the Nation itself as a never-made and an ever about to be unmade, has been quite nullified by its own manifest absurdity. The Nation either was, or was not, and could not thus be perpetually held over a yawning abyss. The English method has also found that a free Nation cannot be classified by a Hindoo metaphysics; so that, despite its same form, it has also nullified this theory of two distinct powers and authorities for law-making. No real Nation can recognize any such bisection of itself. In respect to its law-making power, it must be morally one, and hence in direct relation with the individual. Great Britain has solved the difficulty by having practically only one law-maker, and denying to either Lords or Monarch, anything more than "a check."

In this aspect of a mere check against hasty legislation, the method of two houses no doubt recommended itself to the makers of the National Constitution. And in this respect they bettered the model, by making the one house smaller than the other, and securing for it a higher rank from its longer term of office, and limiting it to "older men for counsel." They also saw in it a means for conciliating the current fears and jealousies of the time, by giving every State an equal representation in the Senate, without regard to population, and by leaving optional to the State the method of electing its Senators. Much speculation has been expended upon the question what the Nation would do if the States should refuse to elect their Senators; and the inferences from this "if" are of course to the conclusion that the Nation does not really exist. But this query also applies to the election for both houses, since each is left to the action of the State. States, however, have evinced an anxiety to exceed rather than fall short of their due quota; so that the "if" never arises as a peaceful question, and has been settled as presenting really a war question. It may suggest the propriety, however, of a method for National elect-

ions more consistent with the Nation's declared existence, and leaving no loophole of cavil in respect to its design to continue. The fathers no doubt had their fears that it would go to pieces; the fear now seems to be that it will grow too centralized.

Now as this new fear is most cherished by those whose devotion to party most tends to realize it, and least by the party which finds in its individualism a sufficient representative of repulsion, it is fortunate that the two houses are formed upon a plan which tends to unite both parties in common hopes and common fears. In general, the two houses, like the two parties, represent the past and the future. Yet the longer term of Senators serves as a check upon either party's supremacy, and so does the shorter term in the other house, serve as a monition respecting the tendency of National opinion. And as long terms of office are dear to man, the holding of these by representatives of States seems intended to render States themselves pacific, and quiescent under more grievances than they are ever likely to receive. Such a distribution of representation is sometimes spoken of as unequal. But in the form we have it here, it evinces an intent to organize intelligence and to recognize that this does not depend upon numbers, and is not an affair of numerical equality. The present mode is perhaps the only one in which could be signified this inequality of intelligence, which it is more important for a free nation than any other to keep in mind; since both its parties need to reflect upon it, though in different ways.

This conflict of parties, upon the intelligent harmonization of which all must eventually depend, finds thus its best solution through the actual composition of the National Congress, where it appeals to the practical necessity both parties have for each other. The representatives of either party must refrain from falling behind, and from going rashly in advance of what the actual National sentiment is. The relative positions of the two parties in the two houses indicate both the state and the tendency of public opinion. Thus, "*festina lente*" is made the method by which a great Nation must make and test its progress.

It cannot be said that this division into two legislative bodies, so generally copied, even by cities, throughout the country, always serves elsewhere the same wise end. It may often evince only that imitative impulse, which confesses its own lack of designing faculty according to a special purpose. But it indicates the power of the National example, and that this has enjoined upon all respect for a moralized method of government, at least in form. In any case, such a method may be made to present greater obstacles, both to hasty and corrupt legislation, and does not tend to serve the purposes of either.

II. The Executive, also, is given a check upon legislation through a veto of more or less power,—usually requiring a two-thirds vote in

both houses to overcome it, as in the National Congress. Since the grounds for this veto are left unspecified, the Executive is often described as "a part of the legislative power." But this Executive function was evidently intended only as a check since it may be overcome. It is another protection of legislation against haste, mistake or a transient passion of the hour. It also guards against encroachments upon the constitutional authority of the Executive itself, but it cannot decide what that is. The Executive is not a legislative "third house," whose assent must be had. Nor is he a monarch with divine right to legislate, and hence to veto absolutely; (that has quite gone out of fashion everywhere). And, therefore, his right to veto has not fallen into desuetude as in Great Britain. The power to pass over his veto explicitly declares him to be no maker of laws, but only to a certain extent a preventer of their being made. Neither is he, therefore, a final judge of what is constitutional, as has been claimed whenever a party advantage seemed to hinge upon it. His judgment in that respect can also be overridden. His veto is only a wise demand for ^{more} unanimity in cases of doubtful character.

Equally uncritical is the opinion on the other hand, that he has no judgment; whether of constitutionality, because the legislators must judge of that in the act of making laws; or as bound to follow in any case the opinions of his "official advisers" when he has a cabinet or other organized body of such. As to constitutionality, neither he nor his advisers, nor the law-makers themselves are the final judges. Yet they all are bound to judge of it, as a matter of course, in order to perform their several duties, in considering the propriety of a proposed law. This question, indeed, goes to the fact as to whether it will be a law at all when made; but this is no more a question for the Executive than for the Legislature, after the law has passed formally; otherwise the Executive would also be "a part of the Judicial power." This latter foolish claim has also been made for the Executive; and he has been called upon by party heat "not to execute a law against his conscience." The same class of constitutionalists will box the compass by declaring, in another case where it suits their purpose, that the conscience of the Executive is really in the hands of his constitutional advisers. Thus, they would give him either a final judgment or no judgment at all, as suits their turn. They make of him either a despot or a tool. But when we consider that no man can decide upon any act whatever without making a judgment, all this confusion of judgments with powers to judge vanishes. The necessity for judging is upon all who act at all rationally; and that is just why there must be a final judgment in common affairs. The organization of intelligence for this purpose must be made apart, when both Executive and Legislature act under a written constitution which they may interpret differently. Where an Executive

is called upon to decide so many grave questions both of law and fact, he also is wisely furnished with an organized council of intelligent advisers. And foolish would he be who should venture upon the task of the President of the United States without availing himself in some other way of the highest intelligence in the land, if this were not provided for his aid. Yet he must judge for himself nevertheless, and take the responsibility of the decision. If he yield his own opinion to that of his advisers he may act wisely or unwisely;—in most cases probably the former; but in either event, he is morally bound to do what he judges on the whole to be best.

Every man must judge of what is best, but in two phases,—what is best to think, and what is best to do. Yet for one who is to act—for an Executive,—these must unite in a moral relation of thinking and action, in any final judging of either of them. Thus, as to merely theoretical judgment as to what is best to think as true in itself, the absolute authority must be found in some method of thinking, settled upon as a sure means for truth. Whether a man finds this method of thinking within him, as such a necessary relation of ideas in a truth as to seem to him an absolute actual form of thinking, or whether he considers it revealed to him from without by a higher moral and actual intelligence of other persons, in either case he feels it imposed upon him as an authority by which he is to judge of the true; and this judgment is his act of accepting the true, a practical moral act of subordinating himself thereto. In respect to matters which he considers merely theoretical, or in which no apparent necessity for unity of action with others prevents him from being speculatively free, a man may or may not see that he has a religious relation in the very nature of truth itself, in the very fact that he is and must be a judging form of thinking activity, even when he seems to himself to be “informed” and even capable of being informed only from without. But since this apparent necessity of being informed pertains always to particular things, the question of what is best to do at once evinces to the man that, in respect to his external acts, he is in the very nature of things subjected to many authorities, according to the particular act in view. Hence the necessity for moralizing all such acts by reference to a common judgment of truth pertaining thereto. This is a moral process for which the State organizes the means of information and temporal authority. For the acts in question are acts of men; and what is sought is a unity of thinking-beings in their designing and acting as men. Such a unity may advance, from step to step of outer authorities, till it also recognizes the inner moral sense as a Divine and ever-working judgment that the true is all-authoritative, and is in this process working out for itself its own universal recognition.

Hence the State is a higher sphere for this process of finding the True, than that of a merely material science of the laws of force. In

the State this process presents itself in a moralized form,—as a related system of judgment within judgment, in greatly varied forms. The resultant of it, for a thoughtful observer of it, with a clear consciousness of the part he takes in it, can be no mere abstract truth for him, but a feeling that he is a morally-obligated working-form of Truth itself. Nor can he regard the source of it as external and vague, or as some unknown Jupiter Optimus Maximus. That also must be an infinite Judgment-form,—a Moral form of truth, a Spiritual Reality in which all judgments are working out their design, and wherein the individual judging is to find the Reason for his being also judged,—ever judged both within and without,—but always by persons, not by things. General Jackson had come to feel this religious relation of human judgment when, upon his death-bed, he called his servants together, and expressed it, as the ground of his religious hopes and faith, by saying: “I am in God. and He is in me.”

More clearly and definitely, as he is more enlightened by others, and more conscious of what is going on within him, does Man obey this absolute law which he intuits, not as a mechanical necessity, nor as an abstract law even of truth, but as an absolute relation of persons,—of thinking persons. The same law of Reason which is in each must be recognized as also in this entire relation of persons, as a moral relation there also, through which it can best “work its good pleasure.” Hence when, and so far as, men adopt a moral method of private judgment, they, as a community, also organize this into a system, for purposes of mutual education, as well as for common action. Thus they organize rational law without, because they feel it within. In doing this they organize authority itself.

Now nowhere has this been designed, at least, more completely and systematically than in this Nation. As before noted, its design is plainly to furnish in all cases a legal authority for acts. It provides a legal method for amending the design itself. And with especial care does it provide an umpire between the Legislative and Executive powers. Each of these needs it, just because each must exercise judgment; and for this, as an absolute act of thinking, every man must refer to an absolute law of thought, a law of truth. Only thus can he act morally as a thinking power. This is the side of the matter upon which those insist most who really reflect least; for it is the religious side of Man, which will assert itself even when it is deemed denied or ignored.

But it is just because this judging act is absolute in each, that legislators themselves require a majority rule, or other law for agreement, Were not this thinking-act thus absolute in its personality, there would be no need for a State at all. But the very object of the State-

is to provide that mutual conventional authority for acts, which is just as absolutely necessary for agreement in action as is a same inner authority for Reason, for agreement in thoughts.

This has been purposely dwelt upon here, in relation to the Executive branch,—the power to act. Since acting here involves use of force, it is important to know what sort of a law or judgment is to guide it. And if any deem what precedes needless, they should bear in mind that a President of the United States has claimed, in official documents, a right to decide finally upon what is Constitutional, and hence also to execute a law or not according to his own views in that respect. Here the act of private judgment was looked upon in its absolute nature as it really is. But it was divorced from all relation to other judgments. And it was not designed that any private judgment should be sole judge of either law or Constitution. If all are to do that, then, says Webster: "when every one is his own arbiter, force and not law is the governing power." Such arbitrary private judgments dissolve all relation with others. They make any unity of action impossible. Hence it is not singular that a President who propagated such a theory and practice of disunion, did not "save the Union," but made sure an attempt to destroy it by force. To such views are due also other corrupting and destructive agencies and methods, as will appear hereafter.

The methods of Executive action have clearly been organized so as to call for and enable an intelligent moral judgment. This judgment cannot be final as to what the Executive sphere is; yet it must be morally independent within the sphere. The proper subordination of the Executive requires the former, its efficiency the latter. Since an "Executive," *eo nomine*, is designed only to execute, to perform acts of an external sort, it is absurd to claim that its share in the method of making laws continues after its judgment upon their constitutionality has been overruled, or that it has call for any such judgment except in the manner prescribed and at the time. The judgment of a new Executive that he would have vetoed a law, will not justify him in leaving it unexecuted, even though his veto would have been effective if there. His theories of the Constitution do not warrant him in practically nullifying any laws once formally made under it. If he doubt their constitutionality, he may resort to the mode of "making a case" whereby they may be tested by the proper tribunal. The oath of the President to "execute the laws and maintain the Constitution of the United States," refers in its latter clause, no doubt, in part to his duty to veto for unconstitutionality; but since that is expressly made ineffective in itself alone, the reference is mainly to his duty to maintain the supremacy of both the laws and Constitution of the Nation over all others. In this respect, also, he must be conceded a power to

judge, while bound to judge in a moral way, by resort to the best intelligence and the best method of rendering it operative. A flagrant violation of the law of the Nation would call for immediate executive action.

The necessity for efficiency as an Executive demands an independence of its moralized and organized judgment within that sphere, as a mere judging of the mode of action called for by the emergency. Hence the war power of the Executive is essentially in it as a police power, a duty of self-defence, with respect to its maintenance of the Nation, or suppression of rebellion, at home, whereas against foreign powers it requires a "declaration of war" by Congress to give to what it might perhaps venture upon as a mere act of retaliation or of self-defence against a foreign power, the recognized *status* of war. The war power of the Executive as against Indian tribes is also used without formal declaration. Although these tribes are reputed to be *quasi* foreign nations, and are dealt with formally by treaties, they have no such national character or moral self-government as to really entitle them to the name of foreign nations, nor to the delay which is accorded to such for purpose of more mature reflection in case of collisions. This war power of the Executive, so far as it is a judgment merely of acts of force required, can of course be limited only by the laws of that cruel necessity which always declares itself whenever the merciless law of force is appealed to; except so far as this may have been modified by what are called the "laws of war," and by such "army regulations" or police rules as are usually prescribed to the Executive force. Thus the rebellion of 1861 brought up the questions of emancipation, confiscation, treatment of prisoners, and others too numerous to enter into here; and of the relative powers which the Executive might have in respect to such acts, whether with or without the coöperation of Congress. So also it appeared that while the Executive, for efficiency's sake, is left quite unlimited in its own proper sphere, so that it seems, and is sometimes said to possess, more real power than any monarch of the day, yet it is also so hampered in respect to the "sinews of war," and in general with the question of supplies, in order to act either in peace or war, that the practical supremacy over it of the legislative power is obvious. And back of that, the National sentiment must justify the acts of both, and prevent either from embarrassing the other, either by insufficient supply or by torpid use of the means for carrying into execution a National purpose. The haggling and immensely costly mode in which the rebellion of 1861 was suppressed, also shows that a people must know its own mind and not fall into squabbling parties, in a case which calls for action, "quick, sharp and decisive," and hence calls for those who mean it and are capable of it. Otherwise, its Executive "cannot make generals" ex

cept as they are imposed upon it, nor even choose them by a true standard, until a bitter experience has opened the way for it to do so.

III. The Judicial sphere of the government is theoretically its highest sphere. It is a judging of judgments themselves. It is a judging of the theory—the constitution—whereunder laws are made by the Legislature, and of whether such laws are compatible with that fundamental design. This is its highest function as a coordinate branch of the general government. By this the self-government is morally completed, or furnished with a final judgment as to its own design, so far as this is already determined in an existing constitution, which is authority for the Judiciary and referred to the entire people as alone adequate to reform it.

But the organization of the Judiciary requisite to render it wholly cognizant of the actual operations of the law, and to give all access to its decisions upon it as law, brings it also into direct contact with the people. And since it is merely theoretical in its own sphere, as a judging only of judgments, whether as to the consistency of a law with its authority, or as to the consistency of the acts of an individual with a law prescribed for them, it is furnished with a jury to advise it respecting the facts. The policy has sometimes been adopted of making juries “judges both of the law and the facts in the case.” This description is rather vague. As it tends to be construed into letting the jury make the law and even the facts as they please, it should never be risked where there is not a very strict selection of intelligent and virtuous men for jurors, — a matter which is greatly neglected, in cities especially and in lower courts, just where it is needed most. And this has often brought the entire jury-system into disrepute. It is precisely this “judging of both law and facts,” by those unfit to judge of the former or even of the latter, which makes of such a policy a very grave tendency to general demoralization and lawlessness.

Letting a jury be judges of both law and facts is no doubt intended to leaveⁿ law in its character as general rule, and allow its particular application to be modified by those circumstance^s which can be judged of only in each case for itself. Such a policy should doubtless be limited to cases of private conduct which, from the variable nature of human actions as affected by education or the lack of it, overgo the possibility to define by formal terms the exact nature of an act so that the description of its external character will denote also a uniform moral character or same degree of guilt for it. This is analogous to the general tendency to codify criminal and civil practice in a way to avoid old technical forms and estoppels; and especially to unite an equitable with a merely formal administration of the law, and thereby escape those “delays in equity” which resulted from the English

separation of those branches of practice. If law can be equity it ought not to be delayed. The tendency to such a general policy is furthermore stimulated by a supposed habitual disposition of judges of the average type, to fall into mere formalism, as interpreters of the law, and to rest rather upon precedents than upon reason as their ground of decision. On the one hand this disposition of judges is theoretically justified by the consideration that the law must be consistent with itself in all cases; but on the other hand it is practically impossible for a law to be consistent with its design in such a merely formal application of it; nor is it possible to find that design of it in any or many past cases, (shadowed as they must be as to their circumstances), but only in a recognized rational application of it to the case in hand. The technical, is what parts "law" from "equity."

An incapacity for reasoning is therefore by no means a qualification for a judge; although even with such a capacity he will err if he do not avail himself of all suitable enlightenment of his judgment, and yield to all proper authority for it when against his own opinion. The immense accumulation of "precedents" as well as laws in this country, has made of deciding upon precedents the task of a dray horse, both for judges and lawyers, and may serve to work its own cure. It must revert ultimately into such a variety of precedents and such a freedom of choice respecting them, as to throw the judgment back upon the reason of the case. Every case is in fact a "law for itself," just because it involves an infinite variety of reasons which relate it to all other laws, and hence to an absolute reason.

The judge has thus essentially a theoretical sphere and yet also a practical one, since he has the all-important work of relating all to a good reason—a practical reason which is found in the nature of the case itself. He is indeed an interpreter of laws and of constitutions. But he is also bound to a practical sphere, beyond which he does not go. This sphere is an actual systematized relation of self-governments, various in kind yet evidently designed to be made into a consistent whole; and by this design he is authorized and bound to judge them and their relation to each other. This is a work for the highest Reason—a Reason which can see a design where it is only implicitly stated, and grasping it as a creative power can give it its explicit statement and application.

Hence the immense debt which this Nation owes to its first National Judges, especially to Marshall. What if the Constitution were not wholly explicit, or if it apparently involved inharmonious elements? Interpret it as Marshall did, according to its intent to form a self-consistent system of government, if any at all. All must be made to harmonize with the subordination of powers and authorities therein declared and organized as a system.

Thus the Nation owes its solidarity more to Marshall than to any other one man,—more than to Webster, more even than to Washington. For Washington drew all only by the feelings which may change; Webster only by the understanding which has many reasons and is disputative; while Marshall holds ^{all} together by the Reason. How different this Reason which, like a creator, works out its own harmony of moral design, and points to that as its authority, its actual self-government, its power in act, not merely in potence or asleep, but knowing its own design and effecting it,—how different this is from that *ultima ratio* of force which some deem fit to settle great questions. How much superior even to that understanding which can only classify, show likeness and infer unity therefrom, or appeal to precedents, thus requiring them to be made for its guidance,—as they were made by Marshall. Upon the precedents made by this noble reasoner, the Nation has rested its authority in the most vital questions, and found them to bear the shocks of war and insure the welfare of the Nation. A model for judges, his successors may well doubt their equality in this divine gift of Reason, but not their duty to follow his example, in so judging of the constitution, that its design to be a systematized self-government may be carried out through all its subordinate spheres in a rational manner which must harmonize all.

This truly interpretative act, this seizing the design in its own creative Reason, and thus recreating it, is the act of true judgment in all its phases even up to that which judges of an absolute revelation of truth to Man. As an interpreter of laws and constitutions, a judge is no doubt limited to what they are; yet he must seize this what they are in its rational design. Legislators should be held indeed to a clear expression, as part of their duty, especially where their keeping within their sphere is questionable. Yet to apply a merely literal or technical interpretation, in manifest disaccord with the intent of the law when within its sphere, is no right judgment of it. So also in respect to Constitutions, though the limits of judges themselves, they are to be interpreted upon the presumption of a rational and self-consistent design in them. The people who made them are not to be stultified by finding in them absurdities, when their main intent is clear. Rather as they ought to be, than as they are, should they be interpreted, when this is merely a matter of rendering more explicit what is fully implied in the main design itself.

The Senate of the United States under the presidency of the Chief Justice of the Supreme Court, is made a High Court of Impeachment, for trial of charges of official misconduct presented by the House of Representatives. This method, with slight variation of form, is imitated by the States for the same purpose. The persons liable to such a trial are held to be only Executive and Judicial officers; since

each legislative body is supposed to take cognizance of the official conduct as well as the fitness of its own members;—though they do very little of this on the ground that the people who elect men must take the responsibility for their character. The purpose of such an impeachment being merely to determine the character and moral qualification of an officer, it does not punish for any actual crimes if any, but leaves those to the ordinary courts. The “crimes and misdemeanors” which are subjects for impeachment are not necessarily crimes of the private individual, but only crimes against his office. Hence the conviction is really only a public remedy, whether it only expels from the office or further, (as generally), adds “disqualification from any office of honor and trust.” The offense, however, being called a “high crime,” is always strictly construed. Although any plain abuse of official trust is clearly the only crime that can be called “high,” it has been deemed unwise to apply impeachment to every such abuse, and especially to Executive abuse of patronage. Even in the case of judicial officers also, though they are removable only in this way, it is not allowed to remove for unfitness, imbecility or even misconduct unless of a grave character. This is partly on account of the penalty of disqualification. It would seem that this process ought to be given a more efficient character, and greater extent.

This power of the United States Senate to judge of moral and other qualifications for purposes of expulsion from office, is also partly entrusted to it in respect to admission to appointive offices. In regard to such as are filled by the President, it has the function to “advise and consent” to his appointments:—and the States imitate this method also. This function is performed in what is perhaps miscalled an “Executive session.” For it clearly involves judgment: but of what sort seems to be open to difference of opinion. The impeaching function clearly indicates the design that no office, either elective or appointive, shall be held except by “good behavior.” This other function of the Senate seems, at first, to make of that body an adviser only in respect to the fitness of an appointee. But this judgment, like that of the Executive, must involve also the fitness of the appointment,—whether there is any vacancy or other good grounds for it. Thus it seems to go to the whole extent of the Executive’s trust to appoint, in so far as that is a judgment which determines the policy of appointments, or the method and tenure of Civil Service in the sphere of appointive officers.

Both these functions, therefore, are presented in their more general relations in connection with our next topic, the Policy in respect to Suffrage, Official Qualifications and Civil Service in general.

CHAPTER VI.

METHODS OF CIVIL SERVICE.

The Civil Polity of the United States brings it to the people as Court of last resort, both in respect to the amending of its form, and in the matter of supplying its official force with means and persons. Thus the people constantly recreate or keep in actual existence their National system, and they also transform its nature according as their design advances. This is analogous to the constant creation of a mechanical world, and its transformation through many phases of design. And yet how different, in that it has many authors, each a moral designer. It is no mere thing, dependent upon a one same abstract operation of a law of force, and hence with "dissolution" written on it, not as a "law of fate" but as a necessary part of the method by which it is made. But in this moral method by which a free Nation constitutes itself, there are distinctly three powers in a coördinate operation. It is so in the individual himself, so in every sphere of this systematized self-government. Throughout the whole, the power of force is to be made subordinate means; the ruler and harmonizer of all is to be a law of Reason.

This law of Reason, so far as it creates and upholds the present existence of the Nation, is to be referred to and found in individuals as a many who are one in it, and amenable alike to it as a common law. The tendency of this law to unite its dispersed many is what has created the Nation. It is also what preserves and changes the existing forms of the government. In this latter character it is appealed to in the Suffrage.

The policy of the United States has been to appeal to and rest its authority upon this law of Reason which, as it unifies in idea, is also a uniter of persons, a builder of societies. It is regarded as a law of which all men feel the operation in themselves, and recognize it in others, feel it as a law which has authority to control their acts, not only from within, but also from without when it is recognized as there also the operative and all subordinating law in the Nation.

That the ignorance of the individual, (at all stages of his education), requires him to recognize this authority of Reason, as appearing without, in others as well as within himself, hence as not his authority but essentially a religious one, not derived from Kings nor a plaything for Man, is recognized in many ways in the original design of this Nation.

It is declared in that clause which secures the sanctity of the religious sense, yet means that it must be a rational one, not a mere individual whim, nor one which would separate men like atoms, but one which unites them by a rational view of their moral natures. It is also evinced in those reservations of the suffrage, whereby the man is at least required to come to the consciousness of his reason; and also, by that reservation from the suffrage of appointments to offices, supposed to be more wisely or consistently filled by a different method. In general, it is recognized by the effort to so organize intelligence in a rational way, that the individual can find this authority of Reason without as well as within him.

The declaration that "all men are by Nature born free and equal," is by no means a confusion of Natural equality with moral freedom. Nor is it at all inconsistent with the fact that they at once find themselves unequal, both from the force of natural laws and from the authority of moral law. Their "being born" has very little to do with the matter: their freedom and equality both depend chiefly upon what kind of a Nation they are born into. Each is essentially "equal" in being designed to morally govern himself, and in his right and duty to do so. But what success he has in it depends very much upon the aid he receives from others. And whether he realize this design at all as a reason, and the only reason for his being "free," will depend so much upon his education and habitual associations, that the importance of organizing these in advance for his benefit as well as possible, is what is chiefly "self-evident."

And such was really the view of the case taken by the formers of the National Constitution, as is shown in the methods they contrived. To remove, so far as possible, that inequality, both of capacity and opportunity, for a moral and real self-government, which is more or less inevitable, is the main object of a free State. Such an object cannot be left to chance, nor secured by arbitrary means. It must be rationally provided for, since the very purpose is to organize Reason itself, so that it will appear as authority both without and within, and thus as a whole,—not as self-severed. And this is accomplished best, by so organizing a Nation's highest intelligence, that its results will be attainable by all, so far as they choose to look for such aid and guidance. The duty of every voter is to seek for information from this highest actual intelligence wherever he can find it, both without and within, according to the matter upon which he is called to vote.

I. The suffragan is thus called upon to judge, but to be a moral judge, recognizing the authority of what is best. As a suffragan he is a "privileged" person; but privileged by what alone can make him a moral "person,"—that operation of Reason both in himself and others which can also recognize its own operation and authority without and

beyond him. Now, it is notable that the makers of the National Constitution called upon the suffrage to decide rather upon men than measures, to judge of persons and their qualifications, rather than of difficult and complicate questions of policy or method. This is a fact that many seem to lose sight of, and deem themselves "wiser than the fathers" in calling for an impossible so-called "public opinion" on every kind of question. No doubt, if this sort of ready-made omniscient "public opinion" does not really exist, at least in respect to matters as yet unbroached, there are some who deem themselves adequate to "make it" for all emergencies; so that in their hands the Nation is safe. But neither these would-be guardians of all, nor those who have a vague impression that the "counting of heads" is really the finding of wisdom, and the all-authoritative mode of forming opinions, even their own,—are at all fashioned as to their ways of judging in the image of the Nation.

Suffrage has, indeed, respect and application to two things,—electing to office, and modification of the constitution,—the one to preserve, the other to reform the entire system. But in respect to neither of these is simple suffrage made all-powerful. It is used in such a way, and derived through such channels as to its actual effects, that both the result aimed at and that attained must depend upon the authority and direction of intelligence, both from without and within. Even in mere elections the advantage is given to enterprise, action, organization of effort,—in short, to real public interest in the subject; and in this contest the highest moral intelligence, if it *will*, can have its way; if it do not so will, it must take the consequences of its apathy or neglect of duty. But then it has also a second opportunity with respect to the actual effect; since the suffrage, merely as an election of persons, implies a finding of higher intelligence by which the result is to be shaped, under a sense of responsibility and the criticism of others. Thus there is no necessity for our government to fall to the level of the "average intelligence," but rather to rise above that, even when the lowest and even the immoral elements have seemed to carry elections.

Hence the wisdom of letting suffrage elect persons; and not decide upon measures. Reason is essentially a maker of real persons, and "judges" only in and by them. A bad person will serve best to kill any measures he correctly represents; a good person cannot abide by them. A fallacy which has served to delude the ignorant dies still-born in a higher light, or collapses under its own imbecility to form a practical measure.

A moment's reflection will show, that, in spite of all demagogy or mystic metaphysics to the contrary, the confinement of suffrage to the selection of persons is, in fact, essentially a necessity of the case. The people, as mere scattered individuals, cannot design any formal meas-

ure; they can only select persons to perform that work; and then, if the result is again submitted to their acceptance, they can only decide between that or nothing. The main point then always is to select persons fit to design, and fit to execute a design by comprehending it.

It was partly from this view of the case, perhaps, that the fathers showed such an apparent indifference to the qualifications for suffrage, leaving these to all the variety they then exhibited or might take under the laws of States. They had provided with such care for the making and judging of the law and the Constitution by the highest intelligence of the Nation, and for securing a wise, if any, amendment of its Constitution, that they deemed the Reason of the Nation to be sufficiently organized to find and use its highest intelligence for governmental purposes of any serious moment. The very mode to which they limited amendments of the Constitution shows that they knew that only the highest intelligence can design or modify such an instrument in consistency with itself. Such modifications, whether they go to the remodeling of the whole, or of only part, must proceed from some selected persons; either the two houses of Congress by a two-thirds vote of each, or a National Convention for that purpose, to be called by Congress on application of two-thirds of the State legislatures. The subsequent submission of such amendments to the several States for a three-fourths ratification by count of States,—whether this ratification be made by a State to depend or not on its popular vote,—must be at least formally made by their legislatures; so that here, too, is the rational rule, that a judgment upon such an intricate design should be made only by or through the highest intelligence, and after full discussion. On such a matter, thus presented, the voting by States, also, becomes in fact more and more immaterial. For the States, also, as merely individual, only balance each other, in such a controversy, the small by the small, the large by the large, so far as mere size can enter into such a question. Atomism is not the form of Reason, nor is Number its last word.

With the same care they took to organize intelligence for judging of the law and for shaping the designs, the fathers sought to organize it also for judging of the facts. This latter judging, so far as it can act by voting only, must be essentially as to what persons are best fitted to shape the designs, or to execute them if already made. In respect to executive officers as well as judges, the National method is mainly one of appointment; and this fact has given rise to what is called the "Civil Service Reform." The tendency in State and local governments has been to make all offices elective, with some reservations for Executive appointments, supposed to fix responsibility upon the Executive, as well as to secure for it that harmony and efficiency in its own acts, which was a chief reason for the appointing power vested in the National Executive. The appointment of "inferior officers,"

however, (construed to mean all not expressly assigned by the Constitution itself to direct appointment), may be, and is vested by Congress, in the courts of law, or heads of Departments, or the President.

In respect to elective officers, the fathers clearly sought to secure a selection (as in the case of appointees), from personal knowledge. The whole system of elections is so designed as to distribute voters into particular bodies voting for particular representatives within a sphere not too large for their own knowledge of candidates therein; while fitness for higher spheres is left to a more general judgment, either by a larger constituency, or through the minor representatives of the smaller voting communities. It is thus sought to organize a higher intelligence as to persons according to the sphere in which they are to act. In the first instance and in every case, it ought to be a personal judgment of persons. For in its very nature, so far as it is merely a process of voting, it can be only a selection of persons to act for those who select. Otherwise the voter has no rational act; his judgment is *non est*, unless it embodied itself in the person he selects. Unless it rise to a higher intelligence than that required merely for the act of choosing a good person, unless it act so as to organize this higher intelligence so that it can act as such, there is no *human* work really done at elections. There is indeed an animal judgment of persons in respect to their "good nature;" but animals do not judge of Man's fitness for his own sphere as a moral thinking person. But human judgment knows how to organize its own speech; nor does it, when properly organized as the judgment of a Nation, become voiceless again in the "vote." When this silent speech is used, as intended, for right judgment of a person who is to speak and act for the Nation, it is a creating of the organs essential to the Nation. As the scientist extends the scope of his visual organs by inventing microscopes and telescopes, so does a civic community organize its means for broader intelligence and rational action. Mute in itself, it passes beyond its muteness, and takes speech through its created organs. But since the work to be done here is not a mere mechanical reflection or refraction, the organ for it must be a real person, a rational person. That is a qualification for the office-holder often overlooked,—or at least not judged of in all its due meaning,—because the voter himself is not fully aware of his own rationality, and of the limits which it assigns to him in the exercise of this particular function.

The fathers sought to so limit the qualifications for office and the votes of election, that the voter could not go far astray. But they evidently intended to direct his attention mainly to the person he was voting for. Choice of persons, they deemed, should depend very much upon personal knowledge.

The "Electoral College" for selecting instead of electing the President and vice-President of the United States, was no doubt intended to carry out this principle of securing a personal knowledge, judgment and responsibility for fitness. The Electors, chosen either by the State legislatures or by State elections, were left free to select; and hence were bound to judge of the qualifications of the persons they selected, being limited only so far as these were stated by the law. Upon the same principle, the National judges were reserved from election and made appointees of what was presumed to be a more personal knowledge or better capacity to judge of their fitness; namely, the President and the Senate. The selection of senators by the States, though left to their option as to the mode, is a similar case, where the more select method has been preferred and retained as the custom. The choice to the House of Representatives, even, was not made distinctly elective; but where so it was to be by a system of districting which should bring the candidate within the personal knowledge of the voters. And thus a popular choice for the House was brought into contrast with a more organized choice for the Senate; with the design that in any case there should be a selection from personal knowledge.

The advance of general education, but still more the greater opportunities for immediate information and for a large scope of it, due to Man's inventive genius in extending his personal organs by telegraphs and printing-presses, have doubtless greatly modified the situation and its needs since 1789. The capacity of individuals to judge of personal ability and merits may have so increased that the election of Senators by the legislatures or by a popular vote is a matter of comparative indifference: but that was left to option. It may be doubted, however, that the National judiciary would be improved by having its selection thrown into the merely partisan arena. Even when appointed by and as partisans in name, they are now delocalized, both as to their character and responsibility, and also as to the sphere of choice from which they may be made.

With respect to the popular election of President and vice-President, the question was decided long ago, although the old mode of the "College of Electors" remains in a fossilized form. The original intention may have been to secure for the one party the President and for the other the vice-President: but upon this rock it split. The supposition that either party would consent to thus share the loaf was an innocent one at a time when the Nation did not seem large enough, or conscious enough of its own existence, to really have two parties in an actual opposition. Such was the case, however, speedily, and in fact the necessity of the case, as we have seen, for any actual nation. And the scheming of Aaron Burr showed the necessity of pledging the electors by each party, and for each candidate, in respect to the office intended for him.

Thenceforth the Electoral College has been merely a second technical form of election to pass through, after the popular vote for candidates expressly selected by party conventions. The main intent of the electoral college is carried out before it is elected, if it be to take the real selection from the suffrage, and give it to a select body of each party. Legally, however, the suffrage is still only for the "Electoral ticket." The Electors are pledged by custom to vote for the designated party candidates, though not bound to do so by written law. This second gauntlet to run has been shown to involve some dangers of frustrating the popular choice,—or rather the choice such as it is, not necessarily by a popular majority, nor ever subject to that alone. These dangers may spring from mere accident, carelessness or fraud. Though many, yet many also are the eyes that are watching for them. They involve, however grave possibilities. Why the efforts lately made to abolish or modify this Electoral method have not succeeded, would be an interesting subject for special inquiry. The only object it seems to subserve, in common to both parties, is the opportunity it offers for substituting another for either of the candidates of the successful party first nominated. This will apply in case of death of either before the Electoral College meets. But it will also apply to any occasion for a renomination. The Electors are legally free and morally responsible, at least to see that the legal and even moral qualifications for the office are complied with. It would seem, then, that they can, and are in duty bound to take cognizance of incapacities unknown at the time of the nomination, or which may have supervened thereafter up to the moment of their action as Electors. Whether such an additional guarantee for fitness in these high offices is desirable, or likely to be efficient, in this form, is a question for serious consideration without regard to party. Another, is the need of a clear specific method for taking note of and providing for temporary disabilities of a President, by accident or otherwise. Why not empower him also to temporarily call the vice-President to his place, either in case of sickness, or when far distant from the capital, at least for some purposes? Still another matter, which it is very shiftless to leave vague or doubtful, is the method of counting the Electoral vote by Congress.

II. In speaking of "qualifications for office" it is usually overlooked that the suffragan himself is an official, holds the most general office in the land, and must therefore be duly "qualified" for it in a rational way, by express law, and not by some vague reference to "natural right." The so-called "offices of honor and trust" are those of which the incumbents are to be selected, either by voting or appointment, as suitable persons for constituting or administering a common government. The absolute necessity for such a selection and the importance of its being a good one as to persons, should serve to over-

throw the vague and foolish notion, fostered by demagogues, that the voter either is able to decide upon all the affairs of the Nation or is really assigned to that as his official duty.

The qualifications for suffrage, then, practically determine what the qualifications for office will be in elective offices, and partly so in appointive offices also; and may even nullify their legal qualifications. These legal qualifications for such offices need not be here specified in all their variety. In general, a proper intellectual and moral qualification, if not expressly required, is implied in a tribunal for impeachment. Various qualifications respecting age are supposed to secure for higher spheres a better knowledge by and of the persons chosen to officiate in them. Less noticed is the difference between legal qualification for these offices and for that of the suffragan himself; and to this we may call attention in this connection.

The Nation has thus far left the qualifications for the suffrage to the several States; only the latter must not exclude from it on account of "race, color or previous condition of servitude." So far, a State is not bound either to admit or exclude foreigners from its suffrage. But a foreigner is not a citizen; nor can he become such of his own free will, but only by law; under which he forswears his foreign allegiance, and accepts all the duties of a citizen. He is protected by the laws so far as he observes them, in his merely personal and business relations, but is not called to army duty like the citizen, though subject to all the other contingencies or necessities of war, in case it arises with his own or other nation. Now the Nation alone can legalize naturalization; and does so by a "uniform law" requiring five years of actual residence together with at least two years previous intention to become a citizen, signified by a sworn statement filed in either a State or National court. The United States law has excluded, and may still exclude, all but "white" foreigners from naturalization. Then, unless "white" means only "not black," no colored men can become citizens, save by birth here,—the "native born citizens" to whom a native right of citizenship is attributed because it involves the native duty of the citizen to its full extent, his subjection to the duties of war as well as those of peace. No State, then, can naturalize, and thus make foreign born citizens. Nor can it discriminate between citizens as citizens, since every National citizen is also a State citizen wherever he may reside, and the latter is also a National citizen wherever he may go at home or abroad. Among the "rights and privileges" which a citizen of one State is to be awarded in another State, however, are not such qualifications for either voting or office, as he has in his own State. As a traveler, he is a citizen there, but has no vote. Even if he settle there, though he can neither be admitted nor rejected as a foreigner, he may be discriminated against by long term of residence as qualification for either voting or office.

This power of the several States to discriminate either for or against foreign or other specific citizenship, in qualifications for the suffrage, was left to them so far as the Nation did not undertake to regulate the suffrage uniformly but left it to variety of laws respecting it. The State laws and Constitutions have generally excluded foreigners and provided that the voter should be a citizen. The disposition to exclude colored voters, however, has been shown to still exist, and appears in evasion of the State law itself by fraud or force. A National law on the subject seems called for. But the two National parties have shown different tendencies in this respect, the one to strict laws for the foreign born, the other for the native born as to their proof of citizenship; with a corresponding disposition on the one hand to enforce the right and on the other to enforce the wrong of the voter. Such a difference of tendency and disposition is no doubt greatly in the way of any proper law or enforcement of it on this subject; but the difference is also one of the marks by which the parties must inevitably characterize themselves, make known their designs, and be held responsible for their acts.

In describing the qualifications for elective offices, the National Constitution could not use the word "voter" since that might mean differently for every State. The word "citizen," however, was expressly used. None but a citizen, (either foreign born or native-born), can be an elective officer of the United States. If we extend the meaning of the word "officer" to its proper scope, we may imply an intention to have a similiar qualification for the voter; at least whenever he acts at an election for United States officers, either directly, or indirectly as in the case of electing a Legislature which is to choose a Senator. This intention is shown also in the strictness of qualification prescribed for the Electoral College. These implications would guide the making of a general law for suffrage, as they do also judicial interpretation of the official character or responsibility of a voter in general.

The President and the Vice-President, (and hence their Electors also), are required, however, to be native-born citizens of the United States. Here we have a clear *inclusion* of all the States as to their native-born, and a clear *exclusion* of all foreign-born citizens. This provision marks therefore, on the one hand, the National character of the citizen, whether native or foreign-born. If it discriminates against the foreign-born, the intention no doubt is to secure, in the Executive head of the Nation, one who has no native prejudice either for or against any foreign nation. The right to entertain such prejudices of education or habit or personal experience of any sort, seems to be the only "natural right" properly so called; and it can scarcely claim to be rational enough to appear at the head of a great Nation. Even

when it is native-born, it has no right there; and when party-born, still less. Against the native-born form of this natural right to prejudice and passion, the fathers provided by requiring the Executive to rationalize himself by reference to, and coöperation with the whole Nation. And experience has shown the wisdom of their providing against the foreign-born form of it in the manner specified. It is done in such a way that the party-born enthusiasm for foreign prejudices must at least have one check, and one place held sacred against it. The "foreign vote" has already quite enough influence over parties, and has shown too much disposition to project and precipitate foreign wars. It ought not to be subjected to further cajolement by demagogues, who seem to think it is the native-born, instead of the foreign-born, who are to transfer their allegiance and nationality, as a qualification for office.

But this is the only instance in the National laws, and also (with rare if any exceptions) in State qualifications for office, where the foreign-born is not put on a par with the native-born citizen. In fact, the law must be explicit in respect to qualification for either elective or appointive offices, or else the choice is free. The National law requires a citizen, and even a "male citizen" for all its elective offices; but either a male or female citizen is eligible to its appointive offices unless the law specifies which; and even a foreigner, for example as an interpreter, would doubtless be held to be an "officer," both privileged and responsible as such, either at home or abroad, when appointed under due authority. So also foreigners may be admitted as officers in the army or navy with consent of the Senate. Women, therefore, hold offices under the United States although they cannot vote. So also by State law, if the candidate or appointee is to be merely a "citizen," he need not be a voter; and a woman may be elected. If he is to be a "voter within the district," that must be specified, or else as a "citizen of the State" he may be chosen from anywhere in the State. If he is described merely as "a citizen of the United States," he or she may be selected from anywhere in the United States. If he is not described even as a "citizen," he may be a foreigner, and if not described as a "male citizen" the choice may be of a female. It might be considered desirable by some to widen this field of choice for representative, judicial and executive officers of a National character, and even for those of States and cities, in analogy to the system in Great Britain and France where a distinguished and well known man, failing in one locality may appeal to another; or so that merit generally may be called into use without regard to the locality. The way is open for any improvement of that sort by State law; but in States is just where it is obstructed by local ambitions and interests, which are not likely to favor such a scheme.

Methods of securing "minority representation," have been devised and used in some localities; usually by "plumping," as in England, and not by allowing a candidate to stand for any or many localities at once, as in France. Such methods are highly desirable where there is danger of a good minority being left in the lurch, and perhaps also to give voice to a bad one. It gives intelligence its second opportunity in the field of closer discussion and shaping of measures, where all views should at least be heard; even the worst, for that is their crucial test, to stand in the light of Reason and take beautiful shape. Ignorant and vicious localities may rarely choose the best men. But they will also rarely choose the worst; when they do, it proves a *felo de se* in many ways, and is one of those instructions by experience which are so "hard" yet salutary. Thus is brought home to the voter the sense of his own official duty and of his need of a proper qualification for it.

The qualifications of the voter must needs be rational, determined by a law of Reason, an actual law put in operation by a rational community. They are not and cannot be based upon a vague "natural right;" for this is limited by moral capacity and must be restrained to a rational relation. They are not based upon even an abstract individual right or duty, as for example, to mean well, nor upon a supposed equality of power to think truly. They must necessarily be based upon the National or other common right and duty to be well-governed. Hence they are not based upon the mere quality of "citizen." The voter is not a mere citizen, but an official, selected as rational and fit for the practical duty of choosing persons as organs for a common rational action. He is a judicial officer as to his choice of persons, and an executive officer in respect to the manual act assigned him.

Those who confuse the terms "citizen" and "voter" are apt to fall into two grave mistakes: *first*, they suppose any "citizen" has a "natural right" to be a voter; which he has not any more than to attain to any other official trust; *second*, by this vague notion that all depends upon the secluded individualism which thinks only of itself and its opinions, they degrade the voter from his true function and responsibility of acting as an official, not for himself alone, but for the good of all concerned.

In respect to the first error, it is evident that all "citizens" cannot be "voters." Babies in arms are citizens. Voting is not an affair of mere eyes and ears, nor even of a prospective rationality, but an actual exercise of reason. Some rational mode must be devised for determining those who are fit for it; and this mode, in an organized community, must be by law. A law on such a subject cannot strictly conform to any abstract theoretical notions; it must be devised as a practical measure adapted as well as possible to work out its practical in-

tent. For example, qualifications respecting residence cannot fit a voter for his office, nor work equal judgment as to fitness, except in a general way; while as guarantees against fraud, they must work against it at the expense of the virtuous. So also qualifications as to age cannot fix the time when all men are really fit to vote, or equally so; yet in this form the discrimination is a rule which by "working both ways" secures the general purpose, better than could be done by "civil service examinations" with a view to determine just when each individual had reached the "years of discretion." No wrong is worked upon any by such practical common sense methods, so far as they avoid modes more cumbersome and serving no better the practical end. And every one is bound indeed to accept the legal method, however he may deem it capable of improvement; since there is no working together except by a common method, which must be a law for all. A merely individual uneasiness respecting existing methods may spring from the second error respecting the character of the suffragan's duty and the requisite fitness for it.

For example, the question "why cannot women vote?" is often asked, oblivious of the fact that they cannot vote merely because citizens, and ought not to except by law. "But they are rational." True, and their rationality seems to show itself in the sex at large in an acceptance of their exclusion from the suffrage as best. In any case, this common sense of the sex in general, must be formed on the subject, and will be likely to harmonize with that common sense of all which, in one way or another, is sure to make itself into law for external relations. A merely individual anxiety to vote, however, is no harbinger of any such law. It is apt to overlook what many deem an essential feature of the question of woman suffrage,—whether woman does not already occupy a higher sphere of moral influence which she can abjure only for the worse, and where even her political influence is now better used, and more efficient for good than it could be otherwise. Besides, although all women are not married women, yet the tendency of woman-suffrage might be towards the disharmony of families, or else to merely double the vote without change of result; and the whole question is as to its practical effect, in this and other respects. Such is the real question with regard to every law which creates essentially a public act and an official to perform it. It is not a question of individual right as to who shall perform the act, but whether in the mode proposed it will be done best and with least "fuss and feathers." Some States have adopted woman suffrage and the experiment will show whether any real difference at all results from it. Yet it ought also to show that the difference, if any, is for the better, before any practical end can be considered subserved by it. Woman is not "wronged," but rather relieved, in respect to the duty of voting. She

seems to have a duty in driving the "business men" to the polls at present, so absorbed are they in forgetfulness of their "rights." There may indeed be a question whether we are not called to compel all who now have the office of suffragan to perform its duties, rather than subject it to any more extended misuse or neglect of it.

The suffragan, being thus "qualified" only by law, is bound to act as an official according to law. Receiving his function from a rational authority, he is bound to act by a rational law, and hence for all. Chosen as a rational man, he is impeachable for irrational acts. For him to act against the law of which he is an officer, ought to work this impeachment, deprive him of his office, and disqualify him for it thenceforth. The laws of the country do not specify the real obligations of the suffrage so far as they might and perhaps ought. They are implied rather than expressed in the qualifications prescribed for it. But whether or not an actual conviction for crime is made disqualification by law, such an obstacle may be said not to exist practically. So far as self-protective, such a provision is indispensable for any rational government; though so far as it is "punishment" the offender should have recourse to mercy in case of mistake or obvious reformation. But even in the case of candidates for elective office, the public is not properly protected against the candidacy of convicted criminals. The election of such persons may perhaps be made ineffectual by resort to the legislatures, courts or other means for their expulsion. But it ought also to be made illegal to nominate them. Otherwise the voter, either through ignorance, or under party-pressure, or with a view to some object beyond that of electing the man himself, (as, for example, when a Senatorial election depends upon choice of a single member of the legislature), either acts at random or at best is obliged to choose only between two evils in a way repugnant to his conscience. The voter himself needs this protection, not merely by election laws, but also by laws so regulating party or other nominations that the list can be previously scanned and purged.

It will be seen that the office of the voter is by no means one which calls for slight qualifications, even for the mere judging of persons and their fitness for office. It may have seemed to some that this part of its duty has been overrated in what has been said hitherto, and that the faculty and right of the voter to pass upon "measures" has been underrated. But all theory must yield to the practical result. In fact the voter must vote for persons, and let the measures take their chances. Of all parties, that one which makes of every measure a party issue, is the most certainly judged by the persons it elects, and the most dependent upon them for its success; although it is also the one most subject to a bad selection of them. Thus bad

measures and bad persons inevitably go together. Good measures require good men, and are thus best vouched for to the judgment of the voter.

Nor is this selection of a good person, so easy a task on account of the practical difficulties above pointed out. The voter, in fact, generally has only a choice between two candidates. Moreover, to judge properly of the fitness of a candidate for any office, the voter should have some general knowledge of the office itself, and of what it requires. This calls for a practical acquaintance with political affairs, and with the nature and methods of civil government, which few men can be said to have at the age of 21, and which most women would perhaps never find it in their genius or tastes to attain at all. A more thorough teaching in this respect than is usually accorded, is no doubt desirable in our common schools and even in our colleges. As a matter of fact, the infallible *vox populi* is left pretty much to the education of a canvasser. But if in this school, (which is no doubt one of essential importance and vast influence), there were, if not less discussion of measures, at least more discussion of the nature of the offices and of the fitness of the persons proposed for them, it would seem to have a more practical character. What is most discussed is the character of parties, but in a way to give no information.

Election laws are usually confined to scrutiny of voters, and to protection of their official act. Legal voters have the right and duty to judge and to act in a public capacity, free from all restraint or compulsion from others in any form. The secret ballot was supposed to subserve this purpose, but is practically no longer secret, though still so as matter of right, and perhaps is in general as needless as it has proved ineffectual. The freedom of private opinion does not need so much protection in this country as the freedom of public opinion. The latter is apt to get too much involved in the former or in party-opinions, and lose sense of its official duty as well as right. On election day the voter is to be protected in his official act like any other official. To bribe, terrify or otherwise interfere with his official act is to interfere with the law itself. The duly qualified voter has therefore the right to be protected by the whole power of the country.

On the other hand the public has equal right and duty to challenge him as to his official character, and as to whether he has disqualified himself by overt acts of crime. All this scrutiny of his right to vote should, however, be so thoroughly provided for previously to election day that little if any occasion for delay may be occasioned by it then. A proper registry law is the most efficient guarantee against illegal voting, yet it also tends to keep from the polls legal voters who are either too ignorant or too "wise," too careless or too indifferent, to keep informed of their public duty and of how it is to be performed.

Judged by their use of election laws, the one party is inclined to overrate yet abuse, the other, to disdain yet protect the suffrage. The one wants to vote too much; the other too little. The party which loses least of its legal vote by election laws, opposes them most. And where majorities are greatest it likes them least; this local suffusion wants to govern others "freely," also. Such a greed for mere votes betokens a low sense of the character of voting, and great danger as to the uses to which it will be put. Nothing will prove so fatal to a party itself as this voting without law, which must turn against all law, and make chaos. The party which has favored strict election laws has other sins to answer for,—a stupid neglect of duty under the law, forgetful of the fact that a law made by Man must also be executed by Man or be a mere effigy of his folly.

Upon party methods all turns in this country, practically;—the health of parties, and the welfare of the Nation. They, and not public offices, are the proper "schools for statesmen" and also for voters. Each should test himself first in this school, and learn the folly of boy's play, before he ventures upon public trusts. The health of a party depends upon its having a good organization, good methods, and the habit of exercising them. This is no mere "party-drill." To organize is a high art; to devise good methods, a still higher; the former checks, the latter purges a party. Let the young statesman try his hand at these arts, and he will find he is in a good school. Let the voter also enter it, and he will find that the execution of all good purposes depends almost wholly upon the selection of good persons by him.

Hence, the public welfare depends upon this primary schooling in party methods;—because there it may be learned, without serious danger, that good methods alone are profitable, bad ones worse than useless,—and that each must do his part or the best designs will fail. But the public welfare is involved here in any case, whether this schooling is attended to or not. For it is clear that so far as elections run into party issues, both men and measures will depend upon the choice made by parties, and hence upon their methods and their habits of using or not using them. On this account the question has been mooted whether party methods ought not to be regulated by law. At present a remedy is sought for only in "scratching." But the party which nominates worst scratches least; and the one which scratches most does so because it does not nominate. The former gets a bad repute from the men it nominates; the latter for neglecting to nominate. The former, on account of its strong party fealty, loses no votes by bad choice, yet gains none; the latter loses, but only from neglect to make choice. Both are interested, therefore, in having good nominees, and in using party methods so as to get them.

The less reflective party sees this least; their leaders must see it for

them if they wish to win. The more reflective party sees it most, yet only as a practical result; it lacks theory, and hence foresight in politics,—waits for the “facts.” It neglects that organization of the party itself upon which depends the selection of men to devise either public or party measures. The complaints respecting “primaries” and other party methods for organizing, therefore, come chiefly from this latter party. But inasmuch as their failure to work well comes chiefly from neglect to use them, the practical question is whether law on the subject would make any real difference for the better. It is the same question here as in respect to the public voter, whether the legal suffragan should be compelled to do his official duty.

On the whole, the party system, since it is a free-school and shows each party's notion of education, may serve its purpose best if this schooling of each party is left to itself. The practical result shows that a party must learn to govern itself in order to recommend itself to the Nation as fit to govern that. The methods for both parties in respect to organization are substantially the same. If the one misuses, and the other disuses them, each must learn its fault if it hopes to win. The nomination of proper persons is essential to the party success, because the election of such is the main demand of the public welfare. In opposite ways, the two parties come to learn this truth from experience. The one finds, that however indifferent it may be to real moral self-government by the individual, there must at least be no such recklessness of law in the self-government of a party; its candidates must be moral men; and its leaders especially need to be men of real genius and moral worth. The other party finds also that it must show itself really self-governed as a party; and hence not by a mere individualism which neglects its duty and then grumbles at the result, but by a proper regard for the difficulties its leaders find in its own faults, and by a proper fealty to those found worthy of practical trust.

In general, then, we have this result—that the voter finds measures presented to him only as they are devised by two parties; and he has choice of men only as between two party candidates. This is the inevitable resolution of any free government by suffrage, into a choice between organized parties. The suffragan can vote only for an organized form of opinion, and only for an organized choice of men. Both of these ought to be better than he can form alone, and will be, if all do their duty.

Again, the result in respect to elective offices is, that they are filled with party-men; and every change in such offices is a party change, however frequent. The tendency being to short terms, that is the mode of removal from such offices practically. Short terms are perhaps preferred on the theory that zeal for party will make officials use the offices for party; but they also tend to aggravate such use while the office lasts.

This system of party removals is therefore inherent in the method of elections where that runs into issues between parties. It will consequently pervade appointive offices also; because these depend upon men elected to appoint. Although appointments can be subjected to a wise management, like that of any good business man over his employèes, yet they can also be perverted utterly to a bad use. And this will depend partly upon the character of the party, and partly on that of the man who appoints. A party might organize its selection of appointees as it does for elective officers, and thus get better representatives. But so far neither party has done this. On the contrary, each has subjected its elective officers to assaillment after, and bargaining before their election, in respect to appointments. This is likely to beset them from the worst rather than from the best applicants. The character of the one who appoints, therefore, is so much tested in this way that it is the main question; the kind and mode of appointments depend mainly upon it. The importance of electing good men is again obvious here. Good appointments are otherwise hopeless.

III. The unwise indifference of one party and the neglect of the other in securing proper nominees for elective offices, is therefore what has led to the "Civil Service Reform," which relates to the methods of appointment to office. In general, the proposed reform is based upon the observed fact that, by both parties, appointive offices have been used and even promised, as rewards for party service, and with disregard for the public service. Such a use of them will be made only by officials who lack a proper moral sense of what is due to the public. In making these appointments, they are responsible, both for the fitness of the appointees in all respects, and for expelling them when found or become unfit. The duties of many of these offices, however, are such that it is indifferent to which party the occupant belongs. Of other and higher appointments, some are supposed to be so intimately related to the Chief Executive, or so important to the policy of his party, that since he is distinctly elected to represent that policy, so far as it depends upon his own legal action, such offices are properly to be filled with partisan appointees, and left to the responsibility of parties. Hence the attitude of parties differs on this question, as to the extent to which the proposed reform shall be carried, if not also on the general question. Indeed, it has presented itself, rather as a moral reform than as a political one. In the States, so many offices have been made elective, that those left appointive are mainly either confidential, or only clerical. The latter, however, are numerous enough to call for regulations which shall ensure good service. And such service often requires a certain experience in the office to be secured, against a party demand for "rotation," to which the good sense of the appointee himself is somewhat loath to yield. In all the States taken together, there is, therefore, much more demand for

the reform than in the National Government, to which it has so far been almost exclusively confined. Of this fact the two parties are perhaps unequally sensible, since the reform carried out thoroughly would no longer be a reforming of only one party, but of both; and the effect of this upon the party machinery looks best at a distance for those whose faith is in "the party." Yet the object in view is generally recognized as a good one; the only serious questions are in respect to the limits and the methods of the proposed reform.

Each of these must of course more or less determine the other; a method must be within and according to the limits of its operation. The limits of the reform having been confined to clerical officials, the methods devised to secure a proper knowledge on their part are entrance examinations to begin with, examinations for promotion, and a system of promotion to stimulate efficiency, together with a right to promotion except so far as it is limited by whatever right of selection is left from those of different or equal rank.

How great may be this liberty to promote, and in what way merit is to be judged of, is an important question. Except by the Chinese, merely literary examinations have been deemed quite insufficient decisions upon qualifications, although valuable so far as they go. Especially for executive officers, for example in the army, has it been found necessary to have liberty to overstep the method of mere rank promotion, and judge of the capacity of the officer by his actual performance. So many things besides mere knowledge, even of a technical sort, are to be judged of, in order to select the right man for the right place, that a merely formal method is not suitable for the proper management of any system of offices. The same rule holds good with respect to the principle upon which an official is to be either removed to a lower sphere, or banished entirely from the service. The Civil Service Rules however, can be binding only so far as accepted by the appointing power, and should be amendable.

It is no doubt difficult to make any law which shall perfectly harmonize even a proper sense of public responsibility with the method under which it must act in the matter of appointment, removal and promotion in office. One limitation proposed in the matter of selection is that the new appointments must be regulated by a *pro rata* distribution among the different States and Territories according to population. While this provision seems to rest upon a due sense of the probably equal distribution of merit in the Nation, it also smacks of a stronger sense of that supposed right which, not the Senate as a whole, but individual Senators, and also members of the House have to "advise and consent" to appointments to office. It does not seem, however, that to mere clerks, under the President's own eye, such a guarantee for merit and efficiency need apply.

The limits of the Civil Service Reform thus come into apposition, if not opposition, with the limits of party action, just where their methods also differ. The Reform seeks to substitute personal character for personal influence as criterion for appointments. And this is confined to cases where the official dignity of the one who appoints may be protected rather than offended by it. The methods of party management have been such as almost to force upon the President, or other appointing power, selections presented and really made by others. These party methods might be improved, but only by the party itself. Any one who appoints largely, must need advice from some quarter, and is entitled to receive it from any quarter if it is good; but he is bound only by legal advice.

The Civil Service Commission, also, is and can be only an adviser; since the power to appoint must be vested either in the President, the Courts of law or the Heads of Departments. Its function is to advise methods of dealing with "inferior officers" in a way to promote business efficiency. It is questionable whether either party regards its action with much sympathy. For these subordinate offices constitute by far the greater part in number, and they are aspired to by "the rank and file." The getting of them of course depends upon personal influence chiefly: and whoever is supposed to have such influence is pestered to death about them. It would seem that any good man of either party, whether member of Congress, Head of Department, or President, would welcome any proper relief from such "pressure." For the inferior sort of politicians, however, these inferior offices are the party machinery, and the personal influence itself. And since they, too, are the most numerous, they and the Civil Service Commission represent the conflict between the spoils theory and the business mode of administration.

This conflict, however, has appeared higher up, beyond the reach of the Civil Service Commission, between the Executive and Legislative powers themselves. From this sprang the Tenure of Office Act.

The President and Senate were made the highest judges in the Nation of the character and fitness of candidates for high appointments. The function of the Senate to "advise and consent" no doubt authorizes the Senate as a body to advise such or such an appointment but not to demand the President's assent to it, any more than he can require the consent of the Senate to his own nominations. A joint action is obviously required for appointments, and upon the word "advise" might perhaps be based the theory of a necessity for like joint action in the case of removals. Such a theory, however, could not go into effect so long as the term of office was left by custom at the discretion of the President, or terminable only by actual impeachment as in the case of judicial officers. With respect to executive officers, it was evident that imbecility might not be a high crime yet a cause for

removal; and that even good behavior might be a good cause for change by promotion. Hence the President was at first left a full freedom of removal, for the sake of executive promptness and efficiency, and because it was not supposed that he would act from other than public motives.

But his use of this freedom might, and did also take on a wholly partisan and even personal character, as a use of patronage to "reward or punish," to build up a personal following or to further a policy of the Executive not in harmony with that of the two houses of Congress. This policy might be either not to execute existing laws, or to secure new legislation by other modes than those by which the Executive is made a partner in it. For example, Jackson, before his election, published a protest and a pledge against appointing members of Congress to office, as tending to corruption. It evidently may be used to buy votes for Presidential law. Yet after his election, Jackson did more of it in three years than any previous President in eight years.

On a similar occasion the Tenure Act of 1866 was passed. It was essentially designed to keep the President within the political limits of his office, within those methods provided for his use so far as he is to have a legislative policy or function. By giving to all high appointees, and even to Cabinet officers, a certain term of office, "or until a successor is appointed," there could be no removal until the new appointment received a consent of the Senate, except by the process of impeachment. And to provide for public exigencies, it permits either provisional appointments or temporary suspensions to be made during the recess of the Senate, subject to its approval. Indirectly, the effect of this law has been to relieve somewhat the "pressure" on a new President, by distributing over a longer period the falling vacant of offices, since that can be only by resignation or new appointment. It has also taken away his exclusively personal patronage, or rather, it reiterates the early doctrine that he has none; and in this respect, it is a Civil Service Reform as against merely personal policies and methods.

It might seem that this act unduly limits the freedom of a President to carry out the policy of the party which elects him. It makes him depend on both parties. But in this way it shows him the unity of both in the Nation, and requires him to be the President of the Nation. It remains to be seen whether both parties will see the wisdom of a proper use of it, so that it may not subject a President either to dictation or to bargaining with parties respecting appointments to office. A President may at any time be encountered by a Senate of the opposite party. Reflection upon this subjection of both to a same contingency, ought certainly to secure, from such a body as the Senate a "middle way of safety." Refraining from merely obstructive action

may be readily agreed upon. The President's choice of his Cabinet officers, is indeed less likely to be scrutinized closely by an opposite party than by his own, except for merely legal and express disqualifications. In respect to local appointments, if they are of the same party, the Senate cannot at least compel a change; the incumbent will continue in office; if the appointment is from a different party, an opposing Senate may also continue the incumbent of the other party in the office. Both parties are thus necessitated to unite in some method whereby party ends can be made harmonious with a common sense of public duty.

Any change or repeal of this law requires the "consent" of both houses. Any proper use of it requires the consent of both parties. Its intent is to prevent abuse of the Executive's trust in respect to appointive offices. An Executive might leave in office persons who deserved to be impeached; in that case the House arraigns and the Senate tries. But the Executive must also have some way of removing and promoting for good reasons; and then, since an appointment must follow as part of the same trust, the Senate is to aid his judgment in respect to the whole matter. Now, in this case, as well as the other he is dependent upon the action of both Houses, and also upon both parties. Thus we find again that the two parties become necessary to each other, and that the variability of the two Houses is what here also makes them so, in respect to this matter of Civil Service Reform, and also in respect to a President of either party.

In the Tenure Act, the Executive is really regarded as having both right and duty to remove for any good reason, and only the method of doing it is changed, and is designed to be guarded against bad reasons. But the National opinion has changed upon this phase of "reform;" and in a way so singular as to deserve attention. From 1789 to 1820, the President, upon the expressed interpretation of the Constitution by Madison, was uniformly treated by Congress as having alone the power of removal. All that time, however, removals were unpopular. They were regarded as improper if the official gave no cause for it, other than his being of an opposite party. This general jealousy of any overuse of the Executive power, in a way deemed kingly and irresponsible, seems to have embarrassed even proper removals. Only three or four were made in the first twelve years; and Jefferson felt obliged to publicly justify a few made by him.

In 1820, a law was passed limiting certain offices, mainly financial, to a term of four years. This made vacancies. Yet, between that time and 1829, the old habit of retaining their incumbents and others, if efficient, in spite of party differences, was continued until broken over by Jackson; and then the "spoils" theory and practice entered into full play. In 1835, on the passage of a law amending the law of

1820, Webster conceded that the admitted interpretation was that of Madison, yet expressed his dissent from it. He argued that the appointing power not being an incident of Executive power in general, (but needing express grant of it), neither was the removing power, but that the removing was incident to the appointing power, and had always been used thus, no formal removal being necessary, whereas a formal commission for the appointee was. The act of 1835 did not dispute the previous view of the power of removal. It amended the law of 1820, by abolishing the fixed terms, by making their incumbents removable by information filed that their accounts or official acts were wrong, and in other cases under that law the President, if he removed, was to "state his reasons,"—that was deemed a check.

The Civil Service Reform, then, only goes part way back to the old popular opposition to all removals. And the Tenure Act only goes partly back to the Madisonian interpretation, (not yet fully stated). Finding Webster's theory too formal, it follows closely his more practical suggestions as to what might be done in the future. These were to the effect that so far as both houses must either create the offices or determine their tenure, they have complete power over them. This is the real point which the Tenure Act seizes, as a clear right of the Legislative power to "regulate," so far as it creates. But this does not reach the whole case. The power to impeach does. Had the Tenure Act been based also upon the power of the two houses to impeach, the reasons for it could have been made clearer, and those for removal better.

The two houses are indeed expressly the power to remove from office by impeachment. And for such offices as they create, they can assign such cause for impeachment as they consider "high crimes,"—breaches of official trust;—and they can also provide for any methodic system of managing such offices with respect to removals and promotions. Besides, the mode and causes for minor impeachments can be changed by amendment of the Constitution, and need to be.

For in general, the true remedy for any abuse of official trust is a prompt impeachment. Those who elect officials cannot remove them; those who appoint, can. There is therefore a better opportunity to secure efficiency from appointed officials, if the appointing power does its duty. Such a power has a double trust—to perform its own duty, and to make others perform theirs. To violate this trust for merely personal objects, is evidently a high crime. To do so for party purposes is equally so; because if less petty it is more dangerous. It seems, at first sight, that no public damage ensues from changing officials of one party for those of another, since the new may be just as fit as the old. But the trouble is that both are unfit. No such prac-

tice can be made into a system without at once spoiling the appointments. For example, in three years, Jackson obliged a Senate of his own party to reject more bad appointments than had been rejected for forty years before. No doubt the spoils party was then in the first flush of a new style of party management; and had not learned that the lease of a party also must depend in the long run on good behavior and not on carrying things by force. A party which continues to call itself a Jackson party should remember this; for it has occasion to do so, considering how long it has lost the spoils from seeking them at first too eagerly. Spoils of war they were unblushingly called; causes of war they inevitably became.

No doubt Andrew Jackson deserved impeachment, even more than Andrew Johnson, for this reason, as well as for that arbitrary and passionate character and conduct which unfitted each of them for the office. If any one doubts it, let him read the Veto Message of Jackson in 1832, where he declares: "Each public officer who takes an oath to support the Constitution, swears that he will support it as he understands it and not as it is understood by others." Now the Jackson party, we all know, is the "strict construction" party. It is strict in this way,—that in saying the Constitution itself shall not be changed, it denies the popular power itself;—yet it is "the party of the people." In this way, it fastens the party at least to what is,—makes it "conservative." But when it comes to interpretation, the Jackson principle is simply an arbitrary one, which, by avoiding all thought of the general design, allows every man to pick out his word or phrase, and construe as he pleases. That is how we get so many Bibles out of one. Literalism is always arbitrary. And in this way the party returns to its "popular liberty;"—but it is a liberty to break all to pieces.

The President of the United States can be removed only by impeachment. Jackson could not be impeached because the "popular party" came to his support in both houses. He "succeeded." The spoils system was a novelty then. It took. It was popular with the unreflecting. Yet it "deserved impeachment." That was the Madison doctrine; that if a President used the power of removal for personal objects, or even "when not demanded by a public exigency," he should be impeached.

It is clear, however, that impeachment in its present form will never be an effective remedy. The court and the accusers will have to be different from what they now are, at least in ordinary cases. The process is altogether too lumbering and "awful" in its present shape;—and yet it is ineffective and inconsistent, or so treated. The crime is so high as to be out of reach. It is treated as no real crime to abuse an office; for if the party resign, he is allowed to escape the dis-

franchisement. This punishment of not being allowed to hold an office is deemed too great for abusing one!—especially if the “forever” is out of the reach of “pardon.” Something more to the purpose than this must be devised to be of any use. Let needless parade be dispensed with in cases which deserve none, and perhaps we may get at least a removal, if not a punishment occasionally. What is wanted is a quick, sure process, to serve the public and give the public the benefit of the doubt. Inefficiency should be sufficient cause; for the object is not to punish it, but to get rid of it.

Such summary process will of course not answer for high offices where deep disgrace is involved. Yet some modification would seem desirable also for such cases, in connection with a new general system of impeachment. At present the legislative houses constitute the accusers and judges;—themselves not impeachable. It is worthy of reflection whether they also and all the rest, might not better be subject to such a process constituted in a way independent of them all. But until this is done, the Legislative power has obviously taken the only practical course in the Tenure Act and the Civil Service Act. Yet how these will work depends upon the two parties.

The administration of the Nation has clearly not been so perfect as the organic design. The methods of Civil Service have not been well regulated nor promptly made even when needed. The real difficulty has been, in all branches of the government, the lack of genius for true interpretation. The main design has not been seized fully and clearly. Rather only by being denied point blank was it made to come out at all;—and hence only by force.

For whenever there arose occasion for devising means to execute this design, there was at once a squabbling over what the design itself really was. Of course this grew worse with time, especially after Jackson. An arbitrary literalism could make anything it pleased out of the Constitution,—except what it was, a design for unity of action. A vague way of interpreting it, left also vague all the methods it devised for Civil Service; as we have seen in the case of methods of appointment, of impeachment, of counting votes, &c. Nothing was to be done till an emergency called for it; and then passion prevented its being done at all or else did it badly. Yet never was design more clear than this in its general character. It provided a legal method for doing everything, peaceably and in order. The formative law was a law for transformation also, if change in it were necessary. And each branch of the government had a simple legal way to determine their several spheres and their relations to each other. There was a moral unity of the three, wherein the power of force was subordinated to the law of Reason, the only law of freedom.

But instead of grasping this legal freedom in its fullness, and acting

according to its plain design, this design itself was overlooked, or only vaguely seen, or denied altogether. There was a theory of "balance of powers;" a sort of animal theory, whereby the three branches of the government were to lock horns. They must either stand and do nothing, or else fight it out. This is the process by which the triune design of the Nation was obliged to develop its unity by force, because of the stupid mechanical notions entertained of it.

These same fallacies have pervaded and perverted all the Business Methods of the Nation, and of the people, as we shall see hereafter. And this blindness to the nature of free design, this incapacity to interpret the Constitution as such a design, showed itself in that sphere of Taxation and Finance next to be considered, and where the "balance of powers" theory developed its combative nature into the form of disunion.

CHAPTER VII.

METHODS OF TAXATION, OF FINANCE, AND OF COMMERCIAL AND INDUSTRIAL DEVELOPMENT.

That a people are organized as a Nation, implies that they are in relation with other Nations and peoples. They must have an organized policy respecting foreign commerce, and also for self-maintenance at home. Taxation is the simplest form of this necessity. Even robber Nations undergo it, and in its grossest forms. Nations with a taste for war find it an expensive one, especially when they indulge in conquest. This greed for mere material acquisitions shows itself most in monarchic and aristocratic governments, and usually, as with individuals, it loads itself with burdens which it counts as riches. Neither its methods of taxation nor of expenditure evince any invention or true regard for the welfare of the Nation. Thus the old Roman methods of farming out the revenues were continued in France almost up to the Revolution. Great Britain, under a colonial policy, resorted to taxation which cost her the only colonies that in the end she would count as profitable. Her aristocratic schemes of conquest, and domination over other Nations, resulted in a debt which is unextinguishable, hence must ruin if not let rule, and so comes into power as the next one to rule or ruin per force. Hence, the fall of the aristocratic and the succession of the money power to the helm of a State, completely water-logged by its conquests of the Ocean, and convinced that its colonies have at least cost all they are worth, if they are not worth all they have cost.

A money-power once dominant over a Nation, though apt to have rather vague notions of the origin and nature of property, has at least very clear views of its reality, and of the importance of keeping what is left of it. The financial methods will improve under such a management, and become expert, so far at least as experience has shown the ground firm; for money has an elephantine bulk and feels its way with a small faith in theories. And a Nation saddled with an enormous debt is clearly bound to good faith, especially when it borrows from itself; and almost equally so when it needs to borrow from others, since that also is borrowing from its own future. A lack of good faith in either case reduces it to the only alternative for the future,—a recourse merely to taxation, and in a mode and degree which may prevent any proper development of the resources of the country. For this latter, a still

higher type of statesmen is called for. A Disraeli may suffice for a money power, but a Cobden, Bright and Gladstone come with the power of a "middle class," asking for freedom of invention.

This financiering policy is then, at least, a step towards a higher sphere of thought. Its necessities oblige it to consider not only the actual, but also the possible. If not it, then others for it, must invent. It cannot tarry in Jericho with a sort of "experience," which is scared even at the experiment necessary to create it. If this old acquaintance have become too antiquated, a Rip VanWinkle only dizzied with the new, incapable even of grasping the facts, it must be cut as having no longer any speculation in its eyes. All this revolution from the necessity of a new situation, we have seen also in this country, with its theories, good and bad respecting taxation, finance, business in general. In fine, it is found that to be properly equipped for all emergencies, a Nation must seek to so organize its intelligence respecting all the resources and possible activities of the country and its people, that these may receive a free and yet moral development to the fullest extent. And the methods for this purpose used by the Nation, or permitted to individuals must be such as comport with good will to all and by all.

The National government has more or less relation to all matters concerning the commercial freedom, industrial development and financial methods of the country. But it does not control, nor even occupy the whole sphere. This fact is often forgotten; and theories are advanced upon the assumption that the National laws are to make or mend all, and be responsible for all defect or error of other laws. The States, however, have power so to legislate, or not to legislate, as to thoroughly demoralize the country with gambling methods of speculation, with banking and other corporations unduly empowered or not properly regulated, "visited" and controlled, and even with repudiation by States themselves of their own financial obligations,—after all of which, the private moral sense in matters of commerce and finance must naturally be somewhat confused. So, also, in respect to taxation and debts, States are somehow held to a less rigid responsibility for "burden" than the National government, and even quite overlooked in learned discussions upon free-trade vs protection, as well as in party cries for "reform." Yet this State taxation, and the interest on State debts and other municipal debts authorized by States, constitute by far the greater portion of the governmental expense of the whole country independent of the debt due to the civil war,—to say nothing of the pension list, great as it is, yet in a like inequality with vast railroad debts also authorized by States as local burdens, with view to local development, or else recklessly allowed to be improperly accumulated by methods not moral if legal. For the right of a State to borrow money is as unlimited in quantity as that of the Nation. Its power to

tax is also equally unlimited, except that the National government can alone tax imports or exports, while the State has also practically a monopoly of "direct taxation."

With all this latitude for misrule and no rule in lower spheres, the National government cannot justly be held responsible for everything that is plainly necessary for the welfare of the Nation, as is often done; especially by those who, at the same time, warn it not to overstep the sacred limits of local self-government. The Nation's monopoly of import taxes, its power to regulate foreign and inter-State commerce, and its control over post-roads and navigable highways, as well as its power to coin money and regulate its value, evidently give it an intimate connection with all the larger commercial, industrial and financial interests of the country. The limits of this sphere may be said to be somewhat indefinite; they are held to vary in time of war from what they are in time of peace, especially in respect to the financial power and the mode of borrowing money. In either war or peace, they ought to be adjudged by the broadest principles which underlie the public good. The true safety and self-defense of the Nation rests at all times upon the existence of a general morality,—a rational relation and conduct of the whole. It is clear, then, that the actual methods of taxation, finance, &c., should be studied from this point of view; and that no true system can be reached until the need is realized and the effort made, to harmonize all the methods, State, National and local throughout, with a common view to the highest and best purpose.

I. The National government, though nominally unlimited as to its sphere of taxation, is practically dissuaded from "direct taxes" by the requirement that these must be distributed *pro rata* among the States to be levied by them. Twice only has this been attempted, and though in small amounts, the result in delay and deficits was such as to prove it an inadequate and embarrassing resource. "Direct taxes" are held to be those laid upon lands and personal property; hence, substantially what are also called "taxes upon production," in distinction from "taxes on consumption." These latter are, therefore, within the scope of the National government to levy and collect for itself. Its "Internal Revenue" does not occupy this field to the exclusion of the States; for they also, especially for municipal purposes, levy taxes on consumption, both of domestic and foreign products, in the form of "licenses" and "excise taxes," rarely, however, if ever, in the latter form. Practically, then, the States alone tax according to property, and the National Government only according to consumption. The latter is usually held by economists to be a less hindrance to production, since it does not tax the instrument, but only its product. This view looks only to the future and may regard capital itself as only an instrument for production. Others, looking only at the past product, consider the

property tax more equal, especially in its distribution, since the property is unequally distributed. This view is apt to overlook all use of property, though that alone gives it any public interest. This use of it cannot be by the owner alone; hence, not he alone bears the tax on it. Evidently both these methods need to be united and act in harmony; for no property protected and held by the use of law ought to escape its just share of taxation. But, on the one hand, products of pure invention, if useful, should be encouraged; they may or may not become "necessaries of life," after appearing first as mere luxuries; they ought not and even cannot be estimated as to their worth to the community by the property invested in their production; nor can they be equally taxed at all except through their consumption, and upon that property the inventive producer acquires therefrom. This principle has a wider application than the patent laws; but those laws show that good sense is awake to the difference between inventive, useful applications of thought, and that mere stolid possession of property which claims a right of protection even when it disuses or misuses this "capital" of the country. On the other hand, land and personal property are themselves among the necessities of life, and of all productive action. Such property cannot be taxed at all without, in so far, shackling the freedom and variety of production. Nor can it properly be taxed without discrimination, not only as to its real value, but also as to the actual use made of it. To encourage any investment of capital which is useful, so as to prevent its idleness, to discourage any reckless or harmful use of it, is the most important of all matters. It serves to develop all the resources of a country, stimulate invention, offer more varied choice to labor according to its capacities, and keep its capital active for the good and restrained from the bad. It is the way to effectually dissipate all visionary "communism"; for it matters little by whom property is possessed, if it is properly used. It may be difficult to find a proper criterion for this rectification of property; nor can it be applied merely in the sphere of taxation; but when found, and rationally applied there and elsewhere, it will make the valleys blossom as the rose.

All taxation is protective, self-preservative, a means for living. The power is therefore held to be unlimited except by the power to live and the sphere of the life. This power is also extended by the "power to borrow money" into a draught upon the future, as a distribution of the taxation equally unlimited. The first impulse of an ignorant, despotic government is to tax all its property indiscriminately. After overuse or misuse of that resource, it learns its power to borrow; and overstraining or losing that, it may resort to debasing its coinage, or to equally false promises to pay never to be paid. Thus Austria is "redeeming" only the

sins of her past by leaden taxes, which alone crush out her energies, without lessening a heavy debt or redeeming her depreciated paper-money.

But a Nation organizes itself for a rational life, and to protect, nourish and develop this life in a rational way. It is held to be empowered, therefore, to discriminate in its use both of the power to borrow and the power to tax. As between these, it is a question of the best distribution of what in either case is a tax to be paid. The choice is at the discretion of the taxing-power itself, in any of its spheres according to their legal limitations, so long as it is recognized that there is a tax to be *paid*. Hence, in respect to the National government, it has never been held that it has power to issue an unpayable debt of any kind. It has never been held even that it has discretion, except in case of war or a clear exigency of defending the life of the Nation, to compel a circulation of paper money by making it a legal tender, whether issued by itself or others. The best intelligence of the Nation has always been averse to such a *quasi* money; and at the only time it was ever legalized the exigency was clearly stated and acted upon, as an inability to find other means for "borrowing money" to an extent adequate for the emergency. Wherever this ability exists, therefore, the Nation is held bound to issue no more "legal tender," and to justify its past issues by redeeming them. A life which depends upon such means must needs strengthen the faith upon which it relies.

The States have no power to legalize a currency of any kind, not even if issued by themselves. The paper-money formerly issued by State banks, under imperfect provisions for its redemption or for the solvency of the banks, proved itself one of the worst forms of taxing a people. The system of National Banks established since 1863, was intended to rationally organize that "power to borrow," and the means for it, which proved lacking; and in this respect they have proved very efficient. At the same time, their circulation is so fully secured that their notes are in fact more definitely redeemable and certainly payable than the legal-tenders themselves; while their solvability in other respects is carefully guarded, so far at least as to the securities required to begin with, if not as to the modes of their management.

The States also usually limit, or allow only by special law, any borrowing by their subordinate governments. These latter are also very wisely limited in their power to tax, especially for merely governmental expenses, either to a percentage on the valuation of the local property, equalized under a general law of the State, or by requiring their tax schemes to receive the scrutiny and sanction of the State legislature every year. In these or other ways, the local power to tax is limited in extent and sometimes as to the kind or mode of tax.

The power to discriminate rationally in the application of power to

tax or borrow, then, is found complete only in the National and State governments. And, apart from the power to borrow, this discrimination respecting taxation must be made by the Nation chiefly in the sphere of "taxes on consumption" and by the State chiefly in regard to "direct taxes." Of the two, the State power has far the larger moral responsibility, according to the criterion already laid down. Not only does it practically control the taxation of property as such, and the ordinary methods of using and abusing property, but its "police power" also is a discriminative one for taxing purposes, and brings it in immediate contact with the morals and habits of its people. This fact creates a variety of results which may be more fully considered hereafter in connection with our policy respecting morality, etc. But here it is evident that "licenses" and "prohibitions" form but a small part of the power and duty of States to give to the public that real and full "protection" which alone deserves the name, since it is self-protection,—defence and development of what is vital. Even in regard to property alone, State can do far more than National legislation to promote its accumulation, diversify its character and improve its use. National taxation can practically discriminate for such a purpose only within its own sphere, and to do so rationally, must take into account what is done or left undone in other spheres. Any protection its laws might intend or afford, may be effectually baffled by States allowing methods of business inconsistent with any business except gambling. And these same methods, when habitual, serve to create an everlasting call not for really developing, but for merely preying upon or wasting the resources of the country. When such methods are allowed, or their spirit fostered, discussions become a mere conflict of particular interests, in which the public interest is wholly lost to view. It is the prevalence of such methods which has created in many minds a vague notion that this "conflict of interests" is in fact the proper judge in the case;—if not the *ne plus ultra* of wisdom, at least the only possible method of deciding great public questions. From such a blind habit of thinking, it comes that discussions upon protection and free trade get lost in a maze of particular cases, where each advocate finds plenty of authorities, but neither finds a principle. This seems a fine field for parties; but let them beware how they take either side exclusively, if they expect to live by it.

In the nature of things, there can be only self-protection for a Nation, but whether this consists in free trade or not may suddenly change with circumstances. It does not in fact depend wholly upon taxation;—a fact which ought to shine among the truths self-evident. Taxation is indeed a vital power; and hence, if rationally used must discriminate in favor of what is vital.

But what is vital for a Nation, even in respect to taxation, is not al-

ways what is deemed vital for a party. Hence strange inconsistencies, and even "treacheries," in the view of those who consider their party the only judge of what is vital. Thus Sir Robert Peel, finding he could tax no more on party principles without reducing instead of raising the revenue, yielded to the necessity of the case, and found in that a general ground for a new policy of taxation. This was called "free trade" because it protected the manufacturers against a land monopoly which had proved unable to feed the Nation, although previously itself "protected" by the corn-laws. Just so the farmers of Illinois may be called "protected," by "free trade" with local manufacturers who eat their grain, against being obliged to burn it for fuel in order to "protect" transportation to distant markets. Here also the roadsters, railroad, or other, who, like commercial men generally, at first sight prefer long routes and want them "protected" as "free trade," find that in the long run the shortest road is the most profitable one and the freest for trade. Otherwise, why do they protect themselves with steamers, telegraphs and every new invention which serves to annihilate distance? Clearly there are two sides to this question which have a way of changing sides, or of running into a larger question of many sides. It is not worth while for a party to have a moral strabismus on the subject; nor for an individual to become monomaniac for particular interests, so that, having only one idea, he cannot rightly estimate even them in all their bearings. Calhoun and Webster changed sides on the tariff question between 1816 and 1830.

Every clearheaded government of Nations has discerned this diversity and change of the situation in respect to the necessity or policy it prescribes for taxation. In all cases the "property" must of course be protected, since it is the source of revenue; but it is this also only in proportion as it serves all; and that is the proper guide for discriminating the tax upon it, as well as the methods prescribed for its use. States ruled by classes or despots will generally show no discernment in this respect. Being ruled selfishly, they will be ruled ignorantly. They may tax the property where it is, in the hands of a few landholders, and then protect them against the people by corn-laws as in England, and yet the result will be starvation. So, on the other hand, as in France, they may tax it where it is not, and leave it protected in the hands of clergy and nobles, and the result there also will be starvation, bankruptcy and revolutionary change in the government.

But where a shrewd government discriminates its taxation on property according to the actual form of its investment, and seeks to modify this by the use to which its revenues are to be put by the government, this will not vary far from a proper method for protecting and developing the country into a condition of true self-defence, so long as such a government and its proposed use of revenue are

necessary or politic for the Nation. In other words, the real interests of a suitable government, and of the people themselves, do not differ.

For example, Napoleon saw that "idealists,"—men of fixed ideas, did not quite understand the situation. By the new distribution of property and other results of the Revolution, France had been placed, as it were, like a child, with all the needs and opportunities for a complete development *ab initio*. If he was forced to a war policy, which made her poor at the time, he sought to make even that serve a peace policy which made her rich in the future. So also Bismarck, if it be necessary for Germany to maintain an armed peace in Europe by so weighty and material a form of influence as he has given her for a government, is doubtless justified in protecting the home manufacture of Krupp cannon, and all other inventions for destruction, as well as in favoring a thorough development within the country of all that is needed to make it self-sustaining either in peace or war. In such a case, it is not a beggarly question about the precisely equal payment of the tax, but a vital question as to the use of it. If that use be necessary, it is for all, and all are equally benefited by such a discrimination respecting it.

So, again, for Great Britain, her commercial ascendancy is a vital question, for offence or defence, for self-sustenance or self-preservation. Whatever favors this, whether "free trade" or "protection," or a little of both, will undoubtedly be the policy of her sagest rulers. And the cat need not hide under meal. Whatever is really vital to a nation should be its policy if it have any right to live, and it may go under a right name. Hence Great Britain does not hesitate about protecting her mail-steamers. Dominant though she be already in that respect, she means to preserve this superiority by preventing others from equalling her by a free competition. She does not chaffer about names for this, nor about expense for subsidies. Those who do so, in cases which involve a vital need or development of the nation, show how a merely material habit of thinking defeats even its own propositions, and on its own ground is incapable of rising to any large view of the situation. It is like a miser who cries: "Another dollar gone!" in a case which imperils his life. Such views get voice here, in respect to proper compensation for high officials who are to make or administer the laws of a Nation, or of the judges who are to interpret them. Low demagogues suppose a great people has a low estimate of service in its highest trusts; and if they are there to speak for it, it certainly does. But their cry is usually heard from the lower offices where they do not have the same scruples. By their rule, the worst paid must be the highest trusts, the widest service. As to these, we must judge of a man's fitness by the money he *has* made; and as to other offices of

trust, by the money he *can* make,—his “smartness.” Such a material criterion overlooks any necessity, in positions of either public or private trust, for men of probity, who evidently cannot “make so much” there as others. It always bites those who use it; and most certainly of all when it is applied in such a paltry way to any disbursement of its taxes by a Nation.

The exigencies of foreign relations are thus matters which become coördinate with what is essential for a suitable internal development of a nation. Neither can be isolated and considered apart from the other. And however favorably a nation may be situated with respect to others, its own policy must still be affected more or less by what is necessary for theirs. There can no more be a simple abstract unity between nations in method of foreign taxes, than in method of domestic taxation; neither can be divorced from the other by any nation. Nor can any fanciful vision of “free trade” be permitted by any thoughtful people to delude them in regard to the real requirements of the actual situation. Both their internal and external taxes must be discriminated and adjusted to meet the case as it is.

The “ideologists,” the abstract theorists, have been fond of discussing this matter as a mere question of “cheapness,”—another *ad captandum* appeal to the lowest material views. The practical statesmen have always found it to be rather a question of self-defence and self-development. Preparation for war is prevention of it; and in any case a full development of various industries, while requisite for war, is always and chiefly valuable for diversifying the intelligence and invention of the people. It is no more a question of mere cheapness or even betterness of foreign goods, than it is a question for the individual whether he had better rely upon others altogether for whatever he uses, and never should make anything for himself when he can get it easier and better from others. Even his opinions may be thus sought for with advantage, and all the more so the less he thinks for himself. In that case he needs a “paternal government.” But it requires to be already “rich,” for a man thus to use the wits of others exclusively and let his own rest; though it is usually a costly price a man has to pay for being a fool or acting like one. So with a country; only if already “rich” can it afford (on this absurd theory) to buy everything elsewhere and remain idle itself and witless. It cannot thus buy sustenance, all from abroad; need for that would prove it “poor,” and really a case for charity. For what would it pay with, since it is witless, or idle and uninventive? But if it does not understand inventions neither will it buy them. Only a country which makes inventions, buys them.

This so-called rich country, then, can have only natural riches, like that of China, which needs to have luxuries forced upon it in the shape

of opiates to keep the nation asleep; or like that of the West Indies, where natives have gold to give for beads, and get slavery as the only fit state for their wits; or like that of Hindostan, where also the "prey invites the fowler;" and where, as in the previous cases and all similar ones, there is discovered an "incapacity for self government" which seems to justify on their behalf the "paternal" use of a higher intelligence. Such are the lessons of history for a merely material view of "riches." The trade in such alone resolves into a Slave trade.

But if a Nation be already rich in the true sense of the word,—in creative activity of the designing capacity,—then, also, it would seem to have no need for buying from others, nor even for intellectual intercourse with them. Such a state of things does indeed give it a capacity to be thus free and independent, and self-sufficient even in seclusion, if the necessity for that arise. The true wealth to be sought for by a Nation is thus in a possession of all it needs through a capacity to make it. If it were possible to be independent of Nature itself in this respect, that would be the ideal acme of self-helping power. Hence the value of having theoretic science of the laws of Nature, and of encouraging use of these laws by practical inventions, so that a nation will be full furnished, and up to the times in this freedom of resource which comes from knowledge and use of Natural laws. On the other hand, not to be able at need to make all that self-subsistence or self-defence requires, is to be at the mercy of others,—scant mercy when a matter of mere force. To be caught unawares in such a situation, is now-a-days more speedily fatal and costly than ever, by reason of this very advance in material science. So far as this has invented engines of destruction, it has increased the expense of nations for self-defence and their necessity for mechanical industries. Thus it has severed peoples by iron walls and arrayed them against each other in enormous standing armies. *Vae victis*, is the inexorable criterion of force. On the other hand, this same science, when guided by nobler designs, has made so artificial the necessaries of life, that Nature has comparatively little to say in the matter; her "productions" are only "raw material." These necessaries of life for an American mechanic, or farmer, or laborer of any sort, are greater, in respect to artifice, than those of great Charlemagne in all his glory. This transformation of the Natural, by higher inventions of Man, is what now marks the progress of peoples, their capacity for independence and self-defence. But it is also what unites them through their higher faculties. By overstepping the lower and merely Natural differences of production, and wants of men, it makes of their world wide intellectual intercourse and aid more and more a necessity to all. By this higher power alone, can the lower power of force be put in its proper place and kept to its

proper use. Whoever excels in this higher is the "best man." Whatever Nation secures its sway and prevalence among its people will be the most wealthy and the best prepared for all emergencies. Its wealth will be of a sort which calls more and more for exchange with others just because it is so happily constituted and used at home.

This "higher law" which transforms the law of force, does not then contradict itself like the latter when taken as a criterion. As it is what unites men, so it is what unites nations, and makes of their mutual commerce more and more a necessity the wealthier they are,—the more completely self-sustaining each is in itself. It is not a question here either of having all and no need to buy, or of having nothing and too poor to buy. "The more a man has, the more he wants." In its true sense, this is a pregnant truth for him, and also for nations. So long as they do not see precisely what that means, (it appearing very mysterious indeed to any mechanical theory of Man or nations), they will doubtless seek to compromise the matter, and follow devious routes towards the heaven of "free trade." The artificial rather than the Natural necessities of life are already what most feed the commerce of nations. A great law of Reason is working itself out through their inventive faculties, while they are fumbling it with their hands as a "law of force." No nation is independent of another in respect to inventions, nor in respect to their products. This is the situation of nations as well as of individuals; and to some extent even in regard to what are now considered the necessities of life.

Hence both good policy and good will for others enjoin a mutual regard for each others' interests. No merely selfish views can be wisely substituted for a broad and generous policy of live and let live among nations, as well as individuals, in respect to interchange of products. Practically, it is a question of what, on the whole, is the best division of labor consistent with the safety, individuality and dignity of each nation, and with that degree of trust in each others' justice which the character and conduct of each properly inspires.

All conventions between nations upon this and other subjects are made by treaties. The treaty-making authorities in this Nation,—the President and Senate,—are not the whole of the law-making or taxing power. Nor indeed, it would seem, are they alone the power to make treaties, when any legislation is requisite to render them effectual. A harmony of the whole legislative action is therefore necessary in all questions which affect or require taxation. A general policy respecting all taxation may be adopted with or without resort to treaty. Other nations may make this policy complete both as to internal and external taxes. But in this country, State-taxation cannot be modified, it would seem, by any treaty nor by any National legislation; it must be taken into consideration such as it is, so that the rest must be

adapted in view of that, and made so far as possible complementary therewith. Foreign treaties respecting taxation must be more or less special as between nations, and have not been very frequent, but they tend no doubt to become more general, and more steadily to be depended upon. For this Nation, however, the state of its foreign trade depends very much upon the extent and methods of local taxation;—a fact usually quite overlooked in all discussions of the subject. This local taxation, mainly direct upon property, does not appear in our National budget, as it does in those of foreign nations; so that even our National legislators themselves are liable to forget its due influence, if not its very existence. Upon them, now-a-days, it is used mainly only as a harriment for reduction at any price, of import taxes, losing sight altogether of the fact that these, as taxes on consumption, serve to counterbalance the taxes on production, and thus complete the more general method which other nations have of distributing their taxation by considering the whole subject in all its features at once.

Quite differently did the subject present itself at the beginning of the National government. Then the direct taxation by the States was observed as something which could not be greatly increased with impunity, and the customs tax was exclusively resorted to as “indirect,” and hence more likely to escape observation. This latter was also regarded as necessary to be used as offset to that of other nations, since all habitually used it, and it could be used here only by the National government. So far, this initial policy showed only a fearful chariness about increasing the burden of State taxation, and a mere counterbalancing of foreign discriminations; and perhaps had not in view, unless in the most foreseeing and designing minds, any effect in developing the industrial resources of the country, or any adjustment of the whole burden of taxation for that purpose. In fact there was but little rational thought and action upon this subject anywhere; as may be seen from the historical instances already quoted.

But, besides this avoidance of observation, such a tax upon foreign goods took the air of a tax on luxuries. It seemed a tax upon the rich, and although upon consumption, yet substantially upon “property.” This is the form in which taxation at first appears simplest and best to the “positive” mind of individualism, especially when that controls the disbursement; and also to the vulgar mind, since that fancies it escapes the tax. It is thus agreeable to both parties; and either is apt to use it without any rational discrimination. At that time, this, and almost any country seemed adequate to furnish the necessaries of life. Although these enlarge their sphere with growth of intelligence in a people, yet the distinction may always apply as against foreign goods, and even so far as to make discrimination against them a necessary of life. Hence this reason, at least, for tax on imports has

come down the years, and until the Civil War, no other tax was levied by the National government. Even then, the Internal Revenue tax was designed to bear, so far as possible, only on consumption of "luxuries," or what was unnecessary to life.

The National government, thus launched with a policy of taxation essentially only upon property indiscriminately, naturally drifted into conflict at first with individual or particular, and then with sectional interests respecting property. Both of these, of course, demanded "free trade," though for different purposes. "Free trade and sailors rights" made the war of 1812, for the "freedom of the seas," the freedom of foreign commerce itself, and thus a National object, since the revenue of the Nation was to be derived from customs-tax. But this war itself and other events of the time, such as the long wars and closure of ports in Europe, stimulated perforce the building up of home manufactures. This occurred, however, only in one section of the country; so that the free trade demanded by South Carolina in 1831, with threat to nullify the National tariff-law, was in behalf of a sectional kind of property in slaves who had not, and could not be allowed to have enough intelligence to manufacture. Thus was posed for the first time the question of "cheap labor," and whether the policy of the Nation should be such that this labor should be cheap, merely because it needed and knew enough only to eat and drink. This point in the case was not taken in all its force, however, at the time. The parties of the Nation were discussing the tariff question from all points of view but the right one; and the nullification tempest was quieted by a compromise,—a "sliding-scale" for the tariff to taper-off towards free trade during twenty years, while the Nation itself was sliding towards the main question.

The debates during this time, and the peripéties of parties, show what folly it is to undertake to base a National party upon merely sectional or other particular interests in respect to property or its merely National taxation. Neither party evinced any clear apprehension that State taxation had ought to do with the matter. The tendency was rather to encourage the same vague notion respecting States, which thoughtless individuals entertain respecting their own use of property, that "every one has a right to do as he pleases with his own." Neither party seemed at all conscious that in this way, it was also posing the question, whether the National government also had not a similar right to disregard all general interests; whether, in respect to its life it, too, had need only of enough intelligence to eat and drink; and so its character was degraded till it came to the question whether it had any right to live at all. Such is the logical descent every man makes to self-slavery, and every nation to self-annihilation, when either undertakes to determine the right to use property or any other form of force, by other than a truly rational and all-comprehensive standard.

When it came to a question of the National life, the relation of parties to this matter of taxation necessarily became somewhat mixed. Both were at least compelled to awake to what had been, in the views of each, a latent incompatibility with any rational life and action of the National government; of the one, in claiming its right to discriminate in favor of particular interests as such; of the other, in denying its right to discriminate at all, and averring it to be only a stolid cater of taxes. The slumbering powers of the Nation in respect to taxation had to be brought in play; even after a great augmentation of customs, indiscriminate enough to protect everybody, and perhaps on that account also calling for a counterpoise in the internal field. A second resort, by way of trial, was made, on a small scale, to the dilatory and ineffective mode of direct taxation collected through the different States. Then the Internal Revenue System, at first quite complicated, but obviously a discriminative tax throughout, was put into operation.

This brought clearly to view, not only the reserve power of the Nation to live, but also its power, right and duty to discriminate in respect to taxation. Discrimination in respect to taxes on consumption is in fact a necessity of the case; the only question is as to the criterion. But taxation direct upon property must also be discriminative when made by a nation; and to be rational should be according to its general necessities, as we have seen. Hence power to tax in general is held by the courts to be a discriminative power in all its branches,—the power which exercises it being supposed to be a rational one. The States themselves so exercise it in all its phases. They provide in their constitutions usually for an “equal tax” upon all property “real and personal.” But this is only a security for equal valuation; and does not wholly guarantee that; for an unequal one, if made by proper legal authorities, is a judgment sealed and made up without appeal;—those who are to judge must be fitly selected. Neither is an equal tax upon property as such the last word for States. They at once overstep this limit, (just enough as to mere property), into a right of discriminating respecting its use. This power, used in the form of licenses, &c., is indeed one way of securing a due taxation from personal property which often escapes the regular form. It also catches that as a tax upon its privilege, greater than that of land, to go and come; as for example in licenses for “amusements.” It is also sometimes used as a tax upon occupations, professional, commercial or other. Here the tax must evidently be discriminative, and may be so either as to the value or the character of the business. The Internal Revenue imposed a tax on lawyers, but not on doctors in medicine, (doubtless deeming the latter more necessary in time of war when “laws are silent,”) and equalizing the tax on the former by an “income tax” on their receipts in respect to which the license tax made no dis-

tion. The discrimination usually made by States, even when no other business is "licensed," is made with respect to the selling of liquors and other intoxicating drinks. Here the two ends meet, and there is a division of labor between the State and the individual in the process of consuming the tax;—what the one eats the other drinks; and doubtless both are held to due discrimination respecting the quantity and quality. Here, too, the debate between tariffs for "revenue," "protection" and "prohibition" comes to a crisis;—a moral climax is again reached where it is to be decided whether the individual shall "do as he pleases," or whether he must not rather find his "good," in most respects, in what is a rational discrimination in behalf of the "good of all." The legislation of States upon this particular subject has been carried to an extent which has certainly evinced on their part a sufficient sense of the power to tax and of the right to discriminate in its use. Some of them have gone so far as to outlaw a particular kind of property; and such a legislation against any form of property whatever, since it presumes the property to already exist and be property, is beyond the capacity of any State, and indeed of any law-making power. The law of man does not make material property: it can only recognize it as a *factum*, an already made. It is an "invention," and the question is only how to use it. Poisons seem at first to be only "inventions of the devil," yet a good doctor makes them serve the good. The extent of legal power in this respect would seem to be only the right either to encourage or to forbid any particular manufacture within its limits, and hence to destroy any which is manufactured against its prohibition, or even any which is brought from elsewhere with intent to violate the law. Thus we are brought back to the National relation as between foreign and home goods; for precisely these principles are applied by way of discrimination and in the "confiscation" of contraband articles.

Nor can there be evaded in the National sphere this necessity to discriminate in respect to taxation by some criterion of the general nature and use of the articles to which it is applied. Least of all there; since there is only a tax on consumption in its various phases. The discrimination must be made, and the only real question is what criterion to apply to it. Local changes, general spread of manufacture, have tended to kill party attitudes on this subject for one party; and diversity of individual interests are perhaps even more fatal to party unity on it in the other. This is as it should be; for this is no party question, to find its criterion in a party policy, running into sectionalism. Nor is it to be presented as an annual hurry-scurry of local or particular interests, wherein any mousing politician may ride into office upon some hobby which he is to offer as fit to determine a National policy. The result must be parti-colored and wavering in either

case. What the Nation needs above all, is to know its own mind upon such a vital question, and have a settled criterion, by which a steady policy may be secured from either party. The National interest requires that the public shall not be subjected in this matter to just such a gambling method as everywhere else proves so demoralizing and wasteful. The general loss from such irrational ways of treating it, ~~is~~ is in fact among the greatest at all likely to be incident to National legislation.

Yet the tendency of parties differs on other questions, so that on this one also they seek to take or at least affect different attitudes. This effort must be vain unless it is vicious throughout. It is especially on this question that either party, unless reckless of the life of the Nation, must, in that life, recognize its unity with and need of the other party. When parties regard this question in its full extent as a matter of State as well as National taxation, this must be apparent as a necessity of the case, whether they will or not.

The unreflective party, when ignorant, is easily led to shout for "free trade," by the delusive abstraction of "cheapness," and because direct taxation seems to be on the rich, and because such a party is not given to special interests as against party. The other party is not scared, but rather attracted by the name of "protection," because to it the very function of a government seems to be to protect "property" and its "growth." This party may therefore tend to a "protection" not properly discriminated by reference to the life and interest of the Nation as a whole. Yet it is balked in this, both by the other party, and also by the fact that it tends thereto only in an individualistic way which renders it difficult to harmonize the party on its own measures.

By common consent, however, the Internal Revenue system is to be gradually withdrawn from the field, and the Nation to eventually return to import taxes exclusively for its revenue. This renders the name of "free trade" an absurdity, and some other must be found to stand in its place. Hence a certain shrewdness seems to be embodied in the cry for a "Revenue tariff" by one party, as posing it in favor of the greatest possible freedom of foreign commerce, and in opposition to another party which seeks to obstruct this by mere reference to individual interests. The greatest demand for foreign goods, however, depends, as we have seen, upon the greatest development at home of individual wants. Besides, individual and local interests themselves are fortunately not determined by parties; so that they ferment within the bosom of each in a way distracting to the "idealists." Wide-awake business-men themselves watch the current of events, upon whose waves third-rate politicians merely rise and sink without any foresight for the future. And as any tariff whatever must needs "protect" somebody, the cry of "Revenue tariff" has an advantage for

the party which takes its "principles" from its leaders, since these can arrange their "protection" *en famille*. It comes to the same result, however, for the other party, in Congress if not in the "canvass;" and each party must also eventually legislate with the other, and no steady policy can be secured except by both.

What is most objectionable in the cry of "Revenue tariff," however, is its latent denial of the right of taxation, by stripping it of its power and duty to discriminate, and making of it a stupid mechanical affair. This is no way to secure the life of the Nation, nor to find any true criterion for taxation. On the contrary, it is a drifting policy, which forswears for the Nation itself any rational foresight of its future, and thus denies it any right to live except by chance, and at the mercy of whatever demagogy may arise in it. Hence it is also a gambling policy which is kept ever uncertain and distorted by mere smartness, and never guided by statesmanship.

"Revenue tariff" or "Tariff for revenue" is a fair-sounding title, albeit rather pleonastic to the literary ear. A tariff is supposed to be for revenue; but to say so twice perhaps clinches it. But what is the rose that smells so much sweeter under that superfluous description? Simply a rose as yet unblown, one that does not "show its colors." In that respect, the name is not manly and above board. It savors of "treason, stratagem and spoils." Does it deny the right to prohibit, even in case of infernal machines, Orsini bombs and all that ilk? If not, then there is discrimination even for purpose of prohibition. Does it claim to not at all "protect?" Prithee, no; but to do so only when obliged to. Then there must be discrimination as to the character and use of this obligation to protect when it cannot be helped. Most serious obligation of all is that, to judge of what one is obliged to protect; one doesn't care to prefer the sinner.

What criterion, then, has this "Revenue Tariff" under the rose? In answer to this query, its title is usually still further lengthened into a "Tariff for revenue *only*." But is it to be laid stolidly on regardless of expense? Or are commodities to take their turns like the Greek generals at Marathon? Is each to have its ten day's trial, more or less, to secure both variety and equality by a sort of potluck? Or are the "gods" to be appealed to by lot or otherwise on account of Man's imbecility or lack of "divine right" to decide such vital questions? And, in fact, what question more vital, more difficult to foresee in all its bearings, than what shall be a system of revenue laws least harmful to the present prosperity, most helpful of the future of a great nation? And in any case, there must needs be at least an involuntary protection. More's the pity if it cannot be voluntary in a good cause; for otherwise the good and evil must go by lot; or, in other happy-go-lucky form, "take their chances."

But in fact this discrimination must be voluntary, and Man must take the responsibility for it. The "gods" and their ways of chance have departed from the methods of Nations, and left them to Man and his ways of Reason. A tariff ought not and will not be laid on "necessaries of life," if that can be avoided. But what are these? The very ones "for revenue only." For that purpose they are the first, simplest, surest resort; and this is so obvious that the least possible amount of discrimination compatible with humanity would be adequate to select them. Even a dog could do it according to his views of that article,—as something only to be eaten, and hence to be considered only as to the amount.

This least effort of discriminative energy, then, simply goes flat wrong. A "tariff for revenue *only*," is exactly what is not wanted. Indeed, unless the revenue itself is wanted for revenue only, it would seem that just as much statesmanship ought to (and generally will) be used in discriminating how it is to be raised as how it is to be spent. It is just as well, then, to drop the word "only" from the title; it only cures a literary pleonasm by a far worse blunder.

Will this party seeking to escape its wits, go next to the other extreme—"luxuries," and "tax the rich" as a demagogic *ad captandum* for the poor? But if they want revenue from the rich in a sure and steady way, and with the least escape from such an energetic discrimination, the simplest way is to tax their property directly. This, however, will not be a tariff at all. This method kills the "tariff" part of the title, and the other method shows the "revenue" part of it to be even a worse absurdity than "free trade." The whole gist of the matter lying between these two extreme methods, each of which, if consistent, would tax property direct, reveals a theory inconsistent with any tax on foreign commerce at all. "Free trade" says this openly: "Revenue tariff" says it covertly, and in a way denying to the National government any proper use or real right of the only revenue power which is exclusively vested in it by the Constitution. It is perhaps needless to fear that such a theory may run to a sectional issue, as once before; yet it is very certain that bad theories breed bad actions.

The question, then, returns to its reality: What is the proper rule for discriminating in a tariff, since discrimination there must be? Such a rule has appeared in one of its phases as a favoring of "necessaries of life." But these differ among intelligent and barbarous peoples, and between free and oppressed nations. This fact is what brings up the matter of "cheap labor" as an item in the controversy. On this point, parties are more or less obliged to show the same colors, but yet also to reveal what, on the whole, are their views upon the process of civilization in general, if they have any.

But to discriminate "against cheap labor,"—that occasions a little puzzling of brains as to what is meant. If it be only to oust the Chinese, that is simple enough when backed by a race prejudice, and not complicated by any "votes" among the ousted. But are we not all the while receiving with "hospitable arms," and not to bloody graves but to ballot-boxes, swarms of cheap labor? And has not the "material development" of the country profited, whatever the moral strain it may have suffered, thereby? A merely material development may then be gained, either accidentally or intentionally, at the expense of the moral, and in that case with the result of rottenness for itself. This calls for discrimination of a high order. The material must be subordinated to the moral by the rational; yet with mercy for the former when it involves humanity.

Cheap labor is well enough if there is also cheap capital, and all other "necessaries of life" are cheap. Capital itself is a necessary of modern life and for an inventive people. Hence for every nation these matters all go together into a wholly particular relation which that nation must determine for itself. The real question is, what these "necessaries of life" and the relation of its capital and labor to them are for a free nation. A "cheap labor" which is so only because it neither knows nor needs aught but meat and drink, (however "strong" either of these ~~be~~) we cannot afford in this country; for such a cheap labor will be fatal to the life of the Nation. We have seen this once when such a cheap labor had owners: we will see it again, and then in a ruinous form, past remedy, when such laborers are slaves to party-leaders, as they always are when they vote. Can such leaders, then, discriminate against cheap labor of this sort? No, they favor it, and pander to its own self-destructive ignorance, in two ways: first, by treating capital (the past), as something unproductive and only to be eaten; second and still more, by a policy of taxation which says it must not discriminate in favor of invention, (the future) but against it, against intelligence.

For the true statesman, when studying the best policy for either raising or spending of taxes, none of these mere subterfuges against responsibility suffice; and none of that petty thinking which gets lost in a labyrinth of merely particular facts or interests. He aims at something steadfast to true principle and worthy of a great Nation,—a Nation sailing on, not by "stars of fate," but with Reason at the helm, organized to guide it as one of the servants of a God of Truth, one of his educators of men in the ways of wisdom and of virtue. National and State governments, and individuals as well, share in this noble responsibility. The whole must move on together a very constellation of Reason in its own sphere, no mere mechanical galaxy but true "sons of the morning."

The cases already quoted show that the Nation has, at two periods, been led by circumstances to prepare itself for a coming emergency. Without its enforced internal development before 1812, it would scarcely have been able to bear the shock of war, either on land or sea, against the veteran arms and the colossal power of England. Again, before 1861, the reception of cheap labor to the suffrage by the North and the exclusion of it by the South from all but meat and drink, had much to do with creating in it everywhere a zeal for the Nation. Besides posing the question in its most abstract form as between free labor and slave-labor, this cheap labor had served well the purposes of that inventive genius which the South deemed unnecessary and the North found necessary; the former judging "free trade" best for its interests and the latter "protection." Thus came to be determined what free labor is, and how it can be best fitted either for peace or war. Its real freedom was found to consist in an acquired and disciplined capacity to make whatever it needed, wherever it had not this already made, and not be dependent on another for it. The necessities of life, either for such a labor or for the Nation it defends, cannot be taken away. Not to recognize, in either man or Nation, that tireless creative genius, which alone makes free and triumphant over mere force, is only the blinded judgment of the brute. Had not the South disarmed itself, by its own policy, and the North been doubly girded for the battle by the progress of its actual skill and invention, neither on land or sea could the Nation have been victorious over a host of brave men, with their recourse to English "Alabamas," which would have been plentier then and accompanied by foreign intervention.

These points as to what are necessities of life for a free nation deserve to be reflected on and receive their due share of influence. It is important, also, to bear in mind the burden the States bear for Education. This is what is necessary for skill and breadth of invention. It also prevents "cheap labor" in two ways: first, by this very tendency it has to resort to inventive genius,—to say nothing of a less employment of children in actual labor as in foreign lands: second, by increasing the scope of what are considered necessities of life. Education, then, is just what feeds foreign commerce in a permanent way; and foreign commerce in its own interest ought to feed that.

Suppose, then, that when the extinguishment of the National debt, or approach thereto, has removed a merely financial reason for a large customs revenue pledged to that purpose, the Nation should then come by this means, (or even by the Internal Revenue if not too cumbrous when applied only to stamp tax on manufacture of liquors), to the relief or aid of the States in the matter of education. In comparison with such a motive of the general welfare, how petty would seem such quibbling considerations as are often applied to the subject. If a particular

tax excludes what we can make as well, is indifferent; if it does not but only increases the cost, either of what we do or do not make, the compensation is there. Do we expect to get education without "cost," unless possibly in this way? For it is duly certified, by those who count the cost in that way, that taxes on foreign goods sometimes do not augment their price, but only decrease the profits of the maker or carrier. But when applied to education, such a paying for it by foreigners need not be so closely calculated upon, albeit they send us a large supply of scholars whom they have not educated themselves. This eviction from education by them is just what evicts their people from free labor into "cheap labor," and finally from the land altogether in search of a free country. And this is just what destroys their home markets, and makes them need foreign markets for their inventions. But if not wise enough to build up at home this market for both home and foreign products, let them help to make it abroad at least. That is the true route to free-trade. A refined intercourse must manufacture both its tastes and their supply,—an endless, but a noble task, for it is a rising career in freedom. No "cheap," uneducated labor will suffice for it. Nature will suffice for animals, but not for Man.

II. The Financial history of the Nation also shows this fundamental need of Education. Its financial methods may be shaken at the base by the ignorance of those who vote, and distorted by the whimsies of legislators with too little knowledge to meddle with them. Here, quite as little as in methods of taxation, will it comport with Reason to decide on great questions by a mere counting of noses. Do the highest deed, and mourn not over the lower ones slain. Trust in the highest law for its compensation, where there seems to be a sacrifice of material things;—even that may prove an error as to fact. A Nation must also confide only in its best men for the judgment of best methods; for the highest intelligence is requisite to make them.

The Nation was specially favored in this respect by having Hamilton as the organizer of its financial system. With a genius for design which showed itself also in the making of the National Constitution, that great statesman laid down a general system of finance which has proved itself adequate to the extension required by the greatest emergencies. Both in its principles and its methods, it marked out a course of honor for the Nation, and of secured responsibility for its officials, in respect to finance. The task he had in hand for his methods,—to manage the resources and pay off the debts of the colonies,—may seem a small one when compared with that which beset his successors in 1861. But the precision of his judgment, the fertility of his genius, and his grasp of the highest principles, have made of him a model financier, and of his course a chart by which to avoid great blunders.

Doubtless, Hamilton, also, had his advisers of repudiation, and

croakers about impossibility; though it would seem the Nation was not so fully furnished then as latterly with would-be inventors of financial ruin. He and his designs, however, came out triumphant; and the "result approved the deed." The debt was funded and paid, a National coinage replaced the Continental "shipplasters"; and for the National government there was at least the smoothest of financial sailing on the route he had laid down. And to him also, next to if not equally with Marshall, we owe that clear recognition and decided assumption of the National character of the government, which alone could give it credit in the financial world, or assure it against metaphysical sophistries and irrational impulses.

Since then, indeed, the Nation has nowhere regarded with more jealousy and dislike than in its own government, or its officials, the least wavering from the strictest financial probity. Such action is felt to taint a National character, no matter whose particular interests are affected. None despised more heartily than secessionists themselves, the effort of one of their number, then Secretary of the Treasury, to discredit a loan which the emergency called for. The National action in this respect seems to absorb all the attention of some; so that the States themselves are not similarly watched; as though the States did not help form the National character financially, or only that, and needed none themselves. Demoralization goes all of a piece, however. If it begins on such a point in a State, the National character and life will become involved in it, whether by a provincialism, partyism, or narrow individualism of any sort,—all of which unconsciously look elsewhere, or seek to form elsewhere a character, simply because they begin by refusing to recognize rational obligations of their own.

"Justice and honor are practiced with danger," said the Athenians, naively, to the islanders of Melos whom they came to subdue. Useless and foolish they told them, was it, "after visible hopes have failed, to betake themselves to such as are invisible. For of the gods, we hold as a matter of opinion, and of men we know as a certainty, that in obedience to an irresistible instinct, they always maintain dominion wherever they are the stronger. And we neither enacted this law, nor were the first to carry it out when enacted; but having received it when already in force, and being about to leave it after us to be in force forever, we only avail ourselves of it, knowing that both you and others, if raised to the same power, would do the same."

How "Natural" all this reasoning is, and how natural to act upon it for even a Nation of poetic and immortal genius, if it looks only to Nature for its theories, and for the origin of the "laws" it has "received,"—not designed. The Athenians subdued Melos, "put to death all the Melian adults they took, and made slaves of the children and women." *Va victis!* But the fate of Athens itself shows the cruel

reaction of such a policy, even when advocated by a people capable of reasoning upon the hopes, feelings and instincts of men, and of Nature-gods, as like mechanical motives, "irresistible" and derived irresponsibly. And so Sparta, shrewdest of rulers by force, but reputed by those keener intellects from whom alone we hear of her, to "consider what is agreeable to be honorable and what is expedient to be just," has perished utterly, without leaving any monuments even of mechanical skill, any evidence whatever of creative genius. Not even inventive for destruction, the only word she has left to mankind, and that through others, is of a capacity by discipline and habit to enforce a stupid, mechanical bravery.

Finance now-a-days has in fact come to deal far more with the "invisible" than the visible. Property itself, and also the methods of handling it, have taken on more ideal forms which discard the material as much as possible. That is the reason of Beauty in Art, (no excess), and the way in which Reason triumphs over Force in all its forms, by organizing its administration. This renders the domain and methods of finance more speculative; hence broader and safer for wise men, narrower and more dangerous for foolish ones to meddle with. For the blunderer, indeed, it is the "visible" which seems the right and sure thing, even when it is wholly invisible to anybody except himself. Only by the true statesman are the invisible powers of a Nation's finance grasped in their reality, and the visible safely transformed under their sway, by methods which are rational.

Never was this need for financial skill at the head of a Nation and of financial good-sense in its people, more fully demonstrated than during and since our Civil War. A similar demand in France recently has perhaps had the benefit of more actual and disciplined skill in the government, and even more unanimous aid to it by that acute and patriotic people, there being no party-division there as against *la patrie*. Their handling of the Bank of France, its branches, and all other organized financial means, so as to aid the emergency, and prevent any recourse to a *quasi* money by the government itself, are especially admirable lessons in finance. Their notable and even wonderful success justifies the farseeing policy of Chase in organizing the National Bank system, both as a remedy for the past, and a better provision for financial needs in the future.

For this crisis, (as usual with all others in this country, where so many practically neglect public affairs), came upon us unprepared financially as much as otherwise. That very exclusiveness with which the Nation had been looked to as the model of honor, and the only one required to have financial character, was now the source of constitutional scruples by its friends, and of hopes of its impotence by its enemies. Especially in respect to the legal-tender act, (a matter in

which the sage constitutionalists of the extreme sort were themselves speedily brought under the law of necessity), were the power to make such a law, and also the expediency of it even if the power existed, both matters of grave deliberation, and neither of them was assented to save as a dire necessity. A Nation fully prepared in its financial means would not have been faced by such a necessity, nor subjected to the evils and dangers inevitably incident to such a law. Although the issue under the law was pledged to a limit, which was not exceeded, at least in that form of non-interest bearing "legal-tender," (unless by the "fractional currency" sent chasing after a silver currency also disappearing from a country which produced both silver and gold), yet the fact that necessity alone was its basis and birthright was forgotten by many: and such is the financial drunkenness apt to follow from a first draught of a "money" which can evidently be made *ad libitum*, and on which every one can get rich in imagination, that we have had bred by it new professors of the financial art, who would put the finest French finance to the blush and make our Hamilton hide his diminished head.

More grave, perhaps, than this spawning of imbeciles, (against which, on the whole, the sober sense of the people has proved adequate), have been the decisions of the courts respecting the application of such a legal-tender to preëxisting contracts. Even those of the Supreme Court itself have been both ways; but finally, and under the presidency over it by Chase himself, adverse. Such clearly is the true holding; since the value of a universal or real money is not varied by the issue of a particular and unreal money. This latter being only *quasi*, not money, but promise, its extent of issue and credit only changes its own value as "promise" leaving that of the other unaltered. A previous promise or receipt of the real money therefore maintains its character and requires its like for payment. Indeed, this principle was acted upon as one of business honor by the Pacific States, and enabled them to deal only in specie all through the war, not by the legally required special contract, but as the standing custom.

This same principle, however, has been seized upon and distorted by partisan frenzy into a justification and even duty of the government, since it received only in legal tender, to pay only in that, and even to expand its issues so as to bring the value down to the actual "equivalent." The craziness of such a proposition would seem to be evident enough from the very impossibility of executing it at all, much less with any justice. How to find a "par" or equivalent in such a case at all, even for those who still held what they bought from the government itself, to say nothing of vast after-sales at home and abroad on the pledge of the government to pay in gold, puzzled such theorists themselves; certainly not by varying the issues of the legal-tender,

now to one point and now to another for this purpose, for they never had been so varied except by rapid increase up to a certain limit which was not to be exceeded,—a promise essential to keep any “value” at all in them.

There being no sane way to do it, the usual proposition was the insane one to transform the entire debt into legal-tenders. But that would wholly destroy their value for anybody. Others, with sense enough to see this, yet fancied that, in some other way, if not in this, the promise to pay in gold ought to be repudiated, and the bonds be paid, if at all, only in legal tenders,—what they were bought with. This was “just,” we were told by its advocates, and “more than just,” since the bondholders “had already received in gold *interest*, more than they paid for the bonds,”—an addition which betrayed some confusion of ideas respecting “great principles.” Yet this criterion of paying a man just what he paid, obviously differs somewhat from the principle referred to which holds that he is to be paid only what he agreed to receive, no matter what he paid. It is in fact quite the contrary of that. It is a return to first principles of barbarism, where the debtor, if credit exist at all, contrives to pay in what he pleases or not at all. Just so in this case; a Nation manufactures and alone controls its issues of what it is willing and anxious to receive in exchange for its promises to pay in gold, and then it is advised that a great principle, “more than just” enables it to repudiate these promises, and pay in what it pleases, or not at all. No one who had not witnessed it, would believe the extent to which such theories pervaded unreflecting minds, and dizzied the heads of all in respect both to what is expedient and what is just. Neither party escaped the vicious taint of that financial drunkenness which accompanies a resort to a currency which, though promised redemption, may be made irredeemable in many ways. Each furnished its champions of views more or less hostile to the Nation’s welfare. Yet perhaps the surest proof of the utter demoralization to which such a currency tends, is found in the effect of it upon a great party which deemed it unconstitutional in any case, yet was brought, by its actual presence and its possibilities for party purposes, to call for more, and lend itself, even in party platforms, to catching votes on vague promises which it would never have dared to fulfil. It would seem that this party quite loses its head, when once it departs from principles already laid down for it by “experience” or by some recognized external “authority.” Its inventions have not been happy ones.

The wise prudence of Chase and his successors in the Treasury Department, and the general legislation of Congress, deserve high credit for their increasing skill in finance and steady maintenance of good faith. The reward has been reaped in achievements similar to those

of Hamilton, but far greater in degree and as sureties for the life of the Nation in the future. Whoever shared in this great work can justly look with pride upon it as one of the worthiest and noblest, albeit unseen and unrecognized, that can be done for one's country. However much harpies, (which inevitably flock to the feast either in peace or war, in a Nation undisciplined or unprepared), may have infested custom houses or internal-revenue bureaus, yet genius and moral worth and rationalized methods were also there, and more and more gaining the supremacy. However much fears, home and foreign, respecting our financial good faith may have helped to refund the debt at its present low rates unheard of in the past, yet while the officials of the Nation were aided in assuring and insisting upon good faith by the advice and support of the best business men, these latter were also at home directing and organizing the vast energies of the country so that the debt was actually being paid beyond the hopes of the most sanguine. Business men have themselves been educated to larger views, to broader methods, by the crisis the Nation has passed through. Let them not fancy the crisis has passed. There never is any time in the history of a Nation when its business methods in general can be let run wild, on a vague theory of "every man for himself," without a sure following of that "crisis" which will not be content with merely "catching the hindmost."

CHAPTER VIII.

BUSINESS METHODS; PROPERTY AND PERSONAL RIGHTS.

Yet this "great principle" of "let alone,"—"the least government is the best,"—looks plausible on the face of it. Especially as to business and industrial development, it seems to promote invention, and to stimulate all by that great motive of "self-interest" which it is said, "makes men work." The motive is here left vague. It is not that law of design in all which makes men work and unites them all in good work. Self interest thus viewed as only compulsive, is made arbitrary also, lawless, must be left to collisions to regulate. And such has been the policy practiced respecting business in general and its methods,—to let alone, to govern as little as possible, to be jealous of any general methods, to trust the State rather than the Nation, and thus have no general methods; and in States, not to foresee and devise, but to wait till an abuse comes, or let individuals themselves devise what private methods they deem fit, or what corporate powers and management best suit their purposes. The result in the Nation at large was that it had no general financial methods or means fit for a great emergency. And in respect to business in general, no doubt a great variety of methods has been secured, more profitable for lawyers, however, than for business, and running into abuses of whose injuries wise business men are the most sensible. Whatever experience has been gained in this way, has been at the usual high price charged by that teacher;—and the lesson taught has been, the profit of wise regulation, and the loss from lack of it.

The maxim that "the best government is that which governs least," is a manifest absurdity; one of those contradictions which a habit of material thinking and metaphORIZING is always making but can never solve. Thus it looks solely at the side of constraint and makes that its definition of government; so that the subject has nothing to say about it. Evidently it is a government by force. But if, on the other side, there is also nothing but a power of force, it is merely a mechanical affair; that which constrains most will prevail, whether for chaos or for a dead crystallized order; there is no "best" about it.

If, on the other hand, this government defined as constraint of another, be set off by itself, it, also, must constrain something in its own sphere if it is to be aught but a mechanical thing. And what does it constrain in order to be the governor of another? Evidently a power

of force of its own; this is the only means it is supposed to have for external government. If it constrains this least, it is a despotism; if most, a chaos, or overpowered and extinguished by the other

This theory thus disregards the fact that no real government can be defined except in relation to other governments, as mutual; hence, it merely isolates instead of uniting men. It regards government as an evil, and would have the least of it possible; because it is perceived only in the form of external force, which is indeed hateful when thus let loose without any higher law over it. A government which governs least in that way is indeed the best government; but according to this material reasoning, if there is no need to govern in this way, there should be no government at all. And so the need of government at all consists in the fact that men are not really rational beings, but mere "products of force," and hence to be ruled by mere force. While this is correct as to the bodily side of Man, he seems to have another side, and another "derivation," which protests against it. The maxim itself endorses this protest, but only in a blind way, appealing to force alone to settle the question. The man who thinks at all, deems himself in no rightful subjection to mere force; and as no other government is posited as at all existent, or even possible, he endorses the maxim heartily. The "least government" of that sort suits him best, —all the more so if he is viciously inclined.

Thus this maxim, which wishes to dispense with the "indispensable"—the only government it sees, that of force.—is also simply,— "let us have the impossible if possible." It ignores Reason as having anything to do with the State. Hence it naturally runs straight to the very despotism it thinks to avoid, through the chaos which calls for force as the only possible ruler where Reason is forsworn.

But this maxim, with its mechanical thinking, has no application in the sphere of real government. For that is rational government,— that which governs most, since it is mutual relation of self-governments. Self-government is always governing itself more and more, both by itself and through others, because it is ever evolving a larger and larger rational design, of which it finds the necessary means both within and without. It is not a mechanical affair, which needs no government because as "perfect" it runs like a machine, or because as a mere "abstraction" it is really *non est*. It is no mere "growth" to be traced to "irresistible instincts" which are to be studied as the very essence of wisdom, and thus lead Man back to the ape as his ancestor, or to Nature for his laws of State. It is a development of creative Reason which does not disperse itself mechanically, but relates itself rationally; and is thus revealed in an infinite relation of self-governments, and hence in an infinite variety of designs, both individual and general, in an infinite fructification of the power of design itself.

In this process, the law of Reason subordinates by its divine right the law of force, and makes of that the servant of its designs. There is no end to this process, in the Universe, the State or the individual. It looks essentially, not to restraint by force, but of force; and to the *right use* of it in all its forms, as the only rational title to their possession. And it governs most where it seems to govern least, in its own self; hence it is the only free government.

Apply this to the individual. When he proudly proclaims himself "free thinker," free moral agent, "able to take care of himself and wanting no interference with his designs," he is apt to forget that he was born a baby, at the mercy of the loves of others.

He would not much thank a parentage that only nourished his body and took no care of his morals; nor a State which took no care of his education in that acquired science which so enlarges his views; nor a religion which did not see to it that he was taught in that Truth divine which alone "makes free." In all these respects, he is such a debtor to an organized Reason without, which is watching and working for his welfare, that it is singular he should feel no obligation to preserve all this much governing, and even to better it for others, but should rather wish to act as though he were born in the woods. No need of his worrying about his "freedom of thought"; no force can control that; and hence his anxiety should rather be to know what it is regulated by, and whether it is so free as he deems it unless it be regulated by a law of Reason, which does not appear exclusively in him. So also, respecting his designs, would they be quite so free, so infinitely varied, were he a Robinson Crusoe, a pirate or a savage? No, even as bird of prey of any taste, if not mere vulture, he must find some place where designing power is at its height, at least in a material way. But this power is in its glory, its true freedom, for him as a rational man, only in a State where genius has taught him the route to the temple of Art, where science has taught him the laws of Nature, where Religion has taught him his duty to all, and where the immense diversity of wants affords opportunity for good invention, and an educated good taste both puts to shame the bad, and brings into being the good as by a charmed word.

"Let us have the impossible, if possible?" That is the cry everywhere so long as Reason only glimmers and is reputed only an "abstraction." For then it is just this "impossible;" sighed for because it is regarded as impotent to come, and needless if it did come. On such a theory it is evidently a very useless affair. And governments founded on such a theory, or looking to them for support, must evidently find their "god," force, more and more "indispensable." Such a god takes various forms and its religion is always more or less a "mystery." Thus in England, this State god is called "property."

They do not profess to quite "understand" it, how it came about and all that; they only know "that it is." The "power" of this god is evident; that is the main point,—the fact; as to "right," that is too abstruse a matter for "real science," which can derive its "laws" only from the actual matter in hand, and hence only as laws of force. Thus "property" is posed as a Juggernaut, and the "commoners" are called upon to worship it there in the shrewdest way, by not paying their law makers; so that only rich men can afford to be such. The matter is clinched by expenses of elections, which also impress upon the suffragan the intimate actual relation between might and right,—and the "no particular necessity" of having aught but riches in those "elected:" in fact the mass of the House of Commons are not reputed to shine by their wits. In this country, the same theory shows itself in low salaries, as before referred to; also in a vulgar notion that the money a man can make is the best measure of his wits for legislation; and still worse, in an ignorant or vicious feeling that "property" alone does rule, and hence must be made to "protect itself" by buying its way.

Such are the vitiating tendencies of seeing nothing but a law of force as a means of government, and seeking to base a "right" upon that. Such a theory is essentially irreligious, and the State supported by it goes logically, by its own professed law, to dissolution in one way or another. But, happily for these blind guides, the "fact" is not such as they state. A government of mere force is just what is "impossible" for any modern State, any civilized State at all; and a government of it by Reason, to some extent at least, is the only one possible or indispensable. The true question is as to the right relation of Reason to force in this matter; and true progress is towards reaching and recognizing that.

There are evidently certain aspects of this absurdity, "the best government is that which governs least," which belong to the topics of Education, Morality and Religion. Here we are concerned chiefly with those which affect property and merely business methods respecting it. Yet here, also, morality and Religion must have their share of influence, and according to their own proper methods. The State cannot, even if it would, do all; and every power must observe the limits of its own sphere and methods, and recognize those of others. This is that self-restraint which is one form that restraint takes in rational government. Nor is this to be exercised as little as possible, but, in its true sense, as much as possible, whether by the individual or any other self-government. The maxim referred to fails to note that no power whatever can be otherwise than formless without restraint,—shapeless, abstract and null even as force. Indeed the highest power is proved only by its capacity for self-restraint. It is not a mechanical outflow

that cannot be prevented, but an intelligence which can hold itself in reserve, and need neither show all that it is, nor necessarily discover or let loose all its designs.

Yet this rational power also, without its self-restraint, and self-forming, would be expressionless, mute, *non est*. Now the law or method for this constraint is what is to be found and observed. And the true maxim is that everything and everybody is to be governed in a rational way, by a rational law. It is for this purpose that a State is formed and preserved, and transformed according to a higher view of its design. If we are here to mention its relation to moral suasion and religious methods, we may say briefly: that Religion is the obedience to an inner Divine authority respecting thinking the True, whose outer authorities it must freely determine for itself. Morality, however, is the obedience to an authority respecting both designs and acts; and so far as acts are external and affect others, they should have a rational outer authority, just as the designs should have a rational inner ruler. Here is a sphere for variance between outer and inner authority or design, where the outer must be dominant as to acts wherever it can be rationally legalized and determined, whereas the sphere of inner designs can be dealt with only by moral suasion and proper education. The limits of human legislation in this respect, especially as to "personal liberty," cannot be precisely defined; it must vary with the morality of a community, and may be considered more fully hereafter.

With respect to property and the use of it, however, it is obvious that property, so far as it is a power, requires, for its own safety and highest profit, to be used only in rational ways, and to be limited to rational methods. Such is its interest. But such also is its only true basis as property. Any other sought for it will be a blind leading into the ditch. It cannot be established on a mere power of force; for that declares it to be nothing but force and hence irrational and without right. It thus disowns its own nature; takes untenable and fatal ground, by assuming to be what it cannot be. Not force, but design, creates property. Force has neither power nor right to maintain itself, even in things, against Reason. Irrational itself, mere force cannot be an authority anywhere. It is only what Man uses, and transforms; and his authority for transforming it is a rational design. As between men, a rational judgment must be formed of this design, and made law for all. Thus the law itself is the common holding of a common right,—a right to rational design.

This power to transform mechanical forces or things, which creates property, must work by a rational and common general design which gives right to it the form of law. Hence the rational use of property is of the very essence of its right. Its use must in any case be a con-

stant transformation; so that the best mode of this is what is alone in question. Shall it be mere waste? or selfish expulsion of others from any benefit? or a use by irrational persons? No, the law of all lands rescues property from insane hands at least, if not altogether from the selfish, or wasteful, or vicious use of it. In many nations, custom prevents a rescue of it from the selfish; and there, is breeding a "communism," because property is based on force-theory and practice. In other lands, custom gives full swing to waste, and even to vice; there, also, on account of an evident thoughtlessness in respect to the true nature and needs of property, its basis is in danger, and contests between capital and labor take irrational forms, because there is no true recognition of their rational relation.

There is need, then, everywhere to think the truth on this subject, and find a real basis for property, which shall not leave to it, either *pro* or *con*, only the merciless mercy of force; for in neither case can there be any justice; the law of Reason alone can give that to either rich or poor, capital or labor.

But we have seen that property finds its origin solely in a rational law, its power and right only in a rational design. Thus obliged to resort to design and to organize it, the "property" has been refined beyond all recognition in the past. Obligated to resort to a common law as to its use, the legal methods of holding, transferring and transforming it have also been refined, till only the "word" of Man is needed for greater than the magic powers of Aladdin, and is vocal beyond that of the ancient gods.

All the old grossness of the nature of property has disappeared as a mistake. The savage holds in his hands what he calls property; and has to hold it there to keep it. He did not invent it, he only "found" it,—like the "true scientist." He knows no other sort of property. Put him and his fellow "founders of property" in New York, and property would take flight, not recognizing its "origin." Where would be the value of this property in their hands? They have no ideas, no business-designs to give it any value. It would go to ruin. The property in a house is not the brick and mortar, but the form of the whole that suits the design for which it was built.—Mere "abstraction" that, no doubt,—invisible, intangible nonsense. Yet it is the property itself; for material science assures us that it is all that can be lost. Force "persists," but designs in that form are perishable. When Chicago's business-centre burned down (or up) there was no destruction of "matter" or of "force," all of this that had been was still there. Nature's laws are very equable in the distribution and exact equation of this kind of "property," they always give back just what they take away. So it was in Chicago. And yet they were not satisfied. Even the best theorists were convinced that they had lost

something. The property was not this material substance or form of a Natural sort, but the form given by design,—the adaptation to a civilized man's ideas of comfort and business. Small comfort for property, then, in the "indestructibility of matter." Since property has to be created, it can also be destroyed. And the finer its forms, if material only, the more is force an enemy and not a friend to it.

So with the law of property:—the old English fictions to prove an actual "seizin," a manual holding of it, are the merest barbarisms now, relics clung to by a material habit of thinking. A man neither does nor can thus "possess" in New Jersey lands he "holds," stronger than with his hands, in Iowa, Nebraska, and where not. He holds by a law which puts the whole force of the country at his disposal if need be, and which, in his business generally, he and every other man of great wealth, uses, for such purposes, a hundred thousand times more than do the vast majority of his fellow-citizens. Nor does he need any actual seizin to buy or sell, but only a piece of paper and a legal formula. He says, "go here," "go there," "do this." "do that," with the voice of the law itself. Without this, indeed, his property would be unmanageable, for he needs an army of servitors. Without this no property could be even "held," for, dispense with it, and squatters overrun his land, and barbarism in general overruns the whole country. Law provides thus for easy and large use of property, for distribution of losses by insurance, and charity opens a like good heart for all by sharing the destruction of force by fire, flood or whirlwind.

Now to say that the man has no obligation to regard the public will as to use of property, when it is by that will, and not his own, that he holds it, operates it, buys and sells it, is only undermining his own right to it. Design respecting material things has to be organized, both as to its rights and its power, in order to work on any large scale either for one or all. Shall an organized holding and use of property go against its own law? That will soon make an end of it. If the property were a mere heap of useless matter, it would be no property at all. The forms given it by design are what make it property. And it is made so, not because these forms suit merely an individual, but because the public finds its ideas and designs subserved thereby. Take away this common use of each other's property, and it would no longer subsist except as among savages. The network of a civilized community in property is such that no one could live as he desires, except by thus finding his own ideas and designs satisfied and furthered by his diversified relation to those of others. And all these must, in respect to the act of invention and its transformation of material things, have a common representation through property forms; that is merely the field of this sort of expression in which all com-

muné. The need of one in this respect is the need of all; so that this is the only rational form of communism. Yet it is communism,—of the highest sort,—in the realm of law. The law itself is the highest property; through that, all can design and make it. This law of the community protects it, and is vital in it, as we see, as a necessity for its best management, best use, greatest variety, most rapid accumulation. Thus property is secure in the bosom of the law itself,—a rational law which has not been made by it, but it by that.

The personal right to property then rests safely for all upon this rational use of it to serve a rational design. Just so the right of the State to itself possess or to regulate its use by others and afford means for its best management rests upon the same basis. It is owner, or falls heir, to what is not otherwise owned or inherited. Its principle for regulation can be rationally only the best use for all. On this principle, a State has "right of eminent domain," and exercises it to secure roads and other public designs as superior to any private holdings or uses of lands, even though the legal "compensation" adjudged may not be satisfactory. This technical term "eminent domain" might just as well be applied to personal property as to land, since as we have seen, the power of taxation is such a "domain" over both, and the "personal" has become far more important in itself, and in the need to regulate its use in business and finance. In respect to sensible property,—that sphere for mutual comparison and exchange of embodied designs,—there is no separating private from public interest. The private interest could not exist long outside an organized society, nor have its highest value anywhere but in the best organized State. A State is organized expressly to create and conserve this rational use of force in every way, not merely as to property but also as to persons. Proper education secures it in persons, proper restraint of them conserves it, and ensures for all a rational personal liberty. For the body itself is not "owned" by Man in any such way that he can use it irrationally with impunity. Its own vital laws partly provide for this with respect to himself, the State provides for it in respect to others, and moral suasion and religious culture provide for it in both respects.

It is well to note also that this organized mutuality of interests which makes of a Nation, so to speak, one person as well as one property, gives it also a "right of eminent domain" over "personal liberty." This is shown, of course, in the case of criminals, and also in the case of insane persons restrained from liberty as well as property.

It is shown also in that general police power which varies according to the emergency over both the innocent and the guilty. But it is shown at its utmost high in its utmost need,—the case of war. In this country, the States alone have the technical "eminent domain" over

land within their borders, (and the Nation only in its territories, &c.,) but the Nation, since it alone has the war power, alone has, together with that necessity of war which overrules all other domains, the general power of conscription. This absorption of personal liberty in an organized defense of all, may then be used either for evil or good. When only an *ultima ratio* of kings, it may be used quite as much to subjugate within as without. But when, in a free Nation, it is the rational recognition by the individual that his government, as *law*, is a "government of the people, by the people and for the people," then it is seen to be no self-sacrifice but a duty; and "volunteers," flocking to the standard, bear it "from the mountains to the sea,"—"demons of war" transformed, for, as they smite this grim monster of force or die beneath its blows, they cry "glory, glory, hallelujah!"

In Great Britain, where feudalism has made individualism a characteristic of all classes, since there is a clannish worship of it in the aristocracy by the vulgar, personal liberty also has been made a sort of fetich, like property. Hence the war power of conscription has been used only on sea,—not on land where it could be seen, armies have been bought rather than do that; while for the navy, even surreptitious methods were deemed justifiable, where only "traders" were concerned. But "trade" has proved the life of the Nation, and this principle of inventive design which creates and thus bases "property," though not yet grasped in that rational form, has at last risen in the English horizon, under the clouds of "free trade."

And in such a country the poor will be cared for forcibly rather than kindly. Charity will have a condescending rather than a generous view of its acts, on the part of a proud individualism; while the pitiful will "wonder why there are any poor." When it comes to organizing charities, we shall hear such fine spun debates as George Eliot records for us, upon "whether after all it is useful," and also such growls as those of Carlyle, which show that, even from a poor man, poverty and helplessness get as little sympathy as crime itself, in such an atmosphere murky with materialism.

In Germany, where also there is this feudalistic worship of exclusive individualism, but also an abstract idealism with its visionary communism, the war power, being in the hands of the former, subjects the entire personal liberty of the Nation to its uses at all times, whether in peace or war. So long as this serves only National interests, it receives no doubt the hearty assent of all. But let it serve other interests oligarchic or monarchic, claiming "divine right," and its oppression of other peoples will surely be an oppression of its own,—a mine to be exploded some day from within, or an overproud and overfearful tyranny over others to be crushed from without. As with individuals, so with peoples, the interests of one and those of all are the same; and these

can be adjusted rationally only by Reason and not by force. The right of personal liberty, as well as that of property, is one which a Nation is organized to determine rationally. There must be a rational form of judgment in common whenever anything is in question upon these vital matters. From Germany, on account of the facts above stated, and a still higher philosophic thinking there than anywhere else, perhaps, by at least a few, we get in their immigrants to this country all views, and the worst as well as the best.

In respect to property, then, it is idle to go back to the past for "titles," or to derive "descents," as though the title and the right did not both presently and always exist in the law itself, and have all their real vigor in that as a law of Reason. The law also regulates "descents," and it secures the public against the irrational "will" of a man in the matter of bequests. The use proposed for the property is here looked to, and also the sanity of the testator. It is idle to get lost in wondering at the actual distribution of property as to how it all came about, and whether it is for the best. Undoubtedly it would have to be distributed even by the communist himself, in just such a way and on just such a principle as it is, to be used rationally and hence according to the special capacity of the user which every one now seeks to exercise. The last sphere the blatant communist would care to have assigned him, would be the management of a farm in bucolic peace and quietness. The last that the highest intelligence would care for, would be the burdensome care of a vast property or business for though that requires a genius of its own, of a high order, yet it always has been and will be shunned by both the highest and lowest talents, the latter being both incapable and unwilling, so that, in any case, it goes into other hands. Thus practically the essential matter of use is determined by that faculty to design which prefers the form of property as the sphere of its creations, and actual possession must follow this law of its creation. Not every one who holds "property" uses it, nor can use it alone; and few who hold much of it get either the most profit or the most enjoyment from it. Its so-called "unequal distribution," therefore, is practically a fiction as to the real fact,—the use, and as to the merely visible side of the "fact," it is a matter of course, and not to be wondered at. We might as well ask whether it would not have been better, or shown a more benevolent design, to have iron "given" us pure instead of in intractable ores, and then lose ourselves in a mere particular and endless thinking of that sort. Capital is, in any case, nothing but an ore to be wrought out, it can be fruitfully used only by rational design, and all must share more or less in such fruit of it, just as necessarily as all share in the benefit of a genius which reduces iron ore and makes it as shining and more useful than gold.

The main question, then, always is, as to this use of property. Is it

used, and used rightly? The public takes cognizance of that, and its law prescribes a rightful use. The fact that inheritance, or other luck, often delivers property into the hands of those who have a wonderful genius for wasting great opportunities; or, more fortunately are born imbeciles, is one of the facts which leads every State to make laws respecting inheritance and wills. It thus modifies the dice throws of chance by the voice of Reason. Even 'Natural laws and instincts' are not allowed to gamble in the house of Reason without restraint. And as the 'best blood' is also subject to these lapses into imbecility, which render a fortune a misfortune, it is reasonable that human wills should be restrained as to the future as well as the present, and that the law of inheritance should diffuse their property for men who neither have nor make any rational will of their own. It is also lucky, perhaps, if such get rid of it as soon as possible. This they usually do in various ways, useful and useless. Among the latter, by visiting foreign nations, where, like Alcibiades, they reckon they are "representing their country favorably," and giving a high idea of its "power," by exhibiting a great capacity for waste of power.

Those nations which protect their "best blood," as something mysterious in its nature since it may oft fail of its efficacy deem it no sacrilege to guide even the god property in the entailment of his favors. Thus England contradicts her abstract worship of property in two ways. In her laws of primogeniture, she seeks to preserve an aristocracy formerly ruling as a monied class, but now defunct in that phase and hence based, not merely on property, but on 'blood.' This "blood," being also something sacred, must be taken care of when it fails of the capacity to do so itself. It, also, is regarded as a kind of "property"—not a visible one, but a 'property peculiar to some people,'—to some races,—even horses evince it. It 'tells,' though it is not visible,

Again, she has sought formerly to limit accumulations of property in land by forbidding these in the form of bequests withheld beyond "two lives in being." This is indeed rather a limitation of trusts, and perhaps inspired by the old dread of any but an actual 'seizin,' it would not answer to long dispense with that 'fact' of a visible nature which was alone consciously realized as 'evidence.' The same fear of the invisible overrules the right to land, when unclaimed during twenty years, in favor of the actual possession and very justly in that case, when the latter has completely transformed the land by its designs and thus given it all its value;—but this is the real 'fact' of property itself, not recognized as such except as a case of necessity or because the other mysterious "right" does not put in a bodily appearance.

This blind parrying against the invisible, however, quite overlooked

its real whereabouts,—in the inventive genius which shows its proceeds in personal property. Against undue accumulations of this no laws have been made. But English laws respecting use of them, by corporations at least, have been far wiser than ours and the execution of them more rigid, accompanied by a loss of reputation, even for a "business man" who fails at all, and no mercy even for those who "fail rich." Somewhat crude this moral judgment is when it has to judge "trade" and protect property against invention. It discriminates badly in felling poor methods or bad luck, just as much as evil designs by a loss of business reputation. Yet in all this, the English have secured a safer business than ours which lets a man fail as often as he pleases, and peculiarly admires him if he "fails rich." The English sternness towards mismanagement of property, and especially breach of trusts, is one of the indices of a true moral sense in the community, and of the sterling English character for honesty and an intent to preserve it at any cost. The cost of it has been so profitable that personal property has become the real property of England, the property which now rules there,—although, or rather because, its invention and activity are what has accumulated the value of land: so that the aristocratic owners of "land," in commercial centers especially, are involved in that very interest of "trade" which they formerly despised,—as showing "bad blood." This inventive spirit may not show the "best blood" of England, but it nourishes it. It showed in a Shakespeare; who, though a nourisher of all souls who think, was willing or obliged to husband his pennies, in a time which had no wealth or power for such as he. But when it showed itself in a Cobden and a Bright with property to back them—the scepter passed. Yet there is no primogeniture in respect to this personal property. The old fiction about the "real" holds still, though long laid low with pennies on its eyes. The testator of the "personal" may distribute it as he likes, only subject to such general limitations as above referred to. Although the very key of the situation it is one which aristocratic interests deem it well to pass around, (unless they marry to it), in as miscellaneous a manner as possible. And thus it is that they pass from power of all sorts, so far as they fail to see that inventive genius, in its various phases, is the highest and most real because ideal "property" of Man, and the creator of all forms of property visible or invisible.

The French take a different view of their situation, and favor a small holding of lands, and more or less equal distribution of property by inheritance; requiring it also as to wills. In this country, wills are regulated less than by the French and in respect to land less than by the English. We retain the English cumbersome methods respecting land-titles, a great burden on transfers, and subjecting the possessor

and user to eviction, for frauds or mistakes, with which he has had nothing to do, and even for mere omissions of legal description when in fact he has legal title, but cannot be allowed to prove it by oral, invisible, against written, visible "evidence." This old harpy of a false and materialistic philosophy is there still, as usual, making a god of the mere form. Partly we have broken away from this costly worship, but much remains of it. Further amendment would seem to be both just and feasible, in respect even to the ruling out of oral evidence. When that is certain, why ignore it? Are the eyes so much better than the ears, as an avenue of "evidence," and in any case, does not a jury take it wholly by the ears? Especially is it easy and just to get rid of "mousing titles" by adopting a true view of property, and thereby a right principle for deciding how much can be claimed under such a title, long disused, and which has had nothing to do with creating the actual nature and worth of the property.

Besides, land in this country has been so free to have, that personal property has here also become the inventive and active factor of accumulation both for land and itself. It is also what has been most abused, wasted and misused from lack of proper regulation. In fact today in every civilized State, the power and use of personal property is what really attracts the envious eye of the communist. If vulgar, he sees only the spending, not the using, the destruction, not the creation, is what he wants to share in. If a thoughtful man, yet he prides himself upon being a "positive" thinker, and hence is the most visionary or blind of all as to "facts." He deems he is thinking about some thing visible and tangible,—land, money. Like Proudhon, he dreams of making "credit" and "money" by machine. And however much he may talk about "land" and even liken that to "the air" as something to be "held in common," what really haunts him is that invisible—the power to invent and create. He sees the fruits of it in property, but he does not comprehend that this is one of the forms necessary to it. It is in himself; but there it is only inventing how to make property without making it, and to enjoy it without having it. Blinded to the real facts, he does not realize his own possessions and their source. He does not see that this problem of "enjoying without having" has already been worked out for him by others, in a state of society where more and more goes on this merger of the visible "real" in the invisible, ideal communion of all in all that is. Confused in his ideas, he does not see that personal property is thus swallowing up the real; and that the person himself,—the man, is what really swallows up all, and that he who feeds best is not he who feeds most on material things. But even in respect to his own bodily feeding, he could scarcely find a rule by which to put it in common with others, either as to its needs, its tastes, or its capacity; while if he sinks it into community in

other respects, he is a slave who has lost his personal liberty like an animal, and is not a free man who has pledged it to his country with his "sacred honor." He does not see that this designing power can be best used and developed, in all its practical good for all, when it is organized and recognized in a State, as a creative power which has right to its creation, and that thus alone can it realize its infinite creation and total enjoyment. He does not see that all this result is essentially an organized and hence increased power to invent and to exchange inventions: that without freest rational invention there can be no freest trade, and that hence the main question is not the possession but the right use of all property, and especially of the personal; for that involves the right conduct of all persons.

This is what gives such close connection of personal property and its uses with personal liberty and its due bounds. All spending, all using even, is of personal property. The accumulations of land are by and through it. All management of land, all titles and means of handling that or other property will yet be both held and proved as personal property. For all property is really personal, and is becoming recognized as such. It is felt so to be. It is but a bodily extension of a man's designing activity, more sensitive than the body itself. Touch it and he winces. You have touched it in Maine, he has winced in California.

And if you touch it wrongfully the whole country winces with him. Hence the methods of criminal and civil remedy are of extreme importance, and have manifest need of improvement here. To embarrass and load down the resort to them is, of course, partially to destroy them. To allow them to become corrupt is to render them worse than useless, the tools of knaves. The distrust of criminal remedies in this country is shown in the frequent resort to "lynching," and even to organized "Vigilance Committees" against a crime which riots the streets and sits on juries. These volunteer vengeance are most apt to be applied by those who create a need for them by a notion of personal liberty which wants as little law as possible,—thus this "least government" works itself out in violence. In cases of great fraud also, both civil and criminal remedies have often been ill devised and worse executed. 'For oft 'tis seen, the wicked prize it self outbids the law.' Whether this is effected by corruption, or by costs and delays, which make it useless and even dangerous to prosecute, and expedient to compromise with successful fraud, the effect is to bring the law into contempt. And were this confined only to large cases, the impression it creates is that even the public itself has no law against the wholly unscrupulous, but rather admires their smartness.

But such a worship of "success" denotes a general practice of the theory that "the least government is the best," with its tender for fuel

labeled: 'nothing succeeds like success.' Under the inspiration of such maxims of life and government, there is remarkable success in packing juries, in leaving the selection of juries in such hands that they can be packed to order and on short notice, "for a consideration," and so that 'business men,' also for a consideration. (it would be a pity to limit this spirit of enterprise and not let its rule work both ways!) may be 'excused' systematically from sitting on juries. By a similar excusing of themselves from political duties by business men, in a way which seems to them costless and even profitable, they let these geniuses of 'success,' who run the machine which government naturally is in such hands, nominate and elect to the local and State legislatures a few men who know or are taught how to provide or leave all needful loopholes for 'success,' and a great many legislators, of a type evidently capable of the most successful blundering into everything but the right or good, and who remind one of Dr. Pancoast's saying to his medical pupils "you will kill a good many before you learn to cure anybody."

Under such a legislation for successful business, of the kind whose very success succeeds, it is not singular that even in the "Empire State," the courts have been kept in a perpetual fester of "interpreting" laws of theory and codes of practice, till legal principles are quite whistled down the wind, and the most "successful practitioner" is he who knows or cares least about these, and knows best the illegal, and uses most the immoral "principles." Business men, there, have themselves seen the necessity of getting out of this muck running called "legal remedies;" and have sought to do so by a special court of arbitration, which will have proper juries, if any, and judges whose awards will not have to climb a long ladder of appeals, and at top wait years for their turn.

It is this sort of legislation, no doubt, which convinces a half-way reflection that the less law we have the better "If it must come to this, why, oh! why are we legal creatures at all!" And certainly the quantity is something to make us cry 'pause,' for law is not supposed to be a quantitative affair, even by the most ardent materialist. The quality then is the main point but so also is the administration: for unless the law is in that, it is *non est*. The actual law of a country is just what is administered, no matter what is "written" or "common law." New York has had some of the wisest hands seeking to make her law explicit and clear like the French, and consistent with itself in as brief a statement as possible. But she has also had some of the worst hands administering her law, and tearing holes in its integrity. In other States, where the English law, with its absurd separation of "equity" from "legality," has been kept, the case has been no better, and often worse. The administration of the law itself, and the

general business methods of the community, combine to make the real law. Thus, for example, in Illinois, legal "costs" are small, yet this requires each party to pay his own lawyer, and thus dissuades from small suits; for the Roman scruples about rewarding eloquence do not oblige our Ciceros to work for nothing. Besides, the legal delays are so long as to be quite inconsistent with the needs of a universal credit system of doing business. This system naturally includes failures as a part of it, and even an essential part where business is not business unless it "goes booming." The failures, then, are part of the play, and are systematically provided for by making the travelling salesmen share the losses by them from such as each credits. When it comes to law, a compromise is cheapest and most available means of getting whatever is left by a failure. And in such an atmosphere of universal credit, based on the chances and going, with most, "by the rule of thumb," and under a general worship of "boom," it is not surprising that there is a frequent wondering "why money should be so high, especially for business uses."—What is that but the boomerang? It is only Proudhon's "credit" coming back to brain itself. And this credit system, obviously the most costly of all modes of exchange, is logically accompanied by the desire to be stimulated by a Proudhon paper money, based merely on credit. For this wasteful method of business springs from lack of real capital.

In respect to civil and criminal remedies in general, it may be said that a chief aim for prohibitory laws is to make their operation dissuasive, so that no actual punishment will be called for or cost of remedy occasioned. The surety of the operation is more important than the degree of the penalty, in criminal cases, so that we have wisely discarded the middle-age barbarisms of English law, as to punishments, but without securing a prompt and sure execution of the law. But this principle applies also, and with even more force, to the sphere of civil remedies. Legal remedies in general are made by us worse than the disease; because we let the disease itself make them. This is justified on another "great principle," an Esculapian one. "The disease will cure itself." This policy does not seem to work well in the criminal sphere. In the case of civil remedies it has its advocates, in those who favor cost for these on the ground of securing greater care in contracts, closer mutual inspection of character,—in short, "*caveat emptor*." This putting up a general notice that the air is full of fraud, and the ground full of traps, is supposed to secure a "moral result,"—an insistence upon good character in those with whom we deal. But it also gives solemn warning that there is no such good character extant. It describes a state of things where trade, instead of being free must go armed cap-a-pie, or else proceed *vi et armis*, on "first principles."

Moral results must be obtained to a considerable degree before there can be any State at all. And to talk about leaving even the civil remedies of a State as a burden to dissuade every one from trusting his fellow citizen, implies that the State has not yet got beyond the merely criminal sphere. Every man is entitled to this trust in a civilized community, and the law should secure it for him upon word. The false word is the annihilation of human nature. The name "liar" is a libel, justifying both civil and criminal remedy.

Now, the trouble of going to law must be sufficient dissuasion in any case for the peaceably disposed man, and the terror of it prevents the timid and ignorant. Only the contentious, the somewhat diseased, delight in this house of cure. Hence civil remedies should be rapid, sure, cheap, and even without cost in simple cases, for the party clearly in the right, and who has shown no contentious spirit. Otherwise righting a wrong is only wronging a right. The one in the right gets no remedy, even if the one in the wrong gets a punishment. There should be moral suasion in the law against the wrong, by virtue of a sure, rapid and easy resort to the law. The law itself should not be a dissuasion from seeking right and justice, and thus a nest for rogues and a trap for the innocent. Any policy, or actual administration of the law, which dissuades from use of its civil remedies, is already back to where moral suasion is only just emerging from the brutal reign of force; and if it goes so far as to corrupt criminal remedies, it is already under that reign. Whatever such a policy may profess to be, its acts show what it is. And does not the result in some, if not in many, of the States of this Nation indicate a theory of government which would throw back upon individualism the whole burden of actual regulation of business relations, as well as of civil and political affairs; and thus declare that nothing has as yet been done, and made into law, by that very moral suasion which this theory is ever naming but never sees?

The foregoing criticisms upon foreign nations, being quoted only for illustration, cannot pretend to be a complete view of their policies. These they have to form according to the opinions, interests, classes and necessities which exist. Each is wisest when it does the best it can, and acts as a united whole upon this actually "attainable. But what this best is, may be for the statesman quite different from what it ought to be. There is no sacredness of the past, nor awful sanctity in "growth," which prevents "classes" or whole peoples from changing their opinions for the better if they will. The French showed that this can be done: and that feudalistic forms and methods are not of such a "Natural growth" and sanctity, or so near and dear to a Nation's heart, but that Reason can at least burn the dross out of them. The English think (still more after this experiment), that such "opinions derived

from the past" cannot be changed safely thus suddenly; and that opinions in general like other "things," must be held fast to until they wear out. On this principle, an Englishman also builds his new opinions, as he does his houses, as though they were to last forever. That is the glory and grandeur of England, that the State holds together, and requires always rational, total action. For while she theorizes that "all ideas come from without," her practice is to demand that they shall all come from within, and be harmonized, as well as possible under such an exclusively individualistic method.

Now after such free criticisms of others' shortcomings, it would be silly not to anticipate others by telling our own. This is not reputed to be the habit of the American people. "They are young yet and do not even know their worst faults." The full truth indeed may have to come from elsewhere. Truth, in fact, never flatters anybody much. Yet let it be told. "Though the heavens fall," as they will under that voice, it will be in blessing; they are not solid and heavy, as formerly supposed, nor harmful when they tumble in. Why should we not have the faults of all other nations, and others to boot? We have them all here, and the "free born American" besides. Our sources of derivation are the most ample that could be desired.

But foreign nations are at least obliged to make one common legislature do the whole law making so that what is general is attended to at once and by all. Here we have a great variety of legislatures, all of them have or assume something to do with what is general, especially in matters of business and property. Yet only in "politics" does our "local self-government" suppose itself to be general and then with just as vague a notion of what is general—in short, does not realize that all law is such. Hence we have only two parties, neither of which has any definite views respecting property, unless it be, that for a party, as well as for a man, "it is a good thing to have."

Abroad, however, this matter of business cannot be thus divorced from politics, and the latter left as a sort of bodiless ghost to talk about, while the real question is being unconsciously or surreptitiously handled. Either property is made the feticch of all as in England, or it is subordinated as in Germany to a worship of actual "power and place." Hence it is lucky for France, where ideas are really most honored, but where they are also too materialistic, and insist upon the "positive," that she cannot be reduced to two parties as here. For, in that case, the property question would at once be put in issue by both parties in a merely "positive" form, as to which "one," the individual or the State, should hold and manage the commonwealth. This positive thinking never sees any wealth but the material sort of it. All its "ideas," are lost in that "positive evidence." And so the many are wholly stripped of their character as self-rulers, and hence

designers of all possible wealth, and especially of that rational wealth which is best, and can alone be organized as the rational "one" to rule. Hence the "one" to rule "positively," as required here, must be either the despot acting by force only, and thus "setting all to rights" by the simple law of order; or else the communist hierarchy, obliged to act in precisely the same way, since its "people" look only to the "positive,"—the material fact as "property." And this is merely "Hobson's choice." But since our parties alike dissolve into mere individualism on this question, is not each of them working out by local legislation precisely the same result?

Shrewd observers, then, may be quizzically looking upon our theories and methods of "local self-government," (as they actually are, in practice, not profession), and seeing a reality far different from that "freest nation in the world" we brag about. For, trace this subdividing process down, and it comes to the individual as *ultima thule*. Now, if he is really doing nothing which affects all the rest, he is as dead as a door-nail; bury him. But if he is, and if each is doing something different of this general sort, then there is a fine model for chaos in brew. Both the despot and the communist are looking to see their theories justified; and it matters little which horn we get speared on; for in either case there is a mechanical slavery to one or many despots, instead of a free obedience to rational law.

It is clear, then, that all legislation, that of Nation, States and municipalities, and also that of each individual over his own heart and soul, must be made in view of the interest of all, if it is to be for the real interest of any. That is the real "declaration of independence,"—the law which organizes and declares this mutual dependence of all upon Reason, as what is the very necessity for the free Man, because it alone is fit for the noblest things, such as he is designed to design.

Respect for law, however, is claimed to be very general in this country. To regard a law as law so long as it stands, though it be merely the "will of a majority," or even if not so, if it have gone through the regular enactment, is considered a matter of good common sense. And this "palladium of our liberties" is also very justly regarded as no Jove-born Minerva of wisdom in itself, no sacred "growth" of opinions or institutions in a mechanical way, but a purely rational affair, ever subject to the voice of pure Reason when it says: "be thou otherwise!" In this recognition of the freedom of its Reason, yet also of the obligation to appeal only to that and change only through that, the American people have their highest glory.

So far as this principle is consciously recognized as a rational principle, it is the safeguard of the Nation. But so far as it is looked upon only as a "matter of common sense," it is liable to be treated as a

mere mechanical necessity, with no "faith in ideas," no confidence that "truth will prevail," and prevail most when it puts itself in the guise of Reason and not of force. When it is not recognized at all, except as a "mere matter of force," then where the force is absent, the law fails—"is wrong."

Whether the two latter views of it are not more prevalent than the first must be decided by the acts, not the professions. Respect for the National law is most general; and rightly so, since that has been subjected to the most thorough discussion and shaped to the most general interests. But where there is need for force to execute it, is not the reason of it hard to see for those who make the force necessary? In our political canvass, there is generally an observance of order and self-management by both parties at which an Englishman expresses his astonishment; even ignorance in cities has learned not to disturb meetings, nor enlighten the other party with brickbats, or even with counter-orators. But how is this in the North, when the Nation stands guard over ballot-boxes; or in the South, when, her force being absent, her law is silent respecting a voter's rights?

So also State and National laws are nominally respected as law, according as they are more general; and perhaps particularly so in the case of business laws. But when it comes to making or changing laws, does not every man suddenly become shut up in "his interest?" At this crucial test, even many professed altruists wilt under the first fire. And it must be confessed that many indeed are those who do not blush at, but boldly declare the "great principle" of self-interest, as "what we are all after." Such men are true "jewels" in a Nation; they crystallize into "shining lights,"—if there be anything to shine upon them,—mere dead things which give notes of warning.

It must be conceded, also, that in this country there are few who have other than the vaguest notion of personal liberty, as well as of property rights. If the two National parties differ at all on these questions, it is only by the one talking more, in "local affairs" especially, about "my property," and the other about "my liberty;" for both liberty and property seem to them something local and exclusive. Hence each likes to shove the communist taint on the other; and the communist really knows not which to prefer; he decides that according as his penny turns up with the liberty-head, or the property-title: "one cent." The one party is reputed to be most given to an arbitrary care for "my property" at the public expense; and the other to a peculiar guardianship of "my liberty," chiefly to live by "politics" and plunder property. But in private life, the partisan of either side is apt to regard property as only individual, if he is a capitalist; and liberty as also only an individual affair, if he is a laborer. Neither realizes that he owes aught of these to the Nation and its laws.

Hence we have our full share (if not more), in this "free country," of labor-organizations to shut out apprentices native-born from learning a trade, in favor of full-grown foreigners, perhaps not yet naturalized nor intending to be, but only to "make their pile" here and go to spend it where "things are cheaper." Like the Chinaman who, bred on rice, and impervious to the delights of a rational life, goes back "like a dog to his vomit," so these would go back to their "beer." Thus pitting themselves against any mechanic education here, they carry out this principle of enmity to intelligence, by requiring employers to pay as much for an unskilled as for a skilled man. This is deemed necessary no doubt to the solidarity of their action; but in this way they put their organization under the control and at the service of ignorance itself.

What is most important, however, to observe in respect to these "labor-organizations" is, that they are deemed by their members necessary on account of counter-combinations by capitalists. Thus is clearly declared an existing state of war between capital and labor, in which neither side recognizes that there is any law for all except "my interest" or my force. Hence we have our full share of "strikes" and "lock-ups." These words, derived from a foreign nation, have been literal here as well as there. There have been riots on the one side, and hence force on the other. The French, with a truer view of the situation, call these stoppages from work "waitings," and contrive to get a rational arbiter for them. A Pennsylvania law has recently been made to provide such a tribunal; but in a way that indicates only a half-realization that the law itself, as the most injured of all and in which all are injured, has any right in such a matter. The most dangerous feature of all, is the popular sympathy expected, and usually got, by "strikers" in this country; for this declares a battle really set between capital and labor, and a disposition on both sides to regard only "my interest," and to combine and organize each against the other. Of course this is rampant communism on both sides; and a sympathy which has no sympathy with the law, will side with the poorest, without stopping to ask: "What prevents them from choosing an arbiter?" But the true question is: "Why does not the law itself provide and enforce an arbiter in such cases, if either party attempts to force the other to serve it?" For what prevents their choosing one is their mutual efforts at compulsion, under a very vague view of their rights in the matter. Capital, on one side, combines; and thus it deserts its claim that all such things "must be settled by the great law of supply and demand;" for, if capital combines as against labor, it tries to make that law work just as it pleases. But capital, led by a false principle as to its own best interests, and a total ignoring of its debt and responsibility to the law itself, can discriminate always in behalf of "cheap labor," and thus ultimately (and not slowly) ruin itself.

On the other hand, while labor-organizations have perhaps no more here than elsewhere resorted to force, and to mobs for beating-off laborers even of their own number, yet it would appear that nowhere so much as here have they shown such a poor sense of what is due to their own intelligence, or such a high-handed disregard for any law or any general welfare of the nation. The former is shown, in a matter before referred to, and also in the absurd proposition that one party to a contract may make the whole of it. Suppose this to be so, would not a real sense of fairness see the justice of either scaling its prices, or else reducing them to an average for best and worst service? But this shows that either the most intelligent must always suffer by such methods of "forcing things," or else that injustice must be done outside. Hence the most vicious and ignorant are fattened by such measures, and naturally take the lead with their usual ignorance or contempt of all "rights," and with a high handed communism that would burn its own house over its own head. Nowhere else than here has been seen a vast "railroad strike," paralyzing the business of a continent, causing immense loss, riot, and an alarm like that of a conflagration; and at last calling out the National arm itself,—to the joy of all, even of those weak "sympathizers" who had had at last enough of this novel reign of force.

And why this sympathy at all in such a Nation as this which boasts of its freedom? Was it not because this freedom was not sufficiently organized, and good methods provided for it, in the law itself? Was it not because State and other laws have allowed capitalists to organize pandemonium "on 'Change," use mines, railroads or other property in the form of false stocks, as mere bait for gulls, and "water" for the community to drink with the gambler's views of how to make a fortune?

Under such a making or contempt of law by capital, the notion of law must naturally grow rather confused in the minds of all. In this particular case, railroads seemed to be calling for sympathy, and got little of it from any quarter. Although many of them have been built almost by gifts, yet they are loaded with debts which only show what has gone into the pockets of their builders, or managers. They have been used sometimes by their managers merely to accumulate fortunes on 'Change, by methods so manifestly fraudulent that only gamblers can at all admire a smartness which, in England, would soon be made to wear the coat of many colors which is its due reward. When such Josephs are held up by their millions to the admiration of all, it is no wonder the humble laborer sighs: "there is no law for a poor man." In general the management of our railroads, in respect to their finances and stocks, is worthy of the scorn of mankind, and receives it. Freed by neglect or corruption of State legislatures from all rational super-

vision. Board after Board of so-called "directors" have used them as mere Judas bags, by methods essentially as bad as those of highway-men, regarding themselves as put there only to betray trusts, whether public or private, and use all with an eye single to "self interest." Were all railroads rated at their actual cost, and their stocks determined by such a criterion of honest book keeping, their stocks would, as a total, be at par or above it, and all their debts paid. As it is, they carry a vast debt, the origin of which is better known than liked. No justice can be subserved by now repudiating the consequences of these monstrous methods. The people have been themselves guilty of trusting knaves and admiring their smartness: let them bear the burden of it manfully, and see in it only a monument of their folly in the past and of warning for the future.

The simple cause of the "conflict between capital and labor" in this country is, therefore, that neither of them has rationally perceived its own interest. This consists for each in the rational form of law made and followed. By using a contrary method, capital has run in debt heavily, and labor has jumped out of the frying-pan into the fire. Both ought to be satisfied with their experience and take a new start. There has been a mutual mistake, if not in the facts, at least in the law of this "conflict."

And a mistake of both law and facts in regard to self-interest. Let any one read Bastiat through, and note how that impetuous but honest thinker came to see more and more, that "free trade" as well as "protection" has its "fallacies," if it starts from a supposed reality of exclusive self interest for any man. He came to see and even declare the necessity of discarding this "principle" upon which he began to build; but premature death prevented his intention to do so, to his great grief, for he at last caught glimpse of the broader, the true principle, and, in the light of that, realized that the so-called self-interest neither protects nor frees a man, but makes him the veriest slave, whether he be capitalist or laborer.

This "self-interest," just because it is materialist and atomist, and "positively" going for the "solid fact," starts out stone-blind. It does not even see that, taken in a merely material way, the whole universe is a personal matter to every one alike, both as to liberty and to property. Nothing less than that is what is "body" for every one. Its air and its light are just as necessary to hearing and seeing as are the ear and eye. Every one is affected by its storms: whether they touch others or himself, they touch all. True, this is nothing but a big mechanical body for man and beast alike, yet which man, by rational laws, can "make the best of"—as a "law."

But in the organized State we have all a commonalty rather of soul than body in a special extension, through human law, of personal lib-

erty and property. Whoever moves in a State, affects and is affected by whatever is done. He is ever touched and touching in his own Nation, and the same mode of rational extension is carried by the "comity of nations" into his relations of commerce and intelligence with the whole civilized world. Thus a man has his freedom enlarged, in a way analogous to the extension of his organs by telescopes, telegraphs, &c. yet by a far higher method and for far nobler objects. Those mechanical means carry him "far," but may only make him a "fast man"; whereas, these others are designed to make him a better one,—a work of charity which must indeed begin at home.

And what are these nobler objects, for which the very soul of Man is extended, and his thought organized for business? Merely to eat and drink? Is a capitalist of all men so poverty-stricken by his wealth that he "has to work for merely his board and clothes?" The poor rich man!

On the other side of this purblind self-interest, we hear from the ignorant laborer who sees no riches for him resulting from all this toil and travail of Reason. He is provided by mechanical economists with another "great principle,"—that "all must come out of the soil." This he uses to exalt the office and justify the rule of "hard knocks." It seems to him that all depends upon these at last; so these are the "last that ought to be first." But, apart from the chemical fact that even food itself, and especially luxuries, get their valuable qualities, very little from the soil, and least of all from hard knocks, the same is true of everything in the shape of property. Hence, the capitalist who goes for cheap labor in the shape of ignorance, is just as ignorant of his real interests as this honest laborer, who is enemy to machines, and rejoices that they "can't vote," when they are all the while working for him while he votes and "strikes" against them. What, pray, would there be left for labor to work upon, if the whole "must come out of the soil?" And what would capital find to be accumulated or invested in, if mere eating and drinking were in question, as "necessaries of life" to be immediately devoured or wasted? How would capital have any "growth" at all, or exist at all, have any vitality or function, but for that host of luxuries at once becoming necessities of life, even for the poor for whom they are also the very support of life,—the object of their labor? And these spring, not from the gross earth, nor from the man of clay, but from the Divine man with his inventive power, and soft viewless touch of Reason.

But this rational man is one who knows himself held and in duty bound to a Divine Reason which alone makes him a Man and shows itself in him as creative. This sort of "individual" is indispensable to all interests, because he sees the impossibility of "self-interest." He alone is the "source" and the owner of either liberty or property. They were

not "derived" from any "differentiation" of mere force, however fine spun. He alone can rationally make, or rationally destroy, or preserve and make of what he preserves a means for more production. For this rational process, he needs to be educated; yet that is not putting something into him, but drawing him out into his own freedom. What is wanted is his creative power, taught that it is freest and happiest only as rational. Hence he cannot be made a machine; he is free to make whatever is profitable to all, and free to enjoy a use of it which also he renders fruitful and accumulating to the profit of all. He alone is the one who does or can create "capital," whether as knowledge or property.

That "capital" can really persist only as a means for greater production for all, is not at first recognized in civil polities. That capital in the form of accumulated knowledge is the most fertile and indispensable for this purpose, is the last thing of all to be recognized. Yet the man who has a genius for accumulation is instinctively admired by the ignorant; for they of all have most need of this aid, and think most of the sensuous form of it. And, in fact, no one can really effect an actual increase of capital except by rational methods,—by creating it.

But when in a free Nation, this inventive, creative power in all is organized expressly for this purpose to create, all ought to recognize that design. Their methods and objects of association, whether of capital or labor, should be subjected to the law of Reason alone. This is vital to the object sought,—accumulation, increase of property and knowledge, in a moral way, a good way. The design is to organize, not a stupid quarrel about what is, but a mutual creation of what is not. All human doing of this sort is creating. And it does not mean merely to "struggle for existence," but to transform Nature, to apply a rational art superior to the Natural, and to live, not merely on artificial luxuries, but on rational joys.

Hence it is that when a Nation provides a law for all laws, a rational means for devising and judging all methods, this system of human laws itself, if observed, may be made the best possible development of personal liberty and property for all. The law itself is the "capital" of all,—that by which all is held, operated and increased for the enjoyment of all. Each rational man finds his own designs, operative in and through the law, and has no self-interest, other than that all law and method should be rational,—which is the interest of all. Not his body, but rather his soul is touched by the irrational everywhere. Not his own life, but the life of all is his, and its death is his.

Compare this with the old theory of feudal States, and of commerce as a feud, now made into feuds between men and between associations of employers and employed, under the flag of "self-interest."

What does "self-interest" want of law at all? To defend his interest while he has no regard for others? Then he deems himself, and all, mere robber barons under a law of feud and force. What does the communist want of law? Merely for getting his share of something to be distributed. He, too, thinks that without law there will be only a grab-game. So it must be a law of force. But he would not have it merely static, to prevent taking things by force, but a dynamic, real law which also *gives* by force, and thus settles the "taking." Thus communism is really the force principle for property, resolved from general robbery, into general possession, of "things." It is the logical "evolution" of the "Natural theory" of property, held by English feudalism, and by selfish individualism everywhere. It merely completes that theory by adding its dynamic side.

This basing of property upon the law of force then simply invites its dissolution. It relies upon a "self-interest" in a state of feud and *distrust*, as a mere protection of property, instead of upon a rational law of trust in regard to that designing power which creates it. This reasoning is blind from first to last, whether without law or with it; for it sees only a law of force. Thus (1) If one deems his own interest opposed to that of others, then, to gain anything, he must deprive others. But then his interest for gain is wholly in others, and in their being as fat a prey as possible for him. (2) Yet in his view there is only a conflict of self-interests; and hence there must be a law of force. The conflict is only about what exists. Not the increase, but the distribution is the question. Not the creation but the possession is to be protected. Each wants to keep all he has, and get all the rest if he can; but cannot do so by force. Gain, then, can be only by exchange. There is no general gain by that, for there is no increase. If there is private gain thereby, it must come from cheating or fraud. The general result is only a different distribution. But if this comes by fraud, the law of force ought to prevent it; for it must protect the actual distribution, or it fails of its intent. (3) These two views, then run together into mere consideration of distribution of property. There is no getting any more except by force or fraud. Hence the contempt of the feudal aristocracy for trade. They despised in that a getting by crafty act of thought, instead of by bold act and royal law of force. And they held the land,—the only real property, the Nature-form of it. All other forms of it are ignominious. For Nature alone produces anything; Man cannot. But if all this be true, if force is the only noble way of getting property, and land the only noble form of it, and distribution the only question, then land and all other forms of it must be distributed by force as the only law. Thus this law of force can only set itself against itself in battle array always. When Reason is not recognized as creator and only true protector of

property and all, it will be rejected as arbiter. No other law but that of force will be found. And this is communism; whether as outgrowth of feudal law, or as logical result of feudal thinking, on the part of either capital or labor, or elsewhere.

Communists and feudalists alike treat human law as only one of force. Hence both have false views of its functions. The one would have it restrain all, the other, direct all. Thus both invert its true relation to the rational law. Both treat the man, not as already made by a law of Reason, but as to be made, and by a law of force. The communist only develops this theory from its passive to its active side and thus shows its absurdity. He has the hobby of ordering every one despotically. He would organize an army of creative men on merely mechanical principles, to be directed in everything and to invent nothing. Thus he would really deaden all creative power by treating it as dead. He would liven it up by law of force; "wood it up" like an engine; Man is only a machine. He does not differ, then, essentially, from the Natural theorists, and feudal practice; Man is a product of force, to be ruled by force. He only says that the Natural man and law have failed; and he wants, by a subtler legal art, to create an artificial man;—a man who, recognizing that he is made by force, will know no other reason for obedience; and hence, no doubt, will obey cheerfully—when he must.

But human legislation cannot make a man. This has been conceded even by the British Parliament,—which rather wonders at it, because it "can do everything else." Neither can human law direct men in everything, were it foolish enough to try. A world would have to be destroyed before it could try. An eternity would be needed to rebuild again by that method. The "whole duty of man" cannot be written down in that way, nor in any way. Human law would simply stultify itself, if it treated man as a machine, or as an agnostic; since it is made by man himself. It cannot treat him as Condillac proposed to treat a marble image with view to render it sentient. It must treat him as already designing, and as having in him a rational law-making power.

The civil authority of a free Nation can therefore only require that all action shall be rational; and to this end, provide an organized judgment of what is rational, so that rational methods may be devised for all cases, and irrational methods condemned. This is all it can do, just because it is all the moral law itself in Man, does, or can do and leave him free and responsible. A free Nation can do no more nor less than adopt this moral law itself, and its rational methods of relating the designing power of Man to his other powers. Thus it simply reënacts his own moral nature, and holds him responsible to it. It requires him to be self-governed always by the law of Reason.

But Reason is creative. Human law recognizes it as such in Man. It treats him, not as a machine, but as a creator of machines, and a designer of methods. Hence he must be left free to make his own machines, unless they are infernal, and his own methods of business, unless irrational. But a machine always needs some one to guide it or watch it. This function, even when a child can perform it, is higher than that of any machine. It calls for judgment; it necessitates a trust. What can be trusted but Reason? Even more than anything else, the mechanical calls for it, and is helpless or destructive without it. But so also are all forms of force, all kinds of liberty and property and methods of using them, in an external way,—all are trusts committed to Man. This is necessarily so in respect to what is mechanical, for he alone, as rational, can be trusted with it. It is also true in respect to his gift of Reason; for he risks his own and all others' interests by misuse of that. In every case and for every man, the fundamental truth is: "a trust to keep he has." There is no escape from it,—he must be trusted, since he is free, by men as well as by God. And by the law of both, he is held to this principle of trust, as the basis of his personal freedom in all respects. A true State is not organized like nor as an army, nor by a mutual distrust, but upon a mutual trust. Created by the "word" of Man, upon that it rests.

Whoever looks elsewhere than to this sacred trust, this word of honor, gets false views of *his* liberty and *his* property. Thus a railway engineer, or even flagman, is invested with one of the most exacting trusts; he is watching the stupid mechanical. If he deem it a right of personal liberty for any man to get drunk when he pleases, he will show to all his unfitness for such trusts. And even railroad managers are led by catastrophes to perceive at least that "their property" is in danger where there is no due sense of trust.

The half-way business man is fond of saying he wants to have men "who will look after his interests." He knows his own sort, yet he mistakes his man. He wants smartness more than honesty; and he prefers fast men who are not slow to show him how self-interest works. Or else he wants all the intellectual qualities and moral virtues for less than he gives his wife for pin-money to help "keep up the credit of the business," or otherwise spends in show or worse.

All this, however, seems to be confessing there is little if any of this "trusty" extant, or else little of the Reason which looks for it. But who said that was the state of things in this country? If it were the general verdict of all, then we are self-convicted of communism, and of the meanest sort. But if the conscience of the Nation can rise from this self-examination, and, like the Persian

maiden winging her way towards the LIGHT, can exclaim: "I too, am PURE, am innocent,"—then Reason is indeed amongst us, doing its work. Creative in all, and ruler over all, it is telling us that a blinded self-interest can lead all only to poverty, and that the ways of ignorance are not the ways of freedom.

CHAPTER IX.

BUSINESS METHODS,—PRIVATE AND PUBLIC TRUSTS,— PATENT RIGHTS,—CORPORATIONS.

L. The individual, then, must be trusted; for in him alone can Reason be absolutely free to invent, preserve and transform. From this creative individual activity alone can come property and its increase. Property is the embodiment of a man's inventions; and no otherwise can he show them in this external way. If he be hindered in his holding of that material upon which he must act, and which Reason, as superior to force, has right to rule over and power to transform, then he cannot be freely creative and thus beneficial to all. This is just as true and necessary respecting property as it is in respect to person. The right to person and property stand on the same footing. For to say a man shall have no free rational use of the means by which alone he can act externally, is simply to say that he shall not even stir of his own will.

With regard to either liberty or property, then, of this rational sort, there is no real means of "protecting" it which is not also a true method of freeing it. This we have seen already is the rule for discrimination in the matter of taxation. Here, in looking at the methods of holding and using person and property, we find the same rule holds, and appears now, also, as a getting the most and best out of that individual inventive power which, as rational, can alone be creative.

But, as this is a rational basis for liberty and property as both essentially personal, so also must they have a rational authority without as well as within. The man is trusted only because as rational he knows his duty, his obligation to a Divine Reason within, holding him to the true and the good as authoritative for all. But this rational judgment of what is right can also appear to him without; and must in fact be there organized for all alike with respect to external acts. Otherwise, common rational action is hindered, and that of every individual is thus obliged to be more or less irrational. (rather than to be wholly rational). just so far as this common law or custom is so. Such is even the excuse which many make, that they "have to do as others do" Since this implies that they know better and would like to do better if they could, it only enforces this necessity for making the external authority for acts the most rational possible. Were it fully so, it would entirely correspond with that Divine authority which within

is Religion, and there, as self-forming Reason itself, makes Man himself. But this thinking self-form of it cannot thus appear in any particular creation of Man's own, like a Nation; and still less in the Universe itself as a material affair, the mere slave form of force over which Reason rules as creator; but only in the Universe of Intelligence,—that soul of Reason of which the organized Nation is a type, in that its law is a common thought for all its citizens,—a thought known within, and a thought expressed without.

This made-law of Man, therefore, is to be rationally made, and thus be an authoritative external judgment by all respecting acts; and its system-form is to be organized so that the higher law shall prevail over the lower. This external authority of Reason in a Nation must take, in part, the form of moral suasion. This is so because the law itself acts in that way when it acts best; and when it does not, moral suasion must needs take other forms. For the specific form of law can act very little directorily; nor can it prohibitively reach all cases, because a Nation may have a low moral intent; in which case it will legislate according to that or even below it. This accounts for the fact that in all civic States the "authority" is made no more rational outside than they are willing it should be inside; these two are ever practically made to correspond.

The grade of moral design in a Nation will, therefore, be shown in its laws, and in its kind of products material and other. Its actual morality will be practically revealed in that inventive intelligence which creates all its laws and all the productive activity which they regulate. By this criterion every Nation must be judged. Our Nation has prided itself upon its material growth, its business enterprise, its activity of invention in that regard. These are what are shown to the visitor, and his admiration is naively expected to be ecstatic. But if he chance to ask: "Are these products of a high grade even of their own kind?"—what shall be said? If he ask: "What sort of taste do they evince?" or, going beyond these, inquire: "What are the moral tendencies, sensual? or spiritual?" "What are the business methods; honest? or dishonest?" "What are the effects of this boasted system of local self-government?—do cities rule themselves any better when a State resigns to them its function of a higher organized judgment? or do States rule themselves any better when a whole Nation is held to have no right, and even to be inapt and unfit, for controlling and regulating by its highest judgment matters of the most obvious and pressing common interest?"

Such questions go to the quick, to the very life of a society. And while to the superficial they seem, when they come from foreign observers, to be quite "impertinent" in a double sense, yet we must remember that they have been forced to think more deeply than we of all the elements that go to make up the life of a Nation.

But have we not also had sufficient occasion to think a little beyond the surface, and distrust a merely sensuous theory and practice of life for either individual or nation? Listen to the prophetic words of Webster in 1837, respecting the Nation's disarming itself of all large financial capacity, by stupid interpretations of its "powers," which denied to it all right to create any safe means of its own, even when it was declared obliged to use State banks which were deemed unsafe;—thus it was the clear duty of the Nation to remain unsafe; and it had a clear right to do wrong for *that* purpose!

"Sir, on the subject of currency and of the exchanges of commerce, experience is likely to make us wiser than we now are. These highly interesting subjects, interesting to the property, the business and the means of support of all classes, ought not to be connected with mere party questions and temporary politics. In the business and transactions of life, men need security, steadiness and a permanent system. This is the very last field for the exhibition of experiments."

And yet it is the very field where we have made them. We have even prided ourselves upon doing so, upon the theory that it is really best to let every local government meddle with everything, high or low, general or special. Thus we fancy we get a fine variety of experiments, as the only real road to truth respecting what is already known; as well as affording the finest school for statesmen, in a freedom as irrational as possible.

All this way of thinking runs straight down to that merely individualistic sense of "my property," and "my liberty" which prevails in England; but has with us no such check as there, in the necessity for a total judgment upon everything. Even there, it shows itself essentially despotic; for, as "every man's house is his castle," so is the whole Nation itself ruled like a feudal castle. But here, it rules like a communistic worship of the sensuous. It runs to views of personal liberty, which not only plunder cities as political "spoils," but also demoralize the inner authority so thoroughly that marriage is made a mockery, divorce a mere convenience, and the home itself is invaded by a spoiler who has lost the last sense of all sanctity and calls himself beast "derived from the beast."

Thus property and person go to wreck together, when no rational principle is found from which to "derive" them, and by which to rule them. Business cannot safely tear itself loose from its only sound basis. Noble and not few were those business men with head and heart enough to realize this, and go to the rescue of the Nation when that "experience" arrived which Webster foretold. Many there are still who see that all is not done; see the absurdity of this lack of supremacy for what is general, and the insanity of subjecting it to so many different authorities, some as plainly too vicious as others are

too ignorant. It is not a party question; so that there are business men of both parties who know all this better than it can be told. Yet such are the various difficulties of the situation, moral as well as legal, that some of them might be led to measures from which others would refrain on account of "constitutional scruples." These are apt to dissuade even good men; and even when there is only a question of amending the Constitution, some shrink. But in any case, for the plunderer to mount on one of these, swells him beyond all recognition. He becomes a truly inspired man when he is "defending the Constitution." Why should he doubt its perfection when he is told it prevents good legislation? In that case, the bad is constitutional, and no other is justifiable; he is the only man who does his whole duty or fully understands it. In such debates it would seem that the Constitution might well ask: "What am I, that this man should speak well of me?"

Besides, there are in both parties many so-called business men who cannot be reached by any considerations which take them very high up; they are not used to it, and call it "going up in a balloon." It is difficult enough to asphyxiate them, but easy to take their breath away in pure air. These are usually "personal liberty" men. Others are Gradgrinds, knowing only their own "experience" and calling for "facts" of a rocky solidity. Such men are unaware of facts of the most universal sort, in which all live and breathe, and without which they and "their business" would perish instantly. There are many of this baser sort who deserve the contempt Napoleon expressed for "a nation of shopkeepers." Neither readers nor thinkers, as our farmers usually are, they maunder only about "my property," "my interest." Politicians have learned their nature, and that it requires an appeal to the pocket-personal. Touch that and you wake them up; "the country is in danger!" Otherwise—"let the country slide!"

But we must not be too hard upon ourselves; that takes away our courage. The national vanity is not easily put down, it is true. It likes to have a whack occasionally at those foreigners who criticise us; that consoles it. It may not soar as much as formerly; nor spread the eagle so unlimitedly on Fourth of July as to render him static, and declare him already there. This is better; he is still on the wing; then he has higher and better worlds to conquer. Yet, on the whole, we deem ourselves at least "as good as anybody,"—if not a little better, just a shade or two.

II. That we might at least become so, the fathers of the republic seem to have fancied. They provided for such a contingency, by putting in the Constitution a National right to regulate and give property trust to that rational power of invention which creates all. They did not deem it necessary that we should "get all from without," whether

as things or ideas. In respect to things, it is conceded that we have not. In respect to ideas, English theories on that subject still prevent their admitting the same. But the former case really seems to include the latter, and confute the theory itself as purely nonsensical for any Nation to entertain, and a very poor one to practice upon. There is no monopoly of idea; none is possible. Hence no one can "get" nor "give," buy nor sell it. It is free to all. On this great fact, patent laws are founded.

Patent laws say that no one can patent an idea, but only a machine which represents its application in some particular form. Any other man who looks at that machine may or may not recognize at once "just my idea, (as we often say also of some language-form in which we find idea expressed but not monopolized). But, in any case, if he "gets" any idea at all from it, that idea belongs to him also. And if he can give it another form, and by different means better or worse, in another machine, this latter is his "invention." For this universal creator, Reason, is not possessed exclusively by any; it is in all a personal liberty to "invent and create." But its products are possessable and ownable by their maker, under that divine right in all to transform the power of force for good purposes, by the power of Reason. The products of this process are the mere "bodies" it takes, and must take to thus appear at all. But their usefulness must determine their worth; and competitors are put upon that criterion. Hence the idea, being free to all, will in time run through all its usable forms of this sort. This will exhaust all the fertility stimulated in it, by what at first seemed a privilege to the inventor, but which experience has taught him is rather a stern demand to begin with the best, if he expects any special advantage from his "patented right,"—to merely that machine.

The case of copyright is similar. The law can make property only of the form chosen to give expression to ideas. This is no monopoly of the ideas. Some form of expression is necessary to their being read; but for the same ideas this expression may be varied infinitely. Each chooses his own form and has right only to that. Others can give different expression to the same ideas, either originally or by translation; and each has right to his own invented form, be it better or worse.

Thus the fathers clearly grasped and expressed the principle of rational invention and creation, as being, by its right to the fruit of its labors, and by the necessity of this external form in which to secure that reward, what lies at the basis of property,—merely the creative energy of a rational personal liberty. And the supervision of it in this particular form was given to the Nation, no doubt, in order to secure it in a general way, and not leave it subject to many different modi-

fications by a merely local legislation. It was also given, perhaps, because there was little clear apprehension of this principle of invention, either as to its right or its fertility. Had its reach been foreseen, would it have been "expressly granted?" Apparently not, since Northern States assumed to grant steamboat rights, and Southern States helped planters to steal Whitney's cotton-gin. Every power, "express" or implied, of the Nation was wrangled over, simply because this designing, inventive power was not seen to be the very basis of the Constitution, and to have expressed, in that, its intent and power to be a free self-forming. The "express power" to amend implied all that. There was to be a free devising of all needful means and methods for this complete self-government. For even the general design was not presumed to be beyond amendment. As in the case of every inventor, what is "best" is always to be sought; that is the interest of each because it is the interest of all.

The right of each to make, and of all to have good inventions, whether mechanical or intellectual, thus illustrates the true principle of government. The comity of nations has also recognized the rationality of such a property or rather personal right, and seeks to assure its due reward as for the interest of all. For, as before noted, commerce between nations depends for its growth upon this exhaustless principle of invention. This creative Reason, since it is in all, has a word for all to the soul, as well as a toy for all to the eye. By this double bait, it unites all in an ever-growing use, because need, of each other.

But under our system, the States were left quite free to devise laws and methods respecting personal liberty and property of other sorts. Were these any less general in their nature? Not at all. But in respect to them, there seemed to be a "common law," and a very general agreement as to principle. But this being the English no-principle, the feudal view, the real principle of trust as basis was overlooked; it was treated as exceptional instead of general. Hence also was disregarded the essential need of securing general methods for use and management of that inventive principle which shapes both liberty and property. The vagaries resulting from this in respect to views of personal liberty have already been noticed in part, and will be further considered under the topic of Morality. Such as resulted in false views of property have also been largely treated; but it remains to note, in what way the general business and commerce of the Nation can best seize upon a remedy.

In general, it is clear that the remedy for all abuse or misuse of either liberty or property, so far as the law can furnish it, is in carrying out the main design of the Nation,—to seek for and devise legal methods, rational methods, wherever needed; so that there shall be

no excuse for resort to force or to other irrational modes of action. How *not* to do this, seems to have been for many the "great principle" for interpreting, and hence also for administration.

III. This neglect of general methods for regulating use of property has been chiefly irrational, and most widely injurious, in the case of corporations. No doubt, in respect to other forms and uses of property, laws can be made well enough by the States, if they realize the need, and act under a rational view of it. But personal liberty and property of all kinds are really affairs of National vitality. They are even placed under a National guarantee that "no one shall be deprived of them without due process of law." But a merely technical, feudal interpretation has been given to this. Hence there are a great many ways of doing it without either law or reason. State constitutions also repeat this technical phrase, which means only that parties shall have a "trial" after they come into conflict. But we do not live in a feudal age, nor under a feudal theory. Our liberty and property are designed to be guided only by rational law, since they exist only in that. The National guarantee should therefore be rescued from its merely technical form, and "law" be made to mean rational law; so that wherever that does not exist, it should be made, and where irrational law exists, there shall be sanction for its being supervised and overruled by a National judgment. Are not liberty and property of a rational sort entitled to that? Under what other ægis will they be secure, than this of a general, rational judgment in accord with the design of this Nation at least, if not with the "spirit of the age!" Without it, the roots of both will be sapped by communism and demagogy. Without it, both capital and labor will eventually perish, "deprived. (for even now they are), of their liberty without due process of law."

Corporations, however, are said to have "no soul." And if so, they are peculiarly in need of proper charters and supervision; for the soulless cannot be trusted. But these charters are their souls. Corporate powers themselves are merely trusts. Corporations, therefore, have property committed to them in its most general, mechanical form, as something to be managed, and in a certain way defined in their charters, and for public purposes also described. In the one phase, such trusts require as much caution as a steam engine. In the other, they relate the trust in such a way as to call for a legislation wholly general. This is the more obvious when we consider that the extent of power thus accumulated in a mechanical form is enormous in the whole, and often allowed to be so in single cases; while the management of all this business is to be exercised, almost always, in many if not all the States. The Nation must organize the corporations, if they are to operate in Territories; it may do so, if they operate in various

States. Why should it not alone do this in all cases of any general character? Its courts are liable to be called upon to interpret such trusts in almost every case. It is convenient, no doubt, to have State courts help adjudicate upon them; but this need not be prevented. And were State functions, in general, more judicial and less legislative, far better would it be for States and for all. Then the general interests would be better subserved, because recognized as they really are;—in all things, and mainly a judicial matter of mutual trust to be referred at once to general principles. The Nation itself is the general corporation, and the States are subordinate ones, in an organized system of trusts.

In fact, as we have seen, no real interest is other than general, mutual, rational. Neither liberty nor property are created by human law, but by rational act. Legislation can only recognize, protect and preserve them as existing trusts. And since it is convenient to have local legislation for some objects, and local judgments of what methods are rational for some particular business according to circumstances, this free diversity also should be established on some general principle, and not left to mere fickleness or haphazard. Now we have found the general principle of all right legislation to be, that it should free and favor all rational inventions, and discourage and prevent the irrational. The invention of business methods seems, at first, to be left free to all. But every business man finds he must conform also to others' methods; and more and more so, the more general his sphere of business. These business methods, then, must really be made in common. They need a common law, either express, or implied by custom. It is pretty clear that the invention of bad methods, and the abuse of good ones, have not been hindered, but rather favored, by State legislation. This is reversing the true principle; and of course is injurious and demoralizing to all.

To confine our view to corporations; pray, what are they? and what is their design? Clearly they are merely an invented method of accumulating property, under a single management, for a creative purpose. They imply, then, that the object sought is beyond the scope of private means, and ask for such a combined action, because a public service is to be performed. Especially is this the plea when they propose to issue stock which all can take and are asked to take. In this case, their theory verges upon that of the communist who wants the interests of all handled in a way analogous to this, and deems that every one can grow rich by having a paper-form of property which can be manufactured to order.

Though no civil law can create a man, it can create corporations, and must if they exist at all. It does so on their promise to be public servants; and on this reasonable plea,—that just as an intensity of

powder-force is necessary to carry a shot far, or just as a high and vast reservoir is necessary for distributing water widely and raising it everywhere to the height at which it starts, so are accumulations of property necessary for any large purposes, and for securing the highest ascent of a whole community, not merely in material welfare, but also to the fruitful hill of Science, and the shining heights of Art. For their object is not merely to distribute "water"; they propose a higher organization of intelligence, and better methods for its combined action; so that the highest intelligence may be secured and used both for devising and executing. This is analogous to what is done in organizing a Nation for its best and freest designing activity. And it would seem that so noble a purpose ought to exalt those who further it to its own height of moral design. Especially when many join in it, and say a few are not enough, but that even all must help where all are benefited, they rise, awares or unawares, to the very keystone of all interests, and say that the property and liberty of each are but trusts, to be used by each so as to work for all.

In fact, corporations have been, for English law, the great means of escape from feudal notions and methods of government. In them, was first discerned the moral relation Man has to both liberty and property. As self-governments, moralized by the law of trust, and thus in confiding unity with all, they were in strong contrast with feudal forms; which were always bristling with force, because grounded on that independence which deems itself solitary, of no benefit to others, and hence in war with all. Feudalism knew not what use to make of its liberty except to fight, nor of its capital except to keep it; they were rights without duties, so long as no rational use for either was seen which made of them a common benefit. Then corporations came forward, not merely as capital, but also as labor;—they did not sever but cemented the unity of these. They claimed to give to capital, through inventive labor, a creative use, and for the benefit of all. The power to do this was also a duty to do it. Thus property and liberty had each found a duty as well as a right. They were redeemed from the feudal Natural law, and brought under the moral law of Reason; and corporations were a means for this great step.

For, in the corporation, the creative power was to be regulated as a trust, and rationally confined to good objects and methods. It asked the sanction, use and help of law, because its purpose was for the good of all. That such subordinate associations were created to act apart from the rest of the community, only bound them closer to it by a trust in behalf of all. And the object of this public trust was the same as that of the official trust which the members must commit to the managers; the latter, therefore, had really only the public interest to consider, and should be held to it for the sake of the private

interest itself. Thus were both liberty and property held up in their public character, and no longer as mere rights without duties as to their use.

While the English have made of corporations, and of associative effort generally, an education into free government, we have made of them a school for communistic selfishness. The English have used them to organize their manufactures, and to methodize generally that inventive power which has been winning its way to the government of the whole Nation. They have there helped to overthrow the old notions that property could be only a Natural thing, and liberty only a Natural right; because a corporation, when administered rightly, requires both of them to be treated as rational trusts. The English have thus found liberty and property to be, not static things to be held by force, but dynamic powers to be used as trusts; not something rigid on which to build and maintain permanent classes in society; but an ever active, and hence changing reality, depending on an inventive genius which really makes Man what he is, and is the only rational ground for distinctions between men.

But we have looked only on the abstract, "soulless" side of corporations. It would seem that from all associative effort, more or less, we have abstracted the essential character of trust. Hence labor, calling its corporate opponent soulless, has made itself also soulless to mend the matter;—or, rather, it becomes feudal. For it does not generally make itself into a laboring corporation, but rather into a fighting one. Nay, worse, it may avoid all law and all light; it may become secret, and even eschew all rational criterions. Does it not habitually pledge itself to act, not by rational, but by arbitrary methods; not by the best but by the worst judgments; not to seek arbitration or ask for legal methods of any sort, but to try the law of force, and see which party can stand the injury longest? In all this, labor deems it is not bound to think at all of the public interest and injury, because capital does not. Clearly the law of trust is what needs to be seen here, in its all-pervading nature, and to be made, by legal methods, a regulator for all. Otherwise, corporations used by capital under law, and by labor without law, will simply disorganize both capital and labor, dissolve the whole Nation into mere communistic agitation, by abuse of trust on one side, and blindness to it on the other. With this vital law gone, all is gone; chaos returns.

Now, in the corporation, we have invested in the "directors," a double trust for them apparently. An honest man, so regarding it, might hesitate, perhaps, between his duty to the public, and his duty to the corporation.

A half-way thinking here will fail to see that these duties are but one and the same; and that no really profitable management can find

it otherwise. It is no more than the same apparent double-trust which every man, rich or poor, has, to treat the public interest as alone his interest. The half-way thinking of this principle by corporation-managers will, however, if honest, be desirous of having such a higher supervision and authoritative guidance by public law, that they will be relieved from what seems to them to be a judging and choice between two duties. But how silly, for either the corporation or the public, to put such questions to men of self-interest. Such men, as directors, soon put into effect that "law" which takes for the lawyer the oyster and gives to the litigants the shells. To such directors is due also that kind of litigation in courts which makes of the law itself a travesty of justice, and eater of the oyster; so that no interests whatever are subserved by it; not even that of lawyers; for that depends, like every thing else, upon the general interest, and in this case, not upon such a locking-up of courts, but upon their being open and just to all.

Thus a true theory is stultified, and a noble purpose frustrated, by the misuse of corporations. It simply defeats the interest of all concerned. Corporations themselves might see it, must see it. What is their excuse for it? Is there no proper law on the subject, or do they allow even their own law to be maladministered? Take for example a corn-exchange. The reputed object of this is to keep the run of real prices; and hence the creation of artificial ones is a crime against the business itself, and ought to bring expulsion of the offender from the association in mere self-defence. Let this same thing be done by a newspaper professing to report the truth, and they would deem it a public offence, a fraud on the public. Is such a use of the corporation itself any different in its character? So also with a stock-exchange. The importance of this seems to be, if not magnified, at least quite misunderstood, especially by those close to it, and with that dead-man's penny on the eye which shuts out all the world besides. All over the world, such institutions seem mainly used for the merest gambling purposes. They create a general demoralizing thirst for getting property in that way, by betting upon everything,—horse-races, prize-fights, dog-fights, billiards, boat-races, and worst of all, elections;—even they are put in this dirty "pool" and come out from it stained and ghastly with fraud. This is an education into gambling. Worship "success" by that, and chance or fraud is the god; rational government becomes impossible.

But what gives to a stock-exchange some moral purpose and right to be? To watch the corporations. These, in every civilized country, very largely involve and manage the public interests. And just so far as large accumulations are in that form by reason of not being in any other, they do so more and more; so that they would become a necessary communistic machinery of the most rational sort, were there no

other form of property but their stocks. Hence the more a stock-exchange uses these for individual gambling, the more it defeats its own ostensible purpose,—to determine the actual values and ratios of such corporate trusts as exist. All truth goes by the board, overboard; and lies are the food afforded to the public. A poor diet for them, it is not less so for those who profit than for those who lose thereby. The truth avenges itself. Such uses of a stock-exchange outlaw it, declare it to be nothing but a nuisance, to be avoided by honesty. It thus runs more and more into the hands of dishonesty, till it must be suppressed by law, if it be not already an utter wreck. That is what a moral public opinion will say and do respecting such institutions, however tenderly legislative committees may deal with them and send far and wide for opinions about them. If they gamble, they must fall. The criterion is clear, the remedy also, for them.

But in these stock-exchanges we have the most general view of all the corporate interests of the country. There, is professedly a judgment by others, or an exhibition by themselves, of their several characters and dispositions. Such a judgment of them may be made a very valuable one, if it be just and severely held to true principles. Let such a verdict be made up by noble-minded men, out of whose very presence the sharper slinks abashed, and it protects the public as well as themselves. Then, neither fancy stocks nor fancy men are admitted to any consideration. Noble would be such a purpose, but noble also must be its execution. Is there any sign of its existence in such a form? Surely not in this country nor any other can the stock-exchange be found which is kept clean from gambling. Is there any where "self-interest" is not either practically allowed to rule the board, or theoretically regarded as the arbiter of all?

Corporations, then, stand forth as peculiarly personal trusts created for public uses, and hence requiring the noblest men for their management. They thus refer themselves directly to the highest principles for their government both from within and from without. They, too, it would seem, must be trusted; especially by a nation where property is most equally distributed; also by a free people, since only in this way can they realize their highest inventions either in property or in methods of business. And when the people of this country are asked to let the National government itself, the highest corporation, either build or manage its railroads and telegraphs as well as its post-office, they generally object to this, as involving an "army of officials," and add that "we cannot trust even those we have already." If that be so, it betokens that we stand as yet on no boastworthy height in the matter of elections and civil service reform. And this renders still more necessary a recourse to corporations. But suppose the government created and used them, or even only competed with them, for such purposes?

An English expert, in comparing a government service of telegraphs with a corporate one, concedes that the latter is more wide-awake in securing the best mechanic instruments. Unscrupulous it may be in watering its stock, and in claiming percentage on the water as a criterion of the cheapest service, while it also enforces this claim by a very inventive and ingenious gobbling-up of all competitors. Some of the latter, indeed, only enter the field to be gobbled. And thus we have between corporations a handling of the prior powers of monopoly, which must put the great law of competition quite at its wit's ends. This does not work so, as we have seen, in the case of pure inventions; they begin as monopoly, but can continue such only by being the best at first. But corporations, like patent-rights, are limited in duration; so that their subsequent career must depend, if it is rationally judged, upon their conduct in the past: any renewal of their powers should be adjusted to that. They too, therefore, may be made to depend, as to their monopoly, upon the fact that their invention and use of methods is the best. And so far as these are mechanical methods, their very life depends upon their having the best. They cannot make way against competitors with a better patent-right. But so indeed it would be, were all their methods watched and treated, as some of them higher trusts than patent-rights, and all held really on the same principle. The law of competition works, either for or against them, only through better methods of all kinds. And these will assure success to the best, if the worst be not favored by a corrupt or stupidly neglectful legislation.

We thus come back again to the true principle that the good invention is to be stimulated and the bad invention suppressed. That is what human law is for in all its phases. And how is this purpose of it to be best secured in this vastly important sphere of corporations? Professing to be peculiarly public servants, they cannot object to be peculiarly held to the highest and most general judgment. The people, little as they may trust these corporations, profess to trust still less, the men they elect, or who are appointed to subordinate offices. From both sides, then, comes a reference to the highest tribunal—the Nation itself. Under its own eye, in its highest sphere of legislation let them be shaped and fitted for their work, and by its highest courts let them be judged.

Particularly is such a reference proper in the case of banks, railroads and carriers of all kinds, and all corporations which offer a general stock to the public at large. The two former indeed, come under "express powers" of the Nation to regulate its general commerce and finance. What has been said of the latter shows that it comes even more under a power vital to every nation to protect its public against fraud and bad management of general trusts; a matter very essential

to the "public welfare," whether that be taken as material, intellectual or moral. It is merely a guardianship of that principle of rational invention creative in all, and of that sacred trust reposed by all in all. And there can be little doubt that had telegraphs existed when the Constitution was made, they would have been treated as a form and part of the postal service.

As to scruples in respect to constitutional power, Mr. Webster is very safe to follow. He never exceeded that clear understanding of "what is," which, in statesmanship as elsewhere, looks only to what is already definitely organized and actually formal, and not beyond this to (what also is), the rational power and right to organize whatever ought to be. It was just this looking at the Constitution as fixed, and quarrelling about what it was, that blinded to what it was—a general power to design, hence a moral responsibility to devise whatever was necessary. But it was denied even power to devise such financial methods as were conceded to be needed. Hence the experience which made us wiser on that point. And in speaking on that subject Mr. Webster announced what is surely a very safe general principle respecting all corporations. "No government creates corporations for the mere purpose of giving existence to an artificial body. It is the end designed, the use to which it is to be applied, that decides the question in general whether the power exists to create such bodies."

Now when we look to "the end designed, the use to which it is to be applied," as a criterion of power and right to create a corporation, a great many existing corporations would seem to stand a poor chance under the National eye. If the end designed is to "salt mines," or if the "use" of the corporation is to enable issue of false stock, if, in general, the end and use are simply to fleece the public, and to hide the way it is done, such ends and uses would scarcely bear the blaze of a National discussion, nor even dare to present themselves in their ugliness before it. A National Congress would indeed gladly deny itself any power for such purposes. But how readily is such "power" and "right" conceded to States! Have they, then, expressly reserved to them all the powers to do wrong and call it a right? This end and use of an evil sort presents itself unabashed before State legislatures. There, under the unblushing front of "my interest," it invents freely enough how easiest to "pluck the public goose." And the constitutional orator quite outdoes himself in defending this great "reserved right" of the States. Such absurd views run quick into the veins of all. The individual deems himself only provided by the State itself with an invention which he can use to better serve his selfish ends. The corporation also has the notion that it is, at most, only "making a contract," which is to be literally interpreted in favor of *its* interest, by a judge blind to any trust in it, either as to its end or use.

Is it singular that, thus made and judged, corporations have been fruitful servants to villainy? Either by management of them, or by gambling in their stocks, have usually been acquired those sudden, suspicious fortunes, which betoken that no work has been done for the public, except to damage it. When such fortunes are also managers of corporations, they are their own enemy in possession of them. For the only reason for a corporation is, that the fortunes of many must needs be thus united for a common end and use, and that thus alone can a good and great design be carried out. Ordinary means certainly suffice for evil uses. Large accumulations for evil purposes, or using corporations, either directly or indirectly for such ends, are a terrible sign for a Nation.

A proper regulation of corporations will therefore tend to prevent these quick and ill gotten accumulations, which curse a community "both in its basket and in its store;" corrupt its inventive genius and thus wreck the vitality intended to be aided by corporations. These will be restored to their only logical basis, a need of mutual coöperation; because, no man having got by evil means, none are so rich but that a really grand public work requires all to work together. Such is the Nation itself,—a coöperation of all. The corporation must come to its own type as a sacred trust, must be formed and controlled by the same principle.

While a great public interest will be thus subserved by the due exercise of a public right, no individual interest can be other than benefited thereby. Vast accumulations in private hands are conceded to be an evil in many ways, both to this and other countries, but nowhere so much as here, have they been due chiefly to a misuse of corporations, the very means supposed to imply their absence. But, however got, they can only make a slave of their owner and thus be injurious to him. In others they excite beyond all measure an irrational greed, and tend to make its methods more unscrupulous. They at least seem to impoverish others, and must really do so either when ill-got, ill-spent or ill managed. In any case, they tend to be wasteful and demoralizing. No wise man would wish to put upon his children such burdens; nor would they wish it if, by a proper education, they had escaped their temptations.

The misuse of capital, and chiefly by corporations, is what has roused the ire of labor, and thus blinded it also by pugnacious views of self-interest. But, as we have seen, capital and labor are really both organized in corporations. The true corporation cannot exist without uniting both and working for both, as its very purpose. It secures the best use of both, by best division and methods of labor. This fact alone is what makes corporations profitable to all. Hence *there are* labor organizations which also enter this field. Their object

is at first usually deemed to be, to get a larger share of the profits for labor. But if the real object is not to increase the total profits, where is the larger share to come from? The business must be small, if capital is lacking; wasteful, if done on credit. Such associations, therefore, often fail through false views of their object, or of what is necessary to attain it. Wiser perhaps, is the method, sometimes adopted, of partly paying the labor by a share of the profits. This recognizes what the rational purpose of all must be,—to create, so that there shall be profits to divide.

Any splitting asunder of capital and labor therefore, is simply absurd. Poor men cannot bring much capital together; some none at all. They depend wholly, then, upon there being something created as profits. Capital also depends wholly upon the same creation; for its object is to increase, not grow less, and this is the interest of all, since capital is a needed means—its increase is not merely for profits, but for augmenting one of the means for profits. In this relation of capital and labor, capital represents the past, and labor the future, connected in a present which is creating a better future for both because for each. Split them apart, and there is no such present. In that case, capital is an idleness, and labor a want. Let them organize against each other in this attitude, and this is only a declared feud between past and future. The one is an organized idleness, the other an organized hunger, and each is devouring itself. So long as it continues in this shape, it is the feudal ages revived. If it maintains this absurd divorce between capital and labor, its tendency, in modern times, must be to communism or other form of despotism.

Now, in general politics, the popular party is the party of the past in respect to ideas. It is feudal towards property, jealous of its increase, though this increase is just what intelligent labor needs most. It sees only the property side in corporations. And the other party tends to false views of self-interest, and hence to regard capital as something independent, to protect it merely as a past and not as something to be made productive for the future; and so it, also, parts it from labor. But when capital and labor are thus falsely divorced, capital itself is the party of the past, and labor a party of the future, but of a communistic future. The parties thus change sides, but only as parties of force, the one to devour capital, the other to defend it on a principle which attacks it, and hence in a way just as fatal to it. No wonder communism grins at this contest, and licks its lips waiting for the feast to fall to it from feud between capital and labor.

What rational object, then, can either capital or labor have except to organize legal methods whereby to prevent all waste and ensure the best and largest production? To resort to mere opposition and "war," is itself simply waste for both. To resort to force is to overturn all

rational law, and hence all creation. To use bribery is also a waste and a corruption: if begun, it must be kept up till it rots all. Here, as in politics, if either capital or labor looks only on the past as spoils, it only betrays itself into slavery: whichever worships money will be ruled by it.

In both spheres of organization, therefore, whether that of politics, or that of business, it is clearly for the true interest of both capital and labor, to secure a better future, through legal, orderly methods which will prevent waste, idleness or corruption. No other recourse is at all rational or profitable for either. The main object of organization, in any case, is to secure the guidance of the best intelligence, and the most efficient methods which that can devise. Ignorance therefore is to be avoided. What is bought and sold in politics is ignorance. What a despotic wealth can easiest rule, but cannot best produce with, is ignorance. What divides capital and labor into mere feud, is nothing but ignorance, whether in the one or the other. Every intelligent worker knows that the ignorant and vicious are always the best tools for every bad policy, whether in the supposed interest of capital or of labor. The only true safety, then, is in education, which gives all a respect for intelligence, and a desire to see it organize legal and rational methods in all spheres of action. The use of such methods is itself a good education; that of any other, a bad one.

Sound business men of both parties know well the need for some such legal measures as have been suggested, to be wisely devised and rigidly executed. They should in all business methods secure that view of their purpose which recognizes business, not as a feudal strife between men, but as a mutual common creation of a common benefit. They should honor that honesty which we should blush to call "the best policy" since it is the very life of all manhood, and hence also of all nationality. In getting such reforms, let them take counsel of their conscience rather than of their fears. Surely those who came to the rescue of the Nation from its financial distress, will also come at the first call to help in this matter, just as important, and perhaps even more critical, at this turning-point of our National history.

But it is a call to all. They who wish to acquire honestly also wish others to be prevented from frustrating them by dishonesty. Those who wish to employ money in ways useful to all, and thus reconcile capital and labor, would also have harmful use or waste of it prevented. Those who recognize as worthy of reward a useful inventive genius, a faculty for organizing skillfully, and fair play in an open field, want foul play put down, and a genius for evil tricks subdued. Those who have felt their own legitimate business shaken, undermined or swept away by panics or "corners" growing out of a gamb-

ling use of money by others, realize the importance of having gambling in all its forms, but especially in this, made to hide its head in a penitentiary.

The possession of many enormous private fortunes seems to subject the public to the effects of whatever whimsies, incapacities or faults of character may attach to the possessor. But the largest possessor of property has the largest stake in this improvement of methods for use of property. If he wish to live at his ease, then others must use the property, and enhance or depreciate its value. If he wish to follow higher pursuits of study, he can scarcely fail to get higher views than merely selfish ones of the relation of men to each other in a Nation. Men of all sorts and of all degrees of wealth, want their children and those of others protected against a mere lust for material gain, or sensual pleasures which waste money and man together.

As Webster has said, it is no party question, nor one of temporary politics. It is really a moral question of simple honesty, and hence also an affair of education. Education is essentially a proper moral training and development of personal liberty, of that power to invent which creates property while morality preserves it. Property, above all things, then, is best fructified and profited in all ways, by a right public education of all. Even the English force-theorists begin to see that, though they confess it with a groan, and deem themselves only forced to see it. They see it now only dimly, but more and more every time they decrease the property qualification for the elector. They will see it more clearly, (and so shall we), when they increase the intelligence qualification of the elected.

CHAPTER X.

THEORY AND PRACTICE OF EDUCATION IN THE NATION.

I.—ETHICAL THEORIES OF EDUCATION AND EVOLUTION.

II.—PRACTICAL EDUCATION IN SCHOOLS.

III.—LITERATURE.

IV.—THE PRESS.

Both in theory and operation, and in all its spheres, the civil polity of this Nation treats Man as a designing power. The utility of education, therefore, is obvious, for the purpose of it is clear. It is even among the truths self-evident that a designing power can be educated. For the power to design is also the power to understand. It understands all just so far as it can redesign, think the formative law of that which is to be understood.

But if Man is not thus recognized as a designing power, both the utility and the purpose of education become uncertain, and its methods will be grounded on false theories. All such theories, therefore, should be discarded, especially that which seeks to derive him from a law of force; for, if such be his origin, there is no basis for education. Nor is there any safety in it, on such mechanical theories, which would make of the biggest blow the best reason, and of dynamite the model ruler. Our civil polity is in total opposition to all such views of Man; and it is not worth while, perhaps, to notice the grosser forms of them here.

A civil polity, however, is itself an evolution of Man's ethical thinking. Education is his effort to reproduce and continue in others the morality thus developed into a civil polity. Hence it will be applied according to the ethical theory,—the conception of morality.—But education is, for the man to whom it is applied, itself a development;—but of what? and from what? This ultimate question is the modern question of "evolution." And only a right answer to it can settle the true methods of education, and the "first principles" of ethics. It may be well, therefore, before touching upon our education, to notice briefly those theories of ethics and evolution upon which its theory and practice must always turn.

I. Education and Ethics are closely united. Theories of either will show their twinship. This has already been indicated in what precedes. The morality of a society is practically their habits of action;

their science is their habits of thinking. Mere habits seem to go of themselves, and hence are called "very natural." They come to set easy like old shoes, so that it requires a sore place to induce us to change an old one even if bad. In serious matters, indeed, only a very uneasy inventive mind is audacious enough to demand something wholly new. In respect to shoes and the like, the imp of invention may have his own way, under the smiles of the fickle-minded fair. But when it comes to "changing the customs of the country," the more rigid masculine mind stands aghast, and sees not how it can survive such deadly stabs at all our habitual morality, such disrespect for all authority. The shoes we can compromise about; they are not Natural. But legal customs are Natural. Have they not become law of themselves? Are they not derived from Natural instincts, and founded on the very ancestors of us all?

Evidently there must be a change of such habits of thinking, before a change of customs reputed to have such an origin and authority. The habit of thinking has unconsciously accepted for its only authority a common outer habit of acting; whatever thinking conflicts with that is "immoral." Hence the Ethics will expend all their energy on finding an origin and law for these outer acts alone, and be wholly blind to any other law or origin for thinking. Its theories of Education will rather wonder why or whether there is really any thinking at all. And indeed it is a wonder any is left under such a treatment of it. It ought to be proof enough of its priority that it "can stand anything" since it can stand that.

The "first principle" of Ethics, since it treats of a law for action, ought to be the first that acts,—the prime doer, the all-doer. This cannot be an abstract force; it must be a moral form of doing,—Thought and Will. This, as we have seen, may be "found" externally as a moralized authority in States, but only when it is organized and put there by the creative word of Man. It represents his thought and will, not his body nor his Natural instincts. Hence the "first principle" of Education also starts from the same creative reality. And it should be recognized as such a reality in Man, or the "best-laid plans," for cultivating it like a potato-vine will "gang oft and far a-glee."

Yet "habit is a ruler of men,"—"Tis a second Nature?—nay, "'tis ten times Nature," cries Wellington. For a mechanical thinking, Nature only seems, in habit, to intensify itself as force still; hence its education of soldiers is only one of discipline, and considers their intelligence rather useless till experience teaches the contrary. So in civil societies, when the poor man cringes to the rich, this is said to be habit,—he "can't help it, it is a Natural law." And on the whole it would be very wrong to educate him out of it;—"would you overthrow the institutions of the land, sir?" And as his duty to cringe teaches

him his right when he gets rich to make others cringe, it inspires in all a mania to have this great power and right to make men crawl like their "ancestors."

Again, in respect to "established classes," when even an intelligence king-like enough to be called to guide a Nation, as in a Gladstone, is supposed to defer to mere rank, that is very natural and Ethical; an impulsive Burns may protest against it, but no man of "proper education" will do so. Even the highest intelligence is Naturally inferior to "blood;" for the custom and law of the land says so. And so this outer authority, when it ignores the inner and calls that an unknowable even for Ethics, makes, of what it calls doing right, and true morality, a sign of inferiority when it is done by intelligence, and of superiority when it is demanded, as it generally is, only by an imbecile. Against all such Ethics or Education, Heaven defend us!

Where nations have made or kept for themselves that organization of society by "classes," which seems a sort of heavenly hierarchy to those on top, there is at the bottom a crushed-out class which can doubtless be made to serve as "the connecting link" for deriving Man's origin from at least as far down as the chimpanzee, if not to pure "protoplasm." Education of this lowest class seems to the higher class very much such an affair as taming animals instead of letting them run wild. They can see in them an inborn incapacity, but not an innate capacity. Such is the force of habit with these crushed-out creatures that the attempt to lift them by education is "absurd." It can only make them fall deeper into the dominion of their brutal instincts, because it merely energizes their desires, by giving them use of larger mechanical organs which extend their view. And indeed that is a danger for a mechanical type of education! True education is really a transformation of habits of thinking, but these Naturalistic theorists do not recognize any thinking at all perhaps.—no "innate ideas," at least not in the lower classes. Hence for the Hindoos, thinking was only for the few, and for the modern sensualist, there is none at all except as a "higher habit."

Thus for the lower classes the habit of not thinking, or of vicious thinking, is regarded as invincible; and for the upper classes, habit is an affair of "blood," and thinking is a habit of good taste, and this also is invincible in the same mechanical way. Both classes come by habit to see and feel the "force" of this argument. Neither recognizes that for a thinking-man, habit, whether of thought or taste, is something he can transform *ab initio*, and need not be a slave to it in any shape. Hence the crushed-out class are prone to an abject self-surrender to "instinct" and habit. They have been told so often that they have no capacity but much incapacity, that even a Shakespeare or

Burns springing from their class does not reveal to them the Divine origin of this gift of Reason, this genius for creation. They have not been taught to read even their own prophets; what should they know of them? Even the Bible held forth to them as inspired, must be interpreted for them; since they do not know enough to interpret it. And if they cannot, what is the use of it? Is it a mockery of their instincts which have no capacity for virtue and intelligence, yet have religion enjoined upon them as a moral duty as obvious for them as for any?

No wonder that a crushed-out class, like a crushed-out man, lose all pride, all confidence that they can rise. "Evolution," "development," seems suddenly to lose its virtue just where it is practically applied. It runs, after all, into fixed things which cannot be changed. As a Natural law, it can only develop like an elective affinity, even for men; so that for them there are fixed classes. There is no spiritual person, alike in all, and capable of being itself developed in all, as a same thinking, by education. This theory then refutes itself. It does not develop Men, but only things, bodies. And since these perish, all begin and end alike in a form of force.

"Rising" depends for the man on there being, in himself and in those who educate him, a deep religious faith that there is in him a capacity, a power, to transform all his habits, mental or bodily, and that he has right and duty to be a slave to none of them. Darwin has, (naively and blindly enough for his own part), led the English to see this merely on the material side,—the power of wish or will to transform that. But when asked to see that habits of thinking also are transformable by thought itself, *de profundis ultimis*, and that "there's an end," and also a beginning for all things, to be rightly seized by Education, they are somewhat bewildered by such a theory. The revelation is too sudden for a habitually sensuous view of things, which is seeking to derive the thought from the things it creates. This other view seems to leave nothing "solid" or "tangible" to rest upon, as inner "hypothesis" which will obviously correspond with the outer "solid" upon which the hypothesis "works." Hence, respecting the "probable" effects of education, there must be brought to bear the great and only method of thinking,—the inductive method. This method can proceed only by hypothesis, and never lets this hypothesis get out of a solid shape. And what it is that Education works on being entirely "unknowable," the best, if not only induction about its effects, and which can be "probable" only (for nothing is provable), must be reached by the method of statistics, which regards everything as coming by the law of chance. But whether this "chance" is anything solid or not, has not yet been ascertained, even by statistics. So this basis for hypothesis seems somewhat a *reductio ad absurdum* of

the hypothetical method. If even chance can have a law which Man recognizes, why not recognize that Reason in him makes its own hypotheses, and changes them in Science when the old one can be bettered by a new? They are mere habits of thinking to which a maker of them is given to clinging after others see "it won't work any longer."

Statistics are valuable in their way; they show that even mere chance must have a law,—a law of necessity. But used for all purposes, they betray a notion that all comes by chance. Thus they bury one in chips and give a miserly habit of regarding straws as the most important affairs in the world. Reason, starting from its own law, can anticipate and use this very law of chance; and it can indeed see in every straw that drifts something it can transform and turn to use. But trying to find a law merely by counting straws, that is indeed pitiful. "*Hic labor, hoc opus est.*" It is the return from a descent into straws,—the slow *revocare gradum* of that *facilis descensus Averni*. It is a determining merely by number what a law does,—a law treated as wholly unknown and unknowable. So that the reason of the fact is, after all, undecided. Since whatever occurs, (the straw itself), is only due to chance, by this logic, it is only "probable," and is liable to drop out any day. And since whatever occurs only by chance must in every case do so against the chances, the method itself shows the absurdity of believing that anything is really "made by chance."

Especially when applied to Education is this sort of science an absurdity. Can there really be found no reason for Education save by statistics, and no method but by guess? Yet how gravely it has been subjected to such a thinking; for example, to establish, *first*, whether "ignorance is bliss." And if that is duly found to be so, *second*, "is it folly to be wise?" For, in the first counting of straws, it would appear that the "wisdom" to be next investigated has very little in common in its "bliss" with that which is due to ignorance. Since the bliss of wisdom, then, depends upon its own acts, how silly it is to thus put it in a supposed possible contradiction with itself as "folly,"—something it cannot be. Such are the "antinomies of Reason" for a mechanical poet, who gives us another sample of this machine-work in "whatever is, is right." In fact, Pope's "Essay on Man" grinds out this chaff by the bushel. Since it makes nothing of Man, it leaves nothing of him, quite uses him up as grist for the mill.

The "bliss" point being settled or not, the next one to consult statistics on will be, "whether education really makes men better or not—in fact?" Naturally that will depend somewhat upon whether it "makes" the man at all. But dropping that as "too abstruse" a fact to begin with, it will also depend a good deal upon what kind of education it is. The bug-a-boo in general, however, is always that

“unknown quantity” sometimes called “Reason,” sometimes “Intelligence;” while on the whole nobody knows “what it is,” or what it will do if it is let loose. It is a pity it must needs be tried before any proper guarantee for its good conduct can be found! This “good conduct” is naturally estimated chiefly in view of “property interests.” Cannot an intelligent rascal do more harm, steal more, than the ignorant one? Well, settle that by statistics if you can. It seems pretty plain that, the greater the general intelligence, the harder times it will be for rogues of all kinds, if this intelligence be properly organized in a State, and morally educated in its homes and churches.

Again, the question of “development” puzzles the mechanician. Against all his theories, a mere “differentiation” of an “abstract simplicity” like that of force goes back into a mere abstraction again, and its very name is “dissolution” instead of “development,” death instead of life. Hence only straws and statistics can settle the question for him. That a man is wholly dependent on his “ancestors” for all that he is, seems, or is taken as duly certified. Yet, if so, why are not all just alike and equally capable,—man, beast and even the rock itself. All these go back to a same origin in nothing at all except abstract force, like a house burnt up, according to this theory; so that this “force” may as well be taken at once as the ancestor. All is due to that, then, and how to educate force is indeed a profound mystery. That it is so educated we know, but in respect to this “first principle” of force, as of others, if there are any, we know only “that it is.”

Now, if that be so, we may as well take Reason itself as a first principle; for we know at least this much about it—“that it is.” But we also know “what it is” quite as intimately as we know anything. We know it is the only principle that can be morally educated,—developed as itself a designer and creator. It seems then on the whole the safest principle to “tie to.”

Besides, it is a pretty well settled fact that Education cannot make or unmake any facts, but finds them already made. It is almost equally certain that the mind is not a sheet of white paper. It is appealed to to act and does act; and it is judged by its acts as to what capacity it has. No act can be got from any quarter unless the capacity for it is there. If the rational act were not originally in the act of mere force, then it was never got out of that, no matter how fine wrought the machinery or painfully long the “derivation.” If there is not another and an active power in the world besides that, then it must itself be rational. And this is its *reductio ad absurdum*; for then the biggest blow is the best reason, might is right, and the less education the better. Such theories make of dynamite the best reasoner, especially when it destroys all the creations of Reason.

Merely in defence of such a thinking against its own folly, it is

necessary to declare Reason to be a reality,—a power in itself, an original capacity, and a lawful ruler over all else by divine right;—and owing nothing to the ascidian except its best wishes for ascidian welfare.

But the higher thinking, at least, of evolution in our day claims to be a thinking of law. Under that form, then, it is itself a designing; it is Man's effort to conceive of the method by which he has been himself designed. The development of this thinking of law was traced in Chapter II, so far as seemed necessary to show its relation to statecraft. But as this thinking of a law for Man's own evolution, it demands further brief attention here. For theories of his origin in a law of force prove self-contradictory, as already noted. They show no basis for his education, deprive him of morality, and make of religion for him an absurdity, since there is no such "class" as Man, if all are derived from force, and if thought be not the act of spirit.

So far as Man is a body, he can fancy his derivation from another body in some way; and this even seems necessary, because body needs space and time to exist in. But he has no occasion to derive his thought in that way, to fancy it made by force, because it does not take on size or spatial body. And let him think what history he pleases of a spatial thing, he will also be thinking of a designing in connection with it. He is really trying to find a law of design for it now; and hence also to find, as origin for it, a prior designing power, and not a law of force. Let us trace this.

(1). The first mode Man fancies for his bodily making is the plastic mode, that by which plaster images are now made. This requires an act of force. But did this occur by chance, by necessity, or by design? If by chance, there must be a law of necessity for that. If by mere necessity, that must operate by a law of chance. An abstract law of force, then, unites necessity and chance in its mode of operation, so there is place for choice to use it. (2). Hence, in thinking this law of force as mode of forming bodies, Man gets to thinking also of design. He is not forced to conceive of only one way or another of forming the body, but rather of many ways, according to either the chances or the necessities of the case. There is indefinite choice in this regard. And hence design must preside over the whole process, (in as perfect freedom to use as he is to think, such a law as this of force), and must be prior to it at every step, and in every case. This is the second thinking of the process. (3). And because this is a thinking of law, and law is a continuing mode of action, it is followed by a thinking of development, of evolution. This is the modern thinking of it, the conception of a law of force developing one body into another. But, as we have seen, in such a process, since it can operate only upon chances and necessities, choice and design must preside over it. There

must be a law of design operating through it to form bodies, and this formative law must act *in presenti*, in every case. Is not this the way in which man forms bodies? It does not matter at all, then, what was the past of the force-forms out of which any body is made in the present, except that it has adapted them to the present design. The design which now forms it must, however, be present and active in it.

(4). Hence this thinking of it must lead to a still higher thinking; a thinking of triune operation which includes all the others. There must be a thinking of the law of design itself, and of a development of that law, if development is to account for anything whatever. But designing is thinking; its law is a law of thought, its development is one of thought. Thought, then, is and can be derived only from thought. Design precedes all else for forms of force, and in forms of thought it is the thought itself. Hence the only logical development is one of thought and of its designs. As thought itself, it develops into thinking selves. As designing power supreme over all, it develops the law of force into bodily forms according to its designs. Such forms can only express in space and time, in a perishable way, a designing power which is imperishable; yet in a continuous way, since thought is eternal. Now a power to design can be educated, for it is what can understand all. It is what tries to redesign all,—to rethink all according to its formative law, even man himself,—in order to understand it.

II. These general views on what there is to be educated seem appropriate to any criticism of actual Education, for they are necessary to any due sense of its purpose or scope. Thus, for example, if, as in former views of Education, the mind be regarded as a basket to be filled from without with "useful facts," the education will be simply a cramming, and the facts will be only such as are deemed useful. In England, Education was long regarded as only "polite," and classics were the polishers. Then Science took the spoon, and there was a rush for "solid facts," regardless of how such weighty valuables were to be got into the mind. No doubt the mind has been much opened up of late by such absurd treatment of it; and theories of Education have ventured so far as to suppose it capable of at least "receiving principles." But until all such stupid blindness as to its nature and powers is done away with, it is evident that a system of Education will be anything but systematic, and its view of principles will indeed be a far off and vanishing one.

So also it is clear that the moral side of Education, in families and churches as well as in schools, must be undermined and ruined by such materialistic views. To regard mere knowledge of facts as an education, is the folly of false theorists; to deem it an all-sufficient fitting for practical life, is the folly of parents and others who, on that supposition, neglect all moral training, and then wonder why an "education" turns out so ill or is so ungratefully rewarded.

Education lifts or lowers the individual, and morality the community; and each does this for better or worse according to where it finds its "first principles." If the Ethics knows not where to find any, or regards them as unknowable, both Education and morality will be on a mechanical type. Such Education can only stuff the memory with—it knows not what, and direct the community to do as it is told,—it knows not why. Thus we are taught that as individuals we "know nothing," and yet that as a community we know still less,—know least "on the whole,"—since there we can only "take the chances," count the straws, and call the result "Ethical." By this reasoning which can see nothing but size,—quantity, the Ethical, which, for it, is the "largest," becomes merely the quantity, (which is nothingness), and there is no Ethical *quality* (which is the only active reality) anywhere.

But we have seen that the fathers of this republic "discovered" such a quality,—real because active,—Ethical because having a known law of its own, a moral law. They found it in a rational reality, not a "fact," but a maker of facts.

They called it forth to the work of creative invention of machines, and also to do whatever instruction it might be capable of offering in the form of Literature,—an invention of mind operating only upon minds. How that can be done,—mind made to know only in and by its own sole action, (not in one merely but in many), is also a mystery for the mechanical thinking;—but the fact is beyond question. The how, the method, may be more or less indirect; the external means may be infinitely multiplied in the Natural sphere, but even there the knowing itself must be at last an act for itself. The seeing, the hearing, is the same through eye or telescope, through ear or telephone. But whether near or afar be the object, and whether simple or complex the machinery, that which sees or hears must be an act of knowing and interpreting for itself. What at last is the highest outward knowing of this sort, but a resort to an outer means which, the more you complicate it, the more you need to condense the meaning of the cipher by which you interpret it? And, *vice versa*, the simpler the cipher the more it means; for it is made to mean a thought. Hence the thinking must be highly developed either to create or use such means. It indeed must at every step be the creator of all it knows, the spirit within developing that into "ideas;" just as all the means for organizing its seeing and hearing must be created, either by it or for it, by an infinite thought and will which knows and acts.

Thus, on the side of Education, not less than on the side of Morality, we have a religious reality as "first principle" and only true starting-point. And this principle is peculiarly made clear in the sphere of literary education. That requires a language,—an absolute cipher-form which Thought alone can make for itself or interpret as meaning

anything. This, too, is a mystery for the Natural theorists. They think the "word" must have preceded the "power to think abstractly." Since it is made and used for that purpose, the made must precede the maker! This cross-legged tailorism in scientific theory leads to a similar strabismus in religious theory of language,—it must have been "revealed" or how could man have ever "understood" it? But since this requires a second revelation to the "understanding," of what is meant by something created for it to understand, and which can mean only what it is thus actively understood to mean, it would seem that the simpler way to effect the desired purpose would be to enable this mental act, which can "understand," to also create for itself any such symbols which require to have their meaning "revealed." In this way, the "revealer" reveals his own thought after a method of his own making, and only requires another to know this method, this law of the operation. Whether this method, this law, is internal as a law of thinking, or external as a law of force, the "revelation" is always a knowing of law, and hence a free and active moral knowing. By the other supposition, there must be an arbitrary operation both without and within, and every false, as well as every true interpretation, must be due to some *one* who must constantly manage both sides of the "revelation" as fixed, and mechanical, and really unknowing:—hence it is not strange that such a view creates mechanical and horrid theologies as well as agnostic sciences.

But the fact respecting Language is too plain to be mistaken. Man invents it, and its meaning is a purely conventional one; so that there must be an active knowing on both sides of it; it requires unity of creative act in its making and of interpreting act in its using, and thus is possible only for a rational community. It is Man's demonstration of his rationality; his affirmation that he is born of the Spirit and not of the worm. Until a foreigner is taught its meaning, he is a stranger in a strange land. He cannot read the law of this community, nor understand the means by which they educate each other,—bring each other out into the freedom of a common intercourse in Thought itself. But he, being one of the children of Thought, can learn the meaning of all its formal creations.

Until the little child is taught to lisp his "mother-tongue," he, too, is a pilgrim and a stranger, but from an angelic realm. For to him, merely by listening, is "revealed" the mysterious secret of his rationality,—that he, too, can create and act with those who create. He has a Divine commission and an infinite trust for the future. Blind and unfit to lead his steps are they who do not see this and comport themselves accordingly.

Education, then, when we look at its relation to individuals, has its greatest responsibility and power in beginning with the child.

Then, in Literature, it must appeal to men, and mainly to rightly educated men so far as it can be a power for good; but here it may run also into a vicious educating. Thus it goes with its good and evil teachings broadcast into the Press; and there, on the one side, festers and fumes as a stench in the nostrils of Morality, while on the other it may be fostered for the good, by harvesters who would bind together the precious sheaves, and by gleaners who would save even the straggling grains, of a religious intelligence and morality vital to all.

For schools, the American people have evinced a great zeal,—more and more where they have been most cherished. The taste for education is one for which "*l'appetit vient à manger.*" It "augments with feeding,"—a fact so contrary to all sensuous theories of it, that this alone ought to abolish them. There is no getting sated by a true education, for either an individual or a community. It grows more and more into a need because what it "feeds" is insatiable. Rather let us drop all these sensual-tending metaphors, and recognize the real fact; that true Education is not of any devourer at all, but of the creative which never tires of creating, and ever finds more and more occasion and means for it. This has already been pointed out as the life of commerce, the life of all human law, the life of the Nation. Here it is found as the promise and best proof of immortal life for the individual himself; as rational, there is no limit to his inventive aspirations, and no limit can be set to his outer power or inner intent as a creator.

The Nation has been liberal, rather than discriminative, in its aid to schools. Land-grants have been lavished more on mechanical purposes than on schools; as though the former were more pressing if not more important. In some cases perhaps they were so. But neither for the one nor the other purpose, has the Nation exercised a careful judgment and assumed its due responsibility. A suggestion has been made in a previous chapter as to how it can come to the aid of the States in the matter of Education. To this may here be added another:—whether it would not be well, under due reserves of power for exigencies, to dedicate the entire remainder of public lands to accumulation and preservation of an Educational fund to be administered wholly by National law.

The need for these measures is the greater because, owing to circumstances as well as choice, the States are unequally developed in their educational means and methods. The Nation, acting for all, could properly discriminate in favor of those who have hitherto been willingly given least, and also of those who now need it most,—the same parties evidently. In such a case it would be difficult to tell who would be benefited most; but it is generally the giver rather than the

receiver,—if there can be really any difference for a Reason so “blessed” in its very nature that its “giving” can be only to its “self,”—as we have seen in the case of “revelation.”

The States which have most favored education have the best schools. Yet all which have favored it have shown a zeal, not only for “common schools,” but also for high schools and even for colleges and universities. Nothing seems deemed achieved in this sphere till the highest is reached. And this is the true spirit, albeit it sometimes fails to realize that, in such a sphere, the highest must also be in the lowest. It is an ungrateful task to criticise such efforts. To erect a university in every State before its other schools furnish any students fit for it, and to call every academical school a “college,” may sometimes betray a habit of looking rather to the form than the reality of education.

So also the method of teaching in the public schools is sometimes reduced to a merely mechanical round for the teacher and a mere stuffing of the memory for the scholars. Especially in mathematics is this injurious: because to teach “by rule” there is to defeat the whole object of teaching mathematics; and while it renders scholars inefficient in its lower branches makes them incapable of reaching the higher. The only object of teaching mathematics for rational purposes, is to show the child that he is master and ruler in the realm of abstractions, and can deal with those in a freely formative way, under the guidance of a pure Reason within him. That is the lesson of the “mathematical” when properly taught;—that, as creative Reason in Man, it makes of the mechanical a servant to him. In that sphere, he need take no rules even when made by other men; for the Reason which made them is in him also. And unless taught to see and use this Reason, he is made to deem himself the “mechanical.” It follows that a bad teaching of mathematics is a good means for enslaving, as a right teaching is for freeing men.

Hence, though some women excel in mathematics, it would seem that in every public school the teaching of them should begin, as it generally must end, with a male teacher. This branch of education, which is most of all made the foe of true theories, can be shown to be really one of their best friends when its own “origin and descent” are rightly taught. And since it is one of the “three R’s,” and *c’est le premier pas qui coûte*,’ it is very costly to err in the beginning. Women have almost wholly taken the charge of public schools, especially the primary; and much as they hate the mechanical, they are most apt to be made slaves to it by “rules and regulations.” With the best intent and the purest desire of all, perhaps, respecting this duty to educate, they would no doubt, in general, gladly be relieved from any responsibility in this merely abstract sphere, where they see only the coldness of Reason and miss all its concrete higher forms.

It is the more invidious to criticise the actuality of our public schools and universities because their official critics are often more in need of being criticised. The views and intents of those inside are generally clearer and better than of those outside. The latter, when they consider that they alone are paying the piper, would have him dance by the usual false notes which self-interest always deems true music. Thus, for example, a journal recurs to the statistical method to enforce its rod of rebuke, and will sagely point out a vital error in the fact that it actually "costs more per head" to educate in the high-schools than it does in the primaries. Yet, by the same criterion, we ought to wonder that it costs more to feed on luxuries than to diet on rice like cheap labor. If we are to judge the cost, therefore, merely by this sensuous rule, only a simpleton would fail to anticipate such a difference. But when we take a true criterion of profit and loss in such a business as education, are we quite sure the balance is not just the other way, the higher the teaching?

Such absurd views of what is to be attained by education, on the part of those who falsely think that they alone pay for it, prevent those in charge of it from realizing their highest and dearest aims. It cannot be said that in this country the highest education can get even a fair hearing for its claims before the public, because a miscellaneous public is not really fit to judge of what it is. Nor can it get a very high realization in even our best universities; for even there the virus of a mechanical thinking poisons the well of true thought, and many would whistle down the wind all but a merely formal inductive science. This is deemed "practical education" by some of its bigots; because, according to them, it professes not to know what it begins with, nor what it works with, and to progress towards an "unknowable." Thus they declare it is "practically" dealing with what we know nothing at all about. It is quite absurd for one who concedes that he has no true theory to claim that he alone has true practice. There is no Truth really recognized at all by such a "practical education."

From the prevalence of such views, and because education has been left to States, localities, private effort and all other agencies rational or whimsical, it is not singular that we have no real organization of it in any complete way. Great as may be the "rush" for education, it seems to be at least higher-priced if not greater in the direction of billiards, boat-races, prize-fights and other "manly sports." Even our colleges are infected with the English taste for these; and it is really supposed that an intellectual man cannot be "made" without a large supply of muscle,—a theory which is apt to run into worship of the bull-dog. Yet any of these half-way physicians, not finding any muscle in the brain where alone he has come to look for the "mind," may safely infer that too much blood in the muscle betokens and will

soon occasion too little blood in the "mind." Again, that "great principle," habit, is a very exigent one; it, too, "grows by what it feeds upon," but it perishes for lack of that. When this is applied to bodily habits, as a matter of health, it is found that in fact every business must have its own habits, and that Man's adaptability in this respect quite distinguishes him from all mere animals.

And while a habit of plentiful exercise is certainly very good for physical strength, yet let such a habit be accidentally interfered with, and the one who has taken even too little exercise will have the advantage. The simple fact, then, is that "enough is enough;" and the enough is according to the business and the constitution and what those need most. When a Gladstone in his old age goes to chopping trees during raw weather, he finds that habits for the young do not hold good for an indefinite period. In general, habits of the mind, if kept good, can form better than any physician, such habits of body as serve them best.

But since the "practical education" is in the ascendent here, it is but natural that while we have teachers' salaries jealously regarded and kept down to that of clerks, and while we have never heard yet of a prize for a best essay on methods of Education, and still less for anything philosophical, we have not spared the prizes for dog-shows, cat-shows, cattle-shows in general. And for the manly art of billiards, the "most enterprising city in the world" could venture prizes of \$1,200, \$800, \$500, \$300 and \$200,—in all \$3,000 for a single week's "play." Doubtless all this was seen to "have money in it," and to be "profitable" in a quick way, however much it may have cost in gambling, or other waste of time and money, and the kind of education thus favored.

III. Nor in the sphere of our Literature have we, in the sale of what is printed, a gauge by which to sensuously estimate its worth,—unless perhaps by the rule of contraries. Reason, indeed, in all its creations discards and despises such criterions, and they equally discard and despise it. The battle is forever set, forever waged between these two; let him who enters the field of Literature be sure of it, and rate not his "success" by what "succeeds most." So much the more, then, do we need a guardianship and encouragement of our Literature.

What is to be done here in the way of Education? Teach Men? They "don't want to be instructed"—say they who need it most. Even the "business man" says "it is a bore; he is tired and wants only to be amused." Then he will scarcely seek the amusement in books at all,—but "outside" he finds a recreation which fast destroys him. And if he seeks a like pabulum in books, that will be quite as fatal, and perhaps prove even a more speedy philtre for "rest"

But in any case, if Literature is to be only a field of amusement for men and women, then the curtain is up there as it is in theaters; and the same rule holds that "the public make the play,"—decide the sort of Art they get. This is the great law of supply and demand which brings inventive faculty to its aid, by the supplementary law of competition. And here it is hard to get a monopoly; surely not by beginning with the best. The trick of the trade seems to be rather to begin with the worst, and to hold as nearly as possible to that as altogether the safest;—"there is millions in it!" Oh! the vileness of Man when he lowers himself to be merely amused, as though indeed he were now a mere grimacing ape, or even only a mechanical patch of nerves to be tickled. How much he pays for that, and how greatly more than he pays it costs.

Clearly only right theory and practice of early education can save a people from the corrupting use of this baser literature and art, which are unworthy of the name. Even a good artistic taste, when generally cultivated, is better than nothing; for this revolts the pride of a habit of at least seeing decent forms and knowing what they are. This cultivation of good taste has made of the French the creators of fashion, and also given them the most finished literary art of any nation. Whatever may be said of their "corruption," it does not at least extend to their good manners; so that, according to the old adage, the "communications" cannot really be so evil; this evil is made to bow to the good and say, "your servant;" as, on the other hand, the Frenchmen says in battle: "our friends, the enemy." Hence, even in their worst literature, this "evil" cannot dispense with an artistic touch and some show of real inventive wit, if it goes elsewhere than merely into the gutters. This can scarcely be said of England or of our own country. Both the false and the morbid taste are freely cultivated by our literature; while that which shocks all human taste is certainly quite as "profitable" for publishers as that which appeals to the very highest literary taste even, to say nothing of that which appeals to the very highest thought and scarcely finds a response.

There has been no National encouragement of Literature and Art here as in France. Yet has it not proved profitable there, even in dollars? Were our National Congress however, asked to enter upon such a policy, what outeries we should hear!—"Where is its constitutional power?" And "what is the use of it?" "Are we to spend our money in prizes for Art or for books?" Of course not, while we prefer to spend it on beer and billiards, and deem gambling the most profitable thing to encourage by law.

It is probably useless to ask any such initiative from Congress, however many we have there capable to find use for it and glad to do it. An "Academy" in this country for Literature, as for Science or Art,

must probably depend for its origin upon individuals; though it might be generally organized by a coöperation of colleges, and thus come out of that higher education itself upon which it must depend for its first appreciation and reward.

But the copyright law does not seem altogether perfect; it could be readily amended so as to encourage the best and discourage the worst literature. The principle of all property is trust. A man is also trusted when he writes a book. He must put nothing in it demoralizing to the reader. If he does, the National law refuses to carry that or any other such vile art of his through its mails, and makes a crime of his thus using a National service; but it leaves to the States the punishment of his crime against public morals in making the article, and the right to wholly suppress and destroy his production. The States do not fully perform this duty. And the copyright law does not extend to anything but what is offered to it; it therefore does not see the worst or legalize it at all as a "right." It indeed seems to need no help from law, but rather to feed only on the absence or ignoring of all law human or divine. It thus shows just what it is, an illegal and guilty art,—a device to destroy, not to recreate the man. Now the copyright law might be extended so as to require an inspection of all this "yellow-covered" trash, and prevent its publication by a National judgment upon it, which could catch it anywhere it seeks to show its guilty head and get its dollars. For these dollars are worse than wasted, twice.

Those whose notions of "personal liberty" are squeamish, may well be asked whether that is not precisely the "article" which is here violated both by maker and buyer; and whether fathers and mothers have not some right of that sort also as against a corruptor of their children. England, France, Germany, have forest laws against that "personal liberty" reckless of the future which is wasting our forests; and an old English law built up the "wooden walls" of a commercial supremacy, by requiring that every fifth tree planted should be an oak. But when a man writes a book, is he free to corrupt the young and waste the old alike; and has he no responsibility towards a heart of Man, more vital to the Nation than that of oak?

But, again, there might be and ought to be some discrimination as to the life of copyrights. It is needless for the man of constitutional scruples to rise up in behalf of "equal rights." The obvious fact about the merely amusing is that it can only have its day; it perishes almost with the using, and no publisher would venture upon anything very old in that line. Besides, the trust a man fulfils when he writes things of a merely temporary character is not to be judged as of equal right with that trust which tells him to look only to that good which is immortal,—that highest "truth which makes men free." In short, it

would be easy and just to discriminate in the granting of copyrights so as to favor the best and disfavor the worst by a true standard. Works of a higher Science, Art, or Philosophy should be a property at least for life, and in the highest cases perhaps even entitled to bequeathal, if not inheritance. The law, however, is now liberal as to time; it grants twenty-eight years at first, and a renewal for fourteen years; either of which is assignable; and the renewal may be taken by a surviving wife or child. But, only the filing of a "description" being required, and no discrimination used, even the worst may be thus *quasi* legalized by the Nation, when it is subject to suppression by the State law. It would seem that, in this matter, there is quite as much occasion and right for protecting and profiting the very soul of the Nation, as there is in the case of Civil Service reform. And international copyright should keep the same principles in view.

International copyright brings up another side of this matter,—the right of publication by other than the writer. This is at present unlimited except by State judgment of morality, both in regard to foreign books, and also others when the copyright has expired. A book, then, is subject to the judgment of a reading public; and a publisher may be guided solely by his views of salability. Doubtless he should have no more freedom than the writer himself to pander to an immoral desire. Yet since the writer originates it, he at least would be justly limited in his profits from such work, by a term ever so short or no term at all; and others' profits are limited by competition. And if a State or National law does not prevent the publication of such works, home or foreign, it is because the community itself is debased in its morals. A literature calling itself "free," may thus become one fit only for slaves, and making slaves. The only way to make it fit for freemen is to insist upon its being good.

Of course, the great principle of self-interest will be affrighted at all this, and again rise to explain how it is that the best government is that which governs least; and then it will count itself out by claiming to govern all. Clearly its own principle refutes itself as despotic and arbitrary; its "one" for government must be a tyrant either without or within over a many. Yet it points to the true principle that, for a many, any government, to be free, must be two-fold,—both from within and from without. And these two sides will correspond for a half-way government; if the one side is selfish in act, it will make the other such. But we have left that clamor of a blindfold selfishness behind us. Yet we may now hear an echo of it in the claim that "our literature is doing well enough as it is." And then we shall slide off again into an exercise of our national vanity. But realizing our faults and trying to mend them is the only way to have anything to be proud of,

especially in this sphere. Products here are serious always; the criticism of them by the comic shows that, and sometimes strikes for us the deepest and most warning notes.

Our literature has, on the whole, excelled most in the comic. In that, also, it has sometimes played mere buffoon, yet this is because the comic, with us, is not witty as with the French, but moral as with the English, and freer than in England in this moral function. This sort of comic is always a note of warning proceeding from a sad sense of what is lacking, rather than of what is won by the human spirit.* Hence, in this way we criticise ourselves and mirror ourselves, by exaggerating, and thus showing the tendency—the whither we are going so fast. Thus is revealed the unwisdom of any self that deems itself the whole, even of itself. Extremes are subdued, and the rational absorbs them in its own true work.

On a higher key, but with as deep, and far sweeter, purer moral tone, our Whittier rises with his poet's wing into the true heaven of thought, and sings for us songs of an immortal virtue. How different these from the pangsful strains of a de Musset, the restrained and doubting tones of a Tennyson; how nobler than either the classic or romantic, half-pagan, half-Nature worship of a Goethe!

IV. Between this best and worst of our literature, take all the rest, and we shall find it printed more freely for us than for any other Nation by what is called "the Press." Whether so called because the most active and pressing in all its appeals, or itself the most urgently pressed in all its movements, it surely exemplifies that the necessity for acting and being acted upon is quite as manifest in the sphere of thought as anywhere else.

The Press, especially in this country, makes large selections from current literature, and is itself an inventor in that sphere. It is also a giver and a critic of opinions in all their phases theoretical or practical. Thus it is an educator for man and child. Finally, it passes over into the field of moral suasion, as a critic of private and public acts, and a reformer or deframer of the general morality.

The Press, then, also has a trust to keep; and one of the most important, since it is exercised over the whole ground of a civil polity, and even enters into the religious sphere. In general, this trust may be described as that of free speech. Education in schools is entrusted with the development of a thinking, truly free, because recognizing a religious inner authority. Literature takes this trust in a creative way, and tries to show of what benefit the Education has been, and by its fruits to make known its character. The free speech of books may be legali-

*For example, in our good-great Lincoln,—great in other respects as well as good in his "humor";—and whose favorite poem was that homely one:

"Oh, why should the spirit of man be proud?"

zed or limited, or suppressed, because it assumes a permanent form, and stands arrayed with a certain authority. Men take from books nearly all their outer authority in Science, Art, Philosophy and Religion, and even in good taste and good manners. The Press, however, in proportion as it departs from the form of books and becomes "daily," loses this permanent character and authority. It assumes the trust of a free speech which must be hasty; so that some allowance must be made for this exigence which drew so plain a speech from the old proverb writer.

It is sometimes averred that he "might have said the same at his leisure." But the Press can do this only by printing what all men say, and thus letting the fact speak for itself. In our day the trust of the Press in respect to free speech has been everywhere enlarged, but in this country far more than in some other lands; and this is but a manifest corollary of the electric rapidity of the age. But this larger trust should impose upon the press a deeper sense of its inner responsibility to speak only the true, and to speak it only in the spirit of the good, "more in sorrow than in anger;" for it has to say much that touches at the core of all morality. No censorship is placed over it; rather is itself made the public censor. The law of libel in many of the States has been modified in its behalf, so that for merely stating facts of a public interest, it is not made responsible by the old rule that "the greater the truth the greater the libel." That rule is indeed often, and especially regarding private or family affairs, a just one, like the maxim that "the truth is not to be spoken at all times." It is true that only "children and fools" fail to notice that there is a power of self-restraint in the human mind, which warns it that there is a difference between the right of free thought and the right of free speech. Speech should be kindly in spirit, good in intent; so that anger must be suppressed, or made that godly anger at evil only, which as a "charity for all" is a "malice towards none."

Nothing requires more careful consideration than free speech. For, besides the questioning of its purpose as to whether it is intended to or can accomplish any good, it is to be remembered that, however free and true the thought may be, the form to be given it is not so easily to be made true and perfect, and indeed cannot ever. In fact, "the truth cannot be wholly spoken, at any time, or in any way;" and that should be the way to state the proverb and learn it by heart. Besides, one must always take the responsibility for speaking something which may be as much misreported as it is misspoken, and Virgil has described the way in which Rumor plays cameleon at every corner.

The Press, however, is assimilated to the category of children and fools, so far as it is by necessity a mechanical utterance. There is imposed upon it, therefore, the responsibility to have rationality present

to watch the machine. It is also responsible for whatever it invents, according to its moral intent. If this intent be merely self-interest, it betrays its trust to the public. If it be immoral in itself, this also will be judged and punished; but only according to the public appetite for such service; so that here the audience makes the play and the Press acts up to the call.

Another sphere of its trust, and where its freedom is most enlarged, is the criticism of those who are presented as candidates for official trust. It may be said that, in this country, the motive of the criticism itself is almost wholly overlooked; and the fact that the *pro* is as free as the *con* seems considered sufficient guarantee for learning the truth, though neither of them be true, nor perfect in their motives. This springs from the fact previously pointed out, that neither political party sufficiently inspects and cleanses its own candidates. Sometimes, one of these parties itself blackens them all it can before nominated, so that afterwards they are not likely to be whitewashed by the other. This other party has a thick-skinned way of defending anything after it is nominated, and hence it makes the grave mistake of deeming it little matters whom it nominates. In this *mélée*, the Press is a sort of irresponsible responsible; and looking wildly now to its trust to party, and now to its trust to country, it stands with divided heart, not silent however, but shouting with all its might. In this attitude, more comic than sublime, it makes "the gods" dissolve in laughter. The comic cures the tragic in this gladiator show of a canvass, and what the Press has said is taken with many grains of allowance, whether for its truth or for its motives. Every one feels that he has made more or less of that "fool of himself" which free speech is said to evince; and a general quits is called as the best return to the order of the day.

Doubtless cases occur during a canvass where the Press does good service in unveiling the unfitness of men for public trusts. But it is clear that, in this respect, its service must be done before nominations or it will rarely be done after. And when done at any time it should be done with a calmness, sagacity and real justice which are seldom shown actually. For here the "public motive" alone should acquit; and so the law stands. But the mismanagement of parties by themselves introduces heats and jealousies of a private nature into the criticism by their own press; and the "good motive" is very liable to be much distorted in its inner character and still more made ugly in its outer expression. Yet rarely will a press be cast in damages by a jury, in a case where fitness for official trust has been disputed, whether justly or unjustly, from pure motives or poor;—perhaps because a jury cannot judge of the motive very clearly, knows not how much has been unsaid, and deems it best to give the benefit of the doubt to the public; since in fact there ought to be no doubt of the fitness in question. The

law and its execution in this respect tends to make even this childish foolishness of free speech confute, and bring to naught, that unwisdom which reigns in reckless or careless partyism respecting nominations to public trusts. If Wisdom is not allowed to act in any other way, it will set Folly to work for it. This is a roundabout and expensive route; but many seem to prefer it.

As a selector from current literature, the Press makes itself not so much a judge of that, as of the public taste. Such is its professed criterion in this country,—to print what the public want to read. This judgment is often a harsh one on the public. In making it, however, each press selects its own public; so that it also judges itself. It declares what voice it hears telling it; "feed my sheep." When its criterion is self-interest, the native beauty and moral excellence of that great principle will be displayed in its selections, and naturally will also be advocated in its columns. Every public thus gained and maintained can read its own character in what it pays to mirror it, and can judge for itself how much of a public it is, and how public such a character ought to be. In general, the selections of the Press show the same judgment which has been previously suggested, that the public taste as a whole excels only in the lowest sphere of Art, and calls for the comic in its moral form as "good humor."

In its inventive sphere also, therefore, the Press seeks for the "funny man," and of that highest type which can be most useful,—the keen moralist. Men of this kind have done some of the best active work of the Press. A general effort to be funny, however, has often made lapses into silliness, and thus shown that this grade of Art is the lowest, since the "wit" must be native and of a sort that cannot be elaborated without thinning-out. Its very nature is to be "first-off," and if not best then, it is not good at all. It is the fool's wisdom which is spoken as soon as thought, and which he cannot hold, it is so good. Thus there is little or no Art about it. And hence the French are inapt for it and even wonder at it. They, like the Romans, are rather satirists than good-humorists. Their wit has a feline malice which must scratch, because it is a little ill humored from over-excitability. But it has a feline grace also; it must stop to make its claws and cover them deftly with fur; and that's the fun of it for them.

In its literary invention of a higher grade, the Press can scarcely be called as a whole an Academy for the fostering of fine taste. It is said to be improving in this respect, and doubtless is when it sets itself to serious writing. But when it deals in abuse, or even satire, it seems generally to regard the most vulgar as the most forcible, or perhaps as the most likely to be relished by its readers. Even religious journals are given to slang, such as "sitting down" on an adversary, and other like expressions which reporters have evidently derived chiefly from a

criminal *argot*. This "hail fellow, well met!" to such a taste, certainly betokens a broad good-humor as uniting even religion and crime. Yet such terms can scarcely aspire to a place in the dictionary, unless we deem the art of speech to require no polishing. In that case, the foolish free-speech will never have to pause. It will be let coin all the words as it runs, making a constant Babel of the language, and leaving in use no terms or phrases which show a morally careful and thoughtfully creative art. Note, for example, that the phrase above quoted represents violence as argument.

The opposite of this fault is to run to a kid-glove emptiness of speech, as full of idiocy as the other is of "force." This is coined for "fashionable society;" and was illustrated in New York journals, supported by the Tweed régime. When moral sense is confused, rational vigor is lost; the man makes of himself a mere tailor of fine phrases, and sinks into the same silliness which overtakes the man who tries too hard to be funny. Thus buffoonery in all its phases invades an art which is not rational and moral.

In the days of Washington, he was abused by the Press perhaps worse than any public man now-a-days; yet generally in the old classic style of speech which has passed away, like every monopoly in Art, into that freedom of invention which has been called "Romantic Art." This gives every thoughtful man the right to a "style" of his own, but which nevertheless must be judged by the taste of others. In such a state of things, the moral taste must be accounted the highest; for it is judge of the intent, and through that seizes and recreates the thought itself which had done the work to be interpreted. This is just what gives freedom to all good styles, and says there is no monopoly for a "classic" which can only imitate Nature. The function of Art is rather to excel Nature in her own sphere, and to pass beyond that into higher ones. When the "Romantic" is called, as it should be, "Moral," it will not display so much folly in fine clothes, so much mere tailorism in Art, so much loss of sight of the moral in the merely intellectual invention as among the French, nor such a vague notion of what Art is as is betrayed by the English and ourselves. Beethoven uttered a true word from a great soul when he said: "the true secret of Art lies, after all, in the Moral."

Thus the Press, to guide its trust of free speech, has this highest criterion of all, which, as inner and the voice of Reason itself, is also its only general censor, within or without, in respect to its expression of opinions. Here, it must be inventive; at least in its art; and a higher progress in that always evinces a better moral judge of it within or without. But, in general, the American Press may be said to be divided on the question, whether its function here is that of teacher or only that of weathercock.

The former,—the teaching, seems to be either modestly declined by that sort of immodesty which hoots at “reforming the universe,” or is immodestly assumed by those who have a self interest they deem instructive for others. The latter, the weathercock theory, shows in its modest champions a deep moral sense that “only the all know best”—all except the one who is to speak; so that he has no opinion till he already finds it prevailing without his help. And the immodest on this side do not blush to make any wind that blows fill their exchequers nor to advocate any cause of a local or any other nature which serves their supposed private interest, whatever may be the public interest or however manifest. On the whole, it would seem that this “division” is so much interdivided that it is of very little consequence. In fact, the Press claims, in gross, to be one of the educators of the people. And so it is, in that it nurses and develops habits of action already existing, or habits of thinking sometimes created by exclusive reading of some particular journals. But when any journal claims this high function in any wholly moral way, and finds that “the people” don’t want to be educated except in the way they are already running,—then this function of educator is suddenly surrendered as found strangely unfit, or “unprofitable” at least, for the press in question. The education must be, on the whole, if not a mysterious, at all events, a two-sided affair, wherein it is difficult to say which is the educated,—the Press or the public. Here we have again illustrated the reality of revelation; always two-sided, the revelation must find in another the kind of act to which it speaks,—the free moral act. The Press, then, is demoralized just as much as the public is. Even in the matter of opinions expressed by the Press, the relation to the public is the same as that of a theater. The expression is merely intellectual Art, of a moral grade chosen for “success;” and the highest moral Art must wait for its call, before it can even appear upon the stage; if the love for it be not in the people, it cannot show its form in the Press. Hence in the Press we have so many different ways of “acting,” and of talking.

This is a view of the subject which seems to banish any high motives from the Press, and to render the highest moral conduct of it unprofitable. And, indeed, this is what limits it to a merely temporary work, such as it is; and also in that fact limits its capacity for evil as well as good. It shows, also, that one must not get a moral dyspepsy, or mental indigestion, by confining his reading within this sphere. Yet here, of all places, must that moral Art which is highest be taught to show its utmost cunning. The highest moral purpose is often here in charge of the Press; but it knows that it must depend upon a religious education of the people, must watch for it where it is, wait for it where it is not. For such as see it in this way, it is clear that the Art of a moral Press must be subtle, “wise as the serpent, harmless as the

dove;" it must know how to turn evil into good. The very highest intellectual art is called for to make the Press efficient for moral reforms; no bunglers can do the work.

But for those who see, in this tied relation of the Press to a public morality which is itself imperfect, only an excuse, and even a free charter, for making the vile more vile, it is clear that the reason fails for which the Press is peculiarly freed in its speech; and the general character of a journal in this respect should be taken into consideration by a jury. It is not freed to fatten monstrosity or feed frauds by its advocacy, nor to aid the immoral in any way. Even the temporary character of such teachings does not legalize such conduct of a press. This constant poisoning of the springs of life is not included as a part of the trust; which is rather to be a constant sweetening and purifying of them.

Now the fact that this constant poisoning also flows out from the Press, is overlooked by many managers and writers for it. Hence the former needlessly lower their estimate of the quality of truth and of art demanded by the public. And from the latter we often hear that dismal cry: "no man is responsible for reforming the world," a theory which is very apt to set him doing his part towards deforming it. And thus he contradicts his own theory of his responsibility; or else he counts himself a mere machine with no responsibility at all, and hence something to be guided by a Reason and watched by a Morality not his own.

And where, for any Press, is authoritatively that inner Reason and that outer Morality not its own? Evidently the former is in a conscience religiously enlightened, and the latter is in the actual morality of the American people. The guide is better than the watcher. Hence the Art is generally even worse than the worst intent; as is illustrated by those papers which undertake to depict the vile whether by graphic or written art. Only deep disgust results for anything nameable good taste, from either looking at or reading such art.

The same two final authorities, inner and outer, show themselves as result of any general view of opinions by the Press. It is a mere *on dit* on every subject imaginable, religious, scientific, artistic, political or other. All opinions have their say. But when we listen to it as a whole, it is a mere jabber of debate. It is a "they say this" and "they say that,"—and what don't they say? It gives at first the total impression, formed at leisure, that the wise man formed in his haste. But, on maturer reflection, the listener comes to the conclusion that in the end he will have to form an opinion for himself, however painful a process this may be for himself, however derogatory to the authority of the Press as a teacher, and however impossible it may be deemed by a Science which considers all knowledge as coming from without. It

always comes to this, when you "take it all in," no matter how big or how many this "without," the thinking in it must come from within, and see in all this outer "differentiation" only what it can itself think. So with the Press, when taken in its totality. It teaches in so many ways that it teaches in no way. Its total instruction is that, not "all," but each must "know the best," or there will be no best for the all. Only that "Best" can be resorted to by any to finally guide his opinion, or to guide it at all to other than a merely temporary or common judgment, such as may suffice for the government of a State, party, sect or science,—but not for the moral self-government of a Man.

The Press, then, can only have this same criterion by which to judge or be judged. It can only deal with a present purpose or a passing policy, which must be ever changing and therefore ought to be ever changed for the better only. But this route of "progress" ends only with the "best;" so that the "best" itself is the only ideal which can guide to these "betters" which are children of it,—growing better and not worse, because inspired by the "good."

This law of a rational Optimism in respect to human acts or Art was seized and expressed by Mr. Seward as follows: "The absolute in anything is unattainable by Man; although, as a general law, we attain anything desirable only by striving for the absolute." Pessimism is perhaps more voiceful in the Press of this country than in that of any other; but it has its corrective in good-humor. That dissolves the strained attempt at impossible service of either the evil or the good, and lets all down to that divine level of a felt good-fellowship, which knows it "cannot make a world in a minute," yet can live in no world which is not being made better. It knows it cannot replace that absolute good Divine which alone can think or do the perfect; yet it can live only in the light of that, and feel only in its good-fellowship of love that Man is Man.

What disables the Press from being any total authority in the matter of its opinions is, that in this respect it has no total organization of its Reason. Had it that, how many irrational creatures would slink out of it into their native darkness! The Press is founded on Reason, but it is a mere scattered exercise of it which reduces its totality to a self-neutralization,—mere expression, words only. In that aspect, it illustrates what a people would be without a rationally organized government. In the sphere of opinions, this is impossible for the Press; because just its function is to let loose this difference of opinions, so that they can be compared, conflict, and bring themselves into utility without the no-opinion of the "all" being accepted as the "law," but only that "best" to which this "all" points as its origin and safe guide. This "all" must be organized towards its "best" for a State. The Press cannot do this for its opinions, but it can for its mechanical work,—its news-gathering.

And, as if good-humoredly conscious of its farcical playing at teacher, as well as shrewdly aware of its really most essential character as a mere teller,—whether of news or opinions,—the American Press has put this news-telling foremost in its claims, and made it its ambition as a newspaper to “beat the world.” Nor are these claims ungrounded. In “enterprise” at least, if not in good taste, or in strict regard for truth, it has led the way and taught that to all competitors, if it has not excelled them wholly.

This organization for news as yet only tends to be total; it must be world-wide to be most profitable. And thus our enterprise finds that what is best for all costs least for each. At present, however, it has not realized this federation of the world, and clings still to the more expensive ways of competition and monopoly, which are less fruitful and more subject to abuse,—in this sphere, in the forms of “sensational” Art and falsehood in fact. There are some features of monopoly, therefore, in existing methods, which may be objectionable as against worthy competitors, yet seem inevitable to any imperfect system. They may also be made to serve the good, however, by shutting out the worst part of the Press from the category of best newspapers, and thus tending to give the largest circulation to such as are respectable in character.

It is sometimes said, “the Press is not a profession.” It is true we have not yet heard of a “professor of journalism,” though we have of hair-shearing, nail-paring, corn-curing, and other arts of “physical culture;” perhaps because these take a deeper view than do some journals of the power and duty of human nature to transform itself into at least “a thing of beauty.” The word “professor,” meant as “teacher,” is also, as we have seen, of somewhat doubtful application to the Press, since many of them profess to reject it. But lawyers, doctors, clergymen are, or were, called “the learned professions;” as though they also, having a monopoly of “revelation,” could not teach it. And none of these are usually called “professors”; the Art is locked up in the “guild,” as an awful hypothetic mystery,—itself “revealed,” but how, nobody knows.

Let it not be thought we can touch too often to the quick these absurd views of Art and Science; because we need to realize that they are merely habitual, and can be remedied by a better thinking. We must be duly grateful to all our human ancestors and teachers; but must not accept such habits of thinking even from a “mother-country;” for she also, with her deep moral sense, is struggling bravely to get out of their toils. The “times have changed and we with them.” The Press has arisen as an immediate electric utterance, which allows no arbitrary “teaching,” but crowds all that out, and says: “the light *is* everywhere,” as a Reason which speaks to itself or finds no “understanding.”

The Press is a "profession," in the true sense that it demands learning, and must know that it knows. And in this sense of the word, it calls for the very highest Art; and no kind of knowledge can come amiss for it. Its managers generally rather underrate than overrate the qualifications for it, or else misjudge them by a false standard of their own interest or of the public capacity and demand. Despite all their professions their practice leans towards "cheap labor." There is always an oversupply of this; so that it is easy for any trade or inventive calling to deteriorate its products by depreciating those who make them. In the Press especially, the highest ability is not invited either to or by its work, when this becomes degraded, either morally or artistically. Vain to expect the highest creative activity in behalf of a bad cause, or from those who have no moral genius for insight and utterance of the good. The very law of Reason prevents this. Truth is a double-edged sword which cuts the hands of those "brilliant" philistines, who are supposed to be so efficient with their pens on any side of any question. Not good but bad Art is best for a bad cause; (it "knows its own"); and to that, such a cause takes at once, whether as cheap or gaudy. No really fine Art can help it; because fine Art is Moral Art, and cannot exist without sounding the key note of the good.

The work of the Press calls for the highest Art in every way, and for the most thorough training to it, just because the work admits of no delay; if done well, it must be done by one already an expert. It is called upon to criticise the best works in all departments of Literature, and can only show its ignorance unless it have the highest judgment at its service. This task, formerly performed only by "quarterlies" and regarded as fit only for the best hands, is more and more assumed by the daily press. And the quarterlies themselves are running into monthlies, and tending to lend themselves to mere sensationalism and notorieties, as most profitable, or on the great principle that the number of readers decides the merit of a writer. Such periodicals would unquestionably reject a Shakespeare or a Gœthe in favor of an Oscar Wilde in Art; and in Science or Philosophy they would recognize nothing till it was recognized for them by others. They wed themselves to the old till it is stale, shut out the new as though it were a crime. Thus they are destroying all function of their own sphere for recognition and development of a choicer, more elaborate thought. The result is that their work is as hasty as any other, and there is no choice left except between books and the Press.

But this demand for fine artistry in the Press exists most where it is least supplied generally, and least paid by its managers,—in the reporting of news. Although this is confessedly the "backbone" of the business, it is by no means a hidden one. Yet managers seem to re-

gard a skeleton and death's-head look for it as the most profitable perhaps; at least they show little true appreciation of what skillful and trained art is needed for such a work. A good reporter is a real treasure. His business is indeed a profession which requires a native genius for it, and a good training of heart as well as head. Those who think they understand it best generally comprehend and perform it worst. A bad manager knows neither how to select nor train men for it. He deems it a vulgar business to be performed by the most vulgar. Thus he makes of the most vital function of the newspaper an essentially vulgar and corrupting one.

Reporting, on the contrary, is a serious business. It purports to give the picture of life as it is every day, from near and far. It is holding the mirror up, not to Nature, but to Man himself. But it is to be remembered that the newspaper, like merely superficial history, may choose to give us only the worst side of things,—the wars and murders, the conflicts and divorces. Indeed, as "news," it finds little or nothing to reflect into pictures of beauty and peace, from the fruitful harvest-fields or the happy homes. The reporter, then, has to deal chiefly with the morbid,—the diseased side of humanity. He ought to realize that this is not all, nor even the half, thank heaven! Let him not play the part of mere sexton, or still worse of a Mephistophiles. Let not the journal itself, with eyes so much called to the worst things, exaggerate them by a constant pessimism bred by such exclusive brooding over the morbid. A bad newspaper is given to gloating over such things and making "sensations" of them. (The word itself shows that Man, merely by thinking falsehood, can make his "sensations" as horrible a hell as he pleases). A journal meaning to be decent, but inclining to pessimism, is apt to "try" and to "hang" in its columns every one accused of ill before he has had a legal hearing. Thus it imitates and fosters that practice of lynching which has no patience to wait for the whole truth, or no confidence in the rational methods of the law,—which are of course themselves derationalized by such a morbid spirit.

But the reporter's work is, in all its branches, sad or gay, a most difficult one. It is a fine art to serve up some facts. A decent public knows how to appreciate it when it is well done. It takes a genius to do it well; and most of all for a sick public. It is a medical art; no quack will answer; he kills instead of curing. Managers may deem it cheaper to sugar than to gild the pill; but that is a mistake in their calculation. They may judge that the most offensive is the most defensive; but that is not so in medical practice. More than half the battle for the patient consists in keeping up his courage. He must have ever kept in mind that there is in Man a Divine creative art, both to fashion his body to beauty by good thoughts, and also to

sustain it against disease by good courage,—more vital and powerful for him than the *vis medicatrix Naturæ*. Resort must be had to the same nobler powers and immortal courage, as the only manly way to meet and defeat those poisonous vices whose ravages are reported to us.

The reporter of them needs to know human nature to its very depths,—so as to see what cures as well as what kills. “It does not take a rogue to catch a rogue.” It is easy enough for any man to be some kind of a rogue, but not all kinds,—rogue in general. The professional one always has merely his particular ways; and, absorbed in these, he fails to notice what the freer, wiser man, who looks all ways, sees and tracks him by. Thus always a bad man is better understood by a good one than by himself; for, as bad, he is self-blinded,—he is a poor thinker.

So every bad thinker is a bungler in his Art. One who has to report either the tragic or comic sides of life, and all other phases of it, needs the highest freedom of thought, so that he can put himself at any point of view, and tell what is seen there better than those who stand only there and have “fixed views.” In reporting all this, even a simple statement of facts requires much penetration. But what opportunity this offers for presenting them by the light of a higher principle which sees all, illuminates all. What chance for that good humor which can condense, in a word that expresses the lower fact while it relieves the higher feelings. What field for that subtle wit of the French, which, when there is need to scratch, knows how to do it artistically, and to serve up the follies of men for us, in a way which cultivates good taste and a language fit for polite uses.

The reporter is the moralist of the Press. Its practical morality is what he is, or is allowed to be. Thus again we find that, on this side of the Press where it claims to be most useful to others and most profitable to itself, it judges itself while it judges the community, on the point of morality. It chooses, and cannot help but choose, to take a part in either reforming or deforming the morals of the people. And thus it performs its trust;—according to the choice it makes. Thus also it gauges its Art. If it merely watches the worst and apes the “ways and manners” of that, it is no artist at all. For Man is not made to be mere imitator of Nature; that sort of “classic art” is fit for pagans, not for Christians. It may be regarded as the acme of Art by an England which can only see a “Natural Science,” and which therefore suspects her great Turner “had a defect in the eye.” But what we need is, not this holding the mirror up to Nature, but the inner recognition of himself by the spirit of Man, and of that power he has to make a mirror of his thoughts in his own Art. There, will be found a different sort of Art which can and must exceed that of Nature, because moral Art. Divinely free, responsible for evil as well as good, it

must prove itself capable of curing all its own faults by recurring ever to the standard of the "best," and thus "overcome evil with good."

But this is a "progress:"—a progress, however, which cannot be merely in the outer art. The inner reality which betters that, must always be there within as an absolute reality, which knows it cannot be fully mirrored even in its own Art. This "progress," as Science, is a triumph over Nature; as Civil Polity, a triumph over "self-interest." In the best Art of the Press, it is both. The work done without is also a work done within. A press which manfully does its outer work, is possessed of an inner manliness which is rising ever to a higher rejoicing. The world moves?—nay, the spirit moves;—moves in world and men and all. And in the organized Nation, too, it moves as the creative spirit of Man, placing there without ever a better morality, nourishing ever within a "best" in the bosom of Religion.

CHAPTER XI.

MORALITY.

I.—SPHERES AND MODES OF MORAL SUASION.

II.—NATIONAL AND STATE LAWS OF MORALITY.

III.—MORAL USE OF EVILS.

That "BEST," in its Divine Reality, is a transformer of Nature, a creator of rational selves, and a destroyer of selfishness. In civil politics, it appears, first, as a best Man without,—a law-giver; next, as a law-giver within,—an "interest"; finally, this law of interest ceases to be mistaken as selfish, it "is among" many selves all rationally free at last because religious. And then the "authority" of the Man without and of the Man within come together again in the Divine Reality. It is a personal authority, and no longer a vague authority of an abstract truth, or of a subdivided, scattered, partial interest. Man is interested only in some known truth, hence finally only in persons; for truth has no reality except in them, it is the act of a good person. What alone can fully interest any or all, is what all can love,—a good person as inner authority for Truth, a society of such where the aim of all is this personal goodness. Towards this interesting result, the Truth itself is in all an active moral suasion, a mutual interest and authority. A favorite and frequent word for Mr. Webster was this word "interesting," as if he divined its double significance, its absorption of all that is abstract as Truth into a personal reality for Man. (See quotation, p. 161).

I. Every man who looks largely over either history or the actual world, sees that in civil society men not only have but need direction and guidance from without, as to what they shall do and how. It seems, at first, that this direction is only an outer affair, comes only from without; and then the only question seems to be, what shall thus direct them, force? or Reason? But what they want is a common law, a conventional method for mutual action. And whatever they have as such is recognized as a law, whether it be deemed a law of force or of Reason. Hence this recognition and acceptance of the outer authority as a law, shows that the direction is also from within. For this knowing of a law is possible only as a rational act. And it is so whether the outer law be taken as only a law of force or only a law of Reason;—although in fact it must, for Man, be both, and a designed relation of the two.

Men are slow to see this, because they do not recognize within themselves the fundamental relation of these laws; that in every man is a power to use both, and also such a relation of them that, in using the law of Reason, he knows the law of force, and thus can become as free a ruler over that without as he becomes within. And his need for this outer teaching, by his own practice in creating States, is rather to show him the relation of these laws than the laws themselves, since he is so slow to become conscious of it within. His science of mind and of matter tells him of these laws, but not of their relation, so long as it does not realize what it is doing in thinking law, method.

Not seeing, then, this relation of the two laws either within or without, at first, the man seems to himself to be directed only from without, whether by force or Reason, by Nature or by Civil Society; (for he builds his societies on just such a relation as seems to him the fact as to his own knowing). But in that case he seems a mere thing. He may say he knows nothing either of what he does or of how he does it. Yet, however agnostic he may profess to be, he must practically reject this theory, or do nothing. But the more he professes to be agnostic, the more he reverts into an arbitrary individualism, and claims right to be governed the least possible from without. He wants this inner to "do it all," the less he sees "what it is," or how it can do anything.

Hence come vague views of Morality by both extreme parties; the one finding it only externally but superstitiously; the other ignoring it altogether, since he finds it not within as a known law of Reason. For evidently Morality must be the knowledge of a law in order to be free obedience to it, even if only the law of force without. And if an external law is obeyed because reasonable, then the reason of it is also recognized and yielded to as good authority. For Man, then, there is always this double positing of authority and of Morality, both without and within. But he passes from the superstitious perception of the fact to the clear rational view of it.

Thus the broader look referred to over life or history, gives the half-reflective man an impression more or less vague of a "moral suasion," which operates, he sees well enough, but not how; he sees "that it is," but not "what it is." Hence he is superstitious and talks about "a providence that shapes our ends, rough hew them how we will." But is this providence without or within, or both? The selfish man tends to think it is within only, and that all without is its enemy. "Every man must shake for himself" is his motto, and his hewing is rough indeed. But Science comes to his aid, and "finding" the law of force, makes of that a servant of Man.

Unless Science, however, also becomes aware that it is working by real knowledge, and that its highest power is in a real act of knowing and following a rational law, it is as yet a blind science, not recognizing

that its own power is the power of Reason. Yet, at this stage, since there is at least a perception of necessity for best methods, legal methods in the use of force, there may grow up an abstract worship of this law in all its materialistic forms; property among the rest being accounted such. Then this property, really created by Man, but taken as mysterious in its origin, seems to be the sacred;—a pity to destroy it!—and material science seems to be the “providence of nations.”

Go a little further in consciousness of what is really going on here.—see that this knowledge of law requires something more than mere memory of facts and worship of ancestors,—and we get out of China. We perceive that Education must deal with the law of Reason, teach us how to form theories, discover laws, invent, design, create. Thus far, however, there seems to be no call for moral suasion from without. Rather the rod alone seems needful, and the “moral” is watched within as rather inclined to be immoral than otherwise. It is there then, in its first “imp” form, (capable of being “rogue in general.”) and Education, in “Natural Science” only, very properly stands without, as corresponding to that power of design, which, as yet, is only taught to see and want to handle the law of force.

These two alone, however, are insufficient. A morality which only nourishes an imp must keep him always tied, or else he will “act like Satan.” Education, therefore, must be under a theory of intelligence which recognizes the relation of Reason itself to a moral law, and of the highest kind,—a truly religious law. This “higher law” is what alone can set things to rights as property, and set persons to their rights of liberty as truly free,—free only to be true, trusty, reasonable.

This enlarges greatly the scope of this external Morality, since that, as moral suasion, must be a religious education. The methods to be taught are not merely laws of force or modes of using it. The man is a thinking-being capable of designs of all sorts. He must be taught to use his capacities so that in doing the best for himself he is also doing the best for all. He is not to be restricted by any external rule which would only deprive others of what inventive genius he has, and thereby also deprive him of any real moral or even intellectual freedom. Such a rule is based on the silly theory of Education, which regards all ideas as coming from without, and hence can expect no man to do any share in offering them. Nor is he to be left without all needful guidance and authority from without: for by that alone can he be related in harmony with others, and all rise together to the highest creative action. Reason always gives for this harmony the diapason in every moral heart, but external Morality always sets the keynote of every new tune, so that all can bear their parts in it.

In other words, the methods of action, so far as general, are made known by a common rational law. This law can be uttered without

by Man only imperfectly, and rather merely to warn against the bad. Yet he can and does make of his civil polity itself a rational means for helping all to a higher actual morality. He makes of a Nation a moral authority, a moral suasion for all. But this is made by all, and its morality rises or sinks for all. So also with other forms of organized external moral suasion or authority; they are made by a many. The needs of self or others suggest all the inventions either theoretic or practical. One suffers for others through sympathy, and needs to organize charity, or moral suasion, or laws as the case may require. But this sympathy with others leads to imitation also; and mere imitation, not being freely inventive, but slavish, is inclined to imitate the worst rather than the best; so that evil habits spread and infect a whole community, paralyzing its good inventions.

Mainly in reformation of bad habits, then, does moral suasion do its best work. It does not make any habits; the man himself makes them. It only points out to him that fact, and refers him to a moral rational law he knows as authority. Thus for the Morality, as well as for the laws, of a civil polity, we return to the true individual point of view, and find it, in each case, to be one of religious relation and trust for the man himself. He is not treated as an agnostic. He knows that a rational power has made the laws and morality authoritative without. He knows that he has used a free moral power within him to make the habits which he presents as his actual character. And the question now is, whether, imperfect as that outer authority must needs be, it is not after all, for him, a better one than he makes of even his Religion.

We sometimes hear a man talk about his bodily habits as the very acme of a scientific health, and as indispensable for everybody as for him. This seems the more evident, since no one can change such habits at once without effort, and even pain; so that they are taken as laws. So also a man may mistake his own acquired habits of thinking as laws of Science in general, or of such a Universe as he thinks there is "on the whole;" but since doctors disagree here also, the moral law does not seem to be "found," or monopolized by any of them, in that way. But every man, when it really comes to the pinch, frankly concedes that he knows somewhat of a moral law which he considers better than anything he exemplifies in his actual life and conduct. This is a pride of Man, not Satanic, a pride of knowing better than he does. This does not make him "fall," but helps him to rise from a fall like the "sons of the morning." Let even the worst thinker, or the worst actor, be accused of not knowing this law, and he will tell you to "go to the devil;" as though he found a double authority for it,—in evil as well as in good,—and deemed the former a proper teacher of it when the latter is not recognized as sufficient.

But communities also recognize it as better known within than shown without. Hence, on one hand, they make their good overflow in moral suasion; on the other hand, the maladministration of even a good law turns it to evil. But, for all the actors here, their actual morality is in their habits of acting; and these are formed by their habits of thinking. A civil law, however, must be made by these latter habits, such as they can "agree to disagree" in a common thought of what will be a best common habit of acting. A religious view of what Man is, and of what it is his duty to think and do, may here lead all to create and recognize a common law and authority for acts, which is a better guide and authority for most than their own habits either of acting or thinking. Even the manly pride referred to here refuses to create for itself a confession of immorality. It rises to a higher criterion for what is human law, than merely Natural law, or even human habits of acting; since to better these latter is the very object sought. A civil polity would indeed attain no character other than that of a despotism, did it not receive from all this recognition of it, as a rational authority for better acts than would occur without it.

Yet no such human law can be perfect. Hence it cannot be made to truly represent a religious thought; nor even to enjoin by force a religious habit of thinking; for this is to reverse the relation of the laws of Reason and of force. Civil law is a law of unity and of brotherhood for a nation of men, but it is not quite the law of love. Through it echoes that as the law of laws, it cannot enact what is already enacted, as a law of Reason only which can take no form of force. Human laws can be only made by human intelligence and be subject to all its imperfect habits of thinking. Where these are irreligious, and suppose self-interest to be the great creator of all that is good, then the "law of love" is held to be something good to talk about, perhaps, when no "business" is to be ruled by it; or as an "impossible altruism" and hence impotent; and so it comes to be chiefly wielded as this mere "talk" against Religion,—that law itself. Hence it is not singular that Kossuth should say, when the sorrow of his stricken country was on his soul: "There is no Christian Nation on the face of the Earth."

But Kossuth had no right to expect this in the form of outer acts;—no more than any man has a right to expect of his Christian neighbor to be as perfect in his acts as he is even in his thoughts. To say nothing of excuses for his not attaining to the highest law and the best method for his thoughts, it is simply impossible, even if he did, to express them perfectly. Language and the Civic State are both forms created for this purpose by Man himself: and either of them is better than Nature. But neither of them is perfect nor suffices. Both are necessarily arbitrary in their forms. Both must resort to the Man

himself as what "stands under them" as their creator, and hence interpreter. He alone can take the uttered word, or the uttered law, and, recognizing the Reason which created it, bow to its authority. Both of them, therefore, are forms of moral suasion for him;—forms which appeal to his own creative faculty, require him to think, to be a Man.

But this is an arbitrary as well as a free way to reach the result of a mutual moral suasion. The form is arbitrary. The spirit is free as creating and transforming it, yet only in a conventional way, whether in respect to a common language or common laws. These must be agreed upon, and then they are law. But the language requires education into the meaning of its words and the genius of its forms, or it does not afford to all its highest uses. So also there must be a careful education into the design, the creative spirit of the laws, pointing to a common Reason as their basis and their life, or they will not afford a means for the highest mutual action. In all this process, Man is creating for himself a larger, freer, nobler sphere of action, and of fraternity and love for all. But his is also the responsibility; and he must judge of his work. And as he can see other's faults easier than his own, because he is looking at "the way they act," so here in his own work he is looking at those laws, methods of acting, which he is so prone to overlook in himself.

Such is the lesson Man receives from his own practice in creating laws and methods;—to study them, and not "things;" and to look within and without, but always to Reason alone as the highest law, and in its method to find the all-ruler. Now since, in his outer work, he must use such conventional and arbitrary means, he must neither expect unreasonably from them, nor attempt unreasonably by them. Nor must he, as individual, either foolishly claim that language or law must be made to conform to his views, tastes or interests alone; nor on the other hand, complain of not "seeing any sense" in such a language, or such a law, when his own chosen habit of ignorance, or of vice, is what prevents him from seeing anything but a "sense" which is very Natural but not reasonable.

Between these two fallacies of men,—the one failing to see the necessary imperfection of human language and human law, the other refusing to see any guide or authority for Man but his brutal senses,—the sphere of moral suasion is to be rightly found and kept. For the best man, no human law or language can express what for him is Religious; nor does he attempt so vain an effort as to enact it, either in creeds for churches or laws for States. To all these he looks with due deference, and to them yields the authority necessary for a common action and a common welfare. But he sees that they are changing mortal creations, and does his part always towards making them bet-

ter:—here he acts by moral suasion. On the other hand, the worst man looks to Language as perhaps for him a sealed book when written, but which as spoken he learns only to profane. And to human law he looks as a caged beast under a slave-master, and deems himself wronged by everybody, by God and Man, because he sees not the creative power of love in either God or Man. He is a subject which moral suasion can reach, but only by the touch of a divine sympathy.

Between these two, we all are both users and objects of moral suasion. A little reflection shows us that all cannot be done by human law, any more than by Language. The latter is at best but a crucifixion of the Thought, the former of the Justice, which creates it. Both must be created to act through forms of force liable to misinterpretation, abuse and misuse. Every word unkindly spoken is a shaft of evil; no telling how far it flies. Every law of Man must work some injustice even in doing justice. It is nailed up to suffer, from its own over-zealous friends, as well as from those who hate it,—from those who raise it up as Justice, and from those whom it raises up, and who die if it dies and do not “rise again.” Thus this human creation of law is a type of a Divine Reality which must use force, yet shuns not its suffering. And, like that Divine method, Man’s also must needs bring to the rescue that Reason which, seeing the necessity, is willing to suffer for the good, yet also seeks to bind up the wounded and raise its fallen, by a moral suasion which says: “See! we all suffer alike by this law of force; let us rise together by a better law!”

II. It has already been observed that it is difficult to set any precise limits to this sphere of moral suasion. Partly in the law itself, it is also partly out of it and cannot go in, yet tends to go in as a written law, when the heart of a people says it must, as a profession of faith it is ready for, and no longer doubts, since it is ready to suffer for it, as it must, if it needs to be written and “executed” in a form of force.

There is always a sphere of moral suasion known as one for which this form of law is unfit. Yet there is also a moral sphere, recognized as such, where offence against morality itself is taken cognizance of by the law and left to juries to judge of the fact. This is especially the case with our laws, where the English unwritten “common law” can keep resolving itself into a series of successively higher judgments of morality which may advance with the rising moral sense of the people. This mode of making law might still be used. And it is eminently fit for this moral sphere when, as with the English, it collects a total judgment. In this country, as used by States, it is subject to merely local interpretations, which may be as much below a decent morality in one place, as they are, by a sort of self-poising for safety, thereby made too extreme in another. The English, however, have themselves remitted some moral questions to a “local option,”—probably because of the

similar demand by the corrupting influences of large cities for a protestant effort elsewhere. Thus the moral sense of a community seeks to right itself, and save itself from shipwreck from that activity of the vile, which seems by its own conduct to make it needful that Reason also shall "never slumber, never sleep."

The tendency, however, in this country, even in the States, is to make all law written law. This is good, if it denote a moral courage to make a clear and noble profession of faith; bad if it evince a vague notion that nothing is "law" unless it is written and enforced by a club. It may be worthy of reflection, therefore, whether, in respect to general guardianship and declaration of a recognized common morality, the National government shall be looked to, and its judgments sought, either in the one method or the other. It is indeed now such a guardian, as general preserver of the peace when needful. But why not also a final court of appeal for construction of that "common law," which must ultimately be a moral law, and ought to be construed by our morality and not by that of the feudal ages? The Nation is already an interpreter of this "common law" within its own courts; and one of its statutes on this subject of Morality has been heretofore referred to. This statute also denies carriage by the mails to circulars reputed to further frauds. Evidently injustice might easily be done in such a matter; yet inquiry into it might only benefit the fair means, if such they were. And such a method of seeking a trust, unless open to such inquiry, wears a suspicious look, as though rather a trust for gambling than for any useful purpose.

It is further evident that in some respects the law itself, as well as the interpretation of its scope and proper means, must vary with circumstances. This is the phase of its "police power," which cannot safely be too loosely or too tightly drawn, but must be left as a trust, and the officer be held to a proper discretion. He is thus to act by moral suasion so far as safe, and to resort to force only so far as necessary. Here is illustrated the very principle upon which moral suasion tends to act in this country,—merely in a local and fortuitous way, one extreme forcing another. But just as a police cannot be made rulers, judges and all, so neither can such a system of mutual antagonism, and oscillating extremes between virtue and vice, be a rational mode of developing a better law or a better moral suasion.

It is recognized by all that police power and rights vary with circumstances. On election days, it is not denied that liquor-selling must at least keep far enough from the polls to not let the getting-drunk be seen. From States, if not from cities, it is possible to get a law to keep liquor-saloons shut on Sundays. And local option enables some rural communities, where the moral sense is roused against drinking itself, (and where hence disobedience to it is more fatal), to abolish

the selling altogether. It is this difference of habit of thought and act, in regard to use of stimulants, which makes in part the difference in the effects of them. For this reason, Germans cannot understand why Americans cannot take to their social and decent ways of beer drinking, without adding to them vicious features and unmanly excesses. This does not indicate a higher moral sense in the American than in the German, but perhaps rather a lower one,—a failure to see that self-control, self-government is what makes the Man, and that he must not let a habit either rule or degrade him, but must show himself the ruler as well as the maker of it. But prevalent habits of thought respecting personal habits, when violated by one who recognizes their justice, lead him by a sense of degradation to give up all self-control and act as if he deemed himself a beast.

On account of this different national habit, and the too great prevalence of materialistic theories, Americans cannot or will not use even beer as do the Germans. Besides, our natives are less phlegmatic; and once excited, the stronger the drink the better. Still worse for the Irish; the “drinks” for them are generally the devil incarnate. Drinks are the losings-bank of the mechanic, the purgatory of the laborer, the bottomless pit for the young clerk;—for all a “sure thing” as a route to defalcation of some sort, through orgies of a worse kind to which they lead direct. For, as we have seen, the surrender of one's duty to his own inner Reason, by betraying the trust of personal liberty, goes headlong to the betrayal of all trusts. It is no wonder that those who look only to this effect and not to the cause, are disposed to drop all moral suasion and resort to “prohibition” on the “liquor-question.”

Now the conditions and methods under which any mere bodily appetites or habits of men are to be fed by others, are evidently a matter for rational control in all ways, and for regulation by law. They are so regulated in all civilized countries. And it is clear that no irrational or criminal man can be safely allowed to perform such a trust. Nor especially can poisons and stimulants in general be properly entrusted for sale to such hands, but only to those who both know what they are, and feel responsible for refraining themselves from their misuse and for preventing it by others. These are the plainly rational principles upon which the selling of even the simplest foods are regulated by law. But about the liquor-traffic, the makers, executors, and even judges of the law, seem to get sadly fuddled in their view of principles. The vulgar habit of considering only the money,—the pocket-question,—enables the criminal class itself to organize the liquor-interest, to elect mayors, legislators, judges,—all with this dead man's penny on the eye, and deeming themselves protectors of personal liberty.

When, however, a legislature has had the common sense to perceive that the character of a man entrusted with sale of liquors is the main

question, since he sells something which attacks directly the personal liberty of the drinker, and through his that of all, they generally provide some guarantees in that regard. When this is done, it is just as plain how to execute the law, as how not to do it. If a mayor be elected by those whom the law itself excludes from the business, he may make himself their slave and shut his eyes to what all others see. But when he does so it is vain for him to play champion of "rights;" for in his judgment of rights he sinks to the moral level of those whom he serves. It is true, these guarantees for the character of liquor-sellers are too much neglected in the law-making itself. They need improvement, and the execution of them should be ensured by a quick process of impeachment for the least neglect.

But when we look at the matter in this rational way, as an affair of trust for all concerned in the business, where all are public officials,—it is equally clear that, on the other side of the "bar" also, is an individual who has in trust from a higher source his personal liberty. Mainly, he is a subject for moral suasion. But if a man cannot or will not be a ruler over his own appetites, he subjects himself to be restrained of his liberty. On this principle, the irrational man is sent to a drunkard's or other asylum for cure. Laws against drunkenness are rational; they are against what endangers the lives of all, the drunkard's included. Hence every corporation is bound to protect the public against agents who abuse or neglect their trust from drunkenness. They are also justified, as policemen are, in ejecting drunkards or other indecent or violent men, from cars, or public meetings, or any other resorts of rational beings. This is a right of public decency which extends even to liquor-saloons, and, both before and behind the bar, may be made a real protection of personal liberty. It is not a mere law of politeness but of police.

That "nuisance" which is made of himself by the drunkard, or other sensualist who brawls in his filthy self-degradation, need not be nicely measured, as in the old English law, to find whether it is an offence against property, real or personal,—a "purpresture" against a lamp-post, or some other grave offence against "things." We can come to the point at once, and recognize a moral sense in others which is offended by this betrayal of a common trust to be decent and manly. If a man object that this moral sense is unknown to him, he must needs borrow one from others, or else from the law itself. If he say it is nothing tangible, let him begin to realize that it is the intangible in us which alone can suffer, and suffers most when it sees its own noblest freedom self-enslaved to any brutal views of its liberty.

This deepest moral sense of a debasement which kills the very manhood, is what makes women suffer most from the practice of drunkenness and all other vices. And it is for them, especially, that protection

is afforded by the law from the very sight of it;—not that the eye is hurt, but the spirit offended. The Religion of Man is protected in the woman. But just because woman is thus protected by men themselves, where the law itself does not, (as it does not enough and cannot wholly), against the lewd or drunken man, women in general forget this fact, and the responsibility of the drunkard himself, and turn all their indignation against the one who sells to him. And not realizing how arbitrary, and more or less incapable of perfect justice, must be every human law, women have been chiefly the champions of prohibition." "Stamp it out, this fire which consumes us!" they cry; as though it were really an external fire. But the fire is within, and of a sort which cannot be stamped-upon at all. It must die before that moral suasion of which woman herself is the high priest, and whose altar she only deserts too often, when she essays to enter the ruder ways and undertake the harsher tasks of men.

Not often enough, or sternly enough, does she banish the self-degrading man from her saloon, nor even from her guardianship, or from the life-trust of her "heart and hand." Nor indeed ought she to be, even in her own sphere, an extremist; for her office, too, is to reform, transform, make better. Often, by the total sacrifice of her earthly weal, she may haply effect this. But in her own realm she is conceded queen. The finer good-taste of women makes the gentle man. The piety of the mother protects the child and arms him for his work as a good soldier;—telling him, by a higher sanction than that of the Spartan, when she hands him his shield of a religious honor; "Return with this, or upon it!"

Woman deserts this sphere even when she advocates a "total abstinence," and adjures the man to that as a moral act. Is that to recognize him as a man to be trusted? Such a pledge is fit only for those who cannot trust themselves. But such are sick men, not well ones; they need healing by medical art. Ask the well man to pledge himself to be a real man who never loses his self-control, and never stoops to be a slave to any habit,—and he is asked only to do that to which he is already pledged by a public trust. Such things may well be asked by women of children, who need such appeals to a pride which has not yet recognized its Divine Reason, though it feels that stirring within, and responds to it under the voice of a true mother without.

All extreme measures, either as law or moral suasion, have their necessary reaction, simply because they do not recognize a moral act as what alone it can be,—a free act, a self-government. Habits are largely controlled by good-taste, of which woman is chief arbiter. She reforms the habits of polite society, and refines the manners of men in her presence. Yet in matters of etiquette and fashion, she seems

slave herself to a sort of vague collective outer authority. But that outer harmony is only a rational way of evincing the inner freedom of all to invent. Woman is free in her own sphere, in her own ways. Since these are not made or regulated in any way by laws, she wonders why men cannot change their habits as freely as she changes her fashions. Tastes change when fashions do, in respect to the merely beautiful. This preserves for woman, in the sphere of Beauty, its own freedom and power to be ever creative. In this way, the good-taste of the individual, which always knows how to excel in every beauty, simple or complex, absorbs into itself all outer authorities as merely made by it and for it.

But Reason also works in the same way in all its other spheres, and holds the individual responsible at last, as free and because free. When women's tastes pass beyond the merely formal sphere of Beauty and grapple with questions of pure Reason, they can philosophize at once with that penetration to the good,—the moral, free, all-creating spirit, and with that holding to this as what ought to be in all if it is not so,—which man is slower to attain to. He is apt to worship his particular creation of "systems," when she sees they can only have their day like her fashions. Yet she may not see that they must have their day, and a longer one than her fashions. In respect to Education, this fact denotes an equal capacity in women for the highest thinking, but a proneness to put it all at once under the form of Religion. That is her true sphere. Her comfort, her strength, her home is in the religious. She cannot depart from it so unwittingly as man. Her Education cannot wisely overlook this difference, nor fail to secure from it the best results. By a longer route than hers, man travels towards the City of God, and is prone to deem it distant. How fortunate if he have ever beside him a voice which says: "Lo! it is with thee always,—even in thine heart!"

Enough has already been said in various ways, (and must have been ill-said if not convincing), to show that there is a vital right and duty of the public to protect itself, above all things, against the merely sensual greeds, whether in theory or practice. With respect to any business which purports to feed even only the needs of the body, such a right is self-evident. For one which purports to feed only an artificial appetite, the right is absolute and vital. Since such appetites are created by Man himself, he alone is responsible for them; they are precisely what he is to regulate. Any trust for supplying them is confided by a community which must be supposed to know what it is about, and to have as clear and full a right to regulate the sale of such articles, as it has to make them or to regulate their manufacture.

In respect to their making; and how, there may be a question to be decided only by a general judgment. But in respect to their sale,

(whether as "drinks" or in bulk, or at all), the matter may vary, as we have noted, with circumstances,—days, occasions, localities, &c. This variability itself shows that it must be regulated by law; that it can be thus regulated in any way a people may choose; for such a business has no standing at all before any police necessity. Hence it may perhaps be best left at least to States. And if they do not regulate it in cities, so that it shall not be allowed there to fall into the hands of criminals themselves, or others with as little sense of moral trust, then "local option" may be necessary. But since this latter would be "rural" only, and cannot be general, it shows how illogical and self-contradictory are all such sporadic methods of treating a matter of life and death to a whole community.

But all regulation, local or other, ought to recognize and treat with equal severity the abuse of personal liberty by the one who indulges these appetites, as well as by the one who supplies them. For these are all alike criminals, often against the law itself, and always against that trust of all without which there can be no personal liberty for any. That ignorance and vice which refuses to recognize that the very luxuries they lust for, especially, would not be here for them at all, but for a rational creativeness and self government, is what bloats itself into a blear-eyed "defender of personal liberty." And politicians are not ashamed to be followed by such a manifest destroyer of self and all,—of the city, of the State, of the man himself.

When any appetite of men is thus arrayed in its own grave-clothes, and in that garb takes a political character, it seals its own prohibition, by a law of self-defense as manifest as that which makes man shoot the savage beast on sight. If a political party wants to ruin itself effectually, let it court such followers. If liquor-selling wants to be prohibited, let it thus organize as a declared enemy to all true liberty, and with a death's head as its standard of what personal liberty is. In this way, it will put itself upon a par with those lazar-houses which are patronized, indeed, only by Natural lusts made unnatural; but where a similar worship of Nature makes Humanity blush and hide its head, asking in bitter doubt whether indeed this is its "origin" Nay, worse; they have no such excuse of "Nature." They claim that the inventive power of man himself can be regulated when it creates, but not when it destroys; that his personal liberty is such that it is not right to repress the evil of it, but only the good.

But it is unjust to the business of drink-selling to put it on a par with the infamous, or the absurd even, unless it is so put by itself. The total blindness of self-interest is just as apparent here as everywhere else. It never knows where to find any good reason for its own existence, till it is obliged to find it in the Reason which creates and sus-

tains, and has right to regulate all. It compels this, as Religion, to abolish it, unless it recognizes in the State a moral creator of it and all its rights, in a regulated harmony with the interests of all.

The true interest of this selling of artificial stimulants is rather to ask to be regulated, and to be kept in judicious hands, whether by high-license or any other best means for this purpose. A community has full right to limit the number of such "saloons;" and that is the essential purpose of high-license. The object is to prevent the too easy gratification of a dangerous habit. Hence when such a habit is spreading, and showing its fangs, it might be well to intermit for a time all such feeding of it. Let no one flatter himself that he has any right to it, or to feed it, when it is bad.

But the money question has plainly nothing at all to do with this. No revenues can be acquired from bad habits. The object of high license is to limit the habit itself, and make it better; but from the better habit alone will come the revenue. The main question is that of character,—of a character which, by its own virtue, at once abolishes all those "holes" which a bad mayor cannot see in a city, but can see in a law. The character required for the business, and the legal method by which it is known to be conducted, are the sort of protection saloon-keepers need.

If they know their own interest, this is what they will ask for and insist upon having. And they can get it cheap; without raising funds for carrying elections, and bribing legislators; without heart burnings over the failure of men to keep such a trust! The liquor interest has spent more money for its own damage, than would pay all its licenses if asked for in a proper shape. What this business, like every other, wants most, is a good character. The seller wants to have as much self-respect, and as much respect for his business, as have other men. Many of them now have this and deserve it, as men; and if not for their business, it is because that is degraded by other men, both sellers and drinkers. The seller wants to be protected against "the man who laughs" hideously at all morality, whether he be drinker or seller; both are ruining his business. Now the rational method of limiting the number injures no man, and need not discriminate against the poor man, if the matter of character is properly regulated. Let the revenue be sought for in a better character for the business and better habits for the community. Then the way to do it will be as plain as if a dark hole were suddenly illumined by Man's own electric-light, and all the rats found fleeing in dismay.

Whatever Man himself makes, he must himself limit, both as to making and use. That is the true principle,—the very necessity of the case. His rational right and duty are absolute in respect to his own creations. Now his inner abuse, of that divine trust of Reason which

is his real freedom, is what causes all his crimes; and to prevent this, is the object of all law which operates by restraint of his outer liberty. But such restraint cannot make him any freer within, better in his thoughts, in ordinary cases where he has had full possession of his wits.

But this liquor-selling and drinking, when let be an abuse of one of his own inventions, is the source of his worst loss of personal liberty,—loss of the power to think freely. This can be legally regulated, therefore, by outer restraints which operate in fact as a restoration to him of his personal liberty.

That is the difference. And yet we hear stupid claims to a general right of everybody to use this invention without any regulation, when the regulation itself is simply a restoration of personal liberty. No wonder criminals themselves take the lead in this logic; but is it not a little singular that executors and judges of the law should be blind to its absurdity? Scavengers are a useful tribe; they preserve and save. But no one is ardent to follow that business; and a divine Vishnu alone smiles upon its humble followers. Is a business which merely feeds artificial appetites, and tends to destructive habits, a better one? Is it so useful that every man has a "right" to follow it? And has the criminal class especially a right to do so? (See what a Siva this logic is; it sweeps all to destruction.)

The last question has special import in relation to the sale of strong liquors. Their actual use as drinks is chiefly by the most ignorant and vicious, if not indeed mainly by criminals or those on the road to become such. This makes a grave difference in regard to their sale and its regulation. As a mere question of cost, no revenue derivable from them could save them from downright abolition as a bill of expense with no profit in it. There is a tendency therefore to apply to these a higher license as a limitation. But a higher character for the seller is a better security for such a trust. And without that, inexorably applied, all others are simply absurd. To permit a man of no character but a bad one to exercise such a public trust, is to call the community itself a fool or a knave. What a difference it will make when the principle is laid down that, not the bad, but only the good characters have any right whatever to this business! What a difference in the business itself! What a difference in management of parties and elections!—ay, and there's the rub! for those whose eye-single is stone-blind!

These strong drinks require for their use also a higher intelligence and more than usual self-control. Thomas H. Benton, in a lecture many years ago in Cincinnati, recommended his own example of abstinence from these. He said that by refraining from them in his youth, he escaped all need for them in his manhood, and hence found

them of some useful efficacy in his old age. And the "old man eloquent" was right. They can be made a "milk for old age," but rarely other than a corrupting humor for the young. The sale of them to minors, and to drunkards also, ought to be prohibited.

III. The public interest in all these artificial stimulants must be sought for in some other form than a false notion of personal property or personal liberty. Devised by Man himself, they can be regarded as useful only as self-disciplines. They furnish for their creator an opportunity to show a proud and full control over his own creature. They prove that he has been empowered to invent a destroyer of his own liberty,—to create outright such an "evil" as that. And what does this signify? That he is made to be a self-ruler? or a self-destroyer?

At first sight, it would seem that he ought not to make such an evil at all. And hence it is that the attempt to prohibit the selling goes also to the drinking and to the manufacture itself. Thus it says that Man is not yet morally fit to use the creative power Divinely given him. But there is a higher judge of the expediency of this inner trust confided to him than either himself or all men. This very thing of which he can make an ulcer, betokens a confidence in him by his own creator, which he must needs find some better reason for than that it is designed for his destruction.

Can that which is allowed to create, destroy itself? No; it can only destroy the body by another body. And that is nothing new; for Man need not create for that purpose. But here he invents something which Shakespeare describes as "stealing away his brains." Literally, it does that. But it also steals away the freedom of his thought; and makes him wonder whether that is but "the stuff that dreams are made of,"—fantastic insanity let loose like a fool when it does not rage as a devil. Now here, at least, he is brought into the sphere of the intangible, and he knows that he himself has done it. He sees that he can be deluded by "things," which seem to stand there before him, but do not thus exist. He can make of the world a heaven or a hell for himself; and the two run together in his own thoughts. This is a lesson which even the sufferings of a drunken imagination ought to make Man take to heart. It is one both practical and theoretical, in a way that would make him start with surprise, could he see it in all it teaches.

Now in respect to all the bodily needs and habits, it is really necessary for every one to judge for himself. He can, if he will, limit his own needs, and make his own habits of a sensuous sort, by a higher law than any that can be given him from without in any way. And only thus can his trust of personal liberty be properly performed in the best interest of all. But when he seeks, merely as an individual,

to judge by his own of the needs or habits of others in this respect, it is well to observe a proverb of the wise man: "Be not wise overmuch: why shouldst thou die before thy time?" While a man is a child, he must think and act as a child; and only when he becomes a man can he put away childish things. He puts away bodily things only when he dies. To do so previously, is to be overwise and to die before his time. But bodily comforts and habits are always childish things, hence matters to be instructed in and wisely regulated. But for the Man himself, let them, as childish, be recognized always as playthings to be put aside whenever manly duty enjoins it, or, as "healthy," to be made according to a rational rule. Let them be created as habits, but mastered, made polite, made to shine, if possible, so far as artificial, with some creative light. If mere solaces for the nerves, let them be used as medicinal; and then no man seeks to air them in public, like a boy, as manly accomplishments.

Bodily habits are not spiritual, and cannot be made so. They may be and are moralized by the common thought; they are made to be decent and even ornamental. Yielding to a new fashion is the simplest way to be simply attired;—better than the Quaker's way of having only one fixed fashion and thus no freedom. All protests against "finery" are protests against the creative freedom given to Man, and impeachments of its Divine giver. And to undertake to make a civil law about such matters of mere taste or decent habits, is also a needless arraignment of the Divine judgment of what is best for Man. It loses sight of the fact that what is really in common for men as moral beings, is only their intelligent thought, and not their bodies. It runs, though by another route, yet to precisely the same goal, as does that communism which is founded upon physical wants alone.

This impossible morality is supposed to be based on a common moral sense which does not and cannot exist as a mere affair of bodies and the same for all; for there is just where, as free and creative, it goes into difference; and where, even as judgment, each can judge only by his own, and knows that all the others are not like but different in their needs. The communist finds the body, at least, to be one piece of property which cannot be held in common, nor be gauged as to its need or mode of sustenance on an exact par with all.

So also those extreme moralists who would judge all by their own whimsies or habits, whether of abstinence or indulgence, are like a doctor who has but one diet for health, and but one prescription for all ailments. They are even like that physician who is bid to "first heal thyself!" For they mistake their own mere habit of body or of thought for the moral law itself; they affirm it to be what is alone right for all,—a habit all ought to come into and stand forever rigid as a grenadier. But there is no such law in the book. The true law in respect

to such things is a law of charity, compassion for the necessities of a bodily life, for the stress of temptation and the force of evil habits. Much must be allowed for these things if there is to be any real Morality, which, so far as external, must be recognized as a common judgment, and hence can be reached only through this sympathy which common needs excite, and not by any means through the aversion which different habits and tastes excite.

When a man wants to create something bodily, the civic State can judge of his right to it, and how to regulate its use. But when he presents himself also merely as a body, a created something, he declares that all his acts are mechanical and involuntary for him; and thus he makes of himself a "thing" requiring to be wholly regulated and run as a machine by others. In proportion as he takes that view of himself, he is evidently a subject for police regulation.

But no rational man practically considers or presents himself as merely a created thing. He knows himself also as creative. He makes and transforms his own habits. He also creates or transforms nearly all that he uses to nourish or medicate the body. Nothing good he cannot make bad, nothing bad but he can make good. This depends upon how much he vulgarizes or refines what he does. And so with communities; they either refine or degrade the habits of Man by their actual moralities, and thus they bring about the rise or fall of empires.

In using "evils," poisons, Man rises to his true grandeur by showing that he knows how to use them. If he is himself creator of them so also is the Divine itself. And thus both show that nothing, not even evil, is beyond their power to control and to transform into good. To reach this highest declaration of power, the creation of what most seems to deny the goodness of a creator is necessary. To make it return to the service of the good, and thus show the all-potence of the goodness also, requires the true use of it,—the triumph over it by temperance, so far as it can be made a "joy:" the proud "get thee behind me Satan!" for it, when it tempts the man to forget the very Reason which created it,—and which, like little Dot, "knows all its ways and its manners."

If a man fails in this proud creative treatment of "drinks" which stagger his liberty, then he falls victim to his own creature. Then, as in his use of other powers for good and evil which are created for him, if he measure not the pleasure by its use, he is slain by the pain which comes from misuse. If he rejects all Reason, he rejects all virtue, and becomes the hideous prey of vice. There, is a sphere of human action from which all eyes are averted, unless glued to it by a fatal fascination of habit, or drawn to it by a horrible necessity. There all talk is stilled of regulating that which can no longer regulate itself. For that

sphere also has its public which supplies its victims, and by its own vicious acts both creates and destroys them. When this work is finished, its very patrons flee from it in horror. The curtain comes down upon the tragedy of vice. And from its dens, Force itself starts aghast to see its own work done by Vitality; human law departs powerless; moral suasion is absent, afraid to soil its own robes; and only Religion, with its divine pity, dare venture there to soothe the dying and bury the dead.

CHAPTER XII.

RELIGION; ITS RELATION TO THE NATION AND TO INDIVIDUALS.

I.—PREVALENT THEORIES OF RELIGION.

II.—THE NATION PROTECTING AND PROTECTED BY RELIGION.

III.—RELIGIOUS EDUCATION OF THE INDIVIDUAL, BY THE STATE AND CHURCH, BY SCIENCE, ART AND PHILOSOPHY.

IV.—AGNOSTICISM AND MODERN SOCIETY.

Civil Polity, in all its phases, proves, and practically acts upon the theory, that Man has been entrusted with prodigious powers. The examination of public morality shows that Civil society itself, by its laws and its moral suasion, only helps to develop these powers and their moral relation, to the extreme of the powers, and thus to the clear manifestation of the relation itself. It appears that man's inventions for evil can create a hell, even of literal fires, from which Nature itself defends all other animals. And on the other hand, man defends for woman the right to declare and protect a heaven on earth, which, artficed by a higher power than Nature, animals cannot know,—though they seek to bask in its more than sunshine, its atmosphere of affection. Victim and slave of the former, guardian and saint of the latter, is woman. The more she is protected the more she protects. And man, let him figure it how he may, can derive no revenue from any evil invention, nor from licensing any abuse of that mutual trust which human society implies. On the contrary, his very power to invent for evil shows him where his real treasures are to be accumulated, in that hidden but best known form, from which, as a religious heaven, they ever issue by a divinely given creative power. And they are most beautiful in their Art, most subtle in their Science, most fruitful in their uses, when that origin of them is recognized and its law obeyed.

I. It is not singular, then, that Auguste Comte should have "positively" discovered that,—if there is any religion at all, it must be a "religion of Humanity." It cannot be derived from the animal instincts, for they know nothing of it. Far keener was Comte than that greatest English thinker of his kind, Herbert Spencer. For the latter, beginning by declaring that what he is knowing with is itself an "unknowable," must of course find all else essentially unknowable. And since he examines only a merely outer and formal "differentia-

tion" which can be only that of the power of force, he leaves it ambiguous at least whether that is not what he knows with, as well as what he knows of by its law,—its method of use. And if the method of mental action is the same, then there is no freedom of thought, no moral law. In that case, there is no morality. Indeed, if the thought is not free, there is no use in thinking at all.

Mr. Spencer's maxim is, that "only knowledge within our reach can be of any service to us." But he ignores the very nearest, as out of reach because it cannot be seen, but only felt. What "serves" us to know with, is not far enough off, too intimate, too small to be known. But the mechanical universe also he deems "out of reach", because it is too big to be known. Yet how does he know it is so big? By a law of its very nature, in knowing which we know its necessity to be big; and by which also we know it is not of the nature of thought. It is not strange that Mr. Spencer, with his criterion of "reach," overlooks the fact that we do not know by a mechanical measuring, but by thinking; and that the only knowing which really "serves" us is a knowing of laws.

It may be said that what Mr. Spencer deems beyond our reach is,—to know all the laws of the Universe. But how does he know there are many, except by knowing a law which resolves itself into many laws,—many modes of action? And in scattering his attention over the many, he forgets that there must be one. Laws imply some consistent design, and hence one law creative of all the other laws. Mr. Spencer's agnosticism really affirms that all we know is size, mere quantity, nothingness. How comes he, then, to be figuring shapes on that black-board? Kant sees, at least, that in doing this, he is "understanding" the shapes of things by redesigning them. But Mr. Spencer ignores even this ideal reality. As to "what it is," he deems it just as unknowable and "out of reach" as the "thing in itself" which he thinks of. He ignores that what we know is activity and the method of it; and that these alone can constitute any reality. These are what we wish to know and do know. Now if we know and feel the nature and mode of activity which makes, which forms either ideas or things, pray what is beyond the reach of such a knowing? What is beyond the reach of the law which makes it? All the truth about it must be known in the law of truth which designs it;—if we do not know by this, "what it is," neither do we know "that it is."

Now, at the beginning of Chapter VI, attention was called to the relations of things under a law of force, and those of persons under a law of Reason. In the former case, alternate dissolution and re-composition constitutes the whole process; so that the very method of this activity of mere force consists in shock, shock, shock. This law of force has, of itself, no "differentiation." It is always the same, shock,

shock, shock, because it has a side of dissolution, or it could not act as force. Mr. Spencer really imputes a designing to it,—the very designing which he himself makes in idea, in order to understand and describe “things.” But no designing of these can prevent their being unmade by this law of force, when they are made by means of that. Their very existence must be a constant dissolution.

Instead, then, of their being any active “differentiation” by the law of force, its activity is one of dissolution to the uttermost. Instead of a seeking for difference, it is a resolution into utter sameness. And just this indifference of it to any particular form is what enables our or any other designing power to construct formal differences in it. This is done by seizing upon its own side of dissolution, where all its forms return to their ultimate sameness to be remade. This death-side of it is just what enables designing power to turn it into vital uses. But vital forms also must be mortal, because made by means of a law which is essentially dissolving, not differentiating,—a tending to abstract sameness, not a seeking even of formal difference, much less of ideal difference,—difference of designing power. Such a power, then, is not in it, but only uses it. Why should it care to be in such a bodily, size-form, and thus declare itself mortal? Yet we moan over the “shortness of life;” and that, too, is supposed to be a proof of Man’s *incapacity*, and that his designing power has no “reach.” But what a designing power should wish, if it know “what it is,” would be rather to become such a free artist of “body,” that this body would be no longer a limitation, nor a burden, but a mere expression;—in other words, to seize upon this law of force in its utmost mortality, so that it can be used to express immortality. For at best it can be made into only mere outer show of life; and to render this show instant and constant, it must be used in its ultimate form. Thus a designing power shows itself to be that life which uses death itself for such outer expression, because it is itself a life which dies not,—the immortal act and reality of Thought.

This cannot, of course, be fully developed here, but only suggested sufficiently to bring us out of that sphere of mere things in which Mr. Spencer dwells, into that other and far different relation of persons expressed in the civic State. Here there must be a recognition that there is no longer a mere abstract law of force, as a death giving ruler of all. Men are not to be treated as things, which must find their unity and methods of action by shock, shock, shock. They are persons, who know “what it is” in them which enables them to design and act under other methods of action. It is a real actuality of Reason in them, of which the operation is felt and known, and hence its law is known. This law is known as a moral law, because it is known as a creative law, and the only law for any active designing. It is also a

religious law; for it tells men they can and ought to love each other, ought to attain to the rule of that Divine "first principle" which has "malice towards none, charity for all."

This "first principle" makes a State; but it also makes the whole world. A "principle" is nothing at all, unless it is something active, and hence knowable in and by the method of its acts. Whoever calls the designing principle in Man an "unknowable," therefore, denies himself the power to explain anything. Hence Mr. Spencer cannot bring within his theory even the laws of force, and account for that "permanence" of dissolution in it which is just what design uses to make the vital form. But in the sphere of Thought itself, whenever he reaches a moral fact, a creative reality, a law of thought itself, he fails to recognize it as such; it is an "unknowable," though the most knowable and the most precious of all things for Humanity. It is an affair of Religion, which is also an unknowable mystery, a "revelation" perhaps; but how can anything be revealed when it remains after all unknowable, unrevealable? All this, no doubt is an unintended result; Mr. Spencer is as noble morally as he is great intellectually. But "it is the first step that costs." He begins indeed, not in the old way, of perceiving only "facts," but by affirming that he knows a "law," But he says this is a law of the unknowable. A curious law to know is that! No wonder the "knowing" itself is confounded by it, or overflows it, as in Mr. Spencer's case, as a knowing of many laws, but an ignoring of any one all creative law.

Comte is more sagacious. He recognizes these many laws, as laws of Science itself, and tries to organize them into a related whole. He is "knowing." With his French wit, (or vanity if you please), he does not doubt that. He does not stultify himself to begin with, by conceding that in fact he does not know at all. On the contrary, he is "positive" that he does know, and proves it by much active and valuable thought. But he modestly disclaims knowing any otherwise than "positively." This must mean, on the whole, that he intends to recognize at least the free action of his own mind, like Descartes, and be on guard against all gay "deceivers" from without. Yet, unlike Descartes, he denies any logical necessity for finding a total, Divine relation for this power to think. And there is his weakness; for thereby, he leaves unaccounted for the most essential fact he needs;—namely, that community in thought for Humanity, which makes him so "positive" that what he knows, others also know, or can know. Without this, his or any other man's thinking and organizing of thoughts, would evidently be of no possible use at all, in building-up a common Religion, Science, Art, Civil Polity or anything else. Here again we have what calls itself "practical thought," trying to get rid of any reason for its being useful!

Yet Comte, since he seeks to organize many known laws into one higher law, instead of trying to develop one abstract law of the "unknowable" into many merely formal laws, gives far more fruitful suggestions for Science and Art than Spencer. Far better does he penetrate the "fact," since he both analyzes and recreates the form of it. He thinks it, and seeks to relate it to other facts, by a law of thought which relates the thought of it to other thoughts. His whole object is to show that a systematic whole springs from a law of truth itself. By this known law of thought, he proposes to organize Science anew and better.

But the zeal of a human heart, once thus excited to create something better for his fellow men, carries him, in spite of himself, beyond this "positive" egoistic, into the many-egoed altruistic which it implies. For, as Reason makes all ideas flow into and out of any true idea, so also it makes all its persons unite in one good person. Comte does not see this clearly. But, under the wand of a woman who tells him: "Remember, Comte, remember, that I have suffered without deserving it!"—his vision is unsealed to a fact which Man cannot create,—to a religious sentiment more subtle than all outer facts;—and he calls woman to be its priestess, in a "new religion of Humanity."

Thus a "positive" and great thinker declares that Man must invent even his own religion, if there is none. Just so, Voltaire averred that "if God did not exist it would be necessary to create him,"—as Man's only self defense. How strange that men should so long be blind, or half-blind, to what is essential to any true relation for "selves," for thinking-beings. Have not men already created enough "religions" and enough "gods?" Is it not clear enough that, in religions as in civil polities, the ancients have in vain tried all methods of governing "selves" by an outer one or an inner few, or by either an outer many or inner many; and that the only true relation is that of the Infinite "One," for whom the "many selves" are both outer and inner; and who, to them also, is both these,—outer in his revealed, inner in his revealing?

Not so strange, perhaps, that women like Harriet Martineau and George Eliot, with a mother's intensity, but not a mother's revelation of the One, should listen to this song of a "religion of Humanity." It is, indeed, but a mannish religion, a "religion of progress." But is not Humanity itself both without and within us? And is not woman the center of all its sufferings, and lifted from cross to crown only by its "progress?" For women taught in a theory which can see only a progress,—a progress without end or beginning, and never with an Eternal Reason in it which creates it and ever resolves it into a Now,—such a "religion of Humanity," which at least seeks to organize

and better this progress, may well seem at first to be an "improvement." Albeit it denies all "proof" of Religion, at least it claims to know some proofs of true manhood.

To such keen-eyed women, it may well seem preferable to a science of the unknowable as a basis or inspiration to practical action. Its methods, also, aiming at complete organization, and appealing to a concentrative, well-known "sentiment" in all, may seem at least better than those methods of an "orthodoxy" which, adopting the "unknowable" theory in respect to its science,—its "revelation," also adopts an Art "differentiated" merely as form, and thus making the mere form sacred and essential, and ignoring the spirit as unessential, no bond of union, but only a cause of difference, stands fixed as a mutual battle instead of a mutual aid, and limits its work for the world by the very chains it puts upon itself. In England, woman's moral intensity struggles against this imprisonment of the spirit in mere forms; and finally, as in George Eliot's case, sees that the Christian Religion itself is belied thereby. In this country, an eloquent good-humor springs into the arena to help dissolve this spell of a paralyzing dogmatism, but only by imitating it in its dissolving of humanity into mere individualism. The individualism of a generous nature attacks the individualism of a habitual exclusiveness; but only attains the vague, where that attains the "positive," and substitutes only the formless for the merely formal,—thus showing they both belong to the same uncreative "family." This mere individualism, in all its phases, must needs be merely egoistic, and sees not where or how to find the true One of thinking-selves. And good-humor is merely dissolving, not creative; its cure of suffering is but transient

But this same good-humor of the American cannot but smile at such a "worship" as Comte proposes. Our sense of the absurd is sufficient protection against that; but not equally so against the absurdity of an "ethics" which proposes to find religious "data,"—the "given," as unknowable. For Comte is serious to the point of absurdity. He began merely with an intent to organize the "positive sciences." Then he saw that, if this were done rightly, it would also organize civil polity in a rational way. Yet this would bring into play what seemed to him something vague, or of a negative character,—"sentiment." This was unlike his "positive" thought, he could not give it limits and precise form. Yet he would organize this also; for he saw it in himself and in others as a concentrative power for suffering and for happiness,—creative of both. But here his "first step" also cost. This "sentiment" included all those who "are not" as well as those who "are." The "many," for whom a religion would organize happiness, are in the past, the present, the future. Finding here no "positive" One, either to worship or be worshipped, he makes of his

“religion” a vague worship of the many by the many. No rational unity, nor Reason for this unity, is found for this many;—not even in a present many. No possible unity of a positive sort for it either in past or future. Where then shall a worshipper find anything “positive” to worship? His many are coming and going as he worships. And some are bad, some are good. He must divide even these. He must go on dividing till he comes down to One that is perfect, and really, Divinely good. As this is not himself, or he would not be invoking it, where shall he find it? Is he playing the fool after all, and adoring something he knows not of;—though he started with positively declaring that he would not even waste a moment’s attention on such “unattainable objects?” Such is the *reductio ad absurdum* of this philosophy of the “positive.” It comes back to its starting-point, and kneels there as a worshipper of what it rejected at starting.

Voltaire said Religion was necessary to soothe suffering in the individual; he was egoistic merely. Comte said it is needed to organize happiness for the many, though he could find no “positive reason” for it in any one;—he was altruistic merely. But Reason itself is the only power that can organize. And even in a civil polity, we have seen that Man’s Reason is at work organizing happiness, not merely for one, but for all, now and forever.

Hence, as general intelligence advances, it becomes more and more difficult to impose an external authority, either for State or Church, by force or fear or “pious fraud.” That fear which “is the beginning of Wisdom” is not the fear of force in either State or Church. The necessity grows more and more urgent to make manifest that the authority of each is essentially in Reason; and that the operation of each is such as to secure the highest happiness, both from within and without. In Reason and its laws alone is there any ground for real happiness; and neither State nor Church can excuse itself from presenting this ground for the life and conduct it enjoins. Neither Kantian nor other agnosticism, pious or impious, can prevent this demand by humanity. The piety which sees in the “inconsistency of virtue with happiness in this life” the “certainty” of a future life as “compensation,” only postpones the real difficulty to that life also, carries into that the same contingent relation of force, and fails to recognize that the very function of Reason, even in a civil polity, is to so organize and properly relate this law of force to the law of Reason, that the force itself may be made a means of happiness, not by its suppression, but by its obedience to that which created it and which it ought alone to serve.

A merely materialistic habit of thinking, which cannot but be irreligious even when it would not, renders the function of Religion “unknowable,” and hence irrational, “superstitious”;—makes of the

"hopes of happiness" it offers hereafter a "pious fraud," but justifiable as a means of patient endurance of all sorts of "orderly" oppression here. This theory fails to see that Religion is itself the very Reason that creates the State to help organize its happiness:—first, indeed, only as an outer order essential to all the rest, but then further as an ordering of its thoughts, a dominance of its moral designing power over all its acts of force. This very progress of Reason, in its building of States, ought to reveal to us its nature, as that of a power supreme which, by right divine, means to subordinate all to its own law, but only in a rational manner, without destroying any of its powers, and without forcing any of its many wills.

Mr. Spencer's averment that were men perfectly rational no State would be needed, shows how that habit of thinking in merely mechanical terms, which must reduce all to mere "force" as "first principle" and sole principle, prevents from finding the real relation and rising to a higher method of thinking. So long as Man is bodily and mortal, his exterior needs will require for him organized action with his fellow-men, as the best and only rational way of equalizing for all the contingencies of Nature, of providing for all the highest possible use of its laws, and of securing for all a common possession of the thought of all by its communication. Will Language perish, Art die out, Science be speechless, because Man becomes more freely creative? Such views evince a blindness to the fact that Reason is creative at all; and to all which that "first principle" involves.

Mr. Spencer's supposition and his inference from it really imply that, in such a case, the body as it now is, no longer exists for Man, and yet the mind remains; and that only thus, without a body, or with only a "spiritual body," can he show himself freely rational in outer acts as in inner thoughts. And thus, as usual, he touches the greatest of all "facts" without recognizing their nature; avers them as true, yet declares them unknowable; describes "what they are," and yet says we only know "that they are." For it is plainly the fact that Man is limited by the bodily organs he has; there is a light he cannot see, a sound he cannot hear, a heat he cannot feel. Extend these organs as he may by external means, he only makes himself a bigger man, not a better one,—except so far as he must necessarily, in that process of mere extension, show himself a wiser man respecting the law of force, and a more freely designing man in his inventions for using it. But let him learn all of this law of force, and be perfectly freed in the relation of his Reason to it, and then indeed his "organs" will no longer suffice for him as now they are,—merely particular and limiting. He can, on the one hand, "find" such "organs" already made for all, in the most general way, as a "law" known by all, used by all for external communication. On the other hand, as particular,

he can make and unmake his own "body";—all this "law of force" becomes for him nothing but a mere garment of light and shade by which to express his thoughts,—and what then would he care for other Art than this?—he has "neither hunger nor thirst any more," but for the Truth.

But such a result in this direction implies that he has already the power which can accomplish it, only he is now too limited in his knowledge and control of the law of force;—and wisely made so, since he does not recognize a Reason in him which created this "Evil" to be a servant only of the Good. Hence he has to organize and increase his knowledge of this law, in unity with his fellows, in order to attain to its best uses; and this is his business in the fellowship of mechanical science,—attaining a control over force as though it were to become useless as a body, useful only as a law fully under the power of a Reason which knows its law. But this "fact" is not something "unknowable;" nor even is it something to be learned only by a progress which never ends. It can and should be recognized to begin with. It is an actual relation of a known triple activity of Man himself, as one who reasons, designs, and uses force. Only his looking at everything else but that, prevents his finding it. It is clearly not a made fact, but a maker of facts. And no fact is known otherwise than by its law..

Now when one thinks of a law he does not think of a "thing," but of a method of making the thing;—when he "sees that," then he "understands it." He has thought it out for himself. Hence in all this Scientific "progress," the man is using a Reason which he knows for itself, by its own laws. He knows it as acting for itself and as having its best method of thinking, or knowing only, in its own highest law;—a moral law which bids it recognize its own freedom, its own supremacy over force, and its own responsibility for using that. Hence all that seeking for *its* laws in the laws of force, all the using of them to find out what *it* is, is manifestly absurd. And nothing is more dangerous,—to the man himself, and through him to his civil polity and all else.

All the metaphors of mechanical action which are given as "proofs" that the mind is a "matter" or a "force," even by those who profess not to know "what it is" whether as "force" or as "mind;"—in short all those "measuring" and weighing methods of "finding" what the mind is as a "thing," destroy all possibility of morality for it; and must be disused in the sphere of mental and moral philosophies. And it is evident they must be blind as bats in the sphere of Religion. He who cannot realize that all his seeing and hearing must, even now, when rational, be the knowing only of methods and laws of action, both in the mind and elsewhere; and that hence, Man is born into the

very inmost relation of all powers, and entrusted with that trinity of powers which is creative in its function; can surely see clearly no Divine origin or end for anything,—no religious relation for man, “no use of Religion but for women and fools.”

Now Religion is recommended on all hands as what is to relieve suffering. Mainly in that way is it regarded, especially by those who see only an endless progress; for that implies no perfect happiness, but rather only misery from mere anticipation of that sort. And Voltaire, who justly wanted the old persecuting religions destroyed because they caused suffering, wanted Religion preserved, even if it only gave “hopes.” Comte forgets that everything created must have a positive character, and invents a new religion which is to have only this negative nature,—to lessen the suffering incidental to the rest of the machinery.

Equally vague and negative are those apostles of a “religion of goodness,” who tell us that “good is the only god.” By reversing the Christian utterance; “only God is good,” it leaves us nowhere to look for the “good,” for it concedes that to be mere adjective and no “god” at all, hence not to be worshipped. But since this “good” is just what can suffer most, this “religion” is also a defensive one. There being no one God to defend all, we have only a “no god” to be defended. Hence, even more than any pagan religion, does this one defend its helpless “god,” because this “god,” being the mere abstraction, “goodness,” is quite apt to become every man for himself, his own god. This sort of “religion” which finds no One at all, is logically nothing but a religious communism, tending to more suffering rather than less. It finds no “good reason” and hence no comfort for suffering in any form,—least of all in that form of Death which tears two loving hearts asunder.

But as Reason alone can create, so it alone can be the “comforter” for any human spirit. Only slowly, however, does man realize the difficulties of a rational expression of Religion. At first, in his ignorance, it seems to him easy for the Divine to be human, or even bestial, or only an image; for otherwise it seems to him only an “abstraction.” But when he comes to look on it from the other side,—the demand for the human to be Divine,—this practical part is what seems absurdly impossible,—unless he has “many gods,” and so a mere abstraction again as basis. But now he is in the ideal realm, and like the Greeks, he talks about “hopes” and “fears,” as forms for a “god,” as powers within and powers without. Even the Christian Religion has been tossed and torn upon these extremes, of a merely sensuous, and a merely abstract, thinking, whereby the Living One is ever crucified.

Thus, (to take for example one of the noblest and best of its sectarian workers), the Methodists, trusting at first to ignorant preachers,

who believed most easily what seemed most striking and paralyzed all thought by fear, have, with the education of their clergy, come to realize the difficulties of expressing religious thought in the highest and most rational forms. With less of that external faith in others, which man is apt to mistake for the whole, when it is only the educative side of Faith, they have tended to the view that it is quite as much a duty to make a heaven here as to avoid a hell hereafter. If there is anything that must be presently and always creative of happiness, it is Religion; that cannot be made into a mere threat, nor even into a mere preventer or consoler of suffering; it must be a living source of a real happiness for one and all.

II. Now it is useless to exaggerate the authority of that which does not give rational happiness; needless to exaggerate the authority of that which does. Just as a civil polity itself must accord with the demand for this as a product of its own rational character and conduct, so also may, and consistently must it, adopt this criterion by which to judge of what it shall recognize as Religion.

Neither a superstition of fear, nor a materialistic worship of mere force, comes within this criterion. No theory which debases Man to the level of the brute can be a religion. No theory which subjects him to the dominion of mere lusts of his body, or to greeds of his own or of others for external things can be a religion. Any theory which does not work out practically into a rational life that exemplifies what would be a rational conduct for all and a happiness for all, cannot claim recognition as Religion from a rational Nation.

Mr. Webster seems to have deemed the advance of rationality so great in this Nation, that only the Christian Religion can be regarded as coming up to this high standard for recognition. But of course this regards Christianity, not as a sect, nor as having any "origin," "descent," or even "revelation," except such as is from the spirit and to the spirit, in the common Reason of all men. That is the Religion which this Nation recognizes as sacred, because not "a religion" but Religion itself in its free, moral catholicity. In this sense, it recognizes the Christian Religion, not as a religion but as Religion itself. For when any sect proposes to limit Christianity to itself, it only shows its own imperfect comprehension of the spirit of Christianity.

In fact, the Christian Religion alone has announced the sublime function of Reason, in declaring that "The Truth shall make you free." And it has also recognized all the spheres of Truth, as having each its own special authority and freedom for the thought; and all the rationally organized spheres of civil society, as having their particular authorities for that practical action which in them must have a common purpose. It concedes "to Cæsar what is due to Cæsar, and to God what is due to God." This Religion has shown that Reason is essentially

free in it, by the very diversity of its sects; for it must and does take all ways to say all it has to say; but its spirit of charity passes beyond these differences of form or habits into communion of the whole. Thus it adapts itself to human nature; and knowing Man to be as yet only a God-child, it has patience with his stumblings, sympathy for his sufferings, an exemplar for his conduct, a voice exceeding mother's gentleness or father's wisdom for his instruction.

Thus divinely gifted and "appointed" for its work, the Christian Religion must needs be truly free, because it evinces an intensely real moral character. And this it exhibits as no abstraction, but as a Divine Reality, for both the individual and for the community. Especially does it show this by recognizing the religious relation between the Divine One and its Many, as being also a moral relation upon which to organize every many into one community. It recognizes the necessity for all rational action of an external character to be organized for the expression and gratification of a common purpose.

No merely abstract thinking recognizes this necessity,—this creative desire of a really free Reason, to embody its thoughts in outer acts so formed that they also will appear informed, and shaped after the method of a rational act, such as is known within,—the act of a moral, designing nature which would express itself. This "expression," since it must be freely read by a recreative act in all, "reveals" the moral unity of all, not in that which is created, but in that which creates,—and this, as a Divine Reality, is a Religious unity. But this great "fact" escapes the abstract thinker,—the "free-thinker;" as he is fond of calling himself. For he does not regard Reason itself as aught but an "abstraction;"—mere adjective, not substantive, it is neither fact nor factor, made nor maker; it is "no reality" at all. He does not realize that in his own "self," and always, it is in its absolute nature essentially personal,—an ever-uttering; and hence a demand for other persons and communion of persons, in the outer expression and inner joy of a common thought.

This abstract sort of "freedom of thought" then, since it logically shuts itself up speechless and actless, may be fully recognized and protected in all its rights for the individual without recognizing it as a religion. A religion cannot exist without claiming some community with others as a religion for conduct as well as for thought. It cannot be a mere "philosophy," whether of matter, mind, morals, or even of Religion itself. It must propose to live and act in a society organized to exemplify its methods of moral conduct, upon some principle it calls religious. If it present itself, then, in this practical guise, as an organized religion to a Nation, the criterion for judging it, as above stated, is whether it is based on a principle, and proposes a morality which can really help the Nation in its own work of organizing happi-

ness for all. But if it be merely an abstract theory of morality or religion, then by the common conduct it enjoins or approves is it to be judged as a theory; whether it is really a religion, or whether its "society" is only a debating society not yet come to conclusions.

We fall upon this question of "religious freedom," therefore, at first under that form of "free speech" already so fully discussed in another phase. Before, it appeared as Wisdom running to folly, as a *feu follet*; now, it seems to be Religion running to heresy,—or after it. When a man, however, gets to chasing "heresy" as the diabolic, and deems he can "fight it with fire," it is quite indifferent whether he does this in the name of religion or of irreligion. In either case, he finds this will o' the wisp he calls heresy, spreading like a prairie-fire, till he stops, bewildered with the sudden discovery that he himself is the real heretic. He has been fighting free thought instead of free speech. For, in respect to both, he has been so stupid as to mistake his own habitual view of truth, or form of expressing it, for the only one,—as though Reason which creates all can be fixed and tied up in one thing it has itself created, and there stand gagged forevermore.

When such a crazy notion deems itself religious, it seems to show that Religion can be the worst of all,—the destroyer instead of the creator; or the maker of a hell and not of a heaven. Like the drunkard, it does not know how to use what itself creates. Hence it creates an "evil" and calls it "good." Yet also when this notion deems itself irreligious, it is the same in principle and in purpose. Even when it calls itself a "religion of Humanity," it cuts off Humanity from any Divine origin or character, and hence refers it, for its only final law, to a merely human thinking. And this latter, as egoistic and individual, can find no final decision but that of "each man for himself;" and so there is nothing in common but heresy itself,—a common rejection of anything as Reason, One and Divine for all. Such a religion has no outlet practically, (since it must act outwardly), but into a communistic irreligion,—an attempt to make of the law of force, the only law for "good." It also calls this evil "good," because it only tipples with the creative law of Reason.

But when this real heresy,—this denial of any Divine Reality, One in all, revelatory in all, and bringing together all by that law of love which a common Reason organizes into Nations, families, moralities of life and charities of the heart,—when this ill-born and ill-bred heresy takes on unabashed the name of irreligion and swaggers of its "freedom," then we have that acting by the law of a "descent from the brute," which even overpasses the law of the brute himself. And against the "communism" which logically flows from this, humanity itself starts back horrified and exclaims: "Come in any other form than that!" It is a drunkard who has made his own hell and dwells in it. Is not this "irreligion" also "a mistake?"

Above have been sketched all the prevalent forms in which the mere thinking of Religion may be found in this country. They are not so developed here as elsewhere perhaps, either in thought or action; yet they are present already in all forms, and are coming constantly from foreign lands, and chiefly perhaps in the most dangerous of these forms. By the founders of the Nation, Religion was evidently regarded as a sacred reality, to be fostered and protected in its innermost sanctuary,—the spirit of every actual man. But by them, danger to it had been felt most in the form of a persecution calling itself religious. Hence, in the National Constitution they placed a provision, which has been imitated in the State Constitutions, protecting every one from persecution on account of his religious opinions or form of religious worship. Clearly this brings into question, "what is a religious opinion," only when it seeks to display itself in practice; and, as to either profession or practice of irreligion, there is no guarantee of protection by law or use of law. No professed irreligion therefore receives any recognition by the Nation. If it comes here, it comes uninvited. If it is bred or taught here, it is not under law that it is nourished or shielded. It can be only a rank and poisonous growth, at war with that very freedom of religious thought upon which the Nation was founded.

This must be manifest to a little rational reflection. The "freedom of opinion" is no doubt guaranteed by the Nation and by every State. But it was guaranteed first by God;—whoever denies that, denies it. Against such deniers of it alone, need civil law protect it. No opinion really can be forced; hence no one must be allowed to attempt it. The thinking-power is free; and only stupidity itself can undertake the impossible task of making it otherwise. But what does a mechanical theory of Man say of this "freedom of thought?" It says it *is* forced. What do theorists who derive Man from the physical Nature say of "freedom of opinion?" They say it does not exist; that all "motives" of Man are mechanical and that he is not at all a free moral being. Such theorists are indeed always the most rampant champions of "freedom of thought." They even claim a monopoly of free-thinking,—which must indeed be peculiarly their own, since they deny it to all,—themselves among the rest. They demand "freedom of thought" while they declare there is none, and "freedom of opinion" while they say all opinions are enslaved.

Obviously there is a grain of truth in what these men say, since they prove it, by showing that a man is capable of saying the most absurd things when he thus mounts a hobby and rides backwards. To hear a man shouting for "free thought" when he is preaching slave-thought, or rather no thought at all, but only force as the only moral law,—this rather excites the risibility of honest people when they see

the point clearly. And so, no doubt, the good-humor of the American people induces them to listen, with much confidence in their own good sense, to a great many displays of charlatanism. They may be a little confused when this standing on one's head calls itself "scientific," and puts on spectacles to be more impressive, or comes here from "mother-countries" under the name of "great discoveries." But our "ancestors" in particular, came here to be sure of having freedom of opinion; and the remarkably free manner in which it is expressed by their children shows that the same old spirit is still alive and active.

And indeed what those who deny it really want, is freedom of speech. But for what purpose,—if they really have no freedom of thought? Do they want to prove that fact? But what they really do prove is,—that they do not want to have any real freedom of thought; any free, true, known use of this power to think, either by themselves or others. For they discard and hoot at all effort to find any method or law for thought itself which shall insure its freedom and its truth. But as to "free speech,"—that also must be merely mechanical according to their own theory. If we get in that only the utterance of a machine, it is mere buzz and whirr. If there is a man who runs it, and he makes of himself only "an improved ape," we may laugh; but if he plays the gorilla, we must object. In any case, free speech must have its limits. Even by human law, it is necessary to prevent base and corrupting speech which goes to the demoralization of a community, or to the rejection of all laws or restraints of Reason.

But our Constitutions protect freedom of opinion in general, because even to deny its reality is to allege it; and to try to prevent it by force is absurd because impossible,—just as much so as the theory of "giving" it by force. Thus "persecution" of this sort is twin-born with the notion that the Man himself is "made by Force." But our Nation recognizes it as simply an inhuman and useless effort to destroy the Man himself. Hence the freedom of speech, also, when confined to mere expression of private opinion, is a logical corollary of Man's active, creative thinking, and of the relation he has to his fellow-men. It is in fact thus regarded and treated in this country, just so far as it is a practical necessity for free and full discussion of all subjects.

In this way, a rational free speech is recognized by us as a means for progress towards a communion of all in the best thinking. For this, as public thought, is thus moralized by a common conviction of truth which, as fully free, can be found only in what is recognized by all as a religious and final authority for truth,—Reason itself. As no man pretends to alone possess this, he wishes to hear its voice as others hear it. And if any mishear or misutter it, even that also serves,

since it warns. Those who try to wield the sword of Reason in a false way, only cut their own heads off, as we see, and still go on talking, unaware of the loss.

Such, then, is the law, written or unwritten, of this country:—“let all have a hearing;”—if only decent. Even the insane man is not hindered, if harmless; he, too, is let preach his illusions. Besides, we have noted what a Babel of confused tongues this becomes in the Press, even when written speech; so that it forces every man back to an inner religious freedom of thought as a basis, if he is to have any real thinking of truth for himself. Thus the speech shows itself to be mere form; the rational reality must be found elsewhere. And every man, even the irreligious, practically says this rational reality of thought, as an act within him, is a religious one; for he says it cannot be touched by force, and ought not to be subjected to such an insane attempt, either in theory or practice, either by law or by act.

But when this freedom of thought comes forth into some form of utterance created by it, then it seeks to act upon itself in others, through their act of interpreting this imperfect and external form. The imperfection of the method requires its careful use by the actor himself, and sometimes its limitation by others, even by law, if he do not observe a common morality respecting it. The limits of what is merely speech, have perhaps already been sufficiently suggested, if not fully stated. What remains is to notice that when religious freedom proposes to show itself beyond mere speech, then it becomes the practice of a religion, either as a public worship or as an acting upon others through its actual practice of morality. This brings up the question: what is the worship, or other actual moral practice, which can be recognized by the law, as what is guaranteed protection as “Religion.”

Now it is clear that no brawling that scouts at all religion can pretend to be recognized and protected as one. Nor can a “religion of Humanity” be recognized as a worship, since it worships a nothing; nor as a religion, because it denies all religious bond. No philosophy of the unknowable can organize any religion, unless it be of that past, pagan, “ignorant worship of an Unknown God,” which Paul recognized at Athens. But this Nation is not Athens. Surely, at this day, and here, in a Nation which makes sacred the freedom of thought, nothing can be called religion which does not at least recognize the Divine as a “God of Truth,” and all men as obligated to a moral law of Reason well known to all. There can surely be no “witness” for Religion, who cannot be trusted as a “witness” for men, from his denying all such obligation.

Hence the worship, or other practice proposed or claimed as legitimate, must be judged of really, logically, by this Nation, only by the

standard before described, essentially that of Christianity. But in a Civil Society, the criterion for this rational judgment practically degenerates with the actual morality of the people, and rises or falls with that, as a common view of what is really moral practice. We may claim, however, that in this Nation, the Christian laws of morality are regarded as the only standard for a religious life and practice. And here the forms of the creed and the worship are so free, that the inner religious life of Reason itself is what is final authority, and points to a God of Truth as alone final judge of the thoughts.

The really religious man who takes this standard will, of all men, be the last to deny the freedom of thought. Nor will he be the least charitable in respect to its human utterances, or least aware of the difficulties of a perfect practice of Religion. It is by reason, then, of this thoughtful and Divinely inspired catholicity of the Christian Religion that it is so charitable and receptive of all. It spreads its white wings over even the evil as well as the good, in sublime confidence of its Divine mission and power to "overcome the evil with the good." Wherever it is truly preached and Nationally recognized as free, there flocks even irreligion as to its best shelter against its own devices,—to its own best freedom to suck the juices of an eternal life, that it, too, may live and have its day;—nay, that it may be cured and escape its night. Such is the situation of this above all other nations with respect to Religion. As before intimated, it is based upon a Religion of the Universe itself, to which all the religions of Man come with their imperfections to be healed;—or else to corrupt, unless this Religion be taught in its inmost truth and practiced in its utmost charity.

With a vague rather than a clear sense of this, the Nation has practically acted as if it feared nothing. It has given a welcome to all sincere thought, to all useful lives. It has trusted the power of Reason to dominate all when given a free career, and to bring all into harmony by its own "hidden ways,"—most invisible of all in the sphere of Religion, when this is regarded only in its phase of an inmost and freest thinking.

And so also has the practice of Religion by worship or other public acts been mainly left to the conscience which inspires it. Here, however, the guardianship of a Christian morality becomes a duty of the laws. Even a Chinese worship, Buddhistic, or pagan, has been permitted in California, when wholly remaining a matter of supposed benefit for the worshippers, and only a theatrical show for the curiosity of others. But should the Mahommedan worship offer itself, merely as a worship, it would doubtless be allowed its private protection. Should it, however, seek to bring here its morality,—that, in its fatalistic teachings, would put it on a par with the Chinese, and neither would be allowed to inculcate such a morality. In this aspect, both are on a

par with views which derive Man from the brute; or, making of him a mere plaything of force, logically come to the conclusion of Schopenhauer,—that “the will to live” is really “irrational,”—so that the only way to live “rationally” is not to live at all.

Thus theories which reject the religious view, that “Man does not live by bread alone,” confirm its truth; but in an immoral way, by prompting to suicide as a plunge into nonentity. Death is not regarded as that “opening of the gates” for a spiritual life which the Truth has “made free.” But human laws, that of New York for example, make of an attempt at suicide a crime. If the act is regarded as “against public policy,” equally so must be the teachings or views of life which lead to it; so that this is essentially a law for protection of Religion. It regards men as morally bound to reject such views and teachings.

But again, if we ask: would the Mahommedan be allowed to practice his polygamy here because his religion permits it, and his “revelation” tells of sensuous “houris” in Heaven itself,—then we should have a par with the views of a sensualist theory of Man. And any sensualist who deems this life the only one, would have small scruple about becoming a Mahommedan, if that gave him a “respectable” morality. In this aspect, a ‘religion’ would be quite inviting to him. But such a ranging of “wives” or “harems” under the name of Religion would at once shock the moral sense of the American people. The attempt to do so would perhaps wake them to full consciousness of the fact that they have been educated by the Christian Religion, and have a Christian conscience on the subject of morality.

Yet here we have almost a perfect parallel with the practice of Mormonism. Do “votes” ward off the “shock?” It is said by some of the Mormons, that their “revelation” does not command, but only permits polygamy. But that is true also of the Koran. And both these “religions” carry this sensuality into a future life; the Mormons doing so in even a grosser and more debasing theory of both Man and God than had Mohammed. Whether partyism has stood in the way, or whether that merely technical style of interpreting laws and constitutions which seems specially eminent in destroying them, it seems that in Mormonism, we permit at least the local existence of both polygamy and haremism. Into one or other of these descriptions of it, its morality surely falls, and can be legally judged. Let it be imitated elsewhere in either form and called a “religious practice,”—as it may, if that is what is deemed to protect it,—and then judges, legislators and party politicians would soon be enlightened in their interpretations. If taking two or more wives by a religious form of marriage be not bigamy, what can be? This may call for “amnesty” in some cases; but surely leaves no other loophole for escape, when the rite of mar-

riage was performed anywhere in this country, or in any other with similar laws; for it was known to be against the recognized morality, and to be even a crime specified in the laws. But suppose the rite and practice be concealed, or not provable as a marriage; yet if it be notoriously the keeping of a harem, that suffices. Can a Nation concede that such a practice is tolerable everywhere,—as it may be, if anywhere, when it claims to be a morality? Such a “better morality,” as it calls itself, may be adopted elsewhere also; by such as may consider it “as good a religion as any other” and with “as much right to be protected.”

On such a point, therefore, parties and policies show what sort of religion they practice, whatever may be their professions. But a Nation cannot safely tamper with half-way policies in regard to what, claiming to be a morality, is opposed to the monogamous law of the land, or what, claiming to be a religion, shocks the National conscience of what Religion is.

III. There is no scope here to complete such a theme as Religion. We have come to it as that inmost Reason which through Man creates a Nation. And a free Nation, more or less consciously, protects it as this sacred form of a creative trust. It is recognized as the truly free, the Divinely good, since it forces none, but persuades all, into an ever higher unity of rational men, passing beyond the sphere of any Nation, or of any church. And thus it hovers with a larger sweep over this free Nation, which protects it as the inmost life of all men, and over all Nations as the means whereby in part it works and wins its way, as culture for Man, as unity of all in God. In this larger view of it, the laws of civil polity must needs leave it to the aids of Science, the interpretations of Philosophy, the organized efforts of churches. These all appeal to the individual, and by them is he educated in Religion. We are therefore here carried back to that common humanity,—the many men to whom Reason has been entrusted, and where alone can it find and edifice its “Church Universal,” its “City Eternal.”

Man gets weaned from all his nurses,—from Nature, family, State, Church. Sooner or later, in one way or another, this must occur to every individual. Their function is only to teach him to stand alone, on his own responsibility, a true self-government. And he must learn to do this or fail of his manhood. He must learn to walk alone “in the spirit” not less than with the body. His body decays at last; then, at least, if no sooner, he must take disgust for mere Natural laws and their joys. But meantime his education has fitted him for some curriculum of active life, in business or State, and he is satiate with the powers of that career, or disgusted with their irrationality. So also the church has nourished him with its teachings and guided him by his faith in others. But he can scarcely have been thoughtful at all, if he

does not tire of all this clamor of contending sects, and wearily sigh for rest in a larger spirit than any of these, or else rise above all these various views, and grasp Religion in its own Reason and its own peace. In the latter case, he is "born into that spirit" itself which has weaned him for itself, and from all else, yet by all else, and through all else.

However imperfect may seem the means of this education, then, they must not be regarded as unnecessary nor even as unfit, since their very imperfection adapts them to those who use them. Man even prefers to see the Divine wisdom in a father, the Divine goodness in a mother; and these, when they depart carry a ray of light for him into eternity. So also he loves his Nation as "the best of Nations;" and in his church he would have hidden a holy shekinah, too bright for his eyes. "All these," he wishes and loves to say, "are better and wiser than I." But if man could not turn at last from all these teachers and say: "Not enough!" he would really have no need of them; for he would have no capacity to surpass them. What is educated in him would not be a power capable of ruling over all, of transforming all into more than "image," of rising into real vision of the invisible. This is the proof of Man's birthright, and that its origin and title are not to be sought for in Nature.

Theories of Education which treat Man as nothing at all mentally, unless it be a hard case to be stuffed or written on or "polished;" or of Morality, which seek for laws of that in relations of force; or of statecraft which regard him as to be ruled only by force;—all these and their congeners in Science, Art or Philosophy of any kind, are theories as vulgarizing as they are false. They pride themselves upon being "practical;"—just what they are not, except for creating evil and destroying good. Their whole tendency is to corrupt the individual and all he makes,—Arts, States, Churches. They claim to be new; but they are only new forms of old falsities. They are essentially the same theories which made the imperfect States of the past, the ruin of which they are now fond of imputing to "Religion." But they are themselves this vague "religion in general" which both made and ruined them. They are those "religions" which are mere superstitions of Nature, and worships of force; and are merely seeking to repeat the old story in a new form,—to go through the old convulsions more rapidly, intensely and terribly. Not warned by the fact that Athens and Rome had as high intellectual development as they, they would repeat the old error of moral blindness or perversity, in subordinating the mental to the physical, the higher law to the lower in "practical affairs," and especially in "statesmanship." Thus they would have us run down to barbarism again only more quickly; for agnosticisms and atheisms are shorter routes than polytheisms. Existing barbarisms

show us what such theory is practically; for there it is in its nakedness,—an agnosticism of any Divine Reason as ruler in Man. It is just as likely that these barbarisms have degenerated from man's highest birth-right, if it were ignored in this way, as that they have become "developed" thus far from the "brute." And it is quite as easy for us to "descend" *to* that as *from* that.

The true inference is, that Reason is a power in trust for Man, and must show itself a ruling power and know itself as such. It has a battle to win, and must win or lose it. Hence we may "infer" that it may be overpowered, if it be misused or miseducated by himself or others; but also that he must not let it be overpowered. Ignoring it, is the quickest way to enslave it; but equally sure are all false theories concerning it, which find not its religious relation and character. All such error and blindness is to be avoided as clearly the cause of all forms of ruin to former nations;—but more now than ever. If this Reason be with us at its Lucifer light, it must also have a Lucifer fall. If its "pride" be only a blind one; a pride in its power of force, ignoring that this too is a power of Reason,—then it will make of this evil its good, and topple drunkenly to its fall. Our physical Science is justly proud of its grand achievements; but if it see not that these have a religious origin, are created by a Reason divinely entrusted to Man as a creative power,—then it may prove to be, not "the providence," but the Lucifer of Nations.

Reason, as reflective, is but another name for what Religion is merely in its rest,—its rest from its labors, its serene contemplation. It is a home which Religion oft needs to seek merely for rest;—but also for counsel. It is the home of its power,—the might of God. But when the "counsel," and not merely the rest, is asked for by Religion, it can be received only by a highest method of thinking the true; and it can be reuttered for others only by a highest Art, a moral art of expression. Hence when this interpretation of Religion, (in aid of the moral Art of Civil Polity or of Church Polity, or otherwise), is undertaken by philosophies, these will be found to fail in proportion as they neglect or refuse to recognize realities, and begin to talk about "illusions."

If a philosophy grasps not the "revealed" and hence "self-evident" truth of all, that even Reason Divine must and does operate, not merely by one but by three modes of power, and that one of these seems an "evil" one, then such a philosophy fails to find the real relation for any practical acts whatever. This entire book has been tracing this relation as that of the three powers of Reason, to merely think, to morally design, and to exercise force in space and time for embodiment, expression or symbolization of Man's designs. Taken in general, this last mode of action may be Divinely resolved into good; but taken in particular as it must be by Man, it is essentially an evil, since all

such expression is necessarily imperfect. It is ever incomplete, and never, like the idea or thought itself, at once complete, divine in its nature and absolutely the same for all. This latter, the power to think, must therefore always pass beyond the imperfection of any external expression. Even to know what that "means," it must recreate it in the purer form of idea, by seizing the design of its maker, and allowing for its imperfect execution, by noting that the law of the form in which it is executed is inadequate for perfection. In this way, the power to think declares itself supreme over all, and capable of even turning evil into good. This has been shown all through the process of making laws and civil politics by Man. It has been pointed out also as the very acme of his power, and proof of his responsibility, in the sphere of his own creation of evils and his avoidance of the "illusions" they excite.

Now, to recognize this designing power in Man, to make it conscious of itself, and render it good in its designs, is just as vital to the Church as to the State. All true philosophy of Education must rest upon such a power in Man. Religious education especially must do so. It must not ignore this designing power in Man; for in that alone can it find a religious reality, since in that alone is there any reality of revelation. All laws of evidence are grounded upon it, and found in its acts;—to ignore this, is what falsifies and partializes all science. All knowledge of good and evil is in and by it alone;—to ignore this, is to get lost, as Mr. Seward describes the Hindoos, in metaphysical mazes without issue.

Yet ignoring of all this, is just what has largely reduced all religious teaching to mere imposition of external authority, or else to mere memorizing study of "facts" as basis for religious belief. In this way, it has put itself on the same footing as physical science, and of course finds itself in a "conflict between Religion and Science," because no physical theories, or mechanical relations of things, can at all explain the religious relations of persons. To trace this briefly, is the quickest way to show the individual's relation to Science, Art and Philosophy, in regard to his religious education.

Of course, unless the man or teacher begins with a true philosophy of what it is that is to be educated, he begins or is led blindly. But there is no art whatever which cannot be made, when truly taught, to render him aware that he must needs be a designing, inventive power, in order even to understand his work. Neither is there any science, (as noted in the case of mathematics), which cannot be taught so as to show him that the only "revelation," the only law of evidence, and hence the only actual evidence he has, is in his own known act of thinking. Whatever else may be fact or illusion for him, whatever else may or may not be "proven," this religious reality of an actual

thinking,—a self-revealing of truth, is in him. How stupid, then, to fix his attention on everything else but that as “evidence.” In fact, the ignoring of that, is essentially irreligious teaching: for it treats as unknowable the religious reality itself.

Thus, for example, we have seen religious teachers gravely discussing the “scientific evidence” presented in the “positive” form of a series of rock strata, to “demonstrate of itself” such or such duration and history of the earth. It seems entirely forgotten that all the evidence at all really offered, or possible in such a matter, consists in a process of reasoning. This is the only proof; and, whether it satisfies us much or little concerning the history of the earth, it demonstrates, when our attention is called to it as an operation of the mind itself, that the “evidence” is in us, not outside of us. Hence we may console ourselves with the reflection that, if it is Truth, it will stay there; and that, in any case, this religious reality of Truth, in its own act as only evidence of all, is quite indifferent to the supposed history of the earth. Are we rather to tremble with dismay before a certain pile of rocks as a “positive evidence,” against a designing power which we must needs use, in order to see anything more in them than a pile of rocks? If we do not recognize this designing power in us as our evidence of a supposed “history,” certainly there can be none other. This “scientific evidence” must otherwise be wholly an illusion, unless it be a “fact” made in just this way.

At this rate, a man can consider as illusion any fact, or any reality, whether that of his inner thought, or whether the solid one which perhaps he deems the only evidence. The fact of the sun going around the earth is now said to be an illusion. Yet it served long, and serves still as “a practical fact.” It is a supposition sufficient for many purposes. For, when we come to realize what this “fact” is, we find it to be really only a thought of ours,—a judgment about an infinite number of sense impressions and their relation, regarded from a certain point of view. This judgment is relatively correct, a “commonsense” judgment. But when we undertake to settle our *credo* upon that alone as a basis, we render ourselves incapable of understanding even the solar system. For that purpose, this designing power in us must take another point of view, and one impossible for us to take bodily. It must “walk by faith and not by sight,” if it gets to that point of view of the universe. In doing this, Galileo was more religious than the Pope; for he asserted the entire independence of the thought, its dominion not only over the senses, but also over old theories. And now physical Science itself rests knowingly, (unless it floats) upon this free capacity in Man to conceive from any point of view he pleases; and the “evidence” it offers is an ideal, not a sensible

one. Shall we, then, ignore the very means essential to such science, the very act of our own upon which all its work depends, and in which all its evidence consists?

It would seem, therefore, that this essential fact of all, this designing maker of facts, ought to be taken as only sufficient ground for religious truth. And to point it out as such, and as free, should be the main object sought in religious teaching. For falsity, even in physical science, depends, as we have seen, not so much upon a failure to see "facts" as to recognize their factor; not so much on incapacity to design, as on refusal to recognize its work as free designing. It shuts itself up in a particular point of view and says, either that it will not, or cannot go any farther; either this is all, or the rest is unknowable. But Galileo stepped out of that stupidity, though the church forbade it; and every advance in Science must do it, for the Religious reality commands it, commands the knowing to be free and know itself as free.

Religious teaching itself, then, is also just this mulish halting of Science, when it boxes itself up in certain hypotheses. If it rest its revelation merely upon supposed or proven outer facts, it ignores the real evidence of them in the thinking itself, which is, in any case, the only religious reality for the individual. Whether his suppositions about facts are false or true, they must be insufficient; and his very freedom to think about them as thus insufficient and incomplete, is the vital truth of all for him,—the very one to call his attention to as the religious reality of his nature. If this is not done, he may become a merely stolid acceptor of others' opinions. But he may also become a mere fanciful thinker, because no religious ground of Truth is shown him. Since he is referred to outer proofs, he gets lost in them from his very freedom to transform them. He may fall into an idle dreaming of ill-regulated thought. If this is made into habits of thinking, it may breed illusions respecting outer realities. The real truth is, that illusions of all sorts are also facts in some form; and, *per contra*, all facts, solid as you please, or ideal as you please, are but illusions also, if they are taken, not as *facta*,—the made, but as the maker. Both facts and illusions are but forms of the law which makes them. They are seen falsely or truly, according as this law is misused or misread. They may be well known to be insufficient and incomplete, yet practically be taken as all in all, or as all that is known. In this case, there arises a thinking and worship of the evil rather than of the good, a slavery rather than a freedom of the thought.

In this way arise those vulgar and false philosophies which undertake to tell us the precise "facts," and give us a solid irreligion. They are merely like the drunkard who has made of evil his good. Since they conceive only of snakes as ancestors, they find only snakes and

crawling realities; and *vice versa*. All else is illusion for them. Looking back to the "descent of Man," they see the serpent itself, of sensuality, and greed of force-form, not as his tempter merely, but as his "ancestor," his fatal all. Such theories, then, may well be asked, how Man is ever to be rid of his hell, if he has instinct only for that. And all who cherish them may well inquire, when they see their tendency to make men drunker and drunker, till they think only as in a delirium tremens, whether, after all, there is not more wisdom in that "old fable" they sneer at, yet which distinctly symbolizes this very relation of Man to both a heaven and a hell,—to Reason, and to a force-form which may be abused. It is this relation of Man to both good and evil, which gives him the knowledge of both. He is an active power for both, and to subordinate the evil to the good. Hence, in the "old fable," there is a third party that expels from, and guards, this first "Eden," with a flaming sword. It is that designing Reason in Man, which makes him discontent with mere sensuous Edens, and sends him forth into the rugged way, a creative power. It tells him to account wisdom more precious than rubies, and manly virtues will render him "heroic," "divine," and make men themselves say: "Of a truth, he is a god!"

All history echoes with that voice of Reason with its *excelsior!* for men. It has built families, States, churches; and has ever repudiated that baser cry of the tempter which leads away to the illusions of the drunken sense, and sneers at the all-creative reality and sanctity of Religion. An earthly father sends forth his child and says: "Go, act for thyself that thou mayst be a Man!" So says this Divine parentage in Man:—"Go forth, creative child, that thou mayst know thyself and the reality of thy Manhood by thyself creating!" Thus it is, that Man traces his real "descent," by an ascent. For even as one who "falls asleep," and "knows that he shall rise again" from that mimic death, as if he had touched a god and renewed an immortal strength, he seems a Hercules who can live forever, and vanquish every Anteus who, born of Earth alone, must hold to that for all his vigor.

Even the ancients imputed a religious relation and birth to the highest "strength." Has Man become less "heroic," less "heaven-born" because he now sees this relation as one of "laws?" No; but this relation, in its religious reality, is more difficult for him to "understand" and state. Even the highest philosophy, when it seeks for the best methods, springs from the deepest insight, and rises to the height of the religious relation, must also falter in its utterance of what it would fain say. And what it says must be imperfect; so that it must depend upon an insight and love of truth as great as its own for a perfect comprehension of what it would fain say but cannot. Thus was it with the philosophies of Plato and Aristotle. Men saw less easily

their thinking of the "good" than the Epicurean thinking of the "evil;" the latter was the "good fact;" the former the "illusion." So has it been with the best German philosophies; for "fixed habits" of thinking, they are "nonsense." When these rise to the height of the Christian thesis itself, like that, they are subject to failure of expression in the utterance, as well as to misconstruction by a lesser insight or a prejudiced reception. Not easy is it for any "to attain unto it,"—that freest thinking of Truth, which must grasp a total and Divinely ordered relation of all realities. Unless the essential necessity for a triune relation of powers is kept firmly in view, and clearly expressed, the philosophy itself is one-sided, or if otherwise, is "not understood" by any who insist upon having only what they call "facts" considered, and all the rest called "illusions." Thus the highest philosophy of Germany, to day, is deemed chiefly useful in supporting a despotic unity and government mainly by force, because it is "understood" as calling force itself an "illusion" as such, and really "rational;" and it is convenient not to recognize that it also regards illusions of all kinds as deplorable but instrumental facts.

The error here is part intentional, part lack of insight;—it is the error of our old friend "self-interest." The man can build him a glass-house with mirrors within, so that he can see himself repeated infinitely in a shape he recognizes as apparently himself. Yet he knows that this "fact," which he himself makes to tickle his vanity, really sends back to him only illusions made by a law which mocks at him. But when he is wiser, he finds the real fact of his own presence everywhere infinitely; and his taking all else for "not himself," and not his self-interest, and "not in his time," seems now the illusion. Man's mirror gives only a shadow even in facts. The Divine mirror gives only a reality even in illusions. The facets of the latter are infinite, and give all sides; for indeed it is not a mirror but a maker of mirrors,—a recognition of the laws of reflection. Hence the man who looks at it "only one way," only thinks in one way. Thus he can see indeed an infinite self repetition in any form he pleases, but attains to no spiritual, complete self-forming, and therefore "sees" none.

Hence there are also extreme and one-sided philosophies. One will say that all but the ideal is an illusion, since we know nothing except as we think it;—"unless we have an idea of it, it does not exist for us." How manifestly untrue this is, is clear from the fact that we are constantly affected by all in the Universe, spiritual or sensible, yet we never do nor even can "think it all." This shows the thought itself to be free and able even to rest despite all its "affections." But such an arbitrary theory that "all is ideal" renders all thought itself mechanical; so that this kind of "idealism" may just as well be called "material-

ism." Or, otherwise, it only destroys both sides in trying to destroy the other; for, if it be true, then there are no "many;" each is the "One,"—and a "One" that can forget and drop out the rest.

Such an unreasonable theory tends to breed its other extreme,—that we know only what actually hits us and hits us hard. In this view, we must be "bodies" only; and then the power to think at once drops out of them as "unknowable." The German Haeckle is zealously seeking to find for us the beginning for such a body for all animals alike. But the power to think, not being at all "found" in any such forms, nor at all necessary for "collisions," must be the "illusion,"—and the greatest illusion of all. It is but a "secretion of the brain,"—of a brain which it must itself create. It can get "created" then, only by what itself creates; a singular "fact" which seems after all to leave it "uncreate," and let it wing-away triumphant in its immortal character. Man builds a house, whenever and such as he needs. But he does not say that he or his thought is a secretion of the house. So thought must always build an outer, perishable fabric of some sort, if it wishes anything it owns or uses to appear, or to "exist" in that way. But itself is not "secreted" by any such form, brain or other, any more than its "vision" is secreted by a microscope the man uses. Nor does it perish with the using.

These absurdities, to which inevitably run all so-called philosophies which reject a religious ground for science, are warnings for Nations as well as for men. The sanctity of the Truth is the only ground of Civil Polity for free men. If Truth has no reality as an active designing power, there are no free men. It is the only ground, therefore, for the individual himself as Man. He takes an oath by this sanctity of the Truth, not as an abstraction, nor as a formal, limited truth, but as a living Truth,—Truth in its wholeness of actuality in him. He is this actual capacity to know and tell the Truth, or he would not recognize his right to call himself a Man. He swears by this as a religious reality, for he feels it as a moral obligation, to violate which, denies his own spiritual nature as born of the Truth.

And he knows this Truth in him as a designing power. He is no mere Hercules, no "heaven-born" of a sort that can be made into a mere fixture like the stars. The power he has is no illusion. It seems to rest from its toils in his sleep: but he rises again from that sublime self-surrender, as though he had touched a God of Reason and not a god of clay. And its labors are more mighty than those of the hero; for it can transform that evil form of force into a servant of the good. It is in this fact that he can understand his own design. He knows this power of design in him as a moral law, and an impulse to all reformation, in himself, in Civil Polity, or in Church. Its monition to him is ever as if it were almighty: "Be ye not overcome with evil, but overcome evil with good!"

For in that process, (as already intimated in chapter XI), is alone attained the acme of goodness as well as of power. By knowing in him such a designing power and intent, therefore, Man is able to devour the Sphinxes of his "destiny," instead of letting them devour him. Their "riddles" of death he can read as only an immortal promise. The "problem of evil," or, what is the same, "the mystery of suffering," is revealed to him by the very nature of his designing power and its relation to his other powers. He knows that in such relations as his, all Art is painstaking, all goodness an act of victory over evil, all liberty a moral liberty delivered down from "father to son," as a "freedom's battle," to be ever won, just because it must be won by every man of every generation. Thus he knows himself designed to be a soldier, and free to be a good or poor one. He has a cross to bear, but also a crown to win. He has a real burden to bear; yet to shirk it is only to take on a worse one. He can rest from it, not merely by laying it off in his sleep, but by reflecting that he is not the whole of Reason and does not bear it all. For such is the Divine Reality itself of Reason;—this burden is also for it both cross and crown. The glory of Reason is not declared by either a philosophical ignoring of evil, nor by a practical surrender to it; but by recognizing its reality, and its moral use by one who can create it to be conquered and made servant of the good. Every child of Reason shares in this work, partakes of its burden, helps realize its glory.

Suffering itself may thus be seen as rational, and even loving, in its purpose. A baptismal chrism of the new-born, it may also be the source of the highest glory, and the crown of all rejoicing. Thus every one is ready to say of his own share of suffering, when he sees how it fades and perishes in the past: "I can forget that, but I cannot forget the sufferings of those I have loved." And this is but the echo of what a Divine heart also says: "I can forget my own, but never the sufferings of my children!"

But none of this "explaining of the mysteries of life," (as it is called), is possible, if Man does not obey the injunction: "know thyself," by knowing himself as a designing power. Designs alone can "evolve" into such facts as truth and falsity, good and evil. Whoever ignores designing in Man has no law of evidence even for things; so that when it comes to such different realities as goodness, truth, etc., he is wholly lost. The reason for his finding no evidence of these, or of "what they are," is very plain, however, when he tells us that we must ignore wholly "what it is" that Man is to know as himself, or else we must regard it as only an atom. He tells us that all our higher interpretations are "purely imaginary." He is wholly blind to the necessity for all our interpretations to be "imaginary,"—an act of understanding. He has never even asked himself that primary question:

“What is evidence?” never asked even *how* he “sees.” It is clear, therefore, that such “objects of life” as he will propose for us, as “within reach,” will quite ignore that foreseeing, designing power in Man, which makes him build a State, not merely for himself, but for his posterity.

All such agnostic teaching, therefore, is peculiarly degrading to Man. It sums up all other falsities in science and philosophy, and declares him slave altogether, because slave in them. But religious teaching itself has been guilty of this. For all false teaching springs out of false views of the religious reality of what is educated in Man. The result, of course, is two-fold;—in theory, and in practice. On the one side, flow out false philosophies and imperfect sciences, all due to imperfect religions; and on the other hand, these theories are put into practice. When a man has no recognition of Truth as other than an abstraction, it is obvious that goodness, also, will be mere abstraction for him. If he ignore the act by which he knows the good, how shall he know that as act also,—as a personal reality? Only in a designing power can he find a good reality. If he ignore this, good or evil become for him mere phantom-dance over the surface of things. This was traced in chapter II., as it showed itself in the Roman world. Let us see what it is and does in modern times.

IV. Agnosticism is simply the final evolution into Science, of a religious effort to treat “revelation” as something independent of the act of thought itself in Man. It is the last step of that old denial of Man’s capacity to know save by being acted upon as if by force, so that he also must react by force and be an atom. It is the step where this “atom” is driven to its nullity as atom; knows itself at last to be knowing freely and not by force, and hence is asking freely about all “revelation,” even that of the law of force itself. It asks: “do I know this ‘revelation’ by my own act, by a felt act of Reason in and by me?—if not, I do not know it at all.” Thus Agnosticism recognizes Reason, but only as Man’s reasoning. This Reason also acts; must act or it cannot be acted upon. It is found as a self-government which refuses to be ruled except by what it recognizes as Reason. Hence it rejects any “revelation” which is not felt and known as in the guise of Reason by the one who interprets it. But, at this point, Agnosticism, driven to free itself from a law of force, stands pausing and says: “I do not know *what* it is, this Reason. By that alone I know, yet I know not it. Hence I know not at all. For I must know absolutely, or not at all.”

Such is the reality of the case with Agnosticism. It is that “despair” of Religion, which first found hope in Science, but, not recognizing the reality of its creative Art in that, over both thoughts and things, has returned to its despair, just as the sun is rising. It is the

“second coming of the Son of Man,” in the clouds of Man’s reasonings, yet in the glory of his own Reason,—the glory of a world transformed by Man’s own Art, and radiant with the light of his own known Science, so that there is no longer night there. Hence it is Religion itself, again new risen, freed from its grave-clothes, and saying truly: “I KNOW; yea, I know absolutely, or I know not at all. I know that the Redeemer liveth, if at all, in this absolute knowing, this very act of Reason which transforms all. I know the Truth as Truth, or I know nothing.”

That is the utterance of a true Agnosticism, which Man hears as he pauses, and rests from the fever and toil of his own creating. He recognizes a rational act by which he thinks, designs and creates. He knows it to be an absolute power over force, and of absolute nature itself, hence known in itself and by itself. But if he halt there, and see not its “reach” into all truth, and that its very nature as a self-government makes of the entire universe of Thought a mutual, personal, spiritual self-government,—then he stands upon the dividing line between Religion and irreligion.

And this is the false Agnosticism, whether in science or religion, which affects modesty. But the modesty is a false one. Hence it is an immodesty, an immorality; for, in especially disclaiming religious knowledge, it disclaims all moral responsibility, as well as all ground for true Science. Thus it uproots both State and Church, and sends Man himself adrift again like an atom. It is not that Socratic and modest agnosticism which claimed to know more than others, in seeing that a mere smattering in details which ignores principles is folly. Just the contrary of that; for it glorifies this mere knowing of details, while ignoring the very acts of Reason by which they are known. Socrates averred that the only real knowing must be an absolute knowing,—a knowing of that by which we know, and of its acts whereby all else is known. But this false agnosticism is the exact reverse of that Socratic seeking for the absolute Beauty, Truth, Good, as only ground of all. It avers that such a seeking is futile; and that the only knowing, if any, is of “things within reach.” No wonder such a view corrupts all business; but what are we to do if it is echoed in the religious sphere itself, as this “modest” disclaimer of “reach,” and this preaching of Man’s incapacity?”

Thus we are told by every half-way business-man, scientist, politician or theologian, that “it is not necessary for us to form a theory of the Universe.” But just that is necessary. It is just what every man does and must do, in his theory of himself. And his practical conduct shows what his theory of the Universe is. So also is every civic State thus dependent upon its theory of the Universe, and practically is made by that. This is the fact, and this the necessity, that

makes of Religion the central feature of all civil polities, as it is of Man himself. It is vain, therefore, to try to escape this necessity of the case. It is precisely what makes Man "what he is" as Man,—a thinker of the universe, and of nothing less. Every thought a man thinks must be a theory of something, and one which involves a theory of all the rest; otherwise there is nothing to base it upon.

But, we "must not grasp at things beyond our reach." This must mean, when applied to the mind, that it is a material thing and liable to fall to pieces. Hence a man must avoid putting any great strain upon his mental "faculties;"—and he does, when that is preached to him. He is also apt to avoid straining his moral "faculties." The business-man sees "the truth of this observation is in the application of it." Of course it is idiotic to grasp at what is out of reach; so he takes good care to grasp at all within reach. He plays a losing game, it is true; for the former is bigger as well as better. But for him, and for the poor politician in every sphere, this doctrine is "self-evident," because it preaches to him a material view of evidence. It cuts down the world for him to a world of the senses, till he becomes mere mouse in all his ways,—business, politics, religion,—all must be cheese for him, or it "don't pay."

"Man's faculties are limited!" Even the theologian deems he is dealing out to us a God's mercy when he tells us that. Poor creatures! We are like rats that must go by sense of smell, must walk by sight;—but then, "we do not need to know much." And, besides, it would really "strain our faculties" to do so; hence the Truth is mercifully hidden from our "eyes." Can we look upon the sun, even? etc., etc. In such talk as this, the "faculties" are treated as mechanical, subject to shock and dissolution. Preachers do not intend to thus confirm the very theories they mean to preach against. They are trying to explain why they cannot explain anything, and to make us understand why we cannot understand anything. But the trouble is, in both cases, that there is only an effort to explain and understand machines. No truth, religious or other, is subject to machinery. If our understanding depends upon the size, either of what is understood, or of what is understood with, no doubt such explanations would be ample,—ample enough to make of Man's trying to know at all a complete absurdity. And hence Religion, first of all, must go by the board; for that is a theory of the Universe,—a theory which, if impossible for Man to form, needs no further proof that it is not necessary for him, either to form, or to follow in his practice.

Such a view of Man, in whatever sphere it is preached or practiced, is simply a return, or stupid adherence to the old, old doctrine of Man's incapacities;—so excellent for making slaves, so bad for making free-men. This preaching down of all his real capacities as a Man, has

never made him free in Science, in Civil Polity, or otherwise. When the clergy have joined in it, it has also made him mere slave in religion. When men themselves accept it practically, and pay most to nourish their incapacities, and least to what tells them of their real capacities and hence duties, they have resorted to methods of force and rejected rational methods. They have regarded each other as Natural enemies, instead of rational friends;—as things to be ruled by a law of force, to be tossed and torn, and to perish by shock, shock, shock, instead of persons to be mutually self-governed by a law of Reason. All the abuses of business methods, all the conflicts of capital and labor, all the slavery which man brings upon himself, under the name of personal liberty or property, by rejection of any moral law for them.—will, in the future as in the past, spring directly from such agnosticism of all but incapacity in Man.

The future of this and of every Nation depends, therefore, upon which theory it adopts and acts upon,—that the Universe is “unknowable,” or known only as a clash of forces; or that it is knowable, and governed, by a law of Reason. This book has sought to show that what Man knows as the law of laws is a law of design. It is a moral law, which regulates all rationally by suitable methods for every sphere of action. But it is also a religious law, since it involves trust on one side, in an Absolute Truthmaker, and on the other in Man as absolute Truth-person. If this involves a theory of the Universe, so much the better. In that case the very building of a good State is the revelation of a good God. If it does not pay to tell this truth, so much the worse for those who think so. Those who pay for flattering their incapacities, pay dear, and get worse than the “nothing” which they worship. For no man, for no Nation, will it pay not to know the Truth; for the Truth alone can make us free.

On this point, the voice of our greatest statesmen has never been silent; and never has it sunk to this preaching of Man’s incapacities. Quotations have been made, and might be multiplied indefinitely. Suffice these words from that majestic and eloquent understanding of Webster, in 1820:—“Advance, then, ye future generations! We welcome you to the immeasurable blessings of rational existence, the immortal hope of Christianity, and the light of everlasting truth!”

CHAPTER XIII.

THE FUTURE OF THE NATION.

"The ability of a lofty spirit trusts not so much to mere hope,
* * * but rather to a judgment grounded upon present realities.

It is but just, also, that you all should sustain the dignity of the State, derived from that sovereignty in it on which you all pride yourselves; and that either you shrink not from its labors, or else lay no claim to its honors."—Pericles.

"Man can know the future only by the past,"—is another sample of that crab-fashion thinking, by memorizing whose maxims we are supposed to be equipped for all emergencies. Why should we know the future "only" by the past, if we at all know the present? The present is what alone can be transformed into the future; and what is knowing in it, is what is transforming it. If the man or nation knows what the present is, and what is creating a future out of it for him or it, that would seem to be nearer at hand, and capable of telling at least as much as the past. If nothing is known in the present, however, it would seem quite impossible to remedy that difficulty by recurring to the past. And in fact, looking into the past is rather a dark business at the best. If we look far enough, memory fails as badly as prophesy, and what is "found" is just nothing at all. Just so, a looking into the future finds nothing but a dead blank, unless there is known in the present something methodically creative of it. The only purpose of looking into the past, is to find a method, a law of creative activity, and one which ever continues, not as a law of chance, but as a known law which can be relied upon. And this, as even the "heathen" Pericles saw, is a law of spirit, of judgment, of thought itself. But as this always creates out of the present, it is always in the present, and "knows itself" there. Whoever overlooks or ignores it in the present, finds it nowhere. He is generally looking for some thing else,—a mechanical law which deals with machines; not a law of thought which creates Man and by Man.

Thus the mechanical theorist looks into the past to find the "origin of Man." If he could only find a beginning, he could make an end of him; and that would satisfy the "inquiring mind." He would find Man to be a creature of chance, or a machine of "unusually developed

brain;" but substantially a mere "protoplasm," which happens to come and happens to go, yet, on the whole, is less admirable than the simple water-brook which sings to him:

"Men may come, and men may go,
But I flow on forever!"

Thus the Eternal taunts Man from without, when he recognizes it not within himself. But when our searcher for origin in a temporal past finds it in a solid shape, he concedes that he finds it just so also in the present. He dilates on the absolute certainty of his "proof," by showing us that the two are precisely "like." Magnify it much as you may, this "past,"—it is just like the present. The "ancestor" then is found after all in the present. Vanish the "ages on ages" necessary for him to get here—in this shape. Vanish the "development," and the "differentiation" of a formal sort, so essential to "make a Man." And after so much ado about it the mystery is worse than ever! If it is this microscopic thing, just like any other thing of its size to all appearance, then even that fine machinery of the brain must be given up as explanation; for what is to be explained, in the first place, is the "ancestor" that can begin in the present and show that as his first handiwork.

By such a sudden turn of its own machinery, is this purblind sensualism brought to the necessity of explaining a thinking present, which is capable of thinking of a past as though it had been there, and of a future as though it were immortal and could have no origin at all in mortal things. That is the problem of "descent" for Man. And the more he studies it by the best instead of the worst knowledge he has, the more rational he shows himself to be. Will he grope in the dark when the light shines?

The looking into the future of men and nations is very logically regarded, by such a thinking, to be as foolish as it deems the looking into the past to be wise. This latter is to tell what Man is in such a way that he is sure to have no future. The same thinking treats nations in a way that makes sure of their having a *facilis descensus Avernus* for their brief future "descent." The first duty of a Nation, then, in behalf of its present as well as its future, is to have done with this paltry and fatal thinking.

To recur to the past alone, as a guide for determining their future, is for nations also almost equally fatal. It is indeed the acme of superstition, as the past itself shows. Besides, what does History tell us but the worst, when looked at superficially? What does it originate in but utter darkness? Is this worst to be our model and this darkness our light,—the origin of all and the end of all? That is the way to maintain despotisms and return to barbarisms. There is a wise reading of History; but only by those who think of Thought as Thought, and

watch its creative process, as it springs from the mind of Man and learns by its failures, makes of its "sufferings, lessons." Such a creative work, done for us by men in the past, is indeed to be honored and revered, so far as it has been wise and moral, looking to and building for a better future for us, with a religious sense of that as also one of the "true objects of life." This work of our fathers, who wrought and suffered in a religious spirit, and in hope of a rational future and richer blessings of "liberty and prosperity" for their children,—this we take from the past and say: "God bless them!" We recognize such an "ancestry" as something spiritually, divinely good in them, which could so think down to us and be willing to suffer for our sakes. It is but logically consistent, then, that we should add: "God guide us!" And if, in this religious spirit of our fathers, we look at what we are in the present, and find our hearts full of an equal resolve to do the best and make a better future,—that will be the surest guarantee for a National career which shall not fail to make our fathers rejoice and our posterity bless us.

Especially by a free people, must this responsibility of every present to create its own future be taken to heart, and no past be held up as prevention or excuse for not making it a better one. What are its means and methods for this? —(1). A free people discusses. Hence it divides into two parties for total judgment. By these it judges. By these it is judged by others, its policy foreseen. Its future depends upon the character and conduct of these parties. They have general differences which only constitute the actual moral unity of the Nation. But each has these differences also in itself; so that its moral conduct is a factor of the total character.—(2) What is in the future, however, also determines the future; every future is a present which shapes itself. But this present, now and always, for any nation, and especially for ours, is not merely in itself, but also in the spirit and conduct of other nations; none is isolated and acting alone. This is a second element,—the action of others upon us; and in this may be included the mechanical or other changes of the situation.—(3) Lastly may be considered the moral disposition which overrules all for better or worse, and is affected from within and without, at home and abroad, by the reasoning of men and the Reason of God.

I. For a child, "lessons are sufferings," imposed for the sake of his future. For a Nation, "sufferings are lessons," imposed by a past and felt in the present. In the former case, what is recognized is the need of organized effort in behalf of what is rational; in the latter, what is taught is, that there has been a lack of it. In either case, there is no dependence for a Nation upon mere chance; nor even upon merely individual suggestions and efforts; there must be rational organization, recognized as such. Hence there is to be no reliance upon a

“providence” deemed to be such as “helps only one who helps himself,” in that remarkably agile way in which self-interest runs to the trough. It is just because, in respect to outer things, Man can “make most of the chances” when he wields over them a law of Reason, that he finds it necessary to interest himself in such a broad and philanthropic way that he perceives he can really have no self interest. And his “providence,” also, turns out to be one which best provides for him when it provides for all. A Nation which has not quite understood or acted upon this “higher law,” will doubtless have some sufferings in the present, as lessons from the past to duly cov over.

In general, then, social organization, and recognition of its authority, is found necessary for all rational common action. Our colonists and miners discover this; mainly from pressure of circumstances as to the fact, and from habit as to methods. The people at large, also, are apt to be “too busy for politics” till the need comes; they let things run to a crisis. Hence party-rule is the general order of the day. It is allowed to be this regulator of the situation; and it is even necessarily so, in a free nation which supposes all its methods perfected until they show need of mending. When such a nation knowingly makes them as rational methods, yet is “too busy” to attend to them as such, it will find them “run as machines;” and hence comes the “crisis.” And one party, regarding them as already perfected by the past, will be more apt to treat them as mechanical; the other, less superstitious about the past, will be more inventive for the future.

In this governing by parties, the unreflecting are slow to see the relation of parties, that which differences them, and their mutual need of each other. Intelligent leaders discover this; some, by mere force of circumstances, see their mutual need; others, by deeper reflection, see their unity in the Nation. This character and tendency of parties is, then, the most general feature of the case. On that depends, at first, the rescue of the Nation from a mere chance-going; this is prevented by the fact that one party looks mainly to the past, and makes it its “principle” to preserve that against all change. This also serves as a check upon that mere individualism which is the “principle” of the other party, and is apt to run into mere self-interest. Thus in its total action, the Nation is rationalized by the unity in difference of its two parties,—the one looking mainly to the past, the other mainly to the future, thus bringing them both into the present.

These radical differences in the parties evidently depend upon different tendencies in the human mind. They are not, therefore, to be judged in general by any mechanical standard; nor, as to the future, merely by what they may be in the present through unfavorable circumstances. As the one looks mainly to the past, so also it looks more to external authority,—to leaders, and to party itself. As the

other looks mainly in a free and inventive spirit towards the future, so also it looks more to the inner authority,—the individual power to reason; and is apt to discard leaders, and to revolt from party itself. But the former, looking more to the already organized, retains its power through that, and compels the other also to organize and have a better judgment than that of mere individual opinion.

Again, the former looks less kindly on an external civic authority for Education, but needs it most. In respect to this, it would have a religious authority, but gives to that also an outer form. The other party regards Education as the mainstay of the Nation; but is apt to regard it as mainly "industrial,"—an affair of a so-called "pure science" which "has nothing to do with Religion." Hence its members are apt to bow to scientific persons as makers of their habits of thinking, with a faith which is childlike indeed,—a faith gullible enough to be dangerous, could it be made a party affair. But it is a faith which, when properly organized, really "removes mountains" externally, and thus makes the Man feel it as something creative in him. Here we touch the ground for a common unity of all in a Divine Reason. Either party must, if rationally guided, the one by its Religion, the other by its Science, find those outer and inner authorities (which, for each as a party, are both partial), merged in a common interest for all, of which both State and Church are servitors, but which exceeds all particular spheres, and unites all men in a religious duty both to the Nation and to God. Thus the two parties mutually complement each other in various ways. They only represent that seeking for authority which can never complete itself externally, in any form made or organized by men, without finding, as ground for that, the inner religious relation of Reason in every Man which exceeds all that, and in which alone he is truly free.

It is vain to expect, then, that in a free nation there will not always be necessarily these two parties. There will always be a party of relative ignorance as to individuals, which is also a party of relative wisdom in this respect,—that it feels the need of external authority, and organization. Just because it is ignorant, it looks for leadership; and when wisely and patriotically led, it is of all things, a National party, and tends to be nothing else, despite all its pretensions to preserve local differences. It is the very party to swamp all these, and rush to a despotism, were it not checked by the other. They have just the difference of Sparta and Athens. Sparta, because ignorant, had her "aristocracy"; Athens, because intelligent, her "democracy." And the former ruled when the latter wrangled.

On the other hand, this other party, just because it prides itself upon its intelligence, is apt, like the old Whig party, which made itself small by degrees, and "respectably" less as a guardian of "my

property," to also dissever itself into a mere sputtering of "my opinion." Out of this merely individualistic attitude it is forced by the other party, and compelled to choose between having some organized opinion and action as a party, or else declare its intelligence not yet up to the level, even of preserving that which was handed down to us as a work of rational design.

Hence, so far as both parties are infected with a mechanical habit of thinking, they show how vain such a "science" is when applied to even party policies. The unreflective party sees in the political sphere only an abstract force,—not as a one law of attraction and repulsion, but as two forces which are two parties; and theirs is the party of attraction, though professing the theory of repulsion,— "local self-government." The other party sees it as a "correlation of individual moral forces," yet mechanically acting; so that unless they are all "alike," there can be nothing but repulsion; and the correlation becomes too chaotic to be attractive to any sane mind, or to be safe ruler for any sane Nation.

Hence this party, if it thus place the whole responsibility in the individual, whether as leader or follower, without recognizing that all such external moralities require organization and a common authority, succeeds only in representing the abstract repulsion, while professing to be its opposite,—the abstract attraction,—that supposed self-government which "governs least." It lets the centralization, which it would have in numberless individuals, be run by the other party into that very centralization in leaders which it most abhors, and which has already nearly wrecked the Nation; when even leaders avowing themselves to be sectional were followed blindly by this other party to the last ditch.

All such symbols of material action contradict their own theories when applied to a moral sphere. And it is only this mechanical method of thinking,—this attempt to understand rational action by physical metaphors, which renders each party unaware of its own absurdities. But it also makes of each unawares the complement of the other.

In the true and nobler view of their functions, each of these parties is a National party, and a living moral factor of the weal or woe of the future. They work together, by the difference of moral tendency in them, the one to be a preserver of the past, the other an inventor for the future. This latter, to be truly a "party of progress," needs the former to check its merely individual whimsies, and to compel it to an organized action,—a self government of the party itself, which shall recognize the need for noble leaders and not deny them that support which they need. It may be that, in the future as in the past, only this compulsion will serve to remind "intelligence" of its public duty, or drag it from its "business" to patch up some crisis.

But it would seem that there have been lessons enough in the past, and are sufferings enough in the present, to ensure a wiser course for the future. Whether for the party's or for the Nation's sake, it were but silly indeed not to have learned that "every man is expected to do his duty." No trust in any man, or any party, is safely reposed on any other terms. And with such a dutiful action, worthy of noble leaders and noble men, a party which has done so much in the past, cannot fail to find in the future its yet higher victories of peace, its concord of organized intelligence, marching evermore to the heart-beat of a Christian Nation.

Nor will the other party fail to join in this common progress; for it must be made in common. The faults of a past weigh heavily on it; but this should teach it how to conquer. Certain symbols which it has carried so long, and so faithfully, do not seem to be the *in hoc vinces*. They are relics of a past which cannot "rise again." A dead past is difficult to preserve and make presentable. The life of every party is in the present, if it only knows how to seize upon its own vital principle, and show it to be one phase, systole or diastole, of the heart-beat of the Nation. But in this respect the party has been largely a victim of circumstances. Wedded to a dead past, it could not get rid of its symbols. The very coffin clung to it. It had to look for its support to those who had aimed its own and the Nation's death-blow. Its policies were prescribed for it by sectional feeling; and even now it is obliged to sustain a sectional resort to force, before which the National law of suffrage licks the dust. Thus it has been deprived of its National character,—the only one it has; and it looks in vain to find some motley suit in which it can keep together a Falstaff following, and yet escape the gibes of American humor.

What an unfortunate plight for a preserver of the past! This Vishnu party has had no choice but to call the other only a Siva, to pronounce all its good, evil, and to itself make of evil its only good. It has even discarded its own past good, as for example, in "hard money," and run to stimulants, as if under some rabid infection. Thus, after a fashion, even evil itself has been made to work the good, by hindering mere individual invention of law, and obliging the whole wisdom of the Nation to organize for the work of reform.

This has been a very self-sacrificing part to play, however, for the hold-back party. It can scarcely be that, in the future, when the dead past is finally buried, and overgrown with the blossom and beauty of a new life, this party will not at last find a "working hypothesis." Surely some leader from "the sunny South" may arise, with something of that old pride which disdained to court what arrays itself as a "foreign vote," or to amble meekly with a drunken crowd, or to look to Mormons as one of the "rods of strength" in a party offering itself

to rule a rational and moral Nation. Even now, perchance, there may be in this party some manly spirit, clear-headed enough to see the folly of training under such absurdities as "a tariff for revenue only," as though a Nation were to go blindfold, without discrimination, and disowning its own rational powers and duties. Or some it may contain who are at least taught by others' fate not to ride a fence, especially on financial and moral questions;—not to warn a party to say nothing definite, but only that it "has always been opposed to sumptuary laws,"—which is very much like telling the party it doesn't know enough to be told anything.

If the party itself must needs be piebald, all the more it needs to not have a piebald policy. Its leaders, at least, must rise to the height of the situation. They are more responsible than other leaders, for they have more power. Thus morally strengthened, their wits ought not to be the less feeble, but the more free and better inspired. Only so can they win. For the Nation, this is the party where it must look for the most from mere individualism. Here again the coat shows its other side. Each party can do most by what it values least. The individualistic party can really do nothing well except by the most careful organization of its intelligence, and by a dutiful support of it on the part of all its members. Thus that supposed and self-bepraised "independence" finds itself the most dependent of all. In the other party, so devoted to party itself, the leader has opportunity for a noble individuality, if he rates it aright, and makes of it, not the personation of a section, but the utterance of a Nation's wants, and a foresight of her future.

Every true statesman, indeed, knows how to recognize the party with which he can best act, and yet knows also how to use the other, knowing them both to be necessary to his highest purposes. No such statesman shuts himself up in a State, a section, or even a party. He is one who can speak for all, because he thinks of all. And after thus finding the inmost gist of the Nation's thought, he can utter it, in one of those words which thrill like a revelation, and become, first a watchword for a party, and then a watchfire for the Nation. Such words, from some of our wisest and best, are now a recognized law of the land.

II. The question now arises, therefore, whether the circumstances are changed or changing. We are told, in the usual one-sided fashion, that "circumstances alter cases." But the cases also take the liberty to alter circumstances, (as Darwin has toiled and spun to prove); so that it is often a little difficult to tell which is the case and which the circumstances.

In respect to parties, it would appear that, already, circumstances have allowed themselves to be altered somewhat. "The party" is not

in such a rigid case that it cannot stir if it will; but begins to stir first where its National life was supposed most dead,—in the South itself. It has been discovered that the negro can be led quite as well by good-humor as by ill-humor:—a surprising fact for those who have known him longest and thought they knew him best. Moreover, it would seem that a change of name may have had somewhat to do with this. A rose does smell sweeter under some names than others: what a difference the “white” and the “red” rose made in England. The suspicion may spread that possibly a party which is nothing good if not National, might well call itself such. Many advantages, too numerous to mention, seem incident to such a course. It must not go too much for the “solid” in a sectional way, if it wants to look National. That is the folly of a crafty man, not the wisdom of a statesman. It is a policy which loses more than might be gained by a true policy after losing all it gains. Besides, if it were made the party name, the “National” might be useful in the way of inspiring local virtue to a higher flight, by suggesting in all cases the question: “Would this be good for all?” And in any case, it would lift the leader to that height of the great argument; and enable him to at least preach, if not practice, something that would bear the light of day and sound in the National councils like a voice of Reason. Lucky is the leader who must propose progress only as a whole, since his party is conservative only as a whole. Such a party can indeed be led either forward or backward, either to the glory or to the ruin of the republic. Yet while it is easy to lead this party to either, it is difficult to lead the other party to either. For what the latter conserves, as “authority,” is that freedom of individual opinion, that “personal liberty,” of which the other party mistakenly supposes itself to be the special guardian.

Circumstances have been altered also in other respects, by the unceasing activity of business enterprise, so that both parties must learn to judge of their policy by a National standard, or they will catch a tartar where they most thought they were only playing fox and goose. Let us consider this more generally.

The more you crowd men together, as for example in a city, the more dependent they become upon others without, or else they must become themselves more all-creative and self-sustaining within. This is a lesson for that supposed “right of independence” for cities and States and individuals, which, whether it calls itself “freedom of commerce,” or “State-rights,” or “personal liberty,” fancies it is supporting somebody else, when it is really a burden and a danger to the rest of the community. When it calls itself “personal liberty,” it is continually bringing on moral crises; when it calls itself “free trade,” it is periodically bringing on financial crises. In both cases, it calls this, “business!”

In the one case, it fancies it is feeding the people with cheap goods, when it is destroying their inventive power, and with it, the growth of commerce itself in the only permanent and steady form it can have. In the other, it forgets that it is nothing but a consumer of poison, in a way that fancies it is standing defender of a "cheap" personal liberty, while it is nothing but a sewer of moral pollution, destroying all rational invention, all freedom of thought itself, and impoverishing all. Such a reasoning tells a man who wants nothing but "free gin," and is full of that but bare of everything else, to talk about "sumptuary laws" when he votes against laws to regulate the sale of poisons! It is no wonder, then, that such statesmanship allies itself with that Bourbonism which makes of "State-rights" a mere machine, by which to rule, corrupt, and finally ruin a National party and the Nation itself.

In general, we have here again the merely mechanical thinking, which cannot even read its own "laws" aright, nor judge of their future course

Looking for a material reason, is losing sight of real reason for anything rational. For example, we have been told "the country is too large to hold together." More truly, those who saw real reasons told us we have held together as a Nation just because the country was so large and unoccupied, leaving room for expansion, and for "agreeing to disagree" while everybody had his own way. And this has given us a tendency, and even a need, to look mainly at the material side of "progress." Yet there can be no such progress without invention,—rational designing; so that it is not "things," but thinking which has "done it." Nowhere more than here has Science been practically applied,—actively thought-out and worked-out by all.

This thinking-out of "things,"—this active creating, has come to pervade the Nation, and is growing more clearly conscious of "what it is," and of what it is doing. And if now the "State-rights" issue is fully seen to be absurd, especially for a "National party," and as fatal to it as to the Nation, no really sectional difference is likely to arise again. "Revenue tariff" may prove one of those manias by which "the gods destroy." Logically, it is opposition to both tariff and revenue of any National sort; no party can stand on that ground. Hence it may prove one of those unconscious doses of "transition," by which an unreflective party purges itself of its sectionalism, and comes out a National party once more. For what part of the country is not equally interested in all forms of human effort and enterprise? The country itself will not fall to pieces on account of its size. Nor will the government of it be more, but less, unwieldy in this respect than it was at the very first for the thirteen Atlantic States. Railroads and telegraphs have made more compact a whole continent than could

then be even a single State. But just because the whole Nation is thus becoming more like a single "city," it needs the more this inner enterprise, this completer creativeness from within.

The "too small," then, is the real pinch towards which we are moving,—according to this mechanical thinking. Hitherto the individual tendency has had unwonted freedom here, both as to theory and practice;—more than it knew what to do with; it has run to waste. It was rather over stimulated in every way than curbed in any way. It could not only invent material means, but also moral means; new methods in business and government. No old ones of habit or authority greatly prevented this; the novelty of the situation invited it, and the needs of the case even demanded it. The large sphere of legislation left to the States, let enter this individualism upon a career of variety, in different States, in respect to such matters as marriage and divorce. If one could not have his notions carried out in one place he might in another. That authority of the old and tried, which is a first check upon mere individual invention, was here overslaughed. And the party whose profession it is to stand by the past, and save its tried and true, has been a sinner quite as much as the other, though in different ways. Not inventive, it has been permissive of evil inventions and of misuse of good ones. It has been equally a corrupter of business methods, and more so of city governments,—the more dense grows the population, the worse it rules. All this has gone to the very core of our Civil Polity, and National life. If this party flatter itself it has not at least favored an irreligious view of marriage, why does it now stand chief defender of Mormonism itself? If it deem itself a National party, will it offer its government of cities as types of how it would govern a Nation becoming itself one great city?

The future Education of the Nation will be more towards testing its capacity for recognizing the necessity for common opinion, or rather for a common judgment, rationally organized, taken and expressed, as authority for the individual in respect to his acts. The necessity for this higher form of rational action, in practical affairs of government in all its spheres, will press more and more closely as population accumulates and societies become less movable. One ground of our safety, in this as in other respects, is that we can, if we will, change and reform to any extent. If we have more faults than other nations, yet we have also more freedom to amend without shock, or danger of worse. We cannot indeed put moral dispositions into the future with certainty, by any mechanical means such as will go down as "Natural descent," or "Natural selection," considered as bodily tendencies. What "selects" for Man must be rational and moral. We can secure these moral dispositions in the future, then, by rational methods for Education, and for organization of public and

private business. For these teach and foster habits of thinking and acting, which are the true guarantees for keeping safe every step of good progress attained, and also for gaining more. A good habit is not so "tenacious," so like a mere claw, as is an evil one, simply because it is more free, more creative. That is how and why the "cases."—hard as they may seem, can be made to alter the circumstances. Moral cases have a way of doing that perpetually. But if they grow worse within, so will they without; and even the best of circumstances they will make means of a corrupted and suicidal life.

Hence it is that accumulating population is a test of how much creative virtue there really is in a people. It crowds them towards the One Man that they are within, as a moral whole. It shows whether this is a Man merely of flesh or one of spirit:—one of that "cheap labor" sort that only knows or wants enough to eat and drink, or one of that godlike sort who gives more than he receives, since his bounty is ever overflowing. Humanity, merely as "Humanity," has never yet been able to bear this test and show itself worthy of a religious worship. It has not indeed been quite condensed into the One Man anywhere. But where it comes nearest to this, there is indeed, at first sight, a more brilliant exterior, dazzling not only with a material splendor of Nature's jewels and Man's Art, but also with a corruscation of human intelligence in its highest forms, flocking thither as if Humanity knew it needed most its "watchmen upon the towers," its flaming swords of the spirit.

Here, then, in this "great Babylon,"—this "city" of Man's making, human invention is at its highest and best works,—but also at its lowest and worst. On the one hand, it has the most refined inventions of a sensuous Art, which require for their appreciation that same cultivated taste needed for the literary invention of books, and which may show itself in books that cast far and wide a food which is itself productive, because spiritual only and a communion of all in a common Thought. But, on the other hand, when we pass beyond this brilliant exterior, and lift the veil of what ought to be, upon any material theory of Man, his "holy of holies,"—his "lowest which is highest,"—what a sight! We need not detail it. Humanity itself shades its eyes from this darkness, it is so black. It seems capable of destroying all light. It is but the sepulchre to which Humanity descends. Not here, then, is that One Man, unless it be upon his cross of crucifixion, and pointing to that intellectual and creative radiance as what alone can "rise again." And that indeed can rise,—rise forever triumphant in its transforming power over all these ghastly ceremonies, in which sensuous theories and vicious ways would bury Man, and make an end of him where they find his origin. "*Ce que c'est que nous sommes!*"—"that's what we are!" sighs the positive philosopher as he turns

away from the sight of human death. But when he looks upon this social death, this inventing of worse than death, his reflection has light enough from others to at least suggest a "religion of Humanity."

It has already been sufficiently illustrated, how this increasing concentration of humanity everywhere necessitates an increase of creative power, in all its forms, to subsist at all as self sustaining. Malthus, seeing this necessity only on the material side, has been complemented, by the materialists themselves, with the Schopenhauer insight that Man at least knows enough to give up "the will to live." This, added to the loss of generative power which results from vice and starvation, is supposed to be the great regulator of the situation, and a sufficiently higher form of the "great law of supply and demand" to suffice for a "religion of Humanity."

But the American people have at heart another Religion which, if it be not already enough shocked by terrible facts to altogether avoid the false theories which foster them, will come by its own moral earnestness to have clearer views of what it is that creates, and what it is that destroys. And then it will be seen that, since Man is inventive and destructive alike, both of the evil and the good, he can make his practice conform in both respects to a rational law. This has its compensation in a local way, as above suggested, as a distribution of labor, whereby the good may intensify itself, in its highest creative power, just where evil also intensifies itself, mainly only as destructive for others and "consumptive" of itself. Thus both pour out upon others, the one a vigor, the other a vice; but the latter is mortal and the former immortal. Hence, in general, this is no mechanical law, as Malthus represents, and need have no such mechanical or vicious handling as others have suggested, as a *vis medicatrix Naturæ*. Such "doctors" know not the higher law of Man. This is a rational law, which, if he recognize and use as such, will prove its Divine origin and efficacy. It will be made to so fructify and diversify the creative power of Man for good, that even the weed of evil shall be made medicative, and the "rose of Sharon" shall bloom in every valley. For it points to that One Man Divine whom alone Humanity can worship.

Manifest enough is the law and its prophet. Its method has had but one example that can be safely imitated as sure to make truly one, of however many. A thorough conviction that this law of laws is known, that it has shown its presence in Man, and proved its power upon men and through them upon Nations,—is essential to true progress. Whoever glances over history, or over the actual world, may see the difference which springs from a higher creative power in Man, in proportion as he recognizes in it no "biggest Jove." *Jupiter Maximus*,—nor even a "best of gods"—*Jupiter Optimus*,—but the gift in trust of that "One who alone is Good."

This makes clear as day the true route of progress for the Civil Polity of a Nation, for the business methods of a community. Any other law is insufficient, and, as human law, must therefore bring to its aid, for constant advance to better methods, the softer means of moral suasion, and that invisible but most real and efficient means of all,—the power of a felt and known Religion in the hearts of all.

With such a known programme and intent, a Nation need not greatly err for itself: its own burden can be made lighter instead of heavier. But it has also the burden of others to help bear. No escape from this Religious law, for Nations or for men. "Bear ye one another's burdens!" And to this highest of all functions does this Nation seem to be especially called. Will its own burden be made lighter thereby? That is a question to which all mechanical thinking answers: "No." Only a religious thinking can see in this bearing of a cross by the Nation a winning of its divinest crown.

It is true that the mechanical side may be represented as rather a gain than a loss, and very ingenious methods may be devised to make it so. But the "proofs" offered seem somewhat squint-eyed like the methods. Regarding morality as quite a secondary matter, and religion as a "mistake," they naturally contrive to destroy just what they deem they are creating. And thus getting nothing but burden, they then call upon us for rescue from some crisis, material or moral, suddenly discovered to be impending, and like the drunkard, needing more drunkenness.

Thus, for example, we can "squeeze out" the skilled labor of other nations by laws supposed to protect us against it as "too cheap." And then we can magnanimously pay this labor what it really deserves, and let it prevent our own youth from learning a trade so as to compete with it. This, however, may be a mere incident to that undue sense of "rights" which a sudden first freedom excites, and can scarcely be visited upon the own children of these men. The main point is, what do we want this "skilled labor" for, unless we have tastes which have already created it here? If it be a vicious taste, we are pretty sure to have it. If it be a highly refined taste, we shall offer no market for it unless it has already inspired in us invention for it. We have no interest then in squeezing out the skilled labor of other nations, but rather in squeezing out our own inventive powers, by rising to the highest and best tastes; that is the only way to make a market here or anywhere else for good inventions. This is the true argument for, and the true method to accomplish, a really profitable diversification of a Nation's industry. So that, as Beethoven says: "the Moral is the secret of the Art, after all." It demands its rights as pre-eminent, and the very core of the question.

All the more so for us, because, let it be noted, that in foreign lands

the skilled labor is not the source of the invention, as it generally is here, but is a taught labor, taught by rule, and so taught as to be made to believe the past perfect, and itself incapable of improving it. This is especially true, perhaps, of English workmen, they cling to the old machines and old methods, with such tenacity that it never occurs to them to invent anything. They are in the habit of regarding everything as already made for them: and they never ask: "What would ever have been made if all had been uninventive?" They are apt to sneer at "Yankee inventions." English inventions coming from a higher intelligence, or a long experience, are indeed distinguished by a "solidity" valuable for coarse and long uses. But this higher English intelligence also sneers at the French good taste, and fails to find that the law of Beauty is itself a law for economic strength. It is clear then that in such skilled labor we shall get no invention, and from such inventors themselves no rational law of invention. And those who see a gain in that mechanical shape, are also ever preaching to us an "industrial education" of the same sort; as though Education consisted in making a machine of a man, instead of bringing out his thinking and inventive power. But what we want is mechanics and labor of our own, properly taught by the past, and to respect it, yet full of the spirit of free men, who are not crushed out by a science deriving them from the ascidian, but know the law of Reason to be in them, as a trust to be actively used by them for both God and their fellow-men. The "mistake" is in not seeing that what is free and creative in Man for good is essentially religious.

Thus ever the mind of Man, when it breaks free from these mechanical teachings, rises to the height of the great argument, and declares that it alone is to be protected and freed as an inborn Religion. Why then need we look at all those other "advantages" we may reap from sending our army or navy officers to command Egyptians or Turks, or from building iron-clads for the Chinese, or by manufacturiug deadly weapons for humanity in general? The Chinese and Japanese are sending their better class here to be "instructed" by a Christian Nation. If we reject their "cheap labor," because of all it is the most mechanical and hence the most uninventive in its ways, shall we then teach them only the mechanical, and send them in that only a greater capacity to destroy each other? But that will also give them capacity to overrun us and the whole world with this besom of organized destruction.

Truly it would seem that we need a foreign policy somewhat above these mercenary views which run blindly to their own doom. View it how you may, Man is bound by a "higher law." If he ties himself to a lower one, he is carried by it to a hell which he has invented for himself, and where his "sufferings are lessons."

All other Nations are, for ours, brethren. With them it does and must suffer. Some of them think they can teach us. Others ask us to teach them. But, if we are wise, we can learn from all. Perhaps our policy towards the Asian peoples calls for the most consummate wisdom, and the most religious intent. But we cannot dwell upon it further than to point out this fact,—that it is not merely a question of trade nor of cheap labor, but may even become a vital question for us according as we deal with it. It is a pathetic sight to see the eldest of the family of Nations coming to the youngest and saying: "Teach me!" Is it significant that they sought especially the advice of our great General of armies? Then it is happy that in him they found a human heart, and a deep good sense which deems the victories of peace nobler than those of war. "Let us have peace."

Towards European Nations we usually look as our greatest source of burden and of danger. In all these, there is that intensified conflict of both good and evil above described. It is as though each were a "city," only enlarged from those ancient cities where men came together merely to defend themselves against, or to more safely prey upon, those without. Those were walled with stone, these with bayonets. The mechanical law is here in its utmost might. And what a burden it is for the people!—A burden, whether ruler or servant. The more refined the use of that, the more it weighs upon the soul of a Nation, as a law for whose use it has a fearful moral responsibility. Monarchs tremble in their beds at the rumble of their own cannon. Is it to be used against those within or those without? No man can tell which! Nay, whenever used in either way, it is used in both ways. Only destructive, it can create nothing. It is a burden under which strains and staggers the very spirit which has created it.

By these ways of war we are manifestly losers. We share in the burden. The creative power is wasted, and lessened for any mutual exchange of good whatever. No sales of arms can compensate us for this loss. These nations must needs be able to invent and make their own. Rather do they; in this way, so much the more increase our loss, by demanding our own creation of another burden for self-defence. We have no interest, then, to be furthered by European wars; nor by favoring a mode of self-defence which only needs to go a little further to be self-destruction; nor by our harboring dynamite conspirators who only illustrate what such an "armed peace" is at its climax,—crazed and suicidal. Our policy should be that true comity of nations which looks to the whole and not to a fraction. It is a policy which practices and advises a rational way of getting a better future; and this is not by dealing out revenges for the past in the spirit of a savage. And when we see a sister Nation staggering under this burden of war-tools compelled by another,—whether this other be a France whose

Lafayette we never forget, or a Germany whose slower struggle for a true nationality we respect,—we may say, what indeed says itself in one way; “Respect the burden!” but what, said in another way, has a deeper moral meaning, as when uttered at St. Helena; and may awaken a deeper moral sense, which can show itself in even a man of genius for war, when he comes to reflect upon the inevitable and sufficient burdens of peace.

But the worst is not yet told. That addiction to mechanical thinking which breeds wars of self-interest, and creates the intensest means therefor, has also cultivated an immoral thinking, and untrue views of the relations of governments and peoples. This has already been sufficiently illustrated. That communism and nihilism are undermining Europe, and heaving like a ground-swell under its thrones and its peoples alike, is only too apparent. That such false views should come here, whether in person or labelled as “science,” is inevitable, and is part of our burden. But we are also indebted to Europe for those higher views of History and of Man, which this intensification of all his powers makes shine as beacon-lights among the breakers. Thus these modern Nations which are “cities” furnish for us the clearer light of Reason, as well as pour out upon us the festering brood of their vices. Germany, indeed, seems to have forgot its cunning in the ways of Philosophy, and made of even its best thought only a command to bow beneath the rod of force, and to call the soul of a Nation an affair of “iron and blood.” This breeds in her, at once, a pessimistic science and a despair of anything rational which says: “Beware of Religion!—that is the road to insanity.”

But do these other methods lead anywhere else? Are they not organized insanity itself? When they arm Nations cap a-pie, as if to declare that their life is ever in danger from this very god force which is worshipped as “protector,”—does not this smack a little of that same insanity which says: “the will to live is irrational?” Methods which can see safety only in the organization of destruction, and life only in the form of force, certainly are irrational. And when such a thinking infects rulers, it will also infect peoples, and *vice versa*.

Not singular is it that, with such blood-shot eyes, men and Nations go back to that ancient stand-point of “Nature,” and try to rebegin a “progress,” in that way which Thucydides describes as the progress of Grecian cities; but which then was spread over centuries, and is now sought to be condensed into an explosion of dynamite,—and all will be well! Three points may be noticed in this significant parallel.

(1). Getting a livelihood by robbery and piracy “did not yet involve any disgrace,” but rather “brought with it something of glory, and when skillful and brave was honored and sung by poets.” For it was “with a view to their own gain and to the maintenance of the needy.”

In other words, Man was living like an animal or a bird of prey, recognizing no creative power in himself, and hence no right of property; for there was no basis for any "possession" even, except a greater force; and the invention was only of tools for destruction.

(2). It was "through desire of gain that the lower classes submitted to be slaves to their betters [i. e. the richer]; and the more powerful, having a superabundance of money, brought the smaller cities into subjection." This is the stage of property-rule. And the physical life being still alone regarded, slavery to the rich was better than slavery to Nature; and wealth buys both arms and men to subdue others. Communism proposes to pass over this second stage in a new way, but with essentially the same worship; only *all* are to be enslaved to the physical as the "man;" property is to be in common as the "god" and "money" is to be made by machine.

(3). "When the Greeks were becoming more powerful and acquiring possession of money still more than before, tyrannies, generally speaking, were established in the cities, on account of the revenues becoming greater; whereas there had, before been hereditary governments with definite privileges." Thus it appears that the larger the revenue to be raised, the more is discrimination called for, both as to how it is to be raised and how spent; if arbitrary or thoughtless in the raising, so will it also be in the spending. For this is in all cases necessarily a despotic question. If the discrimination could be only as to how a revenue is to be spent, this would be a very simple question for one, but a terrible bone of contention if all are to be officious about it; then the only resort is to some despot who reduces them by force and says: "let them grow!" On the other hand, if there is to be any discrimination as to how a revenue is to be raised, this also will be very difficult for the many to agree upon to a man, unless they can raise it by machine. But then the revenue itself will be of a sort which can feed only machines; so that here we have the scientific communist starving to death on his own inventions;—that is his "victory of peace."

There seems to be no recourse, therefore, but to a rational organization of Civil Polity, which recognizes the inventive power of all men for good as the source of property, and a ground for mutual trust instead of defiance. Then there must be discrimination, both as to the mode of raising and spending a revenue, which grows larger and larger for legal purposes, in proportion as it grows larger for personal and moral and religious purposes. For indeed it includes all these purposes in a common trust; but each is administered according to its own nature.

Now what is clear to all of us, respecting foreign Nations, is that, in some way, they have been brought to the necessity of raising a larger revenue for purposes of force and to pay war debts, than is at

all healthy for a Nation, even in a physical way. We have had our own taste of that medicine, and we know it is bitter. Yet we know also that even this evil may be turned to good. If a Nation does not resort to a blind worshipping of its own Siva it can transform even that into a Vishnu. What first strikes us as the way to do it is, not to look "too deep" to such an intangible affair as morality, and not to make any such "mistake" as Religion, but to look merely on the surface, and recognize that "really, Education has something to do with this!" By this method, we shall not inquire too closely "what it is" that Education is to educate; and so we shall no doubt "save ourselves a great deal of useless trouble." We shall simply back our cart and load-up, not noticing whether the horse, or the cart, gets loaded.

But other Nations have had some serious lessons on this subject; and their highest intelligence has given us some serious thoughts to reflect upon. We have them all before us; we have but to choose the better from the worse, and improve upon the better if we can. It is not quite a matter to be decided hastily or at haphazard. Foreign Nations have set us some examples we can not safely follow. They have spent, and are spending so much for wars and rumors of wars, that they can only stagger the more, like drunken men, when they seek to add this blessed burden of Education. Or else they saturate their Education with the false theories of force, so as to stimulate this rule of force for a longer career.

Besides, we have no "classes" to be educated into a sense of their general incapacity, and thus made obedient to a law of force in a way which makes them resort to it as the only law. We get from abroad, indeed, many who have been thus educated, or not at all; and others who have grown up wild, in that frenzy of a "freethinking" which is but the slavethinking bred in the downtrodden. The virus of these false views spreads more and faster than we are aware, because it spreads among our own more ignorant and uneducated; and also because our own education is, in general, too hasty and superficial. It is clear then, that our methods and system of Education for the future must be carefully devised and organized, with an all-embracing view of what is true in Science, best in Art, and highest in Philosophy. And this cannot be done without our knowing "what it is" that is to be educated, as well as "that it is." It must be viewed as a moral and free reality, a religious trust for Man.

This is the result when we look at the burden which comes to us to be shared from the East;—the same as when it comes from the West. Both Europe and Asia ask us to teach for them. By this, Europe, unable to teach and thus develop a market at home, wants to increase her commerce; but needs besides to be protected by it against her own moral diseases, and to get from our example a higher popular religion

than that "of Humanity." Asia, also, asks to be taught by some one who will not debauch her with theories of mere physical life, any more than with opium or rum to feed these vile views of Manhood. Commerce boasts that it "civilizes;"—but must it not find something higher than animal sense to feed and corrupt, in order to be commerce at all? And so Africa "stretches out her hands" to Religion alone, as the only one that can reach her degradation, or recognize the "Son of Man" in a manger.

III.—By all routes, therefore, a really thinking and earnest Nation, like ours, finds itself led, not to Rome ancient or modern, but to a Divine One and into His "City eternal." That is a City, not built by hands, which this Nation is helping to build, and whose invisible walls should be ever visible for it. This moral intensity of a Nation's life should be its chief treasure; for it is the spirit which sees beyond all veils. It is not merely a "palladium of its liberties"; it is an inner prophesy of a future too noble to be called "glorious." In such a view all vanities and prides of a trivial sort die out. And, at first, the trust itself seems a burden too great to be borne. So it is,—to be borne alone. But the Nation has no monopoly of it, nor have all the Nations together. And hence, for a mechanical thinking, it seems to dissipate altogether, either as running into an external abstraction, or else as within, a trust too great to be given, an absurd exaggeration. Yet there it shows itself, within and without, for men and for Nations, as a religious trust not to be avoided, not to be shaken off. It speaks in their sufferings, it speaks in their joys. It speaks in a Reason where all times cluster in an Eternal Now for the thought. Thus it retreats within, to a Religion which speaks of a highest happiness in "overcoming evil with good," and lifting up the symbol of this Divinest power and trust, says: "*In hoc signo vinces.*"

The radical, final, constant question therefore is: What is the moral case in which, the moral purpose with which a Nation is ever entering upon its future?—that is what transforms for it all circumstances. That, if truly religious, is what "makes all work together for good"; for this result is no mechanical or fortuitous affair, nor any external "providence," but is wrought out in all its forms by rational organization of human thought and human effort. "Good" is neither known nor sought, but by thought.

No one disputes that this Nation was organized by and for free men. And its moral purpose was declared to be and to defend a free Religion. But no man is free except in a religious relation with God and his fellow-men. And no religion is free except as a true thinking of this relation. This free, firm, moral purpose of the Nation, therefore, is essentially, in its sphere where the exercise of force is necessary, to organize and educate both the thoughts and acts of men on precisely

the same principle as that which Religion lays as the basis of all human character, and in behalf of which its own efforts and means are organized in a sphere of persuasion. Hence, between these two, there is a common sphere of moral suasion, wherein are organized both the outer charities of men and the inner charities of God.

No truly-thinking man can, in regarding this triune sphere of human effort, be other than a religious man. He sees that this organization in every sphere is, partly, to get rid of individual whimsies, and help all to a better intelligence by external teaching and authority. Yet he sees also that this cannot give any infallible opinion; and that its main object therefore is according to its necessity,—which is, to furnish a common ground for common action. Thus he is compelled to ever resort to that law of Reason which is innate in him. By that alone, does he “understand” that it is itself disciplined by the teachings it has itself organized without, and why these must be imperfect. By that alone, does he also find that inmost and outmost Religious relation and triune method of Reason, which also explains why he himself is imperfect in his mere self-seclusion, and inadequate for any true thinking except as a religious thinking.

Hence this is not an affair of that mere ‘personal enthusiasm’ which the author of “*Ecce Homo*” seems to regard indeed a little askance, but as on the whole a good thing to have—if in a good cause. But on the contrary, just there is it worst to have it; better far have doubts of all one’s own thoughts and of all formal beliefs contrived by one’s self or others. This doubting of the formal can alone lead to a knowing of the spiritual. The religious thought is not an enthusiasm for forms, nor for formalists. Such enthusiasms are more likely to be excited, and to be more useful, in behalf of “my interest,” “my party,” “my sect,” “my religion.” Above all, then, are they misplaced in the Christian Religion. And that is most of all misjudged as a mere “enthusiasm.”

Rénan made this grave mistake because he, like Comte, did not see that Religion, and this one especially, is not an affair of mere sentiment but of the deepest thinking. And Strauss merely lost himself in fog after fog, because he did not find any true method of constructive thinking, whether “positive” or ‘negative.’ But the really thoughtful man is always a practical man; he sees the necessity for organization of both thinking and acting, whether in business or elsewhere. In business he is a Napoleon; in Science, a Bacon or Descartes; in Art, a Goethe, Michael Angelo or Dante; in Philosophy, an Aristotle or a Hegel; in Religion, a Man Divine. Hence it is that founders of States especially, are regarded as “gods”; they organize for the thoughts as well as for the acts of men.

But Christianity is by no means anything “found,” or “founded.”

Such mechanical terms applied to it lead to a total misapprehension of its origin and character. It is what it says it is;—the “bringing of immortality to light.” It is the declaration of what is the origin and reality of Man. It is a true doctrine of his ‘evolution,’ and a proposed organization of a known divine capacity of his nature, into a fellowship of love. Does that require less thinking-power, either in theory or practice, than to be a Romulus and found a Rome? Rather needs it the calmness and clear-eyed vision of a judge, before whom all created forms are bid to bow in obedience, and even the evil itself told to do its part, but tempt not its creator. Does such a proposal of “objects of life” for us come from, or ask for some exclusive enthusiasm, such as that of a cluster of robbers on Aventine for their leader, or for their self-interest? On the contrary, the devotion it asks for is an all-pervasive, all-uniting one. From all persons, (not “parts”), of this organic unity, comes the watchword: “I am come into the world to bear witness to the Truth. Whoever is of the Truth, will hear my voice.” Shall we reply to this, like Pilate or the modern agnostic, “what is Truth?” Is it not a calm appeal to the actual Divine personality of Truth in every Man? Does it ask of him aught but to exercise his gift of Reason. in its deepest insight and purest nature; in a way which he knows must make, and alone can create, for all, a State and a Church Universal?

The anti-religionists are quite right in distrusting any enthusiasms which do not know what they are about. The products of such enthusiasm calling itself religious, are not only in bad taste as Art, but also as Science they “do not work well.” They have “lost the spirit,” have taken to the merely formal, and thus fall into that mechanical thinking which in this sphere is fatal. Such a result seems to the anti-religionists to prove their own thesis, since it brings down Religion itself to their own way of thinking. Hence they greet with enthusiasm a philosophy which says that Man is “agnostic,” and in Religion especially, does not know what he is about. And with any other philosophy than this, they are extremely disgusted,—especially because they, who “know nothing,” cannot “understand” it!

But the same is true of this enthusiasm for an agnostic Science;—it, also, is absurd, as we see, in its Art,—its expression becomes ridiculous and self-defeating. And here, as in the Religious sphere, it is the over-zealous who are tied-up in the form and lose the creative spirit. There are other and nobler men of real science, who both know their duty and do it. They are inventors of new methods, organizers of a new creation. For they know what is the kind of evidence for a law of force, and what is the kind of evidence for a moral law of Reason. Above all, then, deliver us from a “philosophy” which rests on the “unknowable” in any sphere. That also will express distrust of “en-

thusiasm," but its own danger is rather from despair. It may well, indeed, be calm as the grave; for thither it is leading all Truth to bury it, and inscribe over it: "*hic jacet nihil.*"

Much slowness, at least, of understanding can be excused in men who have little practiced their knowing; but not in men who 'know that they know nothing.' because they have "seen so much." The latter have exercised their wits enough to realize that this act of understanding is quite independent of the things it understands. Now the English taste for fixed habits evidently unfits them to be fashion-makers. But it also fits them for making works of permanence of the mechanical sort, and even in statecraft; albeit, in the latter, it tends to the Chinese pattern. The family as the house-castle, is the result in England, instead of the one family-State, as in China. In France, on the other hand, the tendency of volatile taste, and inventive quickness, is to make a communistic no-family, so far as the thinking is "positive," irreligious, and hence mechanical. These two tendencies are represented in the two parties of this country, so far as they fail to realize the necessity for each to be a moral self-ruler, organized and acting under a religious sense of duty, which brings out the whole manhood in each, and hence makes them recognize each other as friends and fellow-workers for a same purpose, and not as feudal opponents.

For, in general, the opposite tendencies to be united in a civil polity, are, first, the disposition to make everything as if to last forever; and, second, the readiness to modify, and change at any moment, with the decisive quickness of the tactician of battles, and the fine taste of woman's tact. Each of these requires the same thorough creative judgment, only the one works slow and the other fast. Neither can safely be deficient in reference of all to the right principle,—the creative principle itself. For what lasts forever can be only that which is forever creating; so that the instant transforming is its work, just as much as the constant sustaining or preserving. The "principle" which performs all this is, therefore, the religious principle,—the creative rational activity in us, the well-known personal reality of Truth itself. Its "immortality is brought to light," in that it "lasts forever," whatever else change.

The life of men and Nations therefore is not in things, but in this actual form and work of Truth itself. For by Truth alone do they know how to create anything whatever. And we have seen that they create according to their designing power as intelligence, but also according to this as morality. What they desire most, that they make their "god." And if this be mere food and drink, then they devour their god like savages. But a higher intelligence brings a higher creative Art, even for food and drink; and, if also a better morality, it not

only knows that evil is lurking there, but has also turned it to service of the good. Yet it also knows that, for every taste or sense, not less than in that for music, the spirit must be there to judge, or there is no manly joy, no communion with a spirit which can write in every symbol some truth or some beauty divine. And the power to read this writing must be a power which a man acquires, by himself creating such symbols, and knowing why he does it,—to commune with his fellow men; and how he does it,—by knowing the means, the law he is using as different from the means, the law by which he is creating. And thus he recognizes his power over both to be a trust for this very purpose.

In all its forms, this is a religious purpose. To commune with either fellow men or with the Divine itself, is to make of the Many a One and of the One a Many. This has been traced in the Civil Polity of a Nation, as a highest rational communion of all in the property, the Science, the Art, the Philosophy of all. When truly religious in its spirit, it is a government of all, by all and for all. When we look at it in church-organizations as the special means of Religion, we find the same necessity for external organization and authority, but also the same insufficiency of that.

The "freedom of religion" revolted, and kept revolting from "one church," because it deemed itself enslaved as to its freedom of thought or of forms. And thus it took upon itself all kinds of thought and of forms. Yet when this freedom of thought came to act for itself, it found the necessity, unless it were to be speechless, to organize some common authority for its opinions, so far as these involved a need for common action. The result was, that, in rejecting the broadest basis for this, sectarianism found itself enslaved to criterions which subjected it to comparatively very small external authorities for its opinions, and very many of them. And so the "freedom" consists chiefly in a very free choice between "folds;" and, as the fence goes down, all this "difference" shades off into "nothing essential," though at first erected as such.

This created a diversification of religious rites of worship and means of action, reverting, as merely outer, into their own inner, creative freedom, and in this way letting free the mind of Man to seek a better and deeper judgment of what Religion is. Such differences of form, when taken as essential, may have also had a value as "competition," and as that "zeal" which an imperfect thought cannot expand into love. Yet in its form, this organization, like all other is more or less a slavery to the external, when this is regarded as infallible. And especially when a sect claims "this man" as its "founder," it is quite like the old religions of ancient cities. Still more when it deems a particular rite to be salvatory, it smacks very much

of the fetich; and goes back to uproot the very plea of Protestantism,—a free religion, and not one that is bought. But when this “differentiation” goes so far as to find the need of a “church-North” and a “church-South,”—it reveals that habit of merely formal, mechanical thinking, which here reaches its *reductio ad absurdum*. No wonder the atomists themselves see the ridiculous side of “solidity,” when it claims to be ‘hardshell’ or ‘softshell’ in Religion. And it does not seem that the points of compass have anything very seriously to say even in Mechanics; while what a “church-north-north-east,” or a “church-south-west-by-south” may be, is indeed “a hard question.”

Such a “differentiation” in the religious sphere is, then, quite like that which takes place in the civil sphere in the shape of “North and South,” “State-rights,” “local self-government,”—based upon a “my interest” running down to nihilism. And since it depends upon similar causes, it would seem that it had reached a point where it can go no further; so that, in future, “Evangelicism” must be sought, in neither the largest or least as to size, but in the highest rational judgment of Religion. So far as this concerns external common action, it must of course submit to a common judgment. But this will be a very unwise one, unless it is sought for, not in mere abstract number, but in an organized, rational way, rising to the highest, most catholic, all-embracing views of what is essential to Man as religious. When this is left to narrow minds and uncharitable souls, “the spirit is quenched,” and the form is triumphant—and dead.

In this respect, as in all others, “sufferings are lessons.” Needs quench all enthusiasms when they are not intelligent enough to find a way to escape. Not true is it, that “necessity is the mother of invention.” Necessity invents nothing, and of itself breeds no invention. All history shows that the inventor has come to the needy, either as a “wiser man” without, or as a creative spirit within him. These two are one, before whose Art all needs shall disappear, or be transformed from cross into crown, from evil into good. It is his sympathy for, his suffering with and for others, by a Divine law, which brings “the Man from without.” It is the same religious sympathy, best known of all things, which binds all men into a unity Divine, which they cannot forego without losing Family, State, Church and Manhood itself.

What is plainer, then, than the route of prosperity for a Nation, if it recognize this fact of facts, or rather, this maker of all facts? The future merely tells, by its gettings, what we love and are; the past by its forgettings, what we loved not and were not. The best things may indeed be got by merely loving them; but so also may they be lost with the least forgetting. Man can more safely say: “I would not,” than “I will not, forget thee!” But he can say: “I will often think

of thee!" And thus he binds to his soul what he loves and is ever creating it. And since his thinking is creative for him, he must think of the Best, if he would never lose the secret of his power for good. It is only an ever-creative love for good that can never forget its cunning in Art, never lose sight of its true aim in Science, never forget its Religious trust, since it is ever getting and ever keeping its infinite and unwasting treasure. Such also is the law of a Nation's future. It creates its own future, and according to the law of what it loves best.

The moral grade of a Nation's consciousness is shown in the relative interest it takes, in persons, or in things. If things are what it loves most, then it lives in them; and in their perishing nature has only an ever-perishing life. In persons, only, can it have immortal life. Without persons, indeed, there is no life of any sort for a Nation; for they alone can have that interest in mortal things which some take for the basis of society. This concentration of all interest into a mutual interest in persons, was noted, at the beginning of Chapter XI, as the basis of the morality of a people. In considering Religion, we also find this prime interest of all to consist in a recognized relation of all to good persons. Such a relation can be either formed, or known, only by a law of Reason. To ignore this as a Personal Reality, and make of it a mere abstraction, gives us sectarianism in religion, agnosticism in philosophy, feudalism everywhere. This result follows, because when persons are thus taken as having no reality as acts of Reason, as Truth-persons, they can have no reality except as things, bodies. Hence they are put in feudal relation. As religious, they can have only clash of opinions; in Science, they can know only things;—in politics, they try to form a Nation as a relation of atomic persons. This makes of all business a mere shock of interests; parts capital from labor as a feud between past and future; and renders political life a blind contest for material objects only, wherein the two parties organize against each other as two forces, the one defending a property only in things, the other defending a liberty only in things.

The future of this Nation depends upon its rescuing its conscience from these blind views of a mechanical habit of thinking. Otherwise, despotism or communism is its future; for such is the logical resolution of a thinking only of things. What we "think a great deal of," that we love: and if it be perishable, we perish with it. A Nation, like a man, puts itself under the law of what it thinks of most. If this be persons, immortal persons, they have a law of Reason, as a law of love. Seeing this as the only maker of a good Nation, our second Washington gave us, as watchword for our second future: "CHARITY FOR ALL, MALICE TOWARDS NONE."

Those words sprang, not from a mere good-humor, but from a good spirit, clarified by its suffering with and for us. They were the utter-

ance of one whose rational insight penetrated to the spiritual reality of this relation of Truth-persons in a Nation. Such words are not addressed to feudal atoms; these have not the spirit nor the act they describe. They do not address men as agnostic, but as knowing Truth, in its Divine reality, as Personal. They do not recognize merely an abstract truth, which can only be scattered by a mechanical thinking into a making of things in time and space, or else into an unreality; but a real Truth, which comes in person and to persons, and thus can constitute, for a Nation, a "government of the people, by the people and for the people." Any other government than that must indeed "perish from the Earth." Spencer has only shown inductively, what Kant deduced from the very nature and law of Reason itself, that any mechanical thinking or relating of its acts can only blind us to its personal reality, actual in all men. But these words of Lincoln declare it to be, not an unknowable, but a known act and a felt responsibility to act with charity. That was essentially a Christian watchword, from a Christian spirit. With such a spirit and aim, the Nation can win, first over itself, and then over others, its victories of peace. *Exitus acta probabit.*

O Nation, thou art no ship of state, mechanically wrought, and launched upon a physical sea. Thou art a Nation of living men, thinking men; knowing well the hopes of designing ancestors, and entrusted with their fulfillment; knowing also the infinite aspirations of all Humanity, and entrusted with a creative power Divine, to work with and for all men, as children of the same immortal Spirit. Thou hast only to be a Nation of True Men, to have it said, not that "they wrought better than they knew," but, "by the best they knew, they wrought Divinely!"

THE END



