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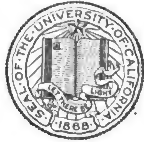

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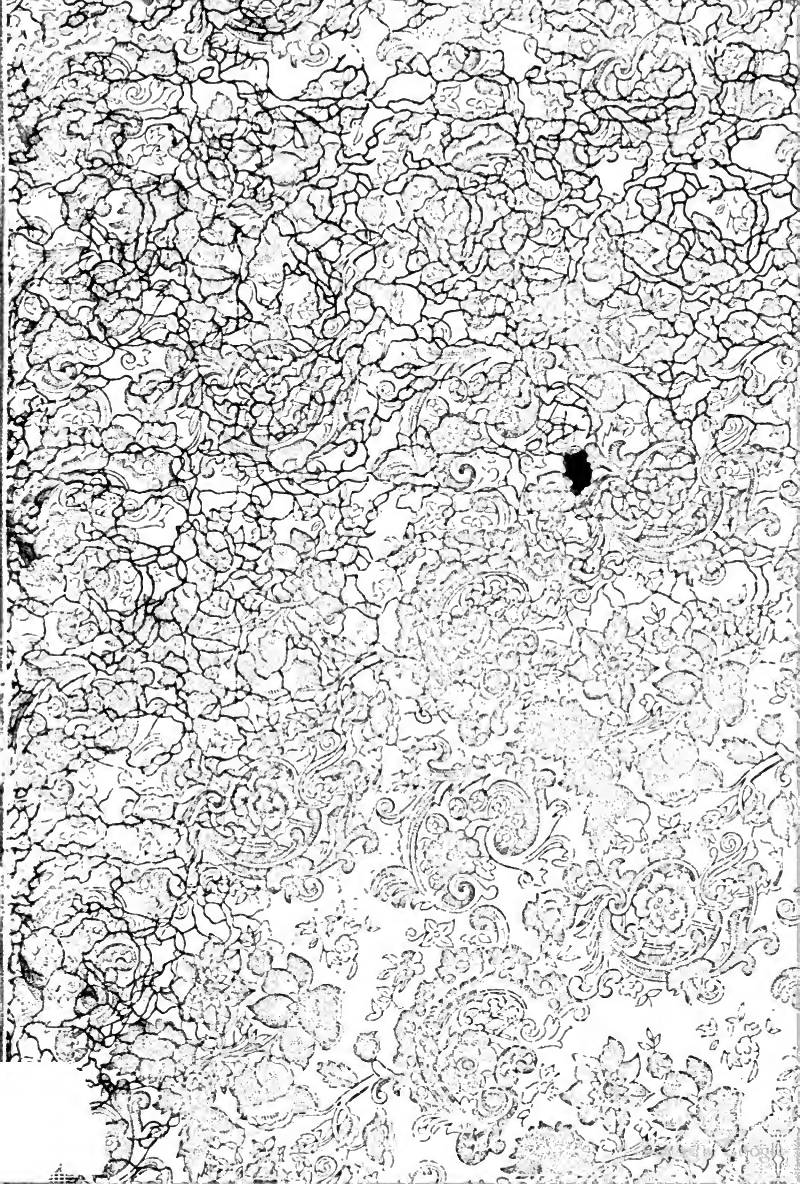

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ALMA MATER

Photogravure of the Statue by Daniel C. French

The colossal figure of French's Alma Mater adorns the fine suite of stone steps leading up to the picturesque library building of Columbia University. It is a bronze statue, gilded with pure gold. The female figure typifying "Alma Mater" is represented as sitting in a chair of classic shape, her elbows resting on the arms of the chair. Both hands are raised. The right hand holds and is supported by a sceptre. On her head is a classic wreath, and on her lap lies an open book, from which her eyes seem to have just been raised in meditation. Drapery falls in semi-classic folds from her neck to her sandalled feet, only the arms and neck being left bare.

Every University man cherishes a kindly feeling for his Alma Mater, and the famous American sculptor, Daniel C. French, has been most successful in his artistic creation of the "Fostering Mother" spiritualized—the familiar ideal of the mother of minds trained to thought and consecrated to intellectual service.

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International Congress of Arts and Science, St. Louis, 1904.

INTERNATIONAL

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VOLUME IX.

NEW YORK

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THE FUNDAMENTAL CONCEPTIONS OF NINETEENTH CENTURY POLITICS

BY WILLIAM ARCHIBALD DUNNING

[WILLIAM ARCHIBALD DUNNING, Lieber Professor of History and Political Philosophy, Columbia University. b. Plainfield, New Jersey. A.B., A.M., Ph.D., LL.D., Columbia University. Fellow, Lecturer, Adjunct Professor, and Professor, Columbia University. Member of American Historical Association; American Political Science Association; New York Historical Society; Massachusetts Historical Society (corresponding). AUTHOR OF *Essays on the Civil War and Reconstruction; History of Political Theories*. For nine years managing editor of *Political Science Quarterly*.]

WHEN Louisiana was acquired by the United States the politics of the world was centered about a single nation, and the politics of this nation was centered about a single individual. France and Napoleon epitomized the dominant principles of the day; revolutionized France meant liberty and equality, the rights of man, national democracy; Napoleon meant the resistless armed might of democratic propagandism. Before the enthusiasm of the French nation and the genius of their chosen leader the principles, the practices, and the men of the old régime vanished from Western Continental Europe. Only in Russia and in the British Isles did conservatism find a secure refuge, and from these points of support, with the principles and material resources of England as its chief dependence, it waged unrelenting war on all things French and all things Napoleonic, and in the end it was triumphant.

With 1815 came the termination of the long wars; the smoke and shouting of battle passed away and the readjustment of institutions and political systems began. Reaction was manifest everywhere; the dogmas and the men that for nearly twenty-five years had cowered in the re-

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motest and obscurest hiding-places of the Continent, now assumed control of political life, and a war of extermination was entered upon against everything that had been identified with the Revolution. But the work of the French Republic and the Napoleonic Empire had been too thoroughly done throughout western and central Europe to permit of ready eradication, even by the drastic methods employed by Metternich and his satellites. Liberalism, proscribed and hunted by the triumphant powers, lived nevertheless, and resisted its adversaries with the weapons that were nearest at hand—conspiracy, assassination, insurrection—as well as by ceaseless agitation and debate, so far as these were permitted in practical politics, and at last, but only when the middle of the century had been reached, it had secured a definitive triumph throughout the better part of Europe. After the revolutionary wave of 1848, the prevailing governmental systems, as well as the prevailing beliefs in both scientific and popular thought, expressed with more or less completeness the principles for which the liberals had contended. And far more fully than anywhere in Europe, these principles pervaded the government and the general life of that growing people across the Atlantic, whose development had already begun to make them a factor of large significance in the affairs of the civilized world.

I

This conflict between liberalism and conservatism, then, may be taken as marking in a general way a period in nineteenth-century politics. The influence of the antithesis of doctrine appeared in every phase of the political life of the time, and in most phases this influence was decisive. In the internal affairs of every country, the struggle for the realization of liberal ideas furnished the most

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conspicuous incidents. France was the recognized leader and gave the impulse to all Europe in this respect, and the history of her party politics is merely a recital of the strife of liberalism and conservatism. Spain and the Italian states exhibited a series of transformations in governmental institutions with the same division as the basis. The German states experienced many vicissitudes of agitation and insurrection, but the hand of Metternich was strong in central Europe, and while liberalism got a footing in some of the smaller states, the time of the greater did not come until 1848, and even then the success of the liberals was but temporary in Austria and greatly qualified in Prussia. England felt the effect of the spirit of the times in the great struggles for Catholic emancipation and Parliamentary reform and in the abortive movement of the Chartists. Even Russia had a little experience of uprising for liberal government in 1825 at the accession of the first Nicholas, and a very serious experience with the combination of liberalism and nationalism in the Polish war of 1830. And finally, at the other extreme, across the Atlantic, the United States exhibited the influence of the *Zeitgeist* by the transition from the Jeffersonian to the Jacksonian type of democracy. When we glance at the international politics of the period we find the same influence largely operative. The grouping of the great powers in reference to their policy of supervision over the affairs Europe was frequently determined by the real or assumed bearing of the policy on the great issue between liberalism and conservatism. Metternich's astute suggestion that the Greeks, in their struggle for independence, were liberals in insurrection against their legitimate sovereign, the Sultan, illustrates the potency of the leading idea of the time, as a force for diplomats to conjure with. The policy of England toward Spain's American colonies

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during the twenties, with the incidental though hardly anticipated result of our own Monroe Doctrine, had for its foundation Canning's dislike of ultra-conservatism, while the long and influential *entente* between the English reformed government and the government of Louis Philippe rested notoriously on the sympathy between the leaders of political thought in the two countries, as opposed to the autocratic and reactionary influence represented by the three Eastern powers.

Assuming, then, that the struggle between liberalism and conservatism was the characteristic mark of the practical politics of the period extending to the middle of the century, let us consider what were the principles of political science that were involved in the struggle and its result.

Fundamentally, nineteenth-century liberalism meant democracy. Its ultimate aim was to break down the bars which excluded from political life the classes of people whose intellectual, social and economic significance was becoming unmistakably predominant. For its immediate aim it demanded liberty and equality. The content of these much-abused terms was explained in accordance with the philosophy of the eighteenth century, that is, by the dogmas which had been demonstrated by Montesquieu and Rousseau and had been formulated in the Declaration of the Rights of Man. Liberty was held to consist in a series of rights defined by nature itself, and equality in the possession of all these rights by every man by the fact of his humanity. Within the sacred circle of these rights no governmental power could intrude. Against every claim of authority to do so as derived from God or custom or tradition was opposed the decree of supreme and beneficent nature. The precise character of nature—this kindly source of human rights—was no less variously and indeterminately defined by nineteenth century than it had been by eighteenth-cen-

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tury philosophers; and the list of rights that were deduced by laborious speculation from nature in the abstract bore a suspiciously close resemblance to one which could be compiled from the very concrete constitutional law of England and the United States. Yet nature—whatever the diversity of ideas connoted by the term; and nature interpreted by reason, regardless of the skeptic's query, Whose reason? —continued throughout the period we are discussing to be the ultimate basis of the liberal creed.

It was, however, in regard to civil rather than political rights that the code of nature was considered conclusive by all shades of liberals. As to political rights, especially that of the Suffrage, liberalism was much divided. The more extreme spirits in its ranks were quite sure that nature and reason immutably prescribed participation in all the functions of government as the right of every man. Less radical elements found in nature the right of representation, but not of participation, in political functions; and many were loath to admit that even participation in the designation of a representative was within nature's gift to every man. Finally those liberals who shaded imperceptibly into the ranks of conservatism itself, maintained that while nature enjoined indisputably the guarantee of civil rights to every man, the assignment and enjoyment of political authority was a matter of human expediency, varying with times, places, and circumstances, and not determinable *a priori*. Liberty for all, authority for the qualified, was the maxim of this school.

The list of names identified with these various shades of purpose and belief—the honor-roll of early nineteenth-century liberalism—includes many which have no meaning to the present generation, but a few which still symbolize something distinctive in theory or in practical achievement. France furnishes Benjamin Constant, Royer-Collard, Guizot,

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Tocqueville, Lafayette, Comte, Louis Blanc; Germany gives Fichte and Hegel (whose systems, conceived in the spirit of liberty, had, however, the defect of extremely refined abstraction, that they could be as readily adapted to the support of reaction as of progress), Rotteck, Welcker, and the ultimately Americanized Lieber; England offers Bentham and his radical followers, Grote, the two Mills, and the redoubtable Brougham; Italy gives Mazzini, and all Europe the group of devotees who worshiped the thought and carried into operation the wild schemes of that amiable fanatic.

The conservative opposition to the views and purposes represented by the foregoing names was embodied for the most part in the royal and aristocratic classes of the old régime. Its practical spirit was expressed in that curious intermonarchic agreement known as the Holy Alliance; in the forcible interference to suppress constitutional government in Italy, Spain, and elsewhere; in the rigorous espionage and censorship over thought and expression throughout Europe; in the bitter resistance of the aristocracy in England to the diminution of their ancient prerogatives by Parliamentary reform; and in the extreme assertions of aristocratic and monarchic privilege which led to the explosions of 1830 and 1848. Philosophically, conservatism expressed itself in three theories: First, that of the divine right of the old monarchic and aristocratic order—that political authority emanated from God and could not be questioned by any merely human agency; second, the theory that if nature were to be consulted at all as to the basis of political organization, her answer would be that inequality and not equality was the universal principle among men, and that, therefore. aristocracy and not democracy was the order of nature; third, the theory that the appropriate social, legal, and political institutions for any people were to be discovered, not

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through any assumption as to the nature of man in general, but by a consideration of the character of the particular people as revealed in its history, and that the institutions which had come to prevail at any particular time through peaceful development must be presumed to have more inherent justice and validity than any others that might be suggested.

Of these three views, the first, which defended absolute monarchy on the ground of mystical divine right, was already antiquated, and in the prevailing rationalism found no adherents save a few obscurantists. The second view had a more intellectual support, and was sustained in a manner that at times manifests no little force by Ludwig von Haller, whose bulky volumes are now rarely opened. The third view characterized the most moderate of the conservatives and determined the actual solution of the problems of the time. It afforded a ground on which the least extreme of both liberals and conservatives were able from time to time to stand together. It triumphed in the Whig reforms in England and in the July Monarchy in France, and it profoundly influenced, if it did not fully control, the application of that principle which on the whole expresses most fully the contribution of this period of the nineteenth century to political science,—the principle, namely, of constitutionalism in both state and government.

Let us consider for a moment the source and nature of this principle. To liberals of every shade in this period, the indispensable token and guarantee of the liberty which they sought was a body of law which should to some extent control and determine the power and procedure of the persons who exercised political authority. With few exceptions, the liberals demanded that this body of law be expressed in a written document. "Constitution" came to mean specifically "written constitution," and the triumph of liberalism is

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no more significantly shown than by the fact that at the middle of the century a great majority of states in the civilized world were equipped with instruments of this kind. But the written constitution was so intimately associated in origin and character with revolution that the established conservative powers could never contemplate it save with abhorrence. Its earliest appearance had been in the abortive efforts of the English Independents during the Puritan Revolution to formulate an operative system that should embody their ideals; it had been resorted to in America on a large scale when the colonies separated from the mother country; and it had figured multitudinously in France between the Bourbon of 1789 and the Bourbon of 1815.

Moreover, the content as well as the history of the written constitution made it an object of abhorrence to ultra-conservatism. Two features were generally insisted upon as indispensable: first, a distinct enumeration of the rights of the individual with which government was under no circumstances to interfere; second, a description of the organs of government and a body of rules determining their actual operation. The individual rights normally secured were those that had come to be known as natural rights, and the organs of government with which the practice of written constitutions was associated included some form of popular representative assembly. But both natural rights and popular representation were, of course, diametrically opposed to the ideas of the old régime, and, furthermore, the most fundamental conception of the nature of state and government that underlay the theory of a written constitution was unacceptable to conservatives of every shade. For to the liberals the constitution was the expression of the people's will, and had no more of permanence or immutability than that will. As Rousseau had demanded on principle, and as

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several of the American states had undertaken in practice, the people must assemble in convention at not infrequent intervals to declare whether they would longer maintain the existing system. State and government, in other words, were mere creations of the will of certain groups of individuals, and a constitution was merely the formal expression of that will at any given time.

Upon this view of political fundamentals conservatives of every shade made aggressive war. The high priests of autocracy saw only horrid sacrilege in any meddling by the common people with the divine mystery of the state. To suppose that any written phrases, open to the interpretation of the vulgar, could express the essentials in political life was to the obscurantists and mystics supreme foolishness. No constitution, declared Joseph de Maistre, the most brilliant exponent of this view, results from deliberation. In every constitution there is something that cannot possibly be written—that must be left in venerable obscurity under penalty of destroying the state. The more there is that is written, the feebler is the political structure. When a nation begins to reflect upon itself, its laws and its life are already determined. Sovereignty is an emanation from God himself, and man must not tamper with it.

Something of the spirit of these phrases of de Maistre appears also in the thought of the scientific and the historical schools of conservatism. To the theory that the state is made, they oppose Topsy's idea, that it merely grows. Burke's glowing denunciation of the French Revolution gives the keynote of their cry. Men are in the state and subject to government, not through their own deliberate choice, but through an inexorable decree of their nature. The constitution of a given political society is never to be found in any document, however carefully framed and however solemnly proclaimed as the fundamental law. The

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bond which truly unites and determines a people in their social and political life consists in the aggregate of the numberless conventions and understandings through which in the course of ages the varying relations and institutions of the community have been developed and adapted to its greatest convenience. In other words,—and in the phrase which became the distinguishing mark of a prevailing school of political philosophy,—the state is not a mechanism, but an organism. There is, indeed, a mystery in the state, but it is the mystery of all life and growth; and the remedy for intolerable ills in the state, as in the individual, is not the charlatan's panacea of death and resurrection, however attractive and logical the prescription may appear, but the wise physician's careful study of the history and character of the particular condition, followed by the removal of defects in this organ and in that, without any pretense of touching the life principle itself.

This general view was that on which the practical constitutionalism of the first period of the century was worked out. It was the doctrine which the reforming Whigs in England applied, as against the demand of Bentham, and the Radicals for a remodeling of institutions in accordance with their *a priori* scheme. It was the doctrine which inspired the famous protest of Savigny against codifying and thus assuming to stereotype German private law. It was the doctrine, finally, which is clearly revealed by an examination of the content and working of the constitutions that resulted from the agitations of the period we are discussing. These constitutions were, indeed, written constitutions; but how different in character from the type which had been conceived in the enthusiasm of the early Revolution! In many cases the actual document announced itself to be, not the deliberate expression of a people's will, signifying their choice of government, but the grant of certain institutions

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by a monarch to his subjects. Liberties were indeed guaranteed to the man and the citizen, but rarely the sweeping immunities that had figured in the Declaration of the Rights of Man. A representative legislature was in every case provided for, but rarely so organized as to interfere with the ancient domination of the aristocratic classes, or endowed with such power as to insure the development of more popular institutions. And above all, there very early appeared the vexed question of the right of interpretation—the question which in the long run showed to every one that a written constitution was not a remedy for all the ills that political life is heir to, but merely a palliative for some particular evil conditions at some particular times. It was under color of an interpretation of a written constitution that Charles X of France issued his July Ordinances and precipitated the Revolution of 1830; it was by an interpretation of the Prussian constitution that Bismarck carried through his policy of the conflict time—an interpretation, moreover, which he, with characteristic cynicism, readily abandoned when it ceased to serve his purpose; and it was through interpretation that the constitution of the United States—the written constitution *par excellence,* the most wonderful instrument, according to Mr. Gladstone, ever struck off at a given moment by the thought and purpose of man—was made the basis for the resolute efforts of two great masses of fellow citizens to annihilate each other.

The written constitution had, indeed, done its work by the time it had become generally prevalent. In its true character it was found to be not an indispensable feature of every sound political system, but merely an ingenious expedient for facilitating the transition from one system to another. Through it the political ideals and characteristic principles of the eighteenth and early nineteenth centuries have been crystallized and put into form for permanent exhibition.

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Political antiquarians are thus enabled to study the past at their ease; lawyers can wrangle and construe and assert—sometimes with real belief at the basis of their assertion—that in the articles and sections and phrases and words of the document are to be seen the essence of the state; but behind and all around the scanty code the real life of the body politic goes serenely on, regardless of all the puny efforts to cramp and fetter it.

In the development of nineteenth-century constitutionalism, the chief types—the unwritten and the written, or, in the terms suggested by Mr. Bryce, the flexible and the rigid—have been furnished by Great Britain and the United States respectively. In the long run the British type has proved the more permanent; for the limitations on government and on sovereignty itself, which were originally the characteristic mark of American constitutionalism, have in large measure disappeared, and on the impressive but unstable foundation of necessity and destiny has arisen for the contemplation of mankind that structure which to the forefathers would have seemed such a monstrosity—the unwritten constitution of the United States.

II.

The second period of the nineteenth century, embracing the decades from the sixth to the ninth inclusive, has, for the controlling topics of its politics, both theoretical and practical, nationalism and socialism. This is the period of Bismarck and Lincoln, of Karl Marx, and, equally significant in the opposite sense, of Herbert Spencer. The constitutional liberty of the individual, secured by the strenuous struggle of the previous decades, was now subordinated to the demand for national unity in governmental organization and for majority rule in economic organization.

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The idea of nationality, as the normal and natural criterion of political organization and independence, was by no means new in this period, but it now gained overwhelming importance from the practical work of Bismarck and Cavour in Europe and from the terrific struggle through which the principle was maintained in the United States. The working out of the idea was attended by a change of relative position among the European Powers. France was supplanted by Germany as the central figure. France, with a homogeneous population and a compact territory under a unified government, had only that interest in the principle of nationality which was incidental to the ambition of the third Napoleon. England, with Ireland on her hands, was necessarily cold toward the doctrine of nationality *per se*. Her philosophy easily conceded that the Poles were not Russians because they said they were not, and that the South Carolinians were entitled to independence of the United States because they believed they were; but it could not admit that Irishmen were not Englishmen or were entitled to independent government for any such reasons. The German, the Italian, and the American peoples, however, were able to make the principle of nationality predominant in both theory and practice. Yet, it is not to be presumed that either Bismarck or Cavour was under any illusion as to the abstract conclusiveness of nationality as a principle; to them the cause of the Hohenzollern and the Savoyard dynasties, respectively, was as much end as means in the policies which they carried through. And, even as to the United States, the time has probably now come when it will not be held unpatriotic, as it certainly is not untruthful, to say that sordid considerations of selfish sectional interest played a large, if not a decisive, part in the struggle through which national unity was preserved.

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The triumph of nationalism in the seventh decade of the nineteenth century was promptly followed by a transformation of the principle that has determined in large measure the later stages of political development throughout the world. In the first period of the century nationalism had been the sister creed of liberalism. National independence and constitutional government had commonly been united as summing up what was just and natural in the aspirations of a people. In the name of both principles together the Poles had fought for independence of Russia, the Belgians had achieved their independence of the Dutch King, and the Magyars and Italians had resisted the Austrian Dominion. Nationalism had been essentially defensive in character and application; its goal had been the release of a people from alien governmental control. But the events of the sixties revealed a new and widely different aspect of the doctrine. Nationalism passed from defense to aggression. Its chief end came to be, not the release of a people from foreign rule, but the subjection of every people to its appropriate domestic rule. In the name of the nation politicians, theoretical and practical, demanded a re-ordering of the world. God and nature and human reason and history were all triumphantly shown to have decreed that in the homogeneous population inhabiting a continuous territory should be the final and unquestionable unit of political organization. "National unity" superseded the time-honored "consent of the governed" as the justifying principle of sovereign dominion. Love of liberty and of self-government, once the noblest theme of poetry and philosophy, now became mere graceless "particularism." In the name of the nation, Hanoverians, Saxons, and Hessians were incorporated in the Prussian state; in the name of the nation eleven million Southerners were harried into subjection to the govern-

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ment at Washington. Political science mapped out the whole world into geographic unities, in each of which it was solemnly declared to be the end of all human destiny that some ethnic unit should be neatly and eternally ensconced.

There were difficulties in the practical application of this, as of every other ultimate principle. Ethnic homogeneity was in last analysis rather hard to define. Some clear objective test was needed to determine where one nation ended and another began. Identity of blood, of language, of religion, of traditions, of history, were all duly tried and all alike found wanting. Nor was the bounding of geographic unity any easier in practice. Alsace, we know, was and doubtless still is German, because it is east of the Vosges, but equally French because it is west of the Rhine. The Alps were undoubtedly ordained by God and nature to be the divider of nations; but it is hazardous to assert the same of the scarcely less formidable Rockies. Yet with all these difficulties perfectly apprehended, the idea still persists that there is something peculiarly natural and permanent and rational in the so-called national state. Switzerland and Russia and Austria-Hungary are all looked upon as rather out of the orbit of the scientific student of politics because they do not conform to the canons of ethnic and geographic unity.

Without examining farther the characteristics of this peculiarly nineteenth-century idea of nationality, let us look a moment at the influence which the idea has had upon the development of the conception of liberty. *Pari passu* with the realization of democratic ideals in governmental organization, there had developed the antithesis of the two systems of thought familiar to us as socialism and individualism. But vaguely and obscurely manifested during the first half of the century, the conflict between the two be-

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came well defined and furious with the triumph of constitutionalism in 1848-1849. Both the opposing systems derived their lineage from the earlier liberalism. The socialist claimed that, with the people in control of the governmental organization, there could be no limit set to the power which they could justly exercise; restrictions that had been insisted upon before, when political authority was in the hands of the one or the few, had no justification, he declared, when authority was in the hands of all. The sovereignty of the people and the welfare of the people he interpreted as involving necessarily the supremacy and the primary interest of the classes which had just obtained political recognition, and the powers of government, he insisted, should be used as freely for the benefit of these classes as they had heretofore been used for the benefit of the classes now deposed. The individualist, on the other hand, steadfastly maintained that the rights of man had not ceased to exist with the triumph of democracy. The end of government, whether controlled by classes or by masses, was to protect these rights, not to override them. The state, indeed, had no other cause for its existence than to assist the individual in developing the powers that are in him, and any application of the public resources to other ends than this was tyranny and despotism.

This modern doctrine of individualism, having its source in the idealism of the German Fichte and Humboldt at the beginning of the nineteenth century, received a very perfect development through the works of the English Mill and Spencer in the fifties and sixties. It is, indeed, not too much to say that the whole magnificent system of Synthetic Philosophy was wrought out by Spencer to furnish a scientific foundation for the individualist thesis which he laid down in the first edition of his *Social Statics.* England at this date had just abandoned her ancient system of

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agricultural protection, and her philosophers, followed by many in other lands, were enthusiastically in favor of extending over the whole field of commerce and industry the *laissez-faire* which had been applied to English agriculture. The paternalism, which, after all, lies always close behind the fraternalism of the socialist, was, without doubt, distinctly overpowered by that ardor for individualistic liberty which was so widespread in the two decades following the middle of the century. If since then socialism and paternalism have gained the upper hand, and government is now conceived rather as an agency for the positive promotion of the interests of those classes who control it, the result may be traced to that passion for nationalism which supplanted the passion for constitutionalism. With the cry that industrial independence was essential to the complete national life, the United States and Germany took the lead in reversing the tendency which England's free-trade policy had created, and gradually all the leading nations of the earth fell into line with them. In the presence of universal tariff barriers, in which the powers of government are most extensively and ingeniously employed for the primary advantage of specific classes, it is hard to find an adequate ground on which to resist the demand of any other class for a similar employment of governmental power in behalf of its interests. Nationalism has sounded the knell of individualism—whether forever or not, it remains for the future to disclose.

Another conspicuous feature of nineteenth-century politics that experienced serious if not irreparable disaster through the nationalistic movement was the doctrine of federalism. As the principle upon which the United States developed its astonishing progress in the first half-century, federalism came to be regarded as the touch-stone of pure gold in governmental organization. The most logical con-

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stitution-makers in the world, the publicists of Latin America, brought forth a large crop of systems embodying this vital principle. Witness the United States of Mexico, the United States of Colombia, the United States of Venezuela, the United States of Brazil, and so on. Only yesterday our government relieved itself of the embarrassment in diplomatic intercourse caused by this very sincere flattery. By order of the Department of State, we are henceforth to be, not the "United States," but "America," distinguishing ourselves from our sister republics by simply appropriating to our exclusive use the name of the hemisphere of which they are a part. Though federalism was in its first application merely a more or less mechanical device for combining previously well-defined and independent political units into a single system, there came later to be found in it the invaluable principle of local self-government. The partition of power between central and state organizations was treated, not merely as an essential to the union of distinct sovereignties, but as a guarantee of individual liberty against all sovereignty. But the sweep of nationalizing sentiment obliterated this beneficent conception. In realizing the ends and aspirations of the nation, the autonomy of states received as little consideration as the rights of individuals. Centralization of power, in the name and for the purpose of national unity, accompanied the progress of every body politic in which federalism had for any reason obtained a hold.

III

After this very general survey of the tendencies manifested in the nationalistic stage of the century's progress, we are able to understand readily the influences which have produced the later and final stage. This, covering the last

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fifteen or twenty years, may with a fair degree of accuracy be designated the era of the new imperialism. The events that have given character to the period are so recent and familiar as not to need detailed recital. The broad principle that has underlain them is that the nation, perfected through the suppression of individualism and of federalism, must break the bonds of ethnic and geographic homogeneity and project its beneficent influence into the world at large. Such, at all events, is the philosophic theory of the movement. The practical aspects of the operation have, of course, been of a rather less exalted nature. The impulse has come from the demand for markets on the part of the highly stimulated industries of Germany and the United States. It was in the eighties that the Germans instituted that picturesque world-wide hunt for colonial lands that gave such a shock to Great Britain and such amusement to the rest of mankind. It was in the early nineties that Africa was parceled out, with a brave paraphernalia of "spheres of influence" and "hinterlands" for the parcelers, but with no sign of respect for ethnic and geographic unity among the parceled. Three years later the unmistakable ambition of the American people to manifest their power beyond their national boundaries was thwarted, though with great difficulty, by President Cleveland; but in 1895 he also gave way, and by his Venezulean message unchained the passions and aspirations which found a temporary satisfaction in the incidents and results of the war with Spain. The United States, the most perfect type of advanced democracy and nationalism, entered fully upon the task of governing distant and hopelessly alien peoples by the methods of autocracy. In the movement for the final partition of Asia into spheres of influence for the European powers—a movement to which the indomitable will and energy of one brave little Asiatic

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people have raised up an obstacle which at the present moment seems likely to be insuperable—the great American Republic has taken a recognized part as a regulating, if not a promoting, factor. There no longer remains one first-class nation whose conscious aim is rather internal perfection than external dominion—not one that does not see in dependencies the indispensable proof of political competence. Under such circumstances it needs no exalted intelligence to see that constitutionalism and nationalism have been definitively superseded as controlling dogmas in the world's politics.

What, now, is the meaning of this new imperialism? Is there in it anything really new? Is it any different from the imperialism of Athens in the days of Pericles or the imperialism of Rome under the late republic? Has it for its underlying principle anything different from that proclaimed by Machiavelli, that no state, whether monarchic or popular, can live a peaceful and quiet life, but each must either conquer or be conquered? Or anything other than the doctrine of the doughty Thomas Hobbes, transferred from individual to nation, that life consists in an unceasing struggle for power that ends only with the grave? Or anything different from the principle to which the theories of evolution lend support, that a nation, like any other organism, must either grow or die, and that its growth involves the absorption of other organisms?

To very many thoughtful supporters of the new imperialism a way of escape from the implications of these questions appears in the conception that the modern movement is essentially altruistic,—that it is founded upon duty to others rather than satisfaction of our own desires. This is not a new idea in the history of politics. Athens pointed to the beneficent effects of her supremacy upon the subject states. The philosophical clients of the plundering

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Roman proconsuls could always declaim with great effect upon the rescue of suffering peoples from misrule and upon the uplifting influence of the *pax Romana*. Likewise, the supporters of our modern imperialism find comfort in the good that has been done. The British in India, it is pointed out, have abolished suttee; the French in Africa have made Timbuctoo accessible to the methods of modern commerce and to the allurements of Parisian art; the Germans have made the forms of their bureaucracy familiar in darkest Kiao-Chow; and the United States has begun at least to inspire in its Philippine subjects a longing for the English language and a respect for the clothing of the temperate zone.

Whether or not the bestowal of these and other even more important blessings of Aryan civilization upon races that yearn passionately to be uncivilized, is the true and an adequate justification of the modern imperialism, it is not the province of this paper to determine. Its function is fulfilled in merely setting forth the succession of ideals and leading principles that has characterized the past century. The constitutionalism of the first period took a form which was in some measure novel in the history of politics; the nationalism of the second period presented also certain features that had no precedent; but the imperialism that closed the century's record can hardly be said to have manifested thus far any characteristics that distinguish it from the movements in which throughout all history the powerful governments of the earth have extended their sway over the weak and incapable.

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THE TENDENCIES OF THE WORLD'S POLITICS DURING THE NINETEENTH CENTURY

BY ELISHA BENJAMIN ANDREWS

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IN speaking of the politics of a period, I suppose that we contemplate, in the main, three orders of elements: (1) Political psychology, viz., theories, thoughts, beliefs, and feelings, so far as these are conceived of as fertile and causal; Boulanger's influence for a time in France, for instance. (2) Political movements, whether these have attained definite results or not. Chartism in England would illustrate and so would the Abolitionist crusade in the United States. (3) New political creations, such as new states, leagues, alliances, conquests, policies, institutions, maxims, codes, modes of political procedure, or shiftings of political emphasis.

These three sets of elements may perhaps be brought together without confusion under the general caption of political movement considered in itself, in its causes, and in its results.

Reversing this order and proceeding from surface to

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center, we notice, as a good way to get started, alterations in the political geography of the last century. Even apart from the *bouleversement* wrought by Napoleon, when, for the time, Europe did not venture to stereotype any maps, the century was a rather busy cartographer. I mention only historically significant changes and omit all details.

The United States has come to embrace the whole territory lying west of the old Thirteen to the Pacific, besides Alaska, the Philippines and Porto Rico. Spain is no longer an American power; all her old dependencies here, save Porto Rico, now an appendage of the American Republic, having become sovereign states. Brazil, independent of Portugal since 1823, is a republic, the last American political community to oust a monarch.

Great Britain grew greater and still greater; South Africa became hers; so did Egypt, for, though the Union Jack is not unfurled there, its flagstaff, in the person of the Earl of Cromer, is firmly planted by the Nile, which answers every purpose. It is understood that railway and telegraph concessions to British parties, all the way from Rhodesia to the head waters of the Nile, connect those two British poles of the African continent. Australia and New Zealand were nominally British in 1800, but their erection into veritable membership of the Empire occurred later.

British rule in India was fairly begun by Clive's victory at Plassey, June 23, 1757, but it was rickety till 1798, when Lord Mornington, later the Marquis of Wellesley, became governor-general, with his policy of uncompromising British paramountcy over all native princes,—a policy consummated when, at Disraeli's instance, Victoria was proclaimed Empress of India in 1877. Since then Upper Burma has been made British, British India thus covering the whole of southern Asia, from Baluchistan, itself a British dependency, to the meridian halving the Gulf of

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Siam. To this add Ceylon, the Straits, and Hong Kong, which are British out and out, and the vast and valuable sphere of British influence in China. Innumerable minor dependencies and protectorates I omit, as of no bearing on my discussion.

Since the Second Peace of Paris, France has lost Alsace and much of Lorraine, but has gained, and holds with sovereign or some looser tenure, Savoy, Algeria, and Tunis, Madagascar, rather important districts in West Africa, French India and Indo-China, Cochin China, Annam, Cambodia, and Tongking, besides minute islands and mainland patches here and there over the earth.

The Congo Free State was erected during the eighties, the United States first recognizing its flag in 1884.

On the Continent of Europe, the Congress of Vienna and the Second Peace of Paris restored the map to about the form it had in 1791. The number of states was much reduced, chiefly by quashing ecclesiastical principalities. The Germanic Confederation replaced in a very general way the Holy Roman Empire. Prussia was vastly increased in size, thus put in a way to gain, in 1866 and 1870, still more extensive increments of territory and of power, insuring her the headship, as against Austria, of the new German Empire, which, in 1871, succeeded the confederation.

The nineteenth century saw the various governments of Italy unite under a single sovereignty for the first time since Justinian; Greece independent of Turkey; Egypt, also all the northern provinces in Europe that were formerly vassals of Turkey, free from their suzerain save in name, or, in some cases, tribute.

At the Congress of Vienna originated the European concert idea,—the system of relegating the weightiest affairs of European politics to the great powers for decision,

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which has since become a recognized part of international law. The congress was an epoch in international law. Private international law may be said to have had its birth here, as public international law had its birth at the Congress of Westphalia. Certain valuable forms and rules for international intercourse date from this congress. A lively interest now first began to be manifested in Europe's common weal. New agreements were here set in train for the free navigation of rivers having an international character. The powers united to do away with the slave trade and directed new attention to the rights of foreigners resident in any land. "The business policy of the eighteenth century had as its fundamental principle that one nation's gain is another's loss. Now for the first time a European treaty appealed to the doctrine of the new political economy, that the alleviation of commerce is for the common interest of all peoples."[1] Only in tariff legislation has Adam Smith been ignored. In this field even Great Britain is considering whether or not to disown him.

The five powers of the Holy Alliance sought at the Congress of Aix la Chapelle and still more at the congresses of Laibach and Verona, to fix as a bottom tenet of international law the principle of dynastic legitimacy. They damned as revolution all limitation by constitutions of a sovereign's power and all tampering with the territorial lines traced at Vienna. They further assumed the duty of protecting in their possessions the sovereigns then on thrones, and of assuring and guarding the public law of Europe as they understood it.

This effort the march of events and of European public opinion, which by this time began to count for a good deal, soon brought to naught and rendered ridiculous. The Bourbons ceased to reign in France. Revolutions in Italy

[1] V. Treitschke.

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dispossessed a number of families restored in 1815. The Pope surrendered his temporal power. Belgium was separated from Holland, and Savoy joined to France, while Austria lost her best Italian lands. Germany became a unit and an empire, besides appropriating Alsace and most of Lorraine. The Spanish American republics remained independent of Spain.

October 27, 1860, Lord John Russell sent abroad perhaps the boldest dispatch which a British Minister ever drew: "The governments of the Pope and the King of the two Sicilies, he said, provided so ill for the welfare of their people that their subjects looked to their overthrow as a necessary preliminary to any improvement. Her Majesty's Government were bound to admit that the Italians themselves are the best judges of their own interests. Her Majesty's Government did not feel justified in declaring that the people of southern Italy had not good reasons for throwing off their allegiance to their former government. Her Majesty's Government therefore could not pretend to blame the King of Sardinia for assisting them. We cannot wonder that such words as these spread in Italy like flame, that people copied the translation from each other, weeping over it for joy and gratitude in their homes, and that it was hailed as worth more than a force of one hundred thousand men."[1]

The principle of the balance of power among nations, which the Congress of Vienna applied with such mechanical fidelity, lapsed into desuetude, giving way to the maxims of non-intervention and respect for each people's sovereignty.

Louis Napoleon's wish to interpose for the South in the American Civil War, and Great Britain's unwillingness, which deterred him, are remembered by all. On Prussia's

[1] Morley's *Gladstone* II, 15, 16.

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seizure of Schleswig and Holstein in 1864, and of Hannover, Electoral Hesse, Nassau and Frankfort in 1866, powerful influences in England and France wrought for intervention, but in vain. At the Schleswig-Holstein crisis, Lords Palmerston and John Russell were for war, and bemoaned the timidity of their colleagues; but Victoria was strongly against them and prevailed. In Great Britain still louder cry for intervention was heard, first when Louis Napoleon made himself Emperor, and again as his fall became imminent; but both times the Ministry was immovable. Public sentiment in the fatherland demanded German intervention in favor of Krüger during the South African War, but the imperial government resolutely held aloof.

In fine, while the right of a nation, in certain cases, to interfere for mere equilibrium's sake with a neighbor nation's extension schemes may, perhaps, still be defended in abstract international law, the corresponding practice in international politics is dead and buried.

The last century also saw given up, or at least greatly decreased, ideality of aim, whether in international or in national politics, part result, perhaps, of the state's completer freedom from church influences. Natural rights are little pleaded any more. You must claim acquired rights or get out of court. It is frankly admitted that politics has its field right here in this actual earth and that earth is not yet heaven. In politics now we do the best we can, then feeling it a duty to be satisfied, provisionally, be the results never so far from ideal. "Hope not for the republic of Plato," says Marcus Aurelius, "but be content with ever so small an advance, and look on even that as a gain worth having."

It would be a mistake, however, to suppose current politics less genuinely moral or humane than the politics of

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the seventeenth and eighteenth centuries, when it could be said:

> "Earth is sick
> And Heaven is weary, of the hollow words
> Which states and kingdoms utter when they talk
> Of truth and justice."

Any surmise of deterioration ought to be dissipated by noticing the numerous and momentous questions which nations have of late been settling by arbitration, the treaties of arbitration now existing, or the erection, by the fifteen most powerful states on earth, of The Hague Tribunal for quieting disputes such as once usually meant war.

I cannot subscribe to the theory that the course of history is directed wholly by economic causes,—the so-called economic interpretation of history. But there is one economic might which shapes human events to an even greater extent than the advocates of that theory have observed; I mean the money power; and it is among the philanthropist's most gratifying notes that this incalculably strong force is at every crisis of strained relations between nations exerted on the side of peace. As a preservative of peace the money power deserves rank alongside The Hague Tribunal.

It is worth notice that the freest populations are the ones which multiply the most rapidly. The population of the United States and Great Britain with their dependencies and protectorates is now some 522,000,000. Sir Robert Giffen a little time ago made the population of Europe and of nations of European origin, like the United States, something over 500,000,000; the United States, 80,000,000; the United Kingdom, Canada, Australia, and the white population of South Africa, 55,000,000; Russia about 135,000,000; Germany, about 55,000,000; Austria-Hungary, 45,000,000; France, 40,000,000; Italy, 32,000,000; Spain and Portugal, 25,000,000; Scandinavia, 10,-

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000,000; Holland and Belgium, 10,000,000; other European countries, 20,000,000. A century ago, adds Sir Robert, the figure corresponding to this 500,000,000 would not have been more than 170,000,000.

The point is that the development was not uniform, but the most marked in the Anglo-American section, where a population of some 20,000,000, which was about the figure for the United States and the United Kingdom together a hundred years ago, has grown to not less than 130,000,000. Russia and Germany also show remarkable increases, but nothing like the Anglo-American.

The system of "spheres of influence," so admirably elucidated by Professor Reinsch, is a creation of the century, its chief exemplification, at present, being in China, where Russia, Germany, Great Britain, and France all have footholds.

The storm-center of world politics, always in the East, has moved on to the Far East, Great Britain and Russia continuing to be the head contestants.

Thwarted by Turkey in his resolve to connect the Black Sea for naval purposes with all the oceans, the Muscovite reconnoiters toward India, only to find the Khaibar Pass occupied by men he has seen elsewhere. Nothing daunted, the British being busy in South Africa, the Colossus plants one foot near the ice-free water on the Persian Gulf, the other on the ice-free water at Port Arthur, the tip of Chinese Manchuria, which 6500 miles of railway connect with St. Petersburg. A Russo-Japanese war ensuing from this move, the Briton counters by pocketing Tibet.

The chess-game is interesting, but hardly as yet bears out Mr. Tarde's view that one or the other of these powers, or at any rate some nation, is destined to world-empire. Too many checks and balances are in reserve. For instance, suppose Great Britain at this moment in the ascend-

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ant; yet, as I once heard Archibald Colquhoun explain, Russia's methods of colonization in Asia are superior to the British, being less radical. Again, the day that sees Great Britain victorious over Russia may also see Canada, Australia and South Africa independent nations. But should Russia then swing dangerously to the fore, the entire Anglo-American world would be one flint, fire-striking rock against her, while Germany would be as likely to side with England as France with Russia.

Mr. Tarde's theory is too *a priori*, too "previous;" as is that of Mr. Pearson and others who proclain the yellow peril, whether from Chinese industrial or from Japanese military efficiency; and also that of those who, gleefully contemplating The Hague Tribunal and the rapid progress of arbitration, expect all war to end the day after tomorrow.

Having glanced at what may be considered the chief political creations, crystallizations, *faits accomplis,* of the century past, we go back upstream to sight the main movements whence those new formations casually sprang.

Notice, first, the centralizing tendency, including (1) the enlargement of the territories ruled from a single center, accomplished or not by the spirit of imperialism, and (2) the strengthening of the central authorities in all nations. Both forms of the tendency are observed in the United States, in Russia, in Germany, and in Italy; also in the foreign takings of England, Germany, France, and Chile, in Austria's reluctance to end in any degree her lordship in Italy, and in the impulse which Austria shares with Russia to appropriate as much as possible of the Balkan Peninsula.

Modern means of communication by steam and telegraph immensely facilitate the unifying of large and widely separated bodies of men. Railways and telegraphy explain

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why our generation could witness the rise in Germany of the first solid central government there in all history, giving the lie at last to Niebuhr's saying that anarchy was the God-ordained constitution of the German people.

But for the agencies named, the United States could not be permanently or strongly ruled as a single nation, and the victory of central government in the Civil War would have been in vain. But for them, further, no Dominion of Canada and no Australian Federation would exist.

National expansion would undoubtedly have gone much further than it has but for the antagonism it encounters from the disposition of blood-related communities to get together under the same governments. Blood is not only thicker than water; it is thicker than the ink in which pacts are written or constitutions printed. In determining the boundaries of states, a wholly new prominence has come to be assumed by consanguinity, the nation political inclining to coincide with the nation as an affair of race.

Ireland's wish to shake off or minimize English rule illustrates this, as does the centrifugal energy tending to dirempt Hungary from Austria and Norway from Sweden. The centripetal working of the idea is seen in the unity of Germany and of Italy. Many think that the German Empire will in time embrace German Austria and Italy Italian Austria. Slavic races, too, desiderate political unity, but the feeling as yet ends in sighs, brochures, editorials, and speeches, choked there, it would seem, through dread of Russia's supposed absorption policy.

Both these tendencies—to centralize and governmentally to group consanguineous peoples—are insignificant beside the one next to be named, the republican or democratic, so pronounced in the political history of my hundred years.

When the American Revolution broke out, a method of governing states to which we of to-day can give no tenderer

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name than absolutism was practically universal. Even Great Britain was no true exception. Not a constitution in the sense now usual existed in all the world.

Since then absolutism in government has given way, no longer existing in any state of first rank. Only the Czar and the Sultan rule in the old fashion, and even they are bound by public opinion, local and ecumenial, considerably to heed the popular wish. Monarchy has been dispensed with by many peoples, in form as well as in substance; in the rest most of its old power is gone. Civilized lands are ruled in unprecedented measure for the people and by the people. Suffrage has been enormously extended, serfs and slaves set free. Of all the emancipation edicts and statutes on record, an overwhelming majority hail from days since the French Revolution. The list of those uttered during this period in Germany alone makes up a half-page close fine-print note in Roscher's *Political Economy*.

This strongly-marked democratic period had its proximate and for us its practical opening in the French Revolution, though its absolute origination must be referred to the Cromwellian revolution in England. Sir Henry Maine has pointed out that the characteristic doctrines which that revolution propounded were then wholly new to mankind. They were, moreover, then set forth in almost the very form now familiar to all civilized men. The "Agreement of the People," issued in the name of the Commonwealth army and dated January 15, 1649, clearly enunciates that sovereignty resides in the people. It would have placed supreme legislative power in a representative assembly elected for a limited term, given equal voting privileges to all payers of taxes, established religious freedom, and separated church from state. Even the idea wrought into our governmental system, of limiting the legislature's function by certain vital principles fixed beforehand in a constitution, is clearly embodied in that Agreement.

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That Agreement of 1649 and the debates and struggles by which men sought to give it effect furnished Locke and Algernon Sidney their alphabet and their inspiration, which they in turn passed on to Rousseau and to the American revolutionists.

While all this is to be admitted, still Guizot's remark that every characteristic element of modern civilization has been mediated to the world through France is substantially true of democratic government as it has come to be practiced. It is the product of the French Revolution.

Whatever opinion may be held of its character in other respects, no one can question the importance of that revolution in shaping political ideas and affairs since. Description and discussion in fact hardly hint at the radical, pervasive and lasting changes which the revolutionary movement effected in the political condition of Europe, not a single element of which escaped positive influence therefrom.

The main significance of the revolution does not lie in the facts that France, from a condition of abject weakness, making her the scorn of Europe, suddenly rose up, changed her form of government, and in a few years forced a continent to her feet, her empire surpassing Charlemagne's in size and recalling that of Augustus; it resides rather in the irresistible will first revealed in all this against monarchical, feudal, and ecclesiastical oppression and unreason, —"organic torpor," a decayed, inefficient, and inexpressibly burdensome public system. The cause of these brilliant deeds was passion for a rational public order, educated and developed by a series of French writers and fired to frenzy by Bourbon tyranny, stupidity, and immorality.

Pressed by his Minister to attend to affairs of state, Louis XV would retort, "Bah, the crazy old machine will

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last out my time, and my successors must look out for themselves."

"Unhappy man"—you are hearing Carlyle—"there as thou turnest in dull agony on thy bed of weariness, what a thought is thine! Purgatory and hell-fire, now all too possible in the prospect; in the retrospect,—alas, what thing didst thou do that were not better undone? What mortal didst thou generously help? What sorrow hadst thou mercy on? Do the five hundred thousand ghosts who sank shamefully on so many battlefields from Rossbach to Quebec, that thy harlot might take revenge for an epigram, crowd round thee in this hour? Thy foul harem! The curse of mothers, the tears and infamy of daughters! Miserable man! thou hast done evil as thou couldst; thy whole existence seems one hideous abortion and mistake of nature."

Only thus from its causes can the Revolution be justly judged. If it is so viewed, its errors and excesses may be explained and in part condoned, as the inevitable friction generated in producing a great and worthy piece of work against fearful resistance.

I cannot agree with those writers, like Taine and Sir Henry Maine, who reprobate the Revolution itself, believing that whatever good it wrought could have been accomplished without it. "The French Revolution," declares Bisset, "was the work of philosophers, and it was, compared with the English revolution, a failure and ended in Cæsarism, that is, in the government of hell upon earth."

In this hostile mode of estimating the movement, Burke's *Reflections* led the way, swayed too much in their judgment of it as a whole by the fate of the unfortunate Marie Antoinette, who had so impressed the author when in France.

"It is now sixteen or seventeen years," he says, "since I

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saw the queen of France, then the dauphiness, at Versailles, and surely never lighted on this orb, which she scarcely seemed to touch, a more delightful vision. I saw her just above the horizon, decorating and cheering the elevated sphere she just began to move in, glittering like the morning star, full of life and splendor and joy. O, what a revolution! and what a heart must I have to contemplate without emotion that elevation and that fall!"

Sir James Mackintosh's *Vindiciae Gallicae* introduced the appreciative criticism of the Revolution, whose freshest note Frederic Harrison has sounded in saying: "The history of our entire nineteenth century is precisely the history of all the work which the Revolution left. The Revolution was a creating force even more than it was a destroying force; it was an inexhaustible source of fertile influences; it not only cleared the ground of the old society, but it manifested all the elements of the new society. It would be easy to show that the last fifty years of the eighteenth century was a period more fertile in constructive effort than any similar period of fifty years in the history of mankind. . . . Truly we may call the Revolution the crisis of modern reconstruction.

"'When France in wrath her giant limbs upreared,
And with that oath which smote air, earth and sea,
Stamped her strong foot and said she would be free.'"

Bisset, of all men, should admit that the Revolution did not *end* in Cæsarism. "If there is one principle in all modern history," to quote Frederic Harrison again, "it is this: that the Revolution did not end with the whiff of grapeshot by which Bonaparte extinguished the dregs of the Convention."

In France the fires of republicanism never went out, though at times smouldering. They burst forth powerfully under Louis Philippe in the Second Republic, in the present

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republic—these republics no new creations, but adjourned sessions, as it were, of the original. Since 1789 every anti-republican polity arising in France has passed its life in unstable equilibrium.

Elsewhere in Europe as well, old style political ideas began to lose power. Constitutions were in time introduced in all the German states. A national-liberal party rose in Prussia, which at last, after so many ages, made the political unity of Germany a reality.

This result might have been attained much earlier but for the conflict of the sentiment for unity with that for constitutional rule. Prussian policy was strongly anti-republican. King William and Bismarck were, so late as 1863, still heavily tarred with Metternich's brush, repelling liberals like Rotteck, Welcker, and Gagern, in the center and south, in lands which the confederation of the Rhine had embraced, even when they were convinced that Prussian victory meant a united fatherland. Union finally came by compromise, Prussia turning more liberal, the ultra-liberals insisting less on ideally free institutions at once.

Italy, even more than Germany, took impulse towards freedom and unity from the good influences connected with French occupancy.

Great Britain, where the good seed fell into the best ground, benefited infinitely from the Revolution. Few English, to be sure, sympathized with Dr. Price in seeing a millennium at hand. "What an eventful period is this," he exclaims in a sermon, part of which Burke quotes: "I am thankful that I have lived to see it. I could almost say, Lord, now lettest thou thy servant depart in peace, for mine eyes have seen thy salvation."

Soberer men avowed sympathy with the essential in the new movement. Fox was among these. He believed Pitt's repressive measures to be of dangerous tendency.

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On Pitt's death, Sir Walter Scott wrote:

> "Now is the stately column broke,
> The Beacon light is quenched in smoke,
> The trumpet's silver sound is still,
> The warder silent on the hill."

One can imagine Fox reciting this, not as a threne but as a pæan.

The career of British liberalism since Fox and Pitt's day has been peculiarly proud. To it is mainly due that noble succession of reform acts extending the franchise until manhood suffrage is realized in Britain more perfectly than in the United States. Laws have been passed unshackling British trade, greatly to the benefit of the common people. Popular election has been carried into counties and cities, placing the peasant and the mechanic in condition to hold his own against wealth and rank as he could never do before. The extra voting power of the rich has been mostly annulled, the public service purified and opened to the humblest, the administration of justice immensely improved. A system of public education has been launched, by which the poorest youth may win intelligence that shall be worthy of his freedom and enable him to utilize and enjoy it.

Nor is the train of causation starting from the French Revolution exhaustively conceived without recalling again the freedom of the Spanish-American republics, the rise and life of the democratic party and of the Monroe Doctrine in the United States, the creation of Belgium, and the liberation of Greece.

Hardly had the French Revolution democracy begun its race when it suffered serious arrest. An absolutist reaction set in: in France itself, under Napoleon, the restored Bourbons, and, later, the Second Empire; Metternich arose and the Holy Alliance; strife for free institutions was repressed in Germany, Italy, and Spain; reform became and for a time remained a hateful word all over Europe; Louis XVIII

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dated the state papers of 1814 as of the nineteenth year of his reign, affecting to ignore all that had passed since Louis XVI's death.

Queen Victoria once said: "As I get older I cannot understand the world. I cannot comprehend its littleness. When I look at men's frivolities and littleness it seems to me as if they were all a little mad." This insanity of petty-mindedness was never more patent than in Germany after Napoleon's fall.

The German Confederation was Metternich's tool to stay the advance of liberalism. The presence of the French in Germany had quickened and generalized the wish for constitutional and hatred of personal rule. While peril lasted the powers heeded. Czar Alexander received Poland on condition of granting it a constitution. Frederic William promised Prussia a constitution; Article 13 of the Confederation Acts declared that each of the confederate states was to have a constitution with representation. Liberals fully expected that before long constitutional methods would prevail all over the Continent as in England.

Bitter disappointment resulted, the next period being but a record of Metternich's triumphs, of monarchs' mean devices to evade their pledges and to hush the popular cry. Save Saxe-Weimar, not a state in the Confederation obtained at this time a liberal ground law. Bavaria, Württemberg, and Baden, which had felt France most, had charters by 1820, but these modified absolutism only a little, and were given partly to spite the larger states surrendering to reaction.

The privileges which were here and there conceded were vitally vitiated by appearing as grants, not as rights. All seeking by the people to wrest concessions was viewed as Jacobinism with reign of terror behind. Press, pulpit, school, and platform were under gag laws, patriots ex-

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cluded, exiled, or silenced by an infamous system of espionage, which Napoelon would have blushed to own.

All this proved in vain, however. The good leaven went on permeating the meal till all west Europe was leavened. Liberal ideas, domestic, and streaming in from Switzerland, Italy, Greece, England, and France, especially during her revolution of 1830, proved at last more than a match for Metternich; and when the new revolution of 1848 rocked to its base every throne of Continental Europe, he fell and his system was doomed.

Men had come more and more into Gladstone's state of mind in 1851, when he wrote: "It is a great and noble secret, that of constitutional freedom, which has given us the largest liberties, with the steadiest throne, and the most vigorous executive in Christendom. . . . I am deeply convinced that among us all systems, whether religious or political, which rest on a principle of absolutism, must of necessity be, not indeed tyrannical, but feeble and ineffective systems; and that methodically to enlist the members of a community, with due regard to their several capacities, in the performance of its public duties, is the way to make that community powerful and healthful, to give a firm seat to its rulers, and to engender a warm and intelligent devotion in those beneath their sway."

Republicanism has encountered, and is still struggling therein, a second *impasse,* which threatens to be far graver than the first.

A wide and deep remission of philanthropy marks the intelligence of our time, partly speculative in origin, as seen in Nietzsche, who ridicules consideration for one's enemies and for the weak, as slaves' ethics; partly resulting from fuller acquaintance with the inferior races of men. Tongues thoroughly trained in trick gymnastics stick at vocables like "equality," "brotherhood," "the race," "humanity," much more than when only missionaries had first-hand familiarity

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with Bushmen and Igorrotes. Such a generalization as "man" does well enough in zoölogy, but in practical ethics it finds its position harder and harder to keep. The changed thought promptly sidles over on to political ground. Having radically subordinated certain races to others, we find it easier, if not inevitable, to subordinate certain classes.

Another boulder badly obstructing democracy's path is socialism. The socialists have, agreeably to their wish, convinced great multitudes that their programme is simply the logical working-out of democracy. At the same time, against their wish, they have begotten the conviction in others that socialism put in practice would mean anarchy, communism, leveling, a crusade against the highlands of men's life in the interest of the bog. It would build forth the social body utterly without regard to heterogeneity, allowing no place for the genius, the artist, the dreamer, the mugwump, the non-conformist, the rebel. The Church in its worst days never meditated rendering life so insipid. Prisoned in the iron orderliness socialism must bring, real men would cry out with Walt Whitman:

> "O, something pernicious and dread,
> Something far away from a puny and pious life,
> Something unproved, something in a trance,
> Something escaped from the anchorage and driving free."

I care not what others may say, but as for me, give me the privilege of nonconformity or give me death.

The modern liberal deems a never so mountainous district preferable to a dead level. If democracy is that, and he frequently fears it is, he will none of it. Rather, he shouts, my kingdom for a horse with a man astride! If it is the only alternative, give me monarchy, aristocracy, even plutocracy, rather than the democracy which stifles and kicks the individual.

Again, liberalism has disappointed early expectations.

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Its devotees at first looked for economic and moral as well as political millennium as soon as men were set free from monarchic rule.

But it is clear that the device of simply knocking off men's political shackles falls short. Bare civil liberty does not constitute or assure social weal. Society sunders itself worse than ever into disparate and hostile classes. Poverty and oppression have not come to an end. This century of political equality, of status changed to contract and of a ballot for all, is precisely the one wherein pessimism has been born, which is no longer the smart hobby of a few, but the fixed conviction of multitudes.

Distracted over so many unfulfilled prophecies, a host of liberals almost conclude that they have been following an *ignis fatuus,* to turn from which is the beginning of wisdom.

Lastly, the *gaucherie* of popular government is executive functioning, and especially in war, renders it odious with a great and increasing number.

The modern mind is of a practical turn. Men theorize less than formerly, but administer better. We delight in facile practice, in bringing things to pass. Familiarity with colossal businesses, railway systems, trusts, where single minds with absolute authority produce wonders in the way of dispatch, coördination, and combination, brew relish for order and rapidity in business, and discontent for the slow, lumbering, awkward methods which, to date, most democracies insist upon in conducting public affairs.

The inclination is, therefore, observable on every hand to allow executives longer rope, a freer hand, more independence in detail from legislatures and from the constituency. Whereunto this will grow, none can tell. As it is, however, clearly inconsistent with the democracy hitherto expounded and practiced, it helps to swell and spread the conviction that democracy, at least democracy as we know it, cannot be the final polity.

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PROBLEMS OF POLITICAL THEORY

BY GEORGE GRAFTON WILSON

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IT is not uncommon for such as call themselves "practical" to give slight regard to the serious politico-scientific presentation of a topic bearing upon the management of state affairs. They say, "O, that is the point of view of a theorist;" "he is bringing in historical illustrations. These do not apply to present conditions;" "that is all right in theory, but it will not work in practice;" or "I have no respect for those fine-spun theories that never lead to anything."

Such opinions are not confined to "practical politicians," but find expression elsewhere, even in the works of those engaged in the presentation of the claims of other than the political sciences. The critics sometimes see little reason for the existence of political science, and still less for the elaboration of political theory.

To such detractors the first problem of political theory would be for it to prove its right to exist.

It is true that practical necessities gave rise to political phenomena long before any theoretical consideration of politics was conceived. The state existed prior to political speculation and independent of it. The fact of this priority of existence does not, however, prove that political theory may

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not have a right to be any more than the fact of the existence of electricity before the existence of theories in regard to its nature would discredit the theories which have given such beneficent results to man. These theories have not modified the essential nature of electricity, but have made it possible for man to control electrical energy for his own purposes. The problem of political theory is in part so to reveal the nature of political energy that it may be controlled for man's benefit. If this can be done, even those who demand "practicability" would grant that political theory has a right to be.

In the consideration of the right of political theory to be, it must at the outset be admitted that, like other theories, there have been theories in the political field that have been only in small part tenable and others not at all tenable by a normal mind.

Here there arises the problem of the relation of political theory to political action. It must be admitted that political theories have often influenced political action most profoundly. The works of Aristotle have again and again become not merely the subjects of study for those interested in Greek literature, but for those engaged in political affairs. They have been used as the sources of arguments for determining practical political action. Eginhard in his *Life of Charles the Great* states that the great ruler delighted in the works of St. Augustine, especially in *De Civitate Dei.*[1] The influence of the works of Grotius upon the political policy of his contemporary Gustavus Adolphus is evident. In some of its aspects the French Revolution was a crude attempt to work out what was thought to be a correct political theory. The influence of the same theories is evident in the enunciation of some of the fundamental principles upon

[1] *"Delectabatur et libris sancti Augustini, praecipueque his qui De Civitate Dei praetitulati sunt."* Eginhard, *Vita Karoli*, cap. 24.

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which the United States Government was founded. The debates upon the adoption of the Constitution of the United States, the Federalist Papers, and the writings of other of the early political leaders in the United States show the influence of the understanding of political theory. The political movements of the first half of the nineteenth century in Europe show how the theory that a nationality had a right to embodiment in a political unity influenced practical politics. Theories as to what a state might do in the way of determining economic prosperity have been the basis of many political party struggles, and claims based upon lack of understanding of political theories have led to the downfall of "practical politicians" and political parties.

Those widely versed in political theory have also often been leaders in the political activities of their times. This has been particularly true in Germany, and some of the great development of that state can be traced to a recognition of the worth of political theory as a guide for practical action. Where political studies have received the most careful attention and most rational consideration, there the political action has been in general most consistently progressive.

It is as reasonable to believe that practical political affairs may be more properly understood and directed when the theories underlying political action are comprehended, as it is reasonable to expect similar treatment of affairs in other lines of human activity when the underlying theories are understood.

It would seem, then, that political theory has in the past strongly influenced human activity, that men who have led in political affairs have often been guided by political theories, and that in itself political theory would have the same reasons for its existence as the theory of other studies dealing with human activities. If political theory can lead to action so disastrous to human well-being as has sometimes

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been the case, then there is reason for an investigation in order that sound and beneficent theories may take the place of those of the opposite character.

Those who would attempt to discredit often do not know what is the nature of political theory at present nor what has been its influence in the past; indeed, while decrying the theorist, they as practical men may be acting upon principles which the theorist has enunciated, and their successes may be due to the correctness of the theory or to its fitness for the conditions at the time existing.

Again, problems of political relationship arising in consequence of the growing importance of the state itself and the extension of its powers in comparison with such institutions as the family and the church have emphasized the importance of political theories.

The growth of parties, schools, systems, governmental policies, and the like, based upon theories makes necessary attentive study of their bases. Many of these parties distinctly call themselves by the theory name, as in the case of the "socialistic party," the "nationalist party," etc. The courts of justice often incline toward a theory in accord with a political platform, and in some cases judges are elected for the purpose of supporting a party theory.

As the state is one of the most important of the products of human association in its effects upon associated life and in its influence upon the individual, there is a final and sufficient reason for the mastery of the fundamental principles of its being, and with these political theory purports to deal.

Even this brief survey shows that political theory has a right to exist and to claim respect, though it must always be admitted that there may be false as well as true theories.

Granting that political theory has a right to be, the next general problem is one of subject-matter.

One of the first difficulties in regard to the subject-matter

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is that of discriminating between the political and non-political in the data of human association. Much of the data relating to early human association which has been used as a basis for political theorizing is certainly very imperfectly understood, and in some cases the data are not reliable for political theorizing, as they were gathered with an entirely different purpose in view.

Some writers speak of the Hebrew theocratic state, of primitive states among aboriginal tribes, and of states bound only by family ties or by clan relationships. If the organization prevailing among the early Hebrews and these other early relationships are to be called states, then the problem of dealing with these and modern states under the same system of definitions becomes very difficult, even in theory. The points of identity in organization between a savage tribe and the British Empire would not be many, and to attempt to give a common explanation for each would lead to absurdities. It is evident that some of the confusion and differences which have arisen are due to the attempt to account by political theory for non-political facts. Dunning, in his *History of Political Theories* (p. xvii), has observed that a history of political theories "would begin at the point at which the idea of the state, as distinct from the family and the clan, becomes a determining factor in the life of the community." It would not be maintained that any particular date or degree of civilization could be fixed upon as a prerequisite for political action. It is affirmed that there exists a problem for both the student of political theory and political science in the way of discrimination between the political and non-political in early social data.

Another important question in the consideration of the subject-matter would be as to when and under what circumstances social data would become political data properly to be used for political theorizing. Dunning, in accord with

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the position above taken, says, "Of all the multifarious projects for fixing the boundary which marks off political from the more general social science, that seems most satisactory which bases the distinction on the existence of a political consciousness."

The subject-matter presents another difficulty from the fact that the data upon which political theory must draw do not remain fixed. Even if agreement were to be had upon definitions, the content would change with the change in human relations. To adapt political theory to the dynamic character of the subject-matter is an ever-recurring problem.

Much of early political theory and, to some extent, present political theorizing is concerned about the doctrine of form of the state,—the question as to whether monarchy, oligarchy, or democracy is the best form. This is a problem of some importance, but is insignificant in comparison with the problem of rendering efficient such form as may exist. The consideration of political data without predisposition in favor of any particular form of political organization will discover efficiency under varying forms and also will discover that in most instances the efficiency is not due to the form of organization.

By political theory is generally understood the theory centering upon the state. One of the primary problems would therefore be to determine what the state is, and upon this definition would depend much of the scope of the theory. After establishing a definition, which the great diversity in existing definitions shows to be no easy task, the problem of determining the relations of the states to each other, to other political institutions, and to other social institutions arises. This involves the question of the limits of state action, one of the most difficult of all problems and one upon which much discussion has been had. This will, in part, depend upon the conception of such political ideas as

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sovereignty, law, etc. In the field of performance of state functions and the exercise of state activities there are questions of relationships. The separation and limitation of powers, the character and range of governmental activity, and the nature of government itself become problems for political theory. The subject-matter of political theory is varied, and different writers have given to it very diverse treatment. The same general subject-matter has in some instances, particularly in the eighteenth century, given rise to theories leading to entirely opposite conclusions, and later individualistic and socialistic theorists have used the same subject-matter in support of the contentions of their respective positions.

Admitting that political theory has a right to existence, and that from the extent and nature of its subject-matter diverse conclusions may be drawn, the next general problem becomes one of method. It would need no argument to arrive at the conclusion that a theorist starting with a series of political axioms would arrive at different conclusions from those of a theorist who viewed the state as an historical evolution or that a believer in "the divine right of kings" would evolve a different theory from that of an advocate of the social contract theory. The problem of method easily becomes a significant one for the political theorist. Indeed, it has been claimed by some that the method is the most important of all the problems as to political science and theory.

Various methods have been used by political theorists.

The formal explanation of political facts which has viewed the state as static and subject to logical analysis has profoundly influenced political theory. Certain valuable conclusions can doubtless be drawn from such theorizing. The tendency of this method is toward a purely legal view of the state. The method of pure logic, as it has been called by some writers upon the Continent, tends to give a

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narrow point of view, while at the same time the view gains influence from its positiveness.

A more positive method was that which assumed its definitions and the reasons for them, as well as assumed certain political axioms; then, by deductive reasoning in regard to the assumed state, and also in regard to the assumed character of man, drew its conclusions. This doctrinaire school of theorists corresponded in some respects to the Manchester school of economists.

The historical method corrects many of the errors consequent upon the rise of the above method. It shows what analysis or logic cannot show, viz.: that reason is not the source of certain political institutions and phenomena, but rather that their source is in special conditions which arose in some earlier time. The doctrinaire method, with its axioms and formulæ, regards such phenomena as exceptions. In a negative way the historical method gives to political theory the data for correcting conclusions of the two first-mentioned methods.

In a positive manner, the historical method furnishes political data in their "time-setting," making possible the interpretation of political phenomena with reference to their conditioning circumstances. The method of comparison has also served most efficiently in political investigation and interpretation. Montesquieu gained not a little by its use. De Tocqueville says, "In America I have seen more than America; I have there sought an image of democracy itself."[1]

In connection with the question of method, there is the problem of freeing political theory from the extended use of analogy which has often given a false idea of the nature of the political facts. In the case of the biological analogy which has been most extensively used, there has often been

[1] *De la Democratie en Amérique*, I, p. 19.

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a tendency to make little or no discrimination between physical and political phenomena. This method has doubtless served a purpose in strengthening the idea of the unity of the state, but an analogy cannot take the place of correct reasoning. Of this T. H. Green says, "If it were held, then, that the state were an organized community in the same sense in which a living body is, of which the members at once contribute to the function called life, and are made what they are by that function, according to an idea of which there is no consciousness on their part, we should only be following the analogy of the established method of interpreting nature."[1]

As by these and other methods other facts are presented, the problem of reconciliation of the points of view thus gained comes to the political theorist. He must also recognize the modern tendency to give a sociological interpretation to many of these facts, which is now as marked as was the tendency to give a legal interpretation at an earlier time.

It is evident that each method may be capable of rendering service to the political theorist. To give to the conclusions of each the proper value and place is a problem deserving and receiving more and more attention.

In considering the more concrete problems of political theory one of the first is that which is concerned with the origin and basis of the state. This problem is one that very early received attention from political theorists and writers upon political subjects. Its solution may make a great difference in the working-out of other portions of a general theory of the state.

To some writers both of early and later periods, political life is innate, and man is man only as he is political. It should be observed that among those using somewhat similar terms in regard to this basis of the state in the nature of

[1] *Principles of Political Obligation*, sec. 125.

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man, there is often a wide difference in the content of these terms. Some draw one conclusion along the lines of a natural law as the basis of the state and others another. Some base the state in might or force and enter upon the elaborate explanations to account for the source of this force, which they claim makes the state possible.

The theory that the state is the product of "natural law" gave to the term "natural law" and its various modifications the most divergent interpretations.

The same may be said of the attempts to base the state in a "social contract."

That there are still problems in regard to the origin of the state will be evident in the comparison of the points of view of almost any of the recent discussions upon the subject. Some even question the right of the state to be.

These problems have occupied so much of the space in the books upon political topics that more than a mere mention of the fact that the problem of origin still remains seems unnecessary.

These theories as to the origin of the state serve to show that there is a problem for the political philosopher in the distinction of causes of political phenomena from conditions of political phenomena. It is possible that had this question been earlier raised, political theory would have been more advanced. The attempt to account for non-political facts by political causation has been common in the field of theory. A clear discrimination between the phenomena that *condition* and those that *cause* political activity removes many difficulties. Not all theorists would agree in regard to the respective categories. It is probable, however, that to most investigators soil, climate, configuration of the land and sea-lines would, in general, condition political development. The solution of the problem of placing conditioning phenomena in their proper relations is one which will bear

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valuable results. The elimination to a great extent of time and space in human relations has removed conditions favorable to the individualistic theory of the state and furnished new problems.

Before discussing further problems, it seems fitting that a question that logically might have been raised earlier should be proposed, viz.: What is the state as the subject about which political theory centers?

The problem of definition is not a simple one. There are many excellent descriptions of a state which contain an enumeration of such of the conditions of state existence as seem to the given writer desirable, such as the number of persons, the territorial basis, or the end for which the state exists. These facts in regard to the state may be enlightening to a general reader, but become a source of confusion when attempt is made to use them in a definition for political theorizing, as would be the case in a chemical experiment where a bottle bearing a given name contains not merely what the name indicates, but other chemicals as well. Frequently accidental attributes are regarded as essential and are accordingly made a part of the definition. The attempt should therefore be made to exclude from the definition everything not essential to the state and to include everything essential.

While the writer of this paper was requested to set forth some of the problems of political theory only, it may not be out of place to offer a tentative definition of the state. Whether or not this definition meets the standards which the problem of definition sets forth, it has in actual use been found a convenient point of departure for political theorizing. The definition offered for consideration is that the *state is a sovereign political unity.*

This definition is offered in part that the proposition of subsequent problems may be somewhat more definite, and that, if possible, their solutions may be less complicated.

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The terms used in the definition need for themselves definition, and in their definition important theories are involved.

The term "political" has had various meanings placed upon it and its content has increased or diminished from time to time till now, in the days of world-politics, its content is very different from what it was in the days of the Grecian city-state. The word seems, however, to have attained a fairly clear meaning at present as the term for public in distinction from private affairs of men.

When coupled with the word "sovereign," the unity is marked off from any other in which men are associated. The problems connected with sovereignty will be considered later.

By the definition, the state is distinguished from a social unity. Consequently, there are many problems of the relationship between the state and voluntary organizations within and without the state. There may remain and does remain the problem of determining how far the state, *e. g.*, shall concern itself with religious affairs, but here it will be a problem of determining the external conditions of religious life rather than the religious life itself. That the state could only condition non-political life, not create or destroy it, has been a lesson which nearly all religions have been slow to learn. It may be said of the conduct of state authorities toward other human activities that they have often mistaken the power to condition for a creative or causal power and have attempted to solve by state agencies problems which could only be solved by other means.

Whatever be the definition of the state, the doctrine of sovereignty is generally regarded as the central doctrine of political theory. Few topics have been the subject of more extended treatment, and as there does not even yet seem to be an agreement as to what is meant by the term sovereignty, it may be assumed that here will be found an

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important problem. The word is used in different senses by different writers and not infrequently in different senses by the same writer in succeeding pages. With comparatively few exceptions, as will be seen from Merriam's *History of Sovereignty since Rousseau,* the doctrine of sovereignty advocated by a given writer was based upon the grounds of temporary political expediency rather than upon philosophical reasoning. That the theorists of the present day should show the same tendency would be natural, and hence arises the necessity for guarding against the influence of psycho-political environment of the period.

Closely related in its results to this influence of environing conditions is that which leads writers to give to earlier political or other concept an importance and emphasis commensurate with that which it has previously received. This is particularly true in regard to the emphasis placed upon the doctrine of sovereignty. It might be proper to raise the question whether too much attention has not been given and is not now given to the consideration of the doctrine in its various forms. Whatever be the answer to this question the problems connected with the exercise of the supreme political authority are becoming complex to a high degree through the differentiation consequent upon new forms of dependencies and modern interstate relations.

Bryce, in his essay on "The Nature of Sovereignty,"[1] says, after discussing various confusions in regard to the subject of sovereignty, "Had the qualifying terms '*de jure*' or '*de facto*' been added every time the word 'sovereignty' was used, most of these difficulties would have disappeared." Later (p. 546), he says in speaking of international relations, "Nevertheless, where some legal tie has been created between two or more states, placing one in a lower position, we may say that inferiority exists *de jure,*

[1] *Studies in History and Jurisprudence*, p. 542.

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while if there is an actual and continuing disposition of the weaker one to comply with the wishes of the stronger, there is inferiority *de facto*. Where the laws made by the legislative authority of one state directly bind the subjects of another state, the latter state cannot be called in any sense sovereign." Burgess[1] says: "Really the state cannot be conceived without sovereignty, *i. e.*, without unlimited power over its subjects; that is its very essence." These quotations show the tendency shared also by many writers to establish an extreme definition for sovereignty.

Such definitions give rise to the problem of classification and determination of the character of the so-called half-sovereign, parti-sovereign states, or fragments of states.[2] At the same time the extreme definition of sovereignty gives rise to the problem of the political status of members of federal states, confederations, and other unions. To this problem some give the terse solution that such are not states at all, but retain their names as such only by courtesy and should receive consideration only as administrative divisions. This is the position which has been growing more and more into the political theory of the past forty years. The question arises as to whether this theory has not simply reflected the actual political development of the period.

Are states which voluntarily make treaties limiting the range of their freedom of action therefore no longer sovereign? If so, just what kind of a treaty renders the loss of sovereignty certain? Is it such a treaty as the defensive treaty between Great Britain and Japan, the Triple Alliance Agreement, the Arbitration Treaties of 1904, or the Anglo-Franco Agreement in regard to North Africa? All of these limit the free exercise of sovereign powers in cer-

[1] *Political Science and Constitutional Law*, I, p. 57.

[2] Jellinek, *Ueber Staatsfragmente*.

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tain respects. What is the position of neutralized states? Such problems as these become of practical importance for international law. While international law admits that "it is not inconsistent with sovereignty that a state should voluntarily take upon itself obligations to other states, even though the obligations be assumed under stress of war, or fear of evil,"[1] yet there remains the problem of determining the limit to which obligations may be assumed without loss of sovereignty. A state may be deeply in debt and still be classed as sovereign, may be neutralized, may be closely bound to another or to several other states, may be internally disorganized, may be insignificant in area, population, and power, or seemingly may lack all attributes but recognition in the family of nations, and still be regarded as sovereign in international law. Is it necessary to answer that some of these "are sovereign because they are states and are states because they are sovereign?"

The problem arises as to how far sovereignty may be said to exist among these so-called states, and further, how such conceptions as spheres of influence and the like shall be regarded, and, again, how far sovereignty can be divided in states of various forms. Indeed, the question may be seriously raised whether there is at the present day with the close system of international relationships any sovereign state and whether with an extreme definition of sovereignty theorists will not soon be discussing a political phenomenon which has no corresponding entity in fact.

With such political doctrines as the "concert of powers," "dominant influence," "Monroe Doctrine," "world conferences," etc., will not new and wide modification of a theory enunciated in the sixteenth century be necessary?

There are also numerous problems centering about sovereignty as viewed from an internal as well as from the in-

[1] Wilson and Tucker, *International Law*, p. 40.

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ternational standpoint. Here the problems of federation, confederation, colonies, protectorates and other subdivisions need merely to be mentioned as suggestive of fruitful fields for discussion.

Again, such questions as the residence of sovereignty, the divisibility of sovereignty, the nature of the legal sovereign, and many others offer problems which are not yet fully solved.

All definitions of the state recognize its political nature and that it may exercise its authority in political affairs. This does not, however, solve the ancient problem of the limit to which the state may extend its authority. In ancient days, when the state was everything and man was held to exist for the state, the problem was much more simple than in the days of pronounced individualism. The problem of the limits of state interference has always been a difficult one. The reaction against the medieval state with its privileged classes left a strong prejudice against state interference which the doctrines of individualism strengthened. The problem is to establish the proper degree of state regulation. As the state is political, its action should be for public ends. The solution of the limits of interference with and regulation of individual action can in part be determined by theory as to what is individual and what public; *e. g.*, religion is now generally regarded as personal and not subject to state regulation, while freedom to worship is regarded as something to be secured by public authority as conducive to public well-being. The state exists for civic purposes. The individual considers his life as his own to be lived in freedom. To determine at what point the state authority may properly begin or cease is easy in extreme instances. There is, however, a wide zone in which this question is open to debate; *e. g.*, undoubtedly the proper education of children is a moral duty resting

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upon the parent, and to relieve the parent of this duty may weaken him morally, yet the state in many instances educates the child and compels him to attend school even when the parent may object. The question of the nature of the interference aids in clearing the problem of interference of some difficulties. If interference is classified, as with (*a*) beliefs, (*b*) property, and (*c*) conduct, a general solution of the problem can be more easily reached. Beliefs would in general be individual. Property is a least protected by the state, if not made possible by the state. Conduct may be individual or may affect the state. With beliefs the state would not interfere; over property the state must have jurisdiction, and in regard to conduct the state itself must judge.

The problem of how far the state may regulate conduct is partly solved by reference to the existing body of law, which gives to the state extreme rights, even to the power of putting an end to a subject's existence in some instances. This gives rise to the problems centering upon the right to punish crime which has received much theoretical attention. It is granted that certain acts should lead to the exercise of counter acts by the person who suffers, by his family or friends, by the community, or by some properly constituted power. There might be danger both to the offended and offender if the exercise of force was uncontrolled. The right to exercise such force has therefore in most cases been asserted to belong to the state. The problem of the efficient and just exercise of force therefore appears.

What political weight should be given to a particular individual because of his possessions, status, capacities, etc., is a problem once thought to be solved, but again arising.

The problems centering about the varied ideas of liberty, freedom, and equality have been greatly modified by the influence of the theory of evolution. The problems form-

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erly having an individualistic basis are now calling for a sociological solution.

Other such problems as rest upon the attempts to regulate power and responsibility in state agents, to create a form of state control that shall be adapted to political needs, and problems having practical ends in view demand theoretical consideration.

From the theoretical point of view all these problems must be solved in the light of the solution of another problem to which all bear a relationship, viz.: the problem of the end or ideal for which the state exists. Bluntschli[1] formulates as the proper direct end of the state, "the development of the national capacities, the perfecting of the national life, and, finally, its completion, provided, of course, that the process of moral and political development shall not be opposed to the destiny of humanity." This is an excellent example of the influence of the time-spirit upon political theory. The development of the theory of nationality and the emphasis upon the embodiment of nationality in state form was a mark of his time and is reflected in his theory. Other theories as to the end of the state reflect the influence of the times as well. Sometimes it is protection of the individual, sometimes development of culture, sometimes perfection of liberty, and so through a long list of special ends.

The solution of the problem of the end of the state will depend upon the theory of the nature of the state. If the state be regarded as an organism, the end will naturally be found within itself. If the state be regarded as an organization, the problem of the end becomes open to broader discussion. Is the state ever anything other than political? Can its acts ever be other than public acts? Does the state exist for other than political ends? There are varying an-

[1] *Theory of the State*, p. 300.

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swers to such questions, though the tendency is to answer all in the negative. If answered in the negative, then a step toward the setting forth of the end of the state is taken. Will not the end be in line of progressive public well-being, as the state is an organization based upon the will of human beings?

Even if all these problems were set forth in proper form and solved, if there is to be progress in human association and organization, and such seems to be the destiny, the political theorist has the great problem which early confronted Plato, the problem of formulating such political ideas and ideals as shall cause mankind to aspire to the progressive realization of the possibilities of human development.

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NATIONAL ADMINISTRATION

BY JAMES BRYCE

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THE subject of national administration, on which I am invited to address you, is one of wide scope as well as great importance. It covers so large a field, it ramifies into so many branches of inquiry, that all I can attempt in the limited time allotted is to sketch its outline and to indicate the chief topics which would need to be discussed in detail were a detailed discussion possible. It is a bird's eye survey of the landscape rather than a description of its features that I must proceed to attempt.

By national administration I understand the whole action of the state in maintaining and defending itself and in securing for its members, the citizens, what it undertakes to do for them. It is that organization which the community has created for the two great purposes of self-preservation and of mutual benefit. Speaking more precisely, it has four aims. The first is the defense of the community against

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external forces, *i. e.*, neighbor states or tribes, who were in early times presumably enemies. The second is the defense of the persons or bodies that govern the community against internal forces that may assail it, *i. e.*, against rebellion. The third is to provide for the members of the community the things for the sake of which the state is primarily formed, viz., order and the enforcement of civil rights, or, in other words, peace and justice. The fourth is to extend to members of the community various advantages which they might conceivably provide for themselves, but which it is supposed that the state through its servants can provide more efficiently. I omit the provision of religion, because many modern states leave it on one side and do not touch on the administration of dependencies, because this is frequently absent.

Of these aims, the first three have always existed in every community deserving to be called a state, and till quite recent times they covered all the services an administration was expected to render. Government existed for the sake of defense or conquest—in rude time defense passes naturally into conquest—and of order. In other words, the work of a national administration might be summed up as war and justice, and of these justice came second. But within the last two centuries, and especially during the nineteenth century, the last of the four grew apace, and now in the more advanced countries, more than half of the functionaries whom a national administration employs, as well as a considerable part of the money it spends, go to providing the citizens with things which in earlier times they either did without or provided for themselves. Such, for instance, are police, the transmission of letters and other articles, internal communications by railway or telegraph, the instruction of the young, the health or safety of persons engaged in various employments, the construction

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RIGHT HON. JAMES BRYCE,

British Ambassador to the United States.

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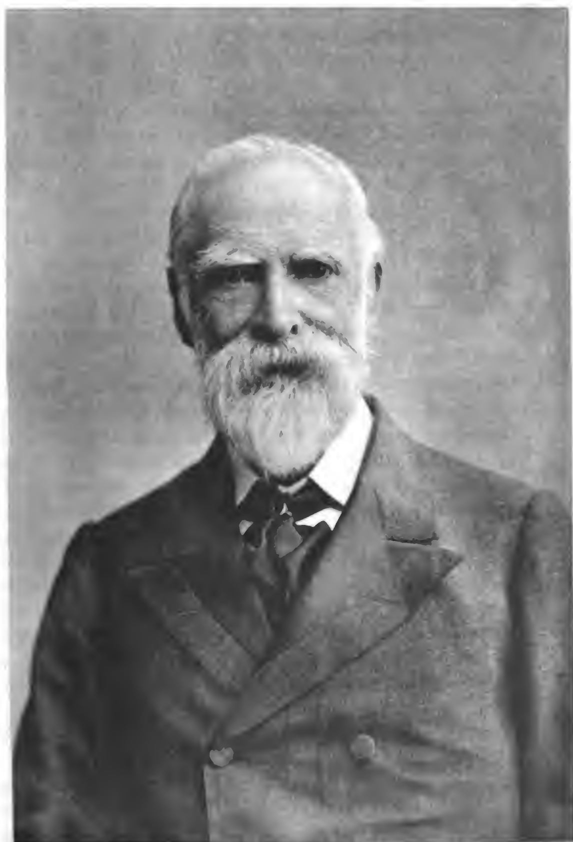

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of works of real or supposed public utility, the development of material resources (agriculture, forests, fisheries), the supplying of information serviceable for commerce or industry.

It is in this direction that new work is being undertaken in so many ways and on a daily increasing scale. But in all branches of administration there has been a prodigious extension of state action. It is not only that the progress of civilization creates new wants and leads to new demands; the old functions also have become more complicated with the progress of science. Armies are larger; navies are larger; both are incomparably more costly, because all the processes of war are more elaborate. These two services cost in England to-day nearly $300,000,000, as much as the total expenditure of the national government was for all purposes sixty years ago. At the siege of Port Arthur, Japan has probably already spent $5,000,000 in projectiles discharged and ships destroyed, not to speak of the loss of men. The whole tendency of recent years has been to throw upon national administration more work, to require from it more knowledge and skill, to intrust it with the expenditure of more money, to make its efficiency more essential, since it is expected to help the nation in competition with other nations, and to expose its members, the civil servants of the state, to more frequent and stronger temptations. This evident tendency to widen the sphere of national administration raises the question, What kinds of work ought it to undertake, and from what ought it to abstain? Here we have a topic more than large enough for a whole course of lectures, so I will indicate only the most general considerations that apply to it. These considerations are not the same for all countries. In some countries the people are backward, ignorant, uninventive, and may need more leading from their government than is needed in

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other countries. In some countries the standard of honor and purity among officials may be comparatively low, and it may, therefore, be unsafe to intrust to such officials the disposal of large sums of money or the management of costly enterprises. Apart, however, from these local sources of difference, there are three general considerations tending to dissuade a wide extension of such functions of a government as are not essential to the defense and internal order of a country. One is the danger of discouraging or superseding individual enterprise. The greatness of a state depends in the last resort on the vigor, the alertness, the self-reliance of its citizens. To reduce their initiative, to teach them to follow passively instead of leading and guiding their administration, may be the worst service you can do them. A second ground for caution is the risk of reducing the amount of care and forethought which people take for their own interests. If you carry too far your efforts to protect them either against physical harm or against self-indulgence, or against fraud, evils which their own activity, self-control, or prudence might avert, you may so discourage the habit of looking after their own interests as ultimately to do more harm than you prevent. Leading-strings destroy the sense of individual responsibility. Lastly, you may incur the danger of making the administration too powerful a factor in the social and political life of the country; you may teach it to feel itself a master instead of a servant; you may form the wholesome habit of obedience to the law into the slavish habit of obedience to the official. Did time permit one could illustrate these risks from the examples of some modern countries, which have been led, partly by an exaggerated conception of the all-pervading grandeur of the state, partly by the natural tendency of officials to grasp at more power, partly by an honest wish to effect improvements with the utmost speed, to

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push far beyond the old limits the interference of public authorities in fields formerly left to the individual. Doubtless there is one important argument on the other side to be regarded. It does not follow that what government leaves alone is left alone for the benefit of the individual citizen. The monopolist—be he a man or a combination of men who are rich, who are active, who are able, who are perhaps also unscrupulous, though not necessarily unscrupulous, for we must not allow the resentment which some combinations have evoked to prejudice us against all those who try, possibly by fair means, to draw vast branches of business within their grasp—is in the field; and he may not only extrude the individual, but may appropriate to himself immense gains which the action of government might have secured for the community. These are cases, therefore, in which national administration may undertake work which otherwise it would have declined, because in doing so it is really protecting the interests of the individual as a business man and a taxpayer, and preventing the growth of a power which might reach dimensions dangerous to the community as a whole. Nevertheless, it may safely be said that the general presumption is in favor of leaving individuals to do whatever it is not either necessary or, at least obviously, advantageous that the state should do for them. State intervention can doubtless often be shown to be desirable, even where it is not essential. But the burden of proof lies on those who would introduce it, for natural laws generally, though I repeat not always, work better than human devices intended to modify them.

Before leaving this question let me note that I am speaking primarily of national administration, not of public administration generally. There are some kinds of work not safe or suitable for the government of the state, which local authorities may properly undertake. The objections above

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indicated need to be qualified when we apply them to local elected bodies, through which the energy of the private citizen may exert itself and which may check the dominance either of private monopolists or of an organized bureaucracy. In England, for instance, we are now experimenting in large extensions of the work of local municipal and county councils, and we hope for good results.

Let us pass to consider what are the principles that should determine the character of a national administration, and what are the conditions of its efficiency. I do not enter into the question of its structure, nor into the distribution of functions between it and the local authorities of the country, for these matters depend largely on the political constitution. They are different in a federation like yours from what they are in a unitary country like Great Britain; they are different in free states and in absolute monarchies. They are different in highly centralized countries like France from what they are in England. Yet one point deserves to be noted: To be strong for national purposes a government need not be centralized. For all administrative purposes the United States supplies an obvious example, and an administration which controls all local affairs may not only reduce the habit of independence among the people, but may also, if the country is managed on a party system, become an engine of mischief. The best scheme seems to be one which leaves to local authorities, and preferably to elected local authorities, all such functions as can safely be intrusted to them, together with a limited power of taxation for local purposes, while retaining some measure of control by the central administration in case they overstep either the statutory limits of their powers or the limit of a discretion exercisable in good faith, and in a spirit neither corrupt nor oppressive. To fix the precise amount of control to be so

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reserved for the central administration is no easy task. But it is not an impossible task, for in England, where it has been tried, we find that comparatively few difficulties arise in practice.

Passing on to principles which apply to administrative systems in general, there are some points that may be taken for granted. There must be a systematic organization of the work in each department of administration; there must be proper regulation for promotion and for discipline among the officials. But the question of providing for the representatives of each great department in the political scheme of the national government, whether in the private council of an autocrat or in the cabinet of a constitutional country, or in the ruling assembly, presents grave and interesting problems.

It is essential that those who do the departmental work of a country in all its main branches, such as collection and expenditure of revenue, preservation of order, education, carrying-out of various administrative statutes, should be in close touch with the political organs of national life; and this in several ways. They must be responsive to public opinion; they must be liable to have their action criticised publicly and freely; they must have opportunities of defending their conduct when so criticised; they must have means of suggesting changes in the law which their administrative experience shows to be necessary, and of tending to the legislative power evidence and arguments in support of their proposals. These are matters which an autocratic government can deal with readily enough if it has the wisdom and public spirit to do so, for there the executive which conducts the administration is also the legislative authority which changes the law. The weak point of such a government is the want of control by public opinion. But in a popular government administra-

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tion and legislation may be quite disjoined. I will endeavor presently to show how in England and her colonies provisions have been made for conjoining them which have, on the whole, worked well and given satisfaction to the people.

Now let us come to what is the most material thing, the persons who compose the administration, *i. e.,* the civil service of the country.

Their first and highest merit is honesty, and the rules of the service must be such as to help them to be honest by removing temptation as far as possible from their path and by keeping them under vigilant supervision. The second requisite is capacity, that is to say, not merely general ability and diligence, but also such special knowledge and skill as their particular line of duties requires. The increasing specialization of all kinds of work, due to the progress of science and the further division of labor in a civilized society, makes this need more urgent than formerly. It is, however, still imperfectly recognized, except perhaps in Germany, where persons entering official life receive an elaborate special training.

In order to secure capable and diligent men, the civil service must be made attractive; that is, it must offer advantages such as to draw into it persons who might expect to obtain wealth or distinction in other occupations, as, for instance, in the legal or medical or literary or engineering professions, or in commercial business. How is this to be done? Many things go to make people seek public employment. Nowhere, perhaps, is it so much sought as in Greece,—a poor country offering few careers to a surplus of educated and aspiring men; yet those who know Greece know that the attractiveness of the profession has not given Greece an exceptionally efficient civil service. But, speaking generally, the way to draw talent into state service is

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to make it perfectly open to all citizens, to make it permanent, to pay it well, and to make it socially respected. Posts ought to be filled by appointment or other than by election. Election by the people is almost sure to be made on party grounds, and party views are no guide to the finding of a capable man whose business it will be to do official work into which party views do not or ought not to enter. Election by a legislative body, such as an assembly or a city council, may give better opportunities than does a vote at the polls for ascertaining the qualifications of a candidate; but it is likely to be made for other reasons than the candidate's fitness,—possibly party reasons, possibly the wish to please a candidate's friends. The only way to fix responsibility is to give the function of selection to a single person and make it his interest as well as his duty to select carefully and honestly. To secure even this is so difficult that an examination either fixing a minimum level of knowledge or awarding posts by open competition has been found a valuable expedient.

The reasons for making the civil service a permanent service are no less obvious. Unless a man is sure that he will not be dismissed except for some fault, he will not spend his time and money in getting a proper preparatory training, and will not feel that sort of interest in his work and loyalty to the nation as his employer which go so far to make him do his work well. If, moreover, the occupants of the posts are frequently changed, the experience they have acquired will be lost to the public and the new appointee will be for a time less competent, because he will have to learn his work. As respects payment, it ought to be on a scale properly adjusted to the cost of living and to the incomes made in other occupations requiring a similar amount of knowledge and skill, though, of course, the scale may fairly be fixed somewhat lower in respect of the

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permanence of the employment as compared with the risks which the professional or commercial man has to face. It is a good plan to let part of the remuneration take the form of a pension, which is practically deferred pay contingent on good conduct. Where poverty forbids the public servant to live in a style corresponding to his social position, he is more likely to yield to the temptation of supplementing his salary in an illicit way. The social status of the civil service does not indeed wholly depend on what the government gives as payment. Much turns on the habits and traditions of the people, though the amount of payment is a considerable factor in making men seek that career. In Germany, for instance, and in France official salaries are lower in proportion to the cost of living and to the incomes of professional and business men generally than are the salaries of civil servants of the same class in England, while their average ability is as good. It would seem that employment is more sought after in the two former countries than in England because Frenchmen and Germans have a relatively stronger sense of the grandeur of the state and because state service carries a relatively higher social standing.

Not less important is the principle, amply approved by experience, that the servants of the state must be kept entirely out of strife of political parties. Appointments ought not to be made on party grounds; promotion ought to be made either by seniority or by merit; no political work ought to be expected from officials, nor should they be suffered, even if they desire it, to join in political agitation. It may, indeed, be doubted whether they and the country would not benefit by their exclusion from the suffrage, but no one who knows the temper of democracies will suggest this as a practical measure. Rather may it be deemed what is called a "counsel of perfection," for no nation

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seems to have adopted or to be in the least likely to adopt it. The mode of promotion raises difficult questions. If it is by seniority only, able men will be kept out of the higher posts until perhaps the best working years of their life are over, while dull men may happen to be at the top. If seniority is disregarded, there will be many jealousies and heart-burnings among the veterans who are passed over, and imputations of favoritism will be made, possibly often with reason, for it is so hard to say who are the men most worthy of advancement that an unconscientious head of an office may indulge his personal predilections or yield to the pressure of his friends urging the claims of their friends. An old Scotch official is reported to have said that he always gave the posts to the best men, but he usually found that his relatives, belonging to the same vigorous stock as that from which he came, were the men. I can say from experience that the exercise of patronage is one of the most difficult as well as the most disagreeable parts of an administrative work. Whatever care one takes, mistakes will occur, and for one friend you make three enemies.

Between the political form of a government and the excellence of its administration there is no necessary connection. It used to be thought that despotisms were favorable to efficiency, and doubtless such autocratic eighteenth-century reforming monarchs as Frederick the Great did improve the management of their state affairs. The example of Rome supported this view: her provincial administration, bad under the Republic, improved immensely under the earlier Empire, and it was indeed the strong and skilled civil service that more than anything else enabled the Eastern Empire so long to resist the foes that encompassed it on every side. But the least pure, and probably one of the least efficient, administrations in Europe, is that

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of Russia; Turkey is, of course, much worse, but then the Turks are still a barbarous people. The civil service of England under a polity practically democratic is better to-day than it was under the oligarchial rule which lasted till 1832, and it may, along with that of France, claim to be the best in Europe after the German, which is, probably, the most efficient in the world.

It is, however, true that in popular governments the civil service is exposed to some special dangers. There is a danger that it may be used in the game of politics; a danger that its members may try to secure their own ends by bringing pressure to bear upon politicians. In Australia, where the railways belong to the state governments, the railway employees, forming in some places a considerable proportion of the electors, gave so much trouble by their efforts to obtain higher pay that they were at last taken out of the local constituencies and given separate representation. A difficulty of a quite different kind is that the masses of the people, not realizing how much skill and capacity are needed in officials holding the highest kinds of posts, may be unwilling to pay adequate salaries. The voter to whom $1000 (£200) a year seems vast wealth does not see why he should pay one of his servants $10,000 (£2000). Yet a capable official may save the nation twice that sum annually by his exceptional skill.

It may give some concrete vitality to these general observations if I illustrate them by a few references to the administration of Great Britain, of which I know something practically, having been at one time at the head of one of the largest public departments. In Britain, the national administration is practically a growth of the last seventy years. Before the Reform Act of 1832 the only public offices were the Treasury, the Foreign Office (the names were not then the same), the departments of the

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Navy and Army. There was a Home Office and a Board of Trade and Foreign Plantations, which pretended to look after North America (not very successfully) and the West Indies, but they had very few duties and a very small staff. There was no India Office (though a germ of it existed in the Board of Control), no Colonial Office (colonial work went along with war), no Education Office, no Local Government Board, no Post-Office, no Board of Agriculture, no Scottish Office. Yet this increase of the central departments in England is not due to a suppression of local authorities, for these are far more numerous and more important now than they were in 1832, and are more important than in any other of the large countries of Europe. Each of the great departments is presided over by a leading politician; the chief among these have seats in the Cabinet. The civil service, which is under these chiefs, has for a long time been a permanent service, the members of which are not dismissed except for misconduct or inefficiency. A few of the highest posts are political, and change with a change of government, but these are little more than forty in number. Ambassadors are members of the permanent service, and so are colonial governors, though occasionally some person of special fitness is brought in from outside. Every one is obliged to retire not later than at sixty-five years of age and is then entitled to a pension, which may, after forty years' service, be as high as two-thirds of the salary which was being received when the time for retirement came. Till 1855 posts were filled by the patronage of the head of the office, which was usually exercised either by favoritism or else to win or to reward political support. In 1855 a strict entrance examination was instituted, and in 1870 the great majority of the posts, higher as well as lower, were thrown open to competition, an experiment that had already been made

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with the large and highly paid civil service of India. A few posts at the top and the bottom still remain outside the competitive system. The former, among which, of course, were embassies and governorships, may, in some cases, only with the sanction of the Treasury, be filled by the appointment of an outsider; and in this way good men are occasionally brought in where the office may contain no man specially qualified, while there are also occasional jobs, which personal friendship or party affiliation have prompted. The places at the bottom not awarded by examination are now not numerous and receive quite small salaries; they are mostly petty appointments in the customs, needing nothing more than honesty and diligence. Even those are a vexation to members of Parliament to whom their constituents apply for recommendations, and there is a general wish to take them altogether out of the sphere of political patronage, as postmasterships recently have been taken out. In one or two offices there still exists a system of what is called limited competition, *i. e.*, the candidate must be nominated by the head of the department and a competitive examination is held to select the best men from among the nominees. This prevails in the F—— O——. It is not hard to obtain a nomination, and the nomination is deemed to afford some guarantee that the candidate is in the position of a gentleman and may be trusted not to betray or misuse whatever knowledge of confidential matters he may obtain.

All the examinations are conducted by a body called C. S. G., under regulations regarding subjects and marks for excellence approved by the Treasury and published. Complaints are sometimes made that an examination in literary and scientific subjects does not prove a man's fitness for practical life, and least of all for the work to which in India a youth of twenty-six may be set, of governing

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hundreds of thousands of people. But the answer is that neither does a system of political patronage secure fitness in point of character, while it offers far less security for intellectual competence. Accordingly, the competitive system has taken root and is not likely to be abandoned. It satisfies the popular desire for equality, and it has raised the level of ability without lowering the level of integrity in the civil service. The officers employed by local authorities (such as city and county councils) are usually also permanent, *i. e.*, are not removed except for misconduct or inefficiency. No executive officer is elected by the people.

The British civil service is broadly divided, omitting some minor details, into two sets of officials, who correspond, roughly speaking, to that distinction which holds its ground in England between those who are and who are not what is conventionally called "gentlemen." The second division clerks have duties of a more mechanical and less responsible kind, which needs a less complete education, and they receive salaries of from £70 ($350) to £300 ($1500) a year, a very few going as high as £500 ($2500). There are about three thousand in all, and the competition is keen and copious. The first division, higher class, or men who have received a high education, usually at a University, have salaries which, beginning at £200 ($1000), rise in the first class of this division to £1000 ($5000) by gradual increment. Some few of the great posts have a salary of £1500 ($7500) or even £2000 ($10,000). In the Indian colonial service the salaries are generally higher and the length of service does not exceed, except in very special cases, twenty-five years, after which the official can retire at £1000 ($5000) a year pension.

Promotion in the lower grades of both divisions is by seniority, but for important posts this is disregarded, and

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men may rise by merit. Where exceptional ability is shown, a person may be raised from the second into the first division.

Those who have had experience in the working of an office generally wish that they had a freer hand in promotion than our system allows. They would like not only to secure quicker advancement to capable men, but also more frequently to bring in from outside men of exceptional talent, and to be able to offer them exceptional salaries. I have already indicated the dangers incident to the giving this freedom to the head of a department. It might be allowed to the best Ministers and the best permanent heads of departments; they, of course, have more to do with all promotions, save those to the highest places, than the Minister has, for they know the staff much more intimately. But it would be abused by all but the most conscientious.

Three other topics need a passing mention. One is the general control which the Treasury exercises over all the departments, through its power of fixing salaries, through the fact that it has to approve and present to Parliament and defend in the House of Commons the estimates for the expenses the departments incur in the public service, and through the fact that in some cases statutes make its consent necessary to certain acts of the other departments. The Treasury is really the keystone of the British official system, holding the various departments together; and I remember how frequently it used to happen that when some change in organization was desired, or when some new kind of work was to be undertaken, one had to say to the permanent head, "We must now see the Treasurer about this. He can meet the objections they will probably raise."

A second point has already been adverted to. It is the supervision of local authorities all over the country by

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some of the central departments, and to some extent by the Home Office, to a still larger extent by the Board of Education and the Local Government Board. This last in particular has received by various acts important functions in watching, and if need be, arresting or controlling the action of county and district councils and of city and borough councils. This control, however, is not arbitrary and hardly even discretionary, for it chiefly consists in requiring them to observe strictly the provisions of the statute law. Nor dare the local government board act in an arbitrary way. The county councils are powerful bodies, powerful socially as well as legally, for they contain many men of high position and great influence. The borough councils are also strong, and have great strength in the House of Commons through their parliamentary representatives. There is, therefore, little risk of encroachment by the central government on the powers of these local bodies.

A third topic has been already mentioned in passing, viz., the relation between the civil service of the country and the political organs of government,—the Cabinet and Parliament. In Britain this relation is secured by the plan which places a leading parliamentary politician, who is necessarily also prominent in one of the two great parties, at the head of each of the great departments, about twelve in number. He, sitting in Parliament, speaks for the department to Parliament and to the nation. He is responsible for everything the department does or omits to do. He has to explain its policy, to defend its acts, to stand the fire of parliamentary criticism. He may be every day publicly questioned, and he is bound to answer, unless he can say that the matter is confidential and that the interests of the public service require him to keep silence. It is to him that suggestions are made by members of Parliament and

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others regarding needed legislation or administrative action. It is he who receives deputations complaining of something done amiss, or asking that something should be done. It is he who appoints royal commissions or departmental committees to investigate and report on difficult problems. When his permanent departmental advisers think that legislation on any topic is needed, it is he and his parliamentary under-secretary, if he has one, who bring in the bill and argue for it in Parliament. So through him the department obtains the means of extending the scope of, or improving, its own action, and thus of better serving the country. Finally, as he is a member of the Cabinet, he consults his colleagues on such departmental questions as involve exceptionally large interests or have a political bearing, obtains their sanction for any new departure, and thus sees that the policy of the department is in harmony with the general policy which the Cabinet is following and which its supporters presumably approve. Thus the harmonious working of the whole machinery is insured and the department is kept in that close touch with public opinion which is essential to the proper conduct of affairs under a free constitution. It is a further advantage that as the parliamentary opposition almost always contains some person who has been head (or under-secretary) of each department, there are always men in Parliament besides the men actually in office who can bring practical experience to bear on departmental questions when they come up. It is now our custom that a former head of a department, though he is expected to watch and to attack (when necessary) the action of his successor in office, helps his successor to pass department bills which raise no controversy over the principles on which the two parties are opposed. There are almost always friendly and often confidential relations between the present Minister and the ex-

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Minister for each department, and the advantage of these relations is so evident that the rank and file of the two hostile parties, though seldom backward in their criticism of what are called "the two front benches," take no serious objection to the custom just described.

The English civil service impressed me, when I saw it at close quarters, as being an efficient service. Twenty years ago it had not quite as much first-class ability, either at home or in India, that is, quite as large a proportion of the available talent of the country as perhaps it ought. But with the coming up of younger men admitted under the competitive system, the level of capacity has been rising. Many of the best men from the great universities now enter it. It is, perhaps, still deficient in special training for the scientific side of administrative work, but this defect diminishes as better provision is made for instruction in these subjects, a matter heretofore neglected in England. It is not always abreast of new ideas and expedients, but one can hardly expect a public service using public money to be as bold and enterprising as private firms. It maintains an extremely high level of purity, scandals being almost unknown. It has a strong corporate public spirit and sense of duty to its own reputation and to the country. It exerts a great and, I think, a growing influence upon legislation and upon the way in which legislation is carried out in practice. This it does, not because the law allows a wide stretch of power to officials, for in this respect England resembles the United States, and gives no such free hand as France and Germany do, but because each department has formed its own settled habits and traditions, and impresses these traditions and its own views upon its parliamentary head. That head is, no doubt, its absolute master. But he is obliged by his want of special knowledge to lean upon the experience and judgment of his staff, and

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he needs a keen mind and a firm will if he is to overrule their counsels. The permanent officials usually serve him loyally, whatever their private political views may be. The trust he reposes in them and the credit they enjoy in the country are due to the fact that a civil servant is understood to have no politics and must not meddle with party controversies, either by speaking at meetings or by writing in the press. It is against constitutional doctrine to impute any blame or attribute any policy or any responsibility to a member of the permanent civil service. Policy and responsibility belong to the parliamentary head, because he has the power of controlling and, if necessary, of dismissing, for serious fault, his subordinates.

In my own country of Scotland a sermon—and this sermon would be for Scotland a short one—usually winds up with what is called "The Application." If I am to append an application to this discourse, in extenuation of the dryness of which I must plead the overmastering necessity of severe compression, the practical lesson to be enforced is the following:

Every country which desires to be well administered must keep two things vital. One is to keep its public service pure. To keep it pure it ought, in these days of increased temptation, to be well paid. If it is well paid, it is sure to attract plenty of ability, and ability may be trusted, under an honest and careful system of promotion, to find its way to the top.

The other thing is to make appointments by merit and promotions by seniority and merit combined. For this purpose it must be kept out of politics. Let admission to the public service and advancement in the public service be altogether removed from the political pressure of legislators and unaffected by the political opinions of candidates. Forbid the civil servant to canvass or to speak or

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to write on any party political questions. Teach him to regard himself as the servant of the whole nation, and not of a party in the nation. You are no doubt debarring him from one of the privileges of a citizen. But he has other privileges which the ordinary citizen does not possess, and his special powers carry with them special disabilities. He must submit to the latter if he is to be trusted in the exercise of the former.

The chief danger which seems to threaten political life in our times is the growing power of wealth and the tendency to abuse public authority and public office for the sake of private gain. This was a gross evil from the despotisms and oligarchies of former days, and an evil from which it was hoped that democratic government would deliver us. It has, however, reappeared under new forms, and in many countries it threatens the honest and efficient working both of the elective and of the administrative machinery of the nation.

The grander and the wider the part which administration plays in the highly developed modern state, attempting a hundred new tasks and handling sums of money of unexampled magnitude, so much the more essential has it become that the machinery of government should be worked with a high-minded and single-minded devotion to the interests of the whole people.

It is for the people themselves to secure this by showing that keen and sympathetic watchfulness over administration which the founders of the American Republic nearly three hundred years ago gave to those simple and homely institutions, the product of long English centuries, out of which the vast fabric of your present national government has grown. The state is no doubt only a name for the totality of the individuals who compose it. But it represents, or ought to represent, those individual citizens in

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their highest aspect, in their most earnest hopes. It embodies the hallowed traditions of their past. It looks forward to an ever-widening collective effort after progress in the future. A state wisely, purely, energetically administered is not only itself the product of an enlightened and upright people; it is a mighty factor in helping to cure their faults, to cultivate their virtues, to bring them nearer and nearer to their ideal of a happy and noble life.

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THE PROPER GRADE OF DIPLOMATIC REPRESENTATIVES

BY JOHN WATSON FOSTER

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IN the letter inviting me to speak on this occasion, I have been requested to prepare a paper on present problems in diplomacy.

Had I been asked to treat of present problems in international law, I would have found a wide field open for our consideration. That branch of jurisprudence is a progressive science. Old theories, such as *mare clausum* and the three-mile ocean limit, are being discarded or modified by the changing conditions of commerce and invention, and new principles are sought to be introduced into the code of nations. The question of the exemption of private property from seizure on the high seas in time of war, advocated more than a hundred years ago, is still under discussion and likely at no distant day to be accepted by the nations. The practice of blockade has undergone marked changes in the past century, and the theory of peaceful blockade is under present-day discussion. Modern warfare has created new questions. It is requiring a revision of the contraband list and a more accurate definition of the rights of neutral ports, accepting more humane methods, and raising new topics, as the use of mines on the high seas and the proper restrictions as to wireless telegraphy.

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But in diplomacy, strictly so-called, we find few topics of present-day discussion. The one which I consider of most importance is that to which I ask your attention—*the proper grade of diplomatic representatives.*

International law is of modern origin and recent growth, the attempt at its codification only dating to the seventeenth century, and it scarcely came to be recognized as binding upon nations before the nineteenth; but the practice of sending and receiving ambassadors or diplomatic representatives has existed among nations from the earliest recorded history. The ancient Egyptians are known to have frequently observed the practice; early biblical history contains references to the custom; it was quite common among the Greek states, and observed by Rome both during the Republic and the Empire.

But in all these cases and during the early period of modern European nations, embassies or missions were only used on special or extraordinary occasions, and were of a temporary character. Not until late in the fifteenth century did the diplomatic service become permanent in its character and the governments establish resident embassies or missions. This stage of organized growth was reached, however, a century and a half before Grotius began the task of giving shape and authority to international law. Still, the rights and duties of diplomatic representatives were at that period imperfectly defined. This is seen in the accounts of the great congresses or conferences, following the long wars of the European powers—those of Westphalia, Ryswick, and Utrecht; and the controversies then developed over the rank or relative standing of the respective ambassadors had a marked influence in fixing more accurately their status, but not until the Congress of Vienna in 1815 did the grade of the members of the diplomatic corps become authoritatively established.

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It is a matter of some interest or curiosity in this connection to recall the fact that the question has been mooted, both in Europe and America, whether, in the existing conditions of the world, the diplomatic system is necessary and its utility justifies its expense. It is claimed that with the present development in steam communication, the rapid transmission of intelligence by electricity, and the general diffusion of news by the press, diplomatic negotiations might readily be carried on directly between the foreign offices of the various governments, that the interests of citizens and subjects might be attended to by consuls, and that on extraordinary occasions the business might be intrusted to special temporary missions. With many the diplomatic service is regarded as a purely ornamental branch of government and its maintenance a useless expenditure of public money.

This subject was, some years ago, considered by a special committee of the Parliament of Great Britain. Lord Palmerston, the Prime Minister, and the best informed and most experienced statesman of his day in international affairs, was examined. John Bright put to him the question, "Whether it would not be practicable to transact the ordinary business by means of written communications between the two foreign offices, and when anything arose requiring particular attention to have a special mission of some member of the Cabinet?" Lord Palmerston replied: "I do not think it would;" and proceeded to give the reasons for his belief.

Mr. Cobden propounded the following: "If you go back two or three hundred years ago, when there were no newspapers, when there was scarcely such a thing as international postal communication, when affairs of state turned upon a court intrigue, or the caprice of a mistress, or a Pope's Bull, or a marriage, was it not a great deal more consequence at

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that time to have ministers at foreign courts . . than it is in these constitutional times, when affairs of state are discussed in the public newspapers and in the legislative assemblies? . . . Under these circumstances, are not the functions of an ambassador less important now than they were two or three hundred years ago?"

Lord Palmerston replied: "I should humbly conceive that they are more important on account of the very circumstances which have just been stated. . . . I should think that the change which has taken place with regard to the transaction of public affairs in Europe tends to make diplomatic agents of more importance rather than of less importance."

This question has been made more than once the subject of inquiry by the Congress of the United States, and the various Presidents and Secretaries of State have given their opinion in favor of the utility and necessity of the service, and the Congress has continued to authorize it. The controlling judgment is well expressed in the language of Secretary Frelinghuysen to Congress: "Diplomatic representation is a definite factor in the political economy of the world; and no better scheme has yet been devised for the dispatch of international affairs, or for the preservation of friendly relations between governments." President Harrison, after his retirement from public life, left on record his view of it as follows:

"The diplomatic service has sometimes been assailed in Congress as a purely ornamental one; and while the evident necessity of maintaining the service is such as ought to save it from the destructionists, it is quite true that our diplomatic relations with some of the powers are more ceremonious than practical. But we must be equipped for emergencies, and every now and then, even at the smallest and most remote courts, there is a critical need of an American

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representative to protect American citizens or American interests."

The grade or rank of diplomatic representatives has been the subject of discussion and fierce controversy from the date of the first establishment of permanent missions, more than four centuries ago, and although it was thought to have been finally and definitely settled at the Congress of Vienna in 1815, and that settlement was accepted and followed by the United States, it has recently been a source of discussion and embarrassment at Washington. To fully understand the question, it will be proper to make some reference to this controversy in the past.

A diplomatic envoy is the representative of his government or sovereign, and his claim of rank is for his country and not for himself; so that the controversy in the past has been one of nations rather than of persons. During the medieval period the struggle of the European nations for preēminence in rank was the special feature of the era, and it gave rise often to the most absurd pretensions. It was sought to be maintained for various reasons, such as: The title of the sovereign, the size of the dominions, the antiquity of the royal family or date of independence of the country, the nature of the government (whether monarchy or republic), the population, its achievements in arms, the date of the conversion of the people to Christianity, and even the services rendered to the Pope or the Church. Up to the time of the Reformation, the Pope was universally recognized in Christendom as having precedence over all sovereigns; next in order was the Emperor of Germany, as successor of the Roman Emperor, and below them a constant strife existed among the nations. For a time the republics were refused what were termed "royal honors," but finally Venice, the United Netherlands, and Switzerland were accorded recognition in the order of precedence here named.

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The title of Emperor was sought to be made exclusive to the old German Empire, and Russia was forced to wait several generations after its ruler assumed that title before being accorded recognition as such. Four centuries ago the Pope of Rome, by virtue of his conceded preëminence and ecclesiastical authority, sought to settle the vexed question by issuing an order fixing the relative rank of the then existing nations of Christendom. It illustrates the intensity of feeling which the question had aroused to state that, notwithstanding the high papal authority of that date, this arbitrary settlement was not accepted and was only observed in Rome, and even there merely for a brief period. It also illustrates the evanescent character of the honor and the changes of the governments of the world, to note that of the score and a half of nations enumerated in the papal order, only three (England, Spain, and Portugal) exist to-day with the royal titles then accorded them. It is also curious to note that in this table of precedence England stood eighth in order and Russia does not appear in the list.

A large part of the deliberations of the great congresses of European nations, up to and even including the early part of the last century, was taken up in settling the question of precedence among the envoys or delegates. This was notably so at the Conference of Westphalia. At the Congress of Ryswick a warm debate occurred over the demand of the ambassadors of the Emperor of Germany that a particular space should be set apart for their carriages, and that this should be the post of honor; a fierce quarrel occurred over the allotment of rooms, and in the conference-room a single table had been provided; but no agreement could be reached as to the order of seating, and so in that room they all stood, and another room was provided in which there was no table, and the envoys sat in a circle. At the Diet of Regensberg the precedence of the

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ambassadors was decided by an arithmetical rule by which each had precedence over the rest twice in ten days. At Utrecht a round table was used, but this lost its accommodating qualities when it was discovered that the place of honor was opposite the door of entrance, and that every place of honor has a right and left. At this congress a quarrel for precedence took place between the footmen of the several ambassadors, in the account of which it is recorded that it "threatened to retard the peace of Christendom." Addison gives an amusing account in the *Spectator* of a discussion over it which he heard in one of the coffee-houses of London, the result of which he sums up in these words: "All I could learn at last from these honest gentlemen was that the matter in debate was of too high a nature for such heads as theirs, or mine, to comprehend." Macaulay, in his *History of England*, describes in his best vein the Congress of Ryswick, which well illustrates these idle controversies.

The contest of envoys to these international congresses of the past have not been more animated and absurd than those of the envoys to the several courts of Europe. Many amusing and sometimes tragic incidents have been narrated of the latter, from which I give some instances. It is related that the Spanish ambassador to England, in 1661, in order to secure a place in the royal procession next to the King and before his French colleague, attacked the latter's coach in the streets of London, hamstrung his horses, and killed his men, thus vindicating his country's greatness. When the plenipotentiaries of France and Austria met to settle the conditions of marriage between Louis XIV and Maria Teresa, in order to preserve the full dignity of their nations, they stepped together, with the right foot, side by side, into a council chamber hung in corresponding halves with their respective colors, and sat down at the same in-

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stant, precisely opposite each other, at a square table, on two mathematically equivalent armchairs. A story is told of two newly arrived envoys from Italy and Germany, who, being unable to agree on which should first present his credentials to the King of France, stipulated that whoever reached Versailles the soonest on the day of their reception should take precedence of the other. The Prussian went the night before the audience and sat on a bench before the palace until dawn. The Italian, arriving early in the morning, saw the Prussian there before him and slipped surreptitiously through the door of the King's bedroom and commenced his salutation. The Prussian rushed after him, pulled him back by the skirts, and commenced his harangue. The memoirs of diplomatists and the histories of Europe are full of the exalted and absurd contentions of envoys, but the foregoing are sufficient to illustrate their extreme and often farcical pretensions.

None of the monarchs of Europe was more insistent upon his rank than the "Little Corporal" when he made himself Emperor of France. On inviting the Pope to attend his coronation, it was stiplated that the same ceremonies should be observed as at the coronation of the ancient Kings of France; but on the arrival of the Holy Father, the latter was astonished to see Napoleon take precedence over him, as if there were no question about it. In 1808 he caused the edition of the *Almanach de Gotha* to be seized, because, as was its custom, it arranged the reigning houses alphabetically and did not place Napoleon first.

The question of the precedence of nations extends into the negotiations and framing of treaties. In former times the more powerful or more ancient of nations claimed the right to be first named in conventions and other diplomatic instruments, and not until the nineteenth century has it been yielded. As one of the younger nations, the experience of

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the United States illustrates the progress made toward equality of treatment. In all of its treaties made in the eighteenth century it was named last. France first recognized with the United States in its treaty of 1803 (the Louisiana Purchase) the practice of the *alternat,* that is, the right of each chief of state to have his name and the name of his plenipotentiary appear first in the original copy of the treaty or other instrument which he retains. Great Britain refused to concede this right to the United States in the treaty of peace of 1814, and in anterior conventions, but, upon the insistence of the latter, yielded it in the treaty of 1815 and thenceforward. It was first conceded by Spain in the treaty of 1819. The Spanish negotiator in consenting intimated that on signing he might deliver a protocol against its use being made a precedent for the future; whereupon the stout John Quincy Adams informed him that the United States would never make a treaty with Spain without it.

The contest as to the rank of the states, which had been waged for centuries, was sought to be settled at the Congress of Vienna of 1815. A committee was appointed with instructions to fix the principles which should regulate the rank of reigning monarchs and all questions connected therewith. The committee submitted a report to that end; but after a long discussion, the powers abandoned the project as one too difficult to realize, and confined their action to prescribing the composition and rank of the diplomatic corps only at their respective courts. But since that period, by the practice of governments, it has come to be recognized by them all that there can be no rank or precedence among independent and sovereign nations, but that all must stand on an equality in their negotiations. For instance, at the Conference of Paris in 1856, one of the most important in that century, the representatives sat at a round table in the

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alphabetical order, in the French language, of their national titles. In the Bering Sea Tribunal of Arbitration of 1893 the United States had precedence over Great Britain because of this order of arrangement. The same practice was observed at The Hague Peace Commission of 1899. At that conference it was expressly declared by the representatives of the great powers of Europe, "Here there are no great, no small powers; all are equal, in view of the task to be accomplished."

The United States, when at its independence it entered the family of nations, accepted the order prescribed by the Congress of Vienna in 1815, which, with the addition made in 1818, recognized the composition of the diplomatic corps in four classes, to wit: ambassadors, ministers plenipotentiary, ministers resident, and *chargés d'affaires,* with rank in the order named. For more than a century this country sent abroad, as its highest diplomatic representatives those of the second class, and this practice was observed up to a recent date. But the ministers plenipotentiary of the United States at the capitals of the great powers of Europe where ambassadors were maintained, have repeatedly complained that they were often humiliated and their usefulness sometimes impaired by the lower rank which they were assigned in the diplomatic corps, and this assertion gained general currency and acceptance through the press. It is true that ambassadors take precedence over ministers in the order of reception and seating on public occasions, at entertainments, and, at some European capitals, in order of their admission to interviews at the foreign office. It certainly is not agreeable to a minister of the great American Republic, who arrives first at the foreign office, to be required to step aside and give place to the representative of Turkey or Spain and wait till the latter's audience is concluded with the Secretary of Foreign Affairs, simply because he bears the

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title of ambassador. Mr. Bancroft, the American minister at Berlin, when subjected to this treatment protested against it, and Prince Bismarck decided that the practice should not be continued. Other American ministers who were made to suffer inconvenience or humiliation from the custom might possibly, by firm or considerate remonstrance, have obtained relief. The remedy uniformly suggested has been to raise the grade of representatives at the capitals named to that of ambassador; but the successive secretaries of state declined to make the recommendation to Congress. Such was the action of Secretary Marcy in 1856. Secretary Frelinghuysen said that the department could not, "in justice to its ministers abroad, ask Congress to give them higher rank with their present salaries; neither could it with propriety appeal to Congress for an allowance commensurate with the necessary mode of life of an ambassador." When in 1885, Mr. Phelps, the American minister to Great Britain, urged that the mission be raised to an embassy, Secretary Bayard replied: "The question of sending and receiving ambassadors, under the existing authorization of the Constitution and statutes, has on several occasions had more or less formal consideration, but I cannot find that at any time the benefits attending a higher grade of ceremonial treatment have been deemed to outweigh the inconveniences which, in our simple social democracy, might attend the reception in this country of an extraordinarily foreign privileged class."

Notwithstanding the reasons given by successive secretaries of state against the creation of the grade of ambassador, the Congress of the United States in 1893 did just what Secretary Frelinghuysen said would be an injustice to American ministers—authorize the grade without increasing the pay of its representatives. The legislation to this effect was inserted as a clause in one of the regular appro-

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priation bills, and was passed through both chambers without a word of discussion or comment. If its effect in changing a practice of the government for a hundred years had been made known at the time, it is extremely doubtful whether it would have secured the approval of the Congress.

An ambassador has been held in Europe to be the special or personal representative of his sovereign, and to stand in his place at the foreign court, with the right to claim audience at any time with the head of the state, and entitled to privileges and honors not accorded to other envoys of nations. This claim had some force when the monarch could boast, "I am the state;" but with the establishment of constitutional government and a responsible ministry, all foundation for such a claim was removed, and it certainly should have no place under a republican form of government.

Events in Washington following the passage of the law creating the grade of ambassador in the American diplomatic service have shown that Secretary Bayard was not astray in his fears as to "the inconvenience which in our simple social democracy might attend the reception in this country of an extraordinarily foreign privileged class." The reception of ambassadors from Great Britain, France, Germany, Russia, and Italy, in reciprocity for the nomination of American ambassadors to those countries, was followed by the scandalous scenes in the Senate Chamber on the first inauguration day following their appointment, when in the zeal of the subordinate officials to show special honor to those newly created and exalted dignitaries, all the other members of the diplomatic body were neglected and left to find their way to their residences without an opportunity to witness and honor the induction of the new President into office; and, if the press reports are to be credited, further trouble was occasioned by the question of

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the proper location of the ambassadors at the last inauguration. Then came the problem whether the Vice-President of the United States should make the first call upon the new ambassadors, and the further question whether the Secretary of State, who stands second in succession to the presidency, and on the death of the Vice-President first in succession, should give place at entertainments and public functions to those dignitaries. These momentous questions were doubtless settled aright in the light of European precedents, and the good sense and prudence of the eminent gentlemen who hold the ambassadorial rank have, it is probable, prevented other embarrassing and foolish questions from arising; but these events and those which attended the advent of the Mexican ambassador, whose coming was resented by the European ambassadors, as well as the recent unpleasant incident at the White House, when the ambassadors collided with the Supreme Court, would have been avoided if the Act of 1893 had not been passed. When the act creating ambassadors was passed by Congress, the government of the United States had grown to recognized greatness and dignity in the eyes of European sovereigns, its diplomatic service had in the past hundred years and more won deserved honor and distinction, and it did not require the bauble of a title to give its envoy greater standing or efficiency. I doubt very much whether the absence of rank has ever prevented any really able minister of the United States from rendering his country a needed service.

I have referred to the theory that ambassadors, because of their supposed investiture of a special capacity to represent their sovereign or head of their state, have the right to demand an audience at any time with the chief of the nation to which they are accredited, and that such right does not pertain to diplomats of the next lower grade of ministers plenipotentiary. It is a theory which has come down from

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the medieval period, but in modern times has become pure fiction. Vattel says of ambassadors that their "representation is in reality of the same nature as that of the envoy" or minister plenipotentiary. Calvo, one of the highest living authorities on international law, referring to the claim that ambassadors "have a formal right of treating directly with the sovereign, of which the others [ministers] are deprived," says: "This is a distinction without a meaning, especially since the organization of modern nations no longer rests exclusively upon the monarchical principle, and therefore renders it impossible for sovereigns personally to conduct international negotiations. . . . In our eyes the agents of the first two classes are exactly on the same line from the point of view of their character as of their duties and powers." Martens, the leading authority on diplomatic ceremonies and practice, writes: "Considered from the point of view of international law, all diplomatic agents, without regard to their class, are equal. This equality is shown by their all possessing, in a like degree, all diplomatic rights. . . . Many writers have tried to infer from the rules of Vienna that ambassadors, as representing the person of their sovereign, have, in distinction from other diplomatic agents, the formal right of treating with the sovereign to whom they are sent, and of being received in audience by him at any time. We cannot admit this inferenee. As Prince Bismarck opportunely remarked, 'No ambassador has a right to *demand* a personal interview with the sovereign.' The constitutional government of West European monarchies compels ambassadors to treat with the minister of foreign affairs." Lawrence (T. J.), one of the latest authors on international laws, says: "Ambassadors, as representing the person and dignity of their sovereign, are held to possess a right of having personal interviews, whenever they choose to demand them, with the sovereign of the state to which

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they are accredited. But modern practice grants such interviews or suitable occasions to all representatives of foreign powers, whatever may be their rank in the diplomatic hierarchy. Moreover, the privilege can have no particular value, because the verbal statements of a monarch are not state acts. Formal and binding international negotiations can be conducted only through the minister of foreign affairs."

It has been seen that the increased expense of maintaining an embassy was one of the reasons given by American secretaries of state against the creation of the grade of ambassador. The style of living or the establishment which a diplomatic representative maintains has been given great importance, especially in the European capitals. It is a curious fact that in the early period after the establishment of embassies or legations it was the practice for the government to which the ambassador was accredited to defray his expenses. For instance, we have the record that the Court of Vienna in 1679 appropriated a sum equal to $2000 per week to meet the expenses of the Russian embassy, and of the Turkish embassy something over $1000. A century later the Turkish embassy at the same court cost the latter 2000 rubles daily. The papal legate at Paris in 1625 cost the King of France 2500 livres daily. The celebrated Lord Macartney, British embassy to China, is said to have cost the Chinese Government a sum equal to $850,000.

But in the course of time these splendid and extravagant expenditures became both burdensome to the court which furnished them and humiliating to the representatives of the country receiving them, and it came to be the practice of each government to defray the expenses of its own mission; but it was assumed that this should be done on a scale befitting the dignity and standing of the nation, and governments are supposed to keep this standard in view in making

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their appropriations for the diplomatic service. An envoy who is sent abroad to represent his country ought not to be expected to maintain a more expensive establishment than is warranted by the salary paid him, and yet every American ambassador accredited to the capitals of Europe, who in any degree meets the expectations of his countrymen, spends annually much more than he receives from the national treasury.

But the government of the United States is not the only one which fails to meet the expenses of its embassies. In his testimony before the parliamentary committee from which I have already made extracts, Lord Palmerston stated that the salary of the British ambassador in Paris was not sufficient to meet the outlay actually made by him; and yet the salary and allowances of the British ambassador are more than three times as great as those received by the American ambassador to that capital. I have been informed on the best authority that when the post of British ambassador in Paris became vacant a few years ago by the retirement of Lord Dufferin, it was offered in succession to three British statesmen of prominence, who declined the honor on the ground that they could not afford the extra expense that would necessarily have to be met from their private purse.

This fact may suggest the inquiry whether the style of living of ambassadors and the demands made upon them have not exceeded the proper bounds, and whether there is not some force in the argument used to justify Congress in its course, that it is not becoming our democratic representatives abroad to maintain such an ostentatious and extravagant style of living. The change of the American legations to embassies in the European capitals seems to have called for the maintenance of large houses or palaces and a much more lavish style of living, which have so great-

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ly increased their expenditures that only persons of wealth can afford to accept these posts. It is a sad day for any country, but more especially for a republic, when its highest offices cease to be rewards of merit and fitness and when they can only be filled by rich men.

Many incongruities and embarrassments result from the continued adherence to the several grades or rank in the diplomatic service established a century ago by the Congress of Vienna. The great powers of Europe, the United States, and Mexico send to other governments respectively the four grades of diplomatic representatives, and even a fifth grade has been added by some of them, who clothe consular officers with diplomatic functions under the title of "diplomatic agent," but no uniformity of action is observed. France, for instance, accredits an ambassador to Switzerland, but ministers plenipotentiary are sent by the other neighboring powers—Germany, Austria, and Italy. On the other hand, France accredits only a minister plenipotentiary to its neighbor, Belgium. Another illustration of irregularity or inconsistency is found in the diplomatic body to the independent government of Morocco. There are ministers plenipotentiary from Germany, Great Britain, France, Italy, and Spain, ministers resident from Austria and Russia, *chargés d'affaires* from Denmark, and the United States is represented by a consul-general, who acts in a diplomatic capacity, but in grade stands below all other powers.

Each government determines for itself the grade of representative it will send to other countries, but the government to which the representative is sent claims and exercises the right of receiving or rejecting such person because of grade. But reciprocity of grade is not always observed. A representative of a lower grade is sometimes received from a country to which one of a higher grade is sent. The irregularity of rank is likely at any time to create dip-

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lomatic embarrassments, as it already has in more than one instance. We have seen that the reception at Washington of an ambassador from Mexico was resented by the ambassadors of the European powers. As one of them remarked to me, they did not regard Mexico as sufficient in population and importance to exercise the right of ambassadorial appointment. Suppose China, embracing more than one fourth of the population of the earth, older by thousands of years than the oldest of the so-called great powers of Europe, and possessing a high grade of civilization and intellectual attainments, should accredit ambassadors to those powers—upon what reasonable ground could they be rejected? And yet should they have an intimation that such was the intention of that ancient empire, it is more than probable that its foreign office would receive such representations as would lead it to desist from its intention.

The most serious embarrassment resulting from this difference in grade of diplomatic representation is furnished by the relations at present existing between the United States and Turkey. For a number of years past these relations have been in a most unsatisfactory condition. In no country of the Western world could the old fiction of the ambassador as the personal representative of the sovereign to-day approach so nearly a reality as in Turkey, as the Sultan is more fully than any other monarch the personal ruler of the state. All the great powers of Europe, and even the Shah of Persia, are represented at Constantinople by ambassadors, and they exercise the right of access to the Sultan at will to discuss official matters. The American ministers plenipotentiary have represented to their country that it is very difficult to get any just and proper consideration and dispatch of their business, because of the irresponsible character of the Secretary for Foreign Affairs or even of the Grand Vizier, as all important matters are de-

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termined by the Sultan; and that, as they do not possess the ambassadorial character, they cannot without great difficulty have audience with him to discuss official business.

To remedy this embarrassment, President McKinley caused application to be made to the Turkish Government for the appointment by the two governments respectively of ambassadors; but the proposition was not accepted by Turkey. The condition of the interests of American citizens in that empire continuing to be very unsatisfactory, President Roosevelt renewed the application for the appointment of ambassadors; but it was again rejected. It cannot well be understood in the United States why this application should be refused, when ambassadors from much smaller and less powerful countries, like Italy and Persia, are received at Constantinople.

Last year a delegation of some of the most prominent citizens of the United States, representing large property interests in the Turkish Empire, made a visit to Washington and laid before the President a memorial, setting forth that American citizens and property in that empire were denied the rights and protection which had been secured by the ambassadors of the great powers of Europe to their subjects and property interests. The President, being impressed with the justice of the memorial, caused a cable instruction to be sent to the American minister in Constantinople, directing him to ask for an audience of the Sultan in the name of the President, to enable him to communicate a message from the President to the Sultan on the subject of the memorial. After a delay of some weeks an audience was granted on the express condition that the minister should be limited to delivering the message of the President, but that he would not be permitted to discuss the subject with the Sultan.

Even this decisive action of the President seems to have

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had no effect, as the American citizens continued to be deprived of the rights and privileges enjoyed by the subjects of the great powers of Europe, and for a third time an application has been made and rejected for the reception of an American representative with the grade of ambassador. The press has informed us that the American minister at Constantinople, under renewed and urgent instructions from Washington, pressed for a settlement of the question at issue, but that he was greatly delayed and embarrassed by the fact that the ministry have no real power to dispatch any important public business, because the Sultan reserves to himself that prerogative, and that, not being an ambassador, he found great difficulty in reaching the Sultan. Meanwhile this important question remained undetermined, and it became necessary to dispatch a formidable American fleet to Turkish waters to evidence the President's interest in the question, and the fleet was held in the Turkish port until the demand of the United States was complied with. What more striking argument can be presented against the maintenance of the various grades in the diplomatic service?

There is no good reason why the representatives of the smallest American republic or European principality should have a different standing, for instance, at the foreign office in London from that freely conceded to him in the Peace Conference of the nations at The Hague; neither should it be expected that any government would be forced, because of a mere grade in the diplomatic hierarchy, to maintain a more lavish display at a foreign court than its principles or convenience would determine.

The remedy for the embarrassments arising from diplomatic rank is a simple one. In the reference I have made to the foolish contests which were carried on for centuries by the nations of Christendom, great and small, for precedence, we have seen that only one solution of the problem

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could be found, and that was so simple we wonder now that so fierce a warfare could have been possible, that is, recognition of the equality of sovereign nations, so that to-day the smallest republic of Central America is equal in negotiations and at international conferences with the most powerful empire of Europe. There will be no satisfactory settlement of diplomatic rank until all dictinctions and special privileges are abolished and a single grade is established in all the capitals of the world.

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THE CONTEMPORARY DEVELOPMENT OF DIPLOMACY

BY DAVID JAYNE HILL

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AMONG the great interests modern times, none is more deserving of public attention than the transaction of international business. Every ship that discharges a cargo in a foreign port, every telegraphic message from beyond the sea, every exchange of commodities across a national frontier, imparts to the world a deeper sense of its unity and solidarity.

While private enterprise, seeking legitimate extension, is thus becoming international, public functions are passing through a significant process of development. Politically and legally, the surface of the earth is held under the sovereignty of independent governments, sometimes remote in space from the territories over which they exercise control, and all intent upon extending their power and importance.

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At a moment when industry and commerce have become most keenly aware of a world-wide interest, the political system is most vigorously emphasizing the power of territorial control. The situation thus created presents the most intricate diplomatic problem of our time,—the reconciliation of political conceptions originating in an age of national isolation and general hostility with the rising tide of human activity which is asserting, and will never cease to assert, the rights of commercial intercourse.

I. *The Classic Conception of Diplomacy*

The fundamental doctrine of diplomacy is the absolute sovereignty of the state. Raised by this theory above all laws, each state exists for itself alone. Without distinction of governmental forms, empires, kingdoms, and republics alike all pretend to possess those unqualified attributes which ancient Roman theory accorded to a practically universal empire. When the great national monarchies rose out of the ruins of the ancient system, each assumed the *imperium* which Rome had formerly exercised, and subsequent constitutional transformations, while profoundly modifying the state as regarded from within, have never affected its sovereign pretensions. The existing international system, therefore, presents the contradiction of merely territorial sovereignties claiming the prerogatives of absolute power. The tardy recognition of formal equality among them has, indeed, conceded something to the order of fact; but this concession confronts us with the anomaly of actually limited and theoretically coequal political entities, all assuming to possess supreme authority.

The diplomacy based on this conception has been rendered classic by gifted writers, who draw their inspiration

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from these pretensions. Its patron saint is Machiavelli, its consummate apostle, Talleyrand. Its maxims, creations of eighteenth century philosophy,—half imagination and half metaphysics,—have been formulated by Ancillon and Count de Garden. "Whoever can do us harm, wishes, or will wish, to injure us. Whoever, by superiority of force or geographic position, can injure us is our natural enemy. Whoever is unable to harm us, but can, by the extent of his power or the advantage of his position, injure our neighbor, is our natural friend. These propositions, concludes Ancillon, "are the pivots upon which all international intercourse turns."

The forces of a state are grouped by Count de Garden under four rubrics: territorial, pecuniary, military, and federative. A nation becomes strong by extending its frontiers, augmenting its material wealth and credit, maintaining a powerful military organization, and entering into conventional arrangements with other powers for its own exclusive advantage.

All this implies that national prosperity consists in acquisition and expansion, unlimited in principle and measured only by the energies of the nation. It is egoism made public, systematic, and absolute. Self-aggrandizement being the mainspring of national life, all our neighbors are our natural enemies; for they will take all that we do not appropriate, and when they are able, will strip us of what we already possess. The only means of preserving national existence is, therefore, to appropriate so much and to possess it so securely that we may become irresistible.

The normal relation of human societies, according to this conception, being one of permanent hostility, material greatness is the one purpose of public action, and armed force the only safeguard of existence. In this system, the diplomatist has no other function than to exercise his per-

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sonal cunning in securing the preponderance of his sovereign master. Since the destruction of competitors is an indirect method of increasing our own superiority, the aims of diplomacy—according to this school of thought—are not only to keep our own secrets, but to discover those of our neighbors; not only to form favorable relations with other powers, but to destroy those of our rivals; not only to establish our own commerce, but to undermine and defeat the commercial enterprises of others. Depth of knowledge, rectitude of principle, elevation of character, and regard for the common good may be personal adornments; but they are not indispensable to a diplomatic agent, and may even embarrass his success.

Let us admit that nations cannot exist without a primary regard for their own interests; that force is the final safeguard of justice in every form of human society; and that war may sometimes be necessary and even become a duty. But is it true that suspicion and hostility, rather than mutual confidence and friendship, are the natural basis of international relations? Is it true that honor, justice, and coöperation can produce a reign of prosperity and security within the boundaries of particular states, but must obstinately halt at the national frontiers and refuse to pass beyond them?

It is time to treat the classic axioms of diplomacy as economists have treated the fictions that so long separated economic philosophy from the realm of fact. The theory of the physiocrats, that a nation can be prosperous only as it develops agriculture; and the doctrine of the mercantile school, that national prosperity consists in the accumulation of precious metals, are both now seen to be without foundation. Production is a vital process as manifold as human wants and human faculties, and wealth a state of satisfaction not capable of being measured in the terms of

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one commodity. Modern thought has made it plain that the deductive method has crippled and disfigured every science which it has ever attempted to organize; for no concrete being is the incarnation of a single principle, and no living thing is incapable of transformation. The law of evolution is as applicable to the forms and elements of human society as it is to the natural world. The sociology of nations presents no exception; and diplomacy needs to be brought down from the realm of false abstractions and unverified traditions, and made to grasp the full significance of the facts and forces of contemporary progress.

Since the great classic masters of diplomatic science formulated its theories, a profound transformation, half-conscious but wholly inevitable, has taken place. Public attention may accelerate this movement and public indifference may retard it, but no conceivable influence can wholly destroy its work. Since the era of absolutism—which the French Revolution interrupted and the Congress of Vienna attempted to restore—the constitutional movement has placed charters of popular rights in the hands of nearly all civilized peoples, and the work of national unification has thrown new light on the moral nature of the state. In place of chance aggregations of disparate elements, held together by arbitrary force, homogeneous nations have come into the foreground of history to work out their natural destinies. Within these states, law, order, justice, and security have come to be respected. But the crown and completion of the political system—the establishment of law, order, justice and security between nations—still remains inchoate.

How are these great aggregations of humanity to be brought under the laws of social well-being and progress? Diplomacy must seek the answer from those historic forces and those forms of human knowledge which have modified

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and still continue to modify the conditions under which its task is to be accomplished. In a general sense, the whole onward movement of human knowledge and culture—including the art of warfare, the means of transportation and communication by steam and electricity, the influence of the press, the diffusion of education and culture, the expansion of the horizon of public interest by trade, travel, and the prompt publicity of remote occurrences—has transformed the organization of society. But we may, in particular, better comprehend the task of modern diplomacy by considering some of its relations to history, jurisprudence, ethics, economics, and education.

II. *The Relation of Diplomacy to History*

"History," as De Tocqueville has remarked, "is the breviary of the diplomatist." It not only explains the nature of his functions, but it is the record of his achievements. It recalls the former existence of a vast intercontinental state,—comprising parts of Asia and Africa, and nearly all of civilized Europe,—embracing a single faith, governed by a single code of law, and comprising nearly all that then existed of human civilization. It shows how the political unity that held in the embrace of one universal empire the Britain and the Numidian, the Spaniard and the Assyrian, and for centuries made of the Mediterranean a Roman lake, realized a state that included a great part of humanity. It explains how an organization so complete and powerful was finally overwhelmed and dismembered by a mistaken policy toward the despised barbarians who surrounded it. It reveals the psychological and moral unity of Europe in that marvelous transformation of the barbarian kingdoms into another vast empire founded on community of religious faith, the reunion of

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free assemblies, and the organizing capacity of Charles the Great. It proves the practical futility of the imperial conception by the whole course of subsequent events. The inevitable dismemberment of the medieval empire into independent kingdoms, the development of feudal society as a means of local defense, the inadequacy of merely local government for the necessities of industrial and commercial growth, the rise of the great monarchies as a means of emancipation from feudal servitude, and the reconciliation of local sovereignty and universal authority in the formation of modern states, are all consecutive links in a chain of irrefutable argument by which the diplomatists vindicates the indispensability of his science to the world.

It is an historical certainty that the permanent organization of mankind must henceforth rest on the basis of independent political communities. No one familiar with history can imagine the possibility of reëstablishing a universal empire. No thinker permeated with the historical spirit entertains a serious hope of a general federation of sovereign states. Smaller political communities may, perhaps, be gradually absorbed in the larger; but the great powers give no promise to coalescence, and no indication of uniting to form a permanent confederation. These great masses of organized human energy may still modify their frontiers, but they will continue for centuries to confront one another, as fixed and enduring on the surface of the earth as the stars in the firmament.

The task of the diplomatist is, therefore, neither a vanishing nor a declining enterprise. It is one which, on the contrary, in the presence of the bristling array of terrific instruments of destruction on sea and land, assumes an ever-increasing solemnity and responsibility. The diplomatist should know the history of these great national entities, and of their relations to one another, as a compe-

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tent physician would wish to know the life-record of a delicate or dangerous patient; for the present—in nature and in life, individual and national—is but the epitome and expression of the past. The future knows no other guide, and it is from history that we are to gather the formulas of present action.

In view of its importance, it is astonishing that no complete history of diplomacy exists in any language. Such a history would include not only an account of the rise and progress of international intercourse, but an exposition of the motives by which it has been inspired and the results which it has accomplished. But even this statement does not fully define the scope of such an undertaking; for an intelligent comprehension of diplomacy must also include a consideration of the genesis of the entire international system, and of its progress through the successive stages of its development. Thus regarded, it would be seen that diplomacy—taken in its largest sense, and including the foreign policy of nations—possesses the deepest qualities of human interest; for the whole fabric of present international relations, embracing its laws, usages, privileges, and obligations, is the result of past diplomatic activity.

If, therefore, the diplomatist is deeply indebted to the historian and would gladly increase his indebtedness, his guild is prepared to make a rich return in compensation. It is from his archives that the most precious and trustworthy materials of history are to be derived. It is his dispatches that explain the origin and causes of every war and the terms and conditions of every peace. It is in the correspondence and records of his government and in the details of his letters, memoirs, and reminiscences that the whole psychology of international policy must be sought.

A new type of history came into being when Von Ranke in Germany and Mignet in France turned their attention

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to unused diplomatic sources. For fifty years past, innumerable scholars have ransacked the archives of the European governments, gathering a rich harvest of data and documents relating to special questions; and thus, at last, international events, studied from many angles of observation, as from a multitude of photographs, begin to assume their just proportions. On some future day, when the scientific historial has made full use of this authentic material, a mirror will be held up to nature, in which not only the diplomatist may perceive the lessons of past negotiations, but citizens of once opposing nationalities may discern the true merits of great controversies, so easily distorted by patriotic pride and popular tradition. Every such revelation, by diminishing the rôle of passion and prejudice, will narrow the chasm which separates peoples, by enabling them to discover that in their most bitter contentions there were two sides where they have been accustomed to see but one.

Passing over a multitude of instances, a single example may serve to illustrate what remains to be accomplished in the vast and fertile field of diplomatic history. Toward the close of his reign, his Holiness, the late Pope Leo XIII, opened to the use of historical scholars the secret Archives of the Vatican. Thus, for the first time were presented to the scrutiny of the historian the records and correspondence of the most ancient international institution in the world. The reports of the papal nuncios alone fill more than four thousand volumes, divided into twenty-one groups, according to the places from which they were written. There are, besides, letters of importance covering centuries of intercourse by kings, princes. cardinals. bishops, and eminent individuals

The labor bestowed upon this rich collection of documents has already borne precious fruits, but a vast propor-

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tion of its contents still remains to be explored. The Austrian and Prussian Institutes have published a part of the reports of the nuncios emanating from Germany, but the great mass of these reports still remains untouched. The French School at Rome has published many valuable documents found in the papal archives, including the registers of several popes, and also a number of special studies, such as the scholarly works of Déprez and Pélissier, which exemplify what may yet be done for the history of diplomacy, now, for the first time, rendered possible in the scientific sense.

But even when made accessible in printed form, the contents of diplomatic archives have little human interest until they are placed in those relations which render them significant to the public mind. No text-book of mathematics is more dull and unattractive than a volume of treaties; yet, when we enliven its dreary text by bringing upon the scene the national interests involved, the deep, human sentiments affected, the exciting drama of negotiation, the deadly struggle and ardent aspiration which its contents represent; when we follow the conflict of which this dull document forms the conclusion, and perceive in it a victory of peace and intelligence that swallows up and symbolizes the victories of war; when we see in it the triumph of a just cause, the sepulchre of a false ambition, the ruin of a hopeless system, or the consecration of a great principle, we realize that nothing serves better to mark the rising tide of human progress. But when a treaty of peace becomes a yoke of servitude imposed by force upon a prostrate people, defeated in a just cause, we learn how infinitely far the triumphs of arms are removed from the triumphs of reason; and that the least certain path to equity is that appeal to force which adds to the misfortune of injustice the calamity of defeat.

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III. *The Relation of Diplomacy to Jurisprudence*

Trial by battle has long since been suppressed in all civilized communities, as essentially barbaric and irrational; yet great nations continue to arm themselves for future conflicts, and appeal to the God of battles to crown them with victory. What is it, then, which justifies the use of armed force by the state, while the forcible avenging of private wrongs is condemned in the individual? What is it that dignifies with the honorable name of "war" the confiscation of property and the taking of human life by public determination, when these are punished as "robbery" and "homicide" if perpetrated by private persons?

Jurisprudence replies that the state is an association of human beings organized for the attainment of common ends,—among them public peace, justice, and security of life and property,—acting in the interests of all, not for the benefit of one or a few. Its laws are the necessary antidote for anarchy, and its authority to make and enforce them is derived from its "sovereignty."

It is precisely this conception of "sovereignty" that reveals the transformation of human thought with regard to the organization and relations of the state. In the Roman Republic, it signified simply "the majesty" of the Roman people, but under the Empire it lost its connection with the constituent elements of the state, and was translated into "the will of the Emperor." In the revival of Roman law that accompanied the formation of modern states, it assumed the form of absolute monarchy, and accepted the formula, "Whatever is pleasing to the Prince has the force of law." In the philosophy of the revolutionary era, the source of authority was sought in the people, but without losing its absolute character. The doctrine of "popular sovereignty," in its crude and unanalyzed form, suggests

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that whatever is pleasing to the majority has the force of law,—an inference which might be used to justify any enormity which a vicious or misguided multitude might choose to perpetrate upon the few, or upon the rights of foreign peoples.

Such a conception of the state would be as false as it is inadequate, and no thoughtful and well instructed jurist would defend it. The essence and justification of the state lie in the social purpose which it seeks to accomplish, as defined in its constitution, for the bare and formless will of a people cannot serve as its foundation. A state is not a chance or arbitrary association of men bent on a predatory expedition. Such a group of human beings would be called a mob rather than a commonwealth. Nor can such an aggregation of men rise to the dignity of a state by mere organization and discipline, as a band of highwaymen might be subordinated to the direction of a chief. A state is brought into being by historic conditions which unite men in a body politic for the purpose of self-regulation and the realization of common ends of order, justice, and security. The state, therefore, is a moral entity, in which all private benefits are subordinated to public well-being.

It is only as a moral entity,—or, as it has even been called, as a "moral person,"—possessed of will, intelligence, and determining principles, that a form of human society can claim the attributes of a state. Otherwise, it is merely a form of force, without prerogatives founded on juridical conceptions. What, then, is "sovereignty," if not the prerogative of a state to command its own constituents, to make and enforce laws, to guard its own being and independence from aggression, and to be recognized as a moral entity?

Such is the modern juristic conception of the state, and as such it holds its place in the family of nations. Is it, then,

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a moral entity when seen from within, and devoid of all relation to law and justice when regarded from without? The qualities which support and justify its claim to "sovereignty" within establish its place as a responsible agent in all its intercourse with other bodies politic. To say that the state exists solely for itself, and is subject to no law or principle which it chooses to deny or disregard, is to destroy at its root all civil authority whatever. The individual does not voluntarily enter the state; he is placed in it by an act of nature. By another act of nature, nations of men exist side by side, forming separate political communities. Whatever principle of natural right subordinates the subject or citizen to the legal jurisdiction of his birth, coördinates coexisting sovereign states and creates between them reciprocal rights and obligations.

Before the time of Gentilis and Grotius, the states of Europe had as little regard for each other's rights as rival bands of brigands; but these great jurists and their successors, appealing to the intelligence of all nations, by disclosing the existence of universal principles inherent in human nature, convinced mankind that even in a state of war, laws are not wholly silent.

In his great work on *The Laws of War and Peace,* Grotius, appealing to the universal rights of humanity, pointed out that the state, existing for the realization of justice, must apply just principles even in its use of force. A body politic, refusing to be governed by rules of justice, thereby forfeits its claim to sovereignty; for, in declining to perform its obligations, it destroys the only logical foundation of its rights.

It is for the recognition of this universal juridical bond between all nations that international jurists have labored during the last three centuries. Natural law, the Christian religion, the jurisprudence of Rome, general custom,

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common consent, and conventional agreement have all been advanced as furnishing proper elements for the construction of that international code which all jurists have agreed does, or should, exist; and all these elements have afforded contributions to that great body of principles and usages which constitute the present system of international law.

Vague and undetermined as this body of jurisprudence is, no civilized nation denies its existence and its general authority. On the contrary, most nations not only recognize it, apply it, and appeal to it, but in some manner formally adopt it as a part of their own municipal law. The United States of America has not only done this, but has by constitutional provision declared that treaties with foreign powers constitute "the supreme law of the land;" and has attempted, in a digest prepared at public expense and by official direction, to define with minute exactness the whole body of international law. Such a course, if followed by all nations, would furnish the materials for the ultimate formation of that formal international code which jurists like Bluntschli and David Dudley Field have endeavored to construct.

What, then, is necessary to establish between nations the observance of those principles of equity which are universally recognized in civilized communities? International law possesses no guaranty except the good faith of nations and of their public men, and no penalty for open violation except such as the injured party may be able to inflict. In the society of nations, there is neither legislature, nor judiciary, nor executive.

For this reason, one of the most important events of the nineteenth century was the establishment of a permanent international tribunal at The Hague. As in the case of the Supreme Court of the United States, which to-day

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regulates the most important controversies of forty-five great commonwealths, its inauguration was greeted with doubt and distrust; and because it has not in the few years of its existence proved a preventive of wars and a touchstone of universal peace and concord, it is still, perhaps, regarded in some quarters as a mere chimera.

It is true that The Hague Tribunal at present appeals to us by its possibilities rather than by its actual achievements, but its mere existence, composed of jurists among the most distinguished in the world, is an immense gain to civilization, and cannot fail to promote the pacific settlement of international disputes. It adds to the dignity of this tribunal that, by the munificence of a wise, generous, and cosmopolitan benefactor, a splendid palace of justice is soon to be erected for its use, in a country whose thrift, integrity, and place in history make it a fitting seat of international mediation.

But the progress of this movement is not merely theoretical and material. One of the founders of The Hague Court has initiated parliamentary action that is spreading out into a network of treaties by which questions not affecting national honor and independence are, henceforth, to be referred to this tribunal. His Majesty the King of England has been especially active in promoting these conventions; and their Majesties the German Emperor, the King of Italy, and the King of Spain, and his Excellency the President of France, have united in concluding treaties by which these great powers are setting the example to smaller states of an appeal to law and justice as the normal standard of public action.

While the age is fortunate in possessing among its rulers and public men enlightened leaders who truly represent the progress of thought and society, it would be visionary to expect that, hereafter, rivalry or misunderstanding may not

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again bring into violent collision the vast armaments which continue to increase rather than diminish. The *raison d'état* which has so often plunged nations into armed conflict still controls public policy; and although there may be a growing disposition to respect acquired rights, there are still abundant opportunities for contention.

IV. *The Relation of Diplomacy to Economics*

The most potential source of peril to public peace and international justice is, at present, the conflict of economic interests. The irresistible increase of population, the demand for territorial expansion, the development of the colonial system, and the struggle for new spheres of influence, in the quest for raw materials and foreign markets, create a situation fraught with danger.

It is to the science of economics that diplomacy must turn for the means of averting this danger. Questions of far-reaching consequence still remain unanswered. Is the political control of territory necessary to the enjoyment of its commercial advantages? Is it a profitable enterprise to divide the world into purely national markets, thereby excluding ourselves from the areas of trade held by other nations? Is it more remunerative to acquire, control, and defend colonial possessions than it would be to share their advantages with others under the protection, wherever necessary, of an international police? Is it not possible to diminish the cost of modern navies by intrusting the defense of commerce to an international marine governed by an international code?

These questions are not addressed to any particular nation, nor is it intended to answer them in any definite sense; but simply to call attention to the problems that press equally upon all, and to inquire if there is not a pa-

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cific solution of them based on the principle of general welfare.

The classic maxims of diplomacy forbid all cosmopolitan benevolence and represent the hostility of national interests as inherent, inevitable, and permanent; but those maxims, if logically applied, would have prevented all political progress founded on the sacrifice of private interests for the public good. Every advance which the world has made in civilization has resulted from the perception the mutual advantage might be obtained by harmonizing conflicting interests. The formation of the American Union, the unification of Italy, and the consolidation of the German Empire are among the greatest achievements of modern history, and illustrate the prosperity that may be realized from mutual concession for the common good. Out of struggling colonies and rival principalities great states came into being, blessed with unexampled prosperity, because their constituent parts ceased to waste their energies in obstructing one another's welfare and joined their forces for mutual benefit.

Beneath the surface of political phenomena flows a great historical current which deserves the attention of thoughtful men. The expansive instinct of humanity changes its direction of action according to the obstacles it has to overcome. In the era of political inequality, the general aspiration was for liberty, which created in the eighteenth century a struggle for national independence; but in the constitutional era that followed, the larger human relations were revealed, and in the nineteenth century was developed the idea that modern nations are essentially interdependent. The special task of the twentieth century will be to reconcile these two great conceptions, and to unite independent states in bonds of peace, amity, and fruitful intercourse.

This, in the broadest sense, is a task of diplomacy, but

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it is also a problem of economics; and its most vital energies will be derived from economic considerations. At present, the cost of national armaments has reached an overwhelming height, and raises the practical questions: How long will the wealth-producing population continue in silence to support this burden? and, How long will the wealth-producing population confide in the ability of governments to meet their financial obligations?

Diplomacy would be untrue to its high vocation if it did not direct public attention to this costly guardianship of peace. It is true that it is not for aggressive warfare and inconsiderate bloodshed that these millions are expended; and that, so long as great nations continue to arm themselves, others must do likewise in self-defense; but the day is coming when humanity, feeling its kinship of suffering more keenly than its hereditary fears, will cry out in universal protest against a system which does violence to its better instincts. No process of thought or of negotiation will be too costly if it can open the door of exit from the condition of mutual distrust that arrays great nations against one another in constant apprehension of hostile intentions. Next to national honor, which need never be sacrificed, the one great interest of mankind is peace.

V. *The Relation of Diplomacy to Ethics*

But there is a deeper spring of human action than the desire for material welfare, and the costly sacrifices of war are its best witness. We must not, in the name of economic selfishness, nor even of mistaken moral sentiment, condemn the measures needful for national defense. A morbid idealism has proclaimed the dogma that no war is just, that bloodshed is never right, and that all exercise of force is wrong. Such a doctrine owes its very possi-

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bility to the protection of institutions that would not exist for a single day if society had not the force and determination to destroy its enemies. There is no idea of "right" except in opposition to that of "wrong," and because existence itself is an equilibrium of energies, force is the necessary basis of society. It is in the awful heat of battle that the state has triumphed over anarchy and justice established a throne upon the earth. In a world of mingled good and evil, there can be no perpetual peace.

Of this no one is more fully conscious than the diplomatist, whose negotiations would degenerate into empty words if they were not supported by a material force capable of vindicating disregarded rights. But certainly the measure of force is in no sense the measure of international rights and obligations, which exist independently of military strength. The little states have the same right to existence and to respect as the great powers; for, as moral entities, all civilized nations, pursuing a common end, have an equal claim to ethical consideration.

It will be a great advance in education when our textbooks on ethics devote their concluding chapter to international morality, for no ethical system can be complete, either in a public or a scientific sense, which does not include in the scope of its theory the moral functions of the state and the ethics of international intercourse. When, in the schools of all civilized countries, the young are taught that moral obligation does not end with national frontiers, that states are moral entities subject to the great principles of ethics, and that treaties once freely accepted are sacred; when national history has learned to be fair and honest in its representation of other nations, a new era of human development will be opened, and diplomacy will enter upon a new period of efficiency.

The national conscience of every people cannot fail to

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be touched by the mere recital of the decalogue which will be written in that new Book of Genesis:

I am the God of truth and righteousness, and thou shalt have no other gods before me;

Thou shalt not steal;

Thou shalt do no murder;

Thou shalt not covet thy neighbor's industries, nor his foreign commerce, nor his colonial possessions, nor anything that is thy neighbor's;

Thou shalt honor thy wise men and thy teachers of righteousness, that thy name may be long in the land which the Lord thy God giveth thee.

Who will venture to complete that august code of public duty? Who, bravest of all, will dare to apply it in practice? Yet, who will be so bold as to deny its application to the affairs of nations?

Diplomacy already reveals the influence of that growth in public morality which is characteristic of our time. The day has passed away forever when intelligent men would accept Sir Henry Wotton's definition of an ambassador as "a clever man sent abroad to lie for his country." Permanent diplomatic success cannot be based on falsehood; and the highest attribute of a statesman is to discern just and enduring relations, and build his policy upon them. A venerable and experienced ambassador once confessed to the writer that he had for months deceived himself and seriously misled his government by assuming that a certain minister of foreign affairs meant the opposite of what he said. Afterward, with shame and humiliation, he was obliged to confess his error.

VI. *The Relation of Diplomacy to Education*

The advance made since the middle of the last century in the principles and methods of diplomacy are chiefly owing

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to two causes, both of which are educational. The first of these is the better preparation of men for the work of establishing just and reasonable international relations. In nearly all the countries of the world—except the United States of America—candidates for the diplomatic service are rigorously examined before they are received, not only in international law and history, but in the laws, languages, and constitutions of other countries, and especially in commercial geography and the statistics of foreign trade. The result is that the men who serve modern governments as diplomatic representatives are coming to have, in general, a knowledge of what is true, what is just, what is expedient, and what is right in the relations and conduct of foreign states. They constitute a valuable body of peacemakers and public advisers, whose counsel is useful because it is based on knowledge.

The second cause is the enlightenment of public opinion by means of travel, the press, and the increased interest in foreign trade. Even where the people do not participate in affairs of state, they are beginning to regard with a new solicitude the part their governments are taking in the great field of international politics. Statesmen and diplomatists are, therefore, working in the presence of a public interest more keen and intelligent than has ever before been awakened in questions of foreign policy.

To train men for the diplomatic service and to create and guide public opinion in the right way, through the knowledge and influence of properly qualified journalists, legislators, and other public officers, special schools, like the Ecole Libre des Sciences Politiques at Paris, have been established in several countries, in which international subjects are receiving increased attention, but no educational enterprise of a truly international character has yet been undertaken.

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Here is a vast, fruitful, and wholly uncultivated field for public benefaction. One can imagine a time when teachers and students of different nationalities will meet at a common center, or pass from country to country to examine and discuss, in a scientific spirit, questions which concern the general welfare. If it is true that at the heart of every controversy there is a right unsatisfied, it is equally true that for every right intelligence can devise a mode of satisfaction. It is not by force, or the menace of force, that human differences are finally to be adjusted; it is by the calm verdict of unruffled reason, pursuing an honest path to an honest end.

Intelligent patriotism is as sensitive to national honor as it is solicitous for national success, and good men everywhere wish for nothing so ardently as to be understood. The sword has had its day of glory; great states have come into being; public order has fought its way to the seat of power; and from the elevation of the throne and the parliament, men may at last reason together in tones that are audible. True patriots will everywhere feel a new thrill of pride and confidence in their rulers and leaders when they behold in them the triumph of great principles of reason and conscience; for these are the elements that dignify our human nature, lifting it above the passions of the moment, and connecting it with the permanent interests of mankind.

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PROBLEMS OF MUNICIPAL ADMINISTRATION

BY JANE ADDAMS

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WE are accustomed to say that the machinery of government incorporated in the charters of the early American cities, as in the federal and state constitutions, was worked out by men who were strongly under the influence of the historians and doctrinaires of the eighteenth century. The most significant representative of these men is Thomas Jefferson, whose foresight and genius we are here to commemorate, and their most telling phrase is the familiar opening that "all men are created free and equal."

We are only now, however, beginning to suspect that the present admitted failure in municipal administration, the so-called "shame of American cities," may be largely due to the inadequacy of those eighteenth-century ideals, with the breakdown of the machinery which they provided, and, further, to the weakness inherent in the historic and doctrinaire method when it attempts to deal with growing and human institutions.

These men were the legitimate successors of the seventeenth-century Puritans in their devotion to pure principle, but they had read poets and philosophers unknown to the Pilgrim fathers, and represented that first type of humanitarian who loves the people without really knowing them, which is by no means an impossible achievement. "The love of those whom a man does not know is quite as elemental a sentiment as the love of those whom a man

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does know," but with this difference, that he expects the people whom he does not know to forswear altogether the right of going their own way, and to be convinced of the beauty and value of his way.

Because their idealism was of the type that is afraid of experience, these founders of our American cities refused to look at the difficulties and blunders which a self-governing people was sure to encounter, and insisted that the people would walk only in the paths of justice and righteousness. It was inevitable, therefore, that they should have remained quite untouched by that worldly wisdom which counsels us to know life as it is, and by that very modern belief that, if the world is ever right at all, it must go right in its own way.

A man of this generation easily discerns the crudeness of that eighteenth-century conception of essentially unprogressive human nature, in all the empty dignity of its "inborn rights of man," because he has grown familiar with a more passionate human creed, with the modern evolutionary conception of the slowly advancing race whose rights are not "inalienable," but are hard won in the tragic processes of civilization. Were self-government to be inaugurated by the advanced men of the present moment, as the founders were doubtless the advanced men of their time, they would make the most careful research into those early organizations of village communities, folkmotes, and *mirs,* those primary cells of both social and political organization where the people knew no difference between the two, but quite simply met to consider in common discussion all that concerned their common life. They would investigate the craft guilds and *artels,* which combined government with daily occupation, as did the self-governing university and free town. They would seek for the connection between the liberty-loving medieval city and its free creative architecture, that most social of all the arts.

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But our eighteenth-century idealists, unconscious of the compulsions of origins and of the fact that self-government had an origin of its own, timidly took the English law as their prototype, "whose very root is in the relation between sovereign and subject, between lawmaker and those whom the law restrains," and which has traditionally concerned itself more with the guarding of prerogative and with the rights of property than with the spontaneous life of the people. They serenely incorporated laws and survivals which registered the successful struggle of the barons against the aggression of the sovereign, although the new country lacked both nobles and kings. Misled by the name of government, they founded their new cities by an involuntary reference to a lower social state than that which they actually saw about them. They depended upon penalties, coercion, compulsion, and remnants of military codes to hold the community together; and it may be possible to trace much of the maladministration of our cities to these survivals, to the fact that our early democracy was a moral romanticism, rather than a well-grounded belief in social capacity and in the efficiency of the popular will.

It has further happened that, as the machinery, groaning under the pressure of the new social demand put upon it, has broken down from time to time, we have mended it by giving more power to administrative officers, distrusting still further the will of the people. We are willing to cut off the dislocated part, or tighten the gearing, but we are afraid to substitute a machine of newer invention and greater capacity.

A little examination will easily show that, in spite of the fine phrases of the founders, the government became an entity by itself away from the daily life of the people; not meant to be set off against them with power to oppress,

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as in the case of the traditional European governments, but simply because its machinery was so largely copied from the historic governments which did distrust the people, that it failed to provide the vehicle for a vital and genuinely organized expression of the popular will. The founders carefully defined what was germane to government and that which was quite outside its realm; whereas the very crux of local self-government, as has been well said, is involved in the "right locally to determine the scope of the local government," in response to the local needs as they arise.

They were anxious to keep the strings in the hands of the good and professedly public-spirited, because, having staked so much upon the people, whom they really knew so little, they became eager that they should appear well, and should not be given enough power to enable them to betray their weaknesses; as a kind lady may permit herself to give a tramp five cents, believing that, although he may spend it for drink, he cannot get very drunk upon so small a sum.

All might have gone well upon this doctrinaire plan, as it still does in many country places, if there had not been a phenomenally rapid growth in cities upon an entirely changed basis. Multitudes of men were suddenly brought together in response to the nineteenth-century concentration of industry and commerce—a purely impersonal tie; whereas the eighteenth-century city attracted the country people in response to the more normal and slowly formed ties of domestic service, family affection, and apprenticeship. Added to this unprecedented growth from industrial causes, we have in American cities multitudes of immigrants coming in successive migrations, often breaking social ties which are as old as the human family, and renouncing customs which may be traced to the habits of

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primitive man. Both the country-bred and immigrant city-dwellers would be ready to adapt themselves to a new and vigorous civic life founded upon a synthesis of their social needs, but the framers of our carefully prepared city charters did not provide for this expanding demand at the points of congestion. They did not foresee that after the universal franchise has once been granted, social needs and ideals are bound to enter in as legitimate objects of political action; while, on the other hand, the only people in a democracy who can legitimately become the objects of repressive government are those who are too underdeveloped to use the franchise, or those who have forfeited their right to full citizenship. We have, therefore, a municipal administration in America which is largely reduced to the administration of restrictive measures. The people who come most directly in contact with its executive officials, who are the legitimate objects of its control, are the vicious, who need to be repressed; the poor and semi-dependent, who appeal to it in their dire need; or from quite the reverse reason, those who are trying to avoid an undue taxation, resenting the fact that they should be made to support that which, from the nature of the case, is too barren to excite their real enthusiasm.

The instinctive protest against this mechanical method of civic control, with the lack of adjustment between the natural democratic impulse and the fixed external condition, inevitably produces the indifferent citizen and the so-called "professional politician;" the first who, because he is not vicious, feels that the real processes of government do not concern him, and wishes only to be let alone; and the other who easily adapts himself to an illegal avoidance of the external fixed conditions by assuming that those conditions have been settled by doctrinaires who did not in the least understand the people, while he, the politician, makes

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his appeal beyond those to the real desires of the people themselves. He is thus not only the "people's friend," but their interpreter. It is interesting to note how often simple people refer to "them," meaning the good and great who govern but do not understand, and to "him," meaning the alderman who represents them in these incomprehensible halls of state, as an ambassador to a foreign country to whose borders they could not possibly penetrate and whose language they do not speak.

In addition to this difficulty, inherent in the difference between the traditional and actual situation, is another, which constantly arises on the purely administrative side. The traditional governments which the founders had copied, in proceeding to define the vicious by fixed standards from the good, and then to legislate against them, had enforced these restrictive measures by trained officials, usually with a military background. In a democracy, however, the officers intrusted with the enforcement of this restrictive legislation, if not actually elected by the people themselves, are still the appointments of those thus elected, and are therefore good-natured men who have made friends by their kindness and social qualities.

The carrying-out of repressive legislation, the remnant of a military state of society, is, in a democracy, at last put into the hands of men who have attained office because of political "pull," and the repressive measures must be enforced by those sympathizing with and belonging to the people against whom the measures operate. This anomalous situation produces almost inevitably one result: that the police authorities themselves are turned into allies of vice and crime, as may be illustrated from almost any of the large American cities, in the relation existing between the police force and the gambling and other illicit life. The officers are often flatly told that the enforcement of

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an ordinance which the better element of the city has insisted upon passing is impossible; that they are only expected to control the robbery and crime that so often associate themselves with vice. As Mr. Wilcox has pointed out in *The American City,* public sentiment itself assumes a certain hypocrisy, and in the end we have "the abnormal conditions which are created when vice is protected by the authorities;" in the very worst cases there develops a sort of municipal blackmail in which the administration itself profits by the violation of law. The officer is thoroughly confused by the human element in the situation, and his very kindness and human understanding are that which leads to his downfall.

There is no doubt that the reasonableness of keeping the saloons in lower New York open on Sunday was apparent to the policemen on the East Side force long before it dawned upon the reform administration, and yet that the policemen were allowed to connive at law-breaking was the cause of their corruption and downfall.

In order to meet this situation, there is almost inevitably developed a politician of the corrupt type so familiar in American cities, who has become successful because he has made friends with the vicious. The semi-criminal, who are constantly brought in contact with administrative government, are naturally much interested in its operations, and, having much at stake, as a matter of course attend the primaries and all the other election processes which so quickly bore the good citizen whose interest in them is a self-imposed duty. To illustrate: It is a matter of much moment to a gambler whether there is to be a "wide-open town" or not; it means the success or failure of his business; it involves not only the pleasure, but the livelihood, of all his friends. He naturally attends to the election of the alderman, and to the appointment and retention of the

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policeman; he is found at the caucus "every time," and would be much amused if he were praised for the performance of his civic duty. But because he and the others who are concerned in semi-illicit business do attend the primaries, the corrupt politician is nominated over and over again.

As this type of politician is successful from his alliance with crime, there also inevitably arises from time to time a so-called reformer, who is shocked to discover this state of affairs, this easy partnership between vice and administrative government. He dramatically uncovers the situation, and arouses great indignation against it on the part of the good citizen. If this indignation is enough, he creates a political fervor which constitutes a claim upon public gratitude. In portraying the evil he is fighting, he does not recognize, or at least does not make clear, all the human kindness upon which it has grown. In his speeches he inevitably offends a popular audience, who know that the political evil exists in all degrees and forms of human weakness, but who also know that these evils are by no means always hideous. They resent his overdrawn pictures of vice and of the life of the vicious; their sense of fair play and their deep-rooted desire for charity and justice are all outraged.

If I may illustrate from a personal experience: Some years ago a famous New York reformer came to Chicago to tell us of his phenomenal success and his trenchant methods of dealing with the city "gambling-hells," as he chose to call them. He proceeded to describe the criminals of lower New York in terms and phrases which struck at least one of his auditors as sheer blasphemy against our common human nature. I thought of the criminals whom I knew, of the gambler for whom each Saturday I regularly collected his weekly wage of $24, keeping $18 for his

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wife and children, and giving him $6 on Monday morning. His despairing statement, "The thing is growing on me, and I can never give it up," was the cry of a man who, through much tribulation, had at least kept the loyal intention. I recalled three girls who had come to me with a paltry sum of money collected from the pawn and sale of their tawdry finery, that one of their number might be spared a death in the almhouse and have that wretched comfort during the closing weeks of her outcast life. I recalled the first murderer whom I had ever known,—a young man who was singing his baby to sleep, and stopped to lay it in its cradle before he rushed downstairs into his father's saloon, to scatter the gang of boys who were teasing the old man by giving him orders in English which he could not understand, and refusing to pay for the drinks which they had consumed, but technically had not ordered.

For one short moment I saw the situation from the point of view of humbler people, who sin often through weakness and passion, but seldom through hardness of heart; and I felt that such sweeping condemnations and conclusions as the speaker was pouring forth could never be accounted for righteousness in a democratic community.

The policeman who makes terms with vice, and almost inevitably slides into making gain from vice, merely represents the type of politician who is living off the weakness of his fellows, as the overzealous reformer, who exaggerates vice until the public is scared and awestruck, represents the type of politician who is living off the timidity of his fellows. With the lack of civic machinery for simple democratic expression, for a direct dealing with human nature as it is, we seem doomed to one type or the other—corruptionists or anti-crime committees. And one sort or the other we shall continue to have so long as we distrust the very energy of existence, the craving for enjoyment,

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the pushing of vital forces, the very right of every citizen to be what he is, without pretense or assumption of virtues which he does not really admire himself, but which he imagines to have been set up as a standard somewhere else by the virtuous whom he does not know. That old Frankenstein, that ideal man of the eighteenth century, is still haunting us, although he never existed save in the brain of the doctrinaire.

This dramatic and feverish triumph of the self-seeker, see-sawing with that of the interested reformer, does more than anything else, perhaps, to keep the American citizen away from the ideals of genuine evolutionary democracy. Whereas repressive government, from the nature of the case, has to do with the wicked, who are happily always in a minority in the community, a normal government would have to do with the great majority of the population in their normal relations to each other.

After all, the daring of the so-called "slum politician," when he ventures his success upon an appeal to human sentiment and generosity, has something fine about it. It often results in an alliance of the popular politician with the least desirable type of trade-unionist as the reformer who stands for an honest business administration becomes allied with the type of business man whose chief concern it is to guard his treasure and to prevent a rise in taxation.

May I use, in illustration of the last two statements, the great strike in the Chicago Stock Yards, which occurred a few weeks ago? The immediate object of the strike was the protection of the wages of the unskilled men from a cut of one cent per hour, although of course the unions of skilled men felt that this first invasion of the wages, increased through the efforts of the unions, would be but the entering-wedge of an attempt to cut wages in all the trades represented in the Stock Yards. Owing to the re-

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fusal on the part of the unions to accept the arbitration very tardily offered by the packers, and to their failure to carry out the terms of the contract which they made ten days later, the strike in its early stages completely lost the sympathy of that large part of the public dominated by ideals of business honor and fair dealing, and of that growing body of organized labor which is steadily advancing in a regard for the validity of the contract and cherishing the hope that in time the trades-unions may universally attain an accredited business standing.

The leaders, after the first ten days, were therefore forced to make the most of the purely human appeal which lay in the situation itself, that thirty thousand men, including the allied trades, were losing weeks of wages and savings, with a possible chance of the destruction of their unions, on behalf of the unskilled, the newly arrived Poles and Lithuanians who had not yet learned to look out for themselves. Owing to the irregular and limited hours of work—a condition quite like that prevailing on the London Docks before the great strike of the dockers—the weekly wage of these unskilled men was exceptionally low, and the plea was based almost wholly upon the duty of the strong to the weak. A chivalric call was issued that the standard of life might be raised to that designated as American, and that this mass of unskilled men might secure an education for their children. Of course, no other appeal could have been so strong as this purely human one, which united for weeks thousands of men of a score of nationalities into that solidarity which comes only through a self-sacrificing devotion to an absorbing cause.

The strike involved much suffering and many unforeseen complications. At the end of eight weeks the union leaders made the best terms possible, which, though the skilled workers were guaranteed against reduction in wages,

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made no provision for the unskilled, in whose behalf the strike had been at first undertaken. Although the hard-pressed union leaders were willing to make this concession, the local politicians in the meanwhile had seen the great value of the human sentiment, which bases its appeal on the need of the "under dog," and which had successfully united this mass of skilled men into a new comradeship with those whom they had lately learned to call compatriots. It was infinitely more valuable than any merely political cry, and the fact that the final terms of settlement were submitted to a referendum vote at once gave the local politicians a chance to avail themselves of this big, loosely defined sympathy. They did this in so dramatic a manner that they almost succeeded, solely upon that appeal, in taking the strike out of the hands of the legitimate officers and using it to further their own political ends.

The situation would have been a typical one, exemplifying the real aim of popular government, with its concern for primitive needs, forced to seek expression outside of the organized channels of government, if the militia could have been called in to support the situation, and thus have placed government even more dramatically on the side of the opposition. The comparative lack of violence on the part of the striking workmen gave no chance for the bringing in of the militia, much to the disappointment of the politicians, who, of course, would have been glad to have put the odium of this traditional opposition of government to the wishes of the people, which has always been dramatically embodied in the soldier, upon the political party dominating the state but not the city. It would have given the city politician an excellent opportunity to show the concern of himself and his party for the real people, as over against the attitude of the party dominating the state. But because the militia were not called his scheme fell through,

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and the legitimate strike leaders, who, although they passed through much tribulation because of the political interference, did not eventually lose control.

The situation in the Chicago Stock Yards is an excellent epitome of the fact that government so often finds itself, not only in opposition to the expressed will of the people making the demand at the moment, but apparently against the best instincts of the mass of the citizens as a whole.

For years the city administrations, one after another, have protected the money interests invested in the Stock Yards, so that none of the sanitary ordinances have ever been properly enforced, until the sickening stench and the scum on the branch of the river known as "Bubbly Creek" at times make that section of the city unendurable. The smoke ordinances are openly ignored, nor did the city meat inspector ever seriously interfere with business, as a recent civil-service investigation has demonstrated, while the water-steals for which the Stock Yards finally became notorious must have been more or less known to certain officials. But all of this merely corrupted a limited number of inspectors, and although their corruption was complete and involved the entire administration, it did not actually touch large numbers of people. During the recent strike, however, twelve hundred policemen were called upon to patrol the yards inside and out—actual men possessed of human sensibilities. There is no doubt that the police inspector of the district thoroughly represented the alliance of the city hall and the business interests, and that he did not mean to discover anything which was derogatory to the packers, nor to embarrass them in any way during the conduct of the strike. But these twelve hundred men themselves were called upon to face a very peculiar situation because of the type of men and women who formed the bulk of the strike-breakers, and because in the first

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weeks of the strike these men and women were kept constantly inside the yards during day and night. In order to hold them there at all, discipline outside the working hours was thoroughly relaxed, and the policemen in charge of the yards, while there ostensibly to enforce law and order, were obliged every night to connive at prize-fighting, at open gambling, and at the most flagrant disregard of decency. They were there, not to enforce law and order as it defines itself in the minds of the bulk of healthy-minded citizens, but only to keep the strikers from molesting the non-union workers, which was certainly commendable, but, after all, only part of their real duty. They were shocked by the law-breaking which they were ordered to protect, and much drawn in sympathy to those whom they were supposed to regard as public enemies.

An investigator who interviewed one hundred policemen found only one who did not frankly extol the restraint of the strikers as over against the laxity of the imported men. This, of course, was an extreme case, brought about by the unusual and peculiar type of the imported strike-breakers, of which there is much trustworthy evidence, incorporated in affidavits submitted to the mayor of Chicago.

It was hard for a patriot not to feel jealous of the trades-unions and of the enthusiasm of those newly arrived citizens. They poured out their gratitude and affection upon this first big, friendly force which had offered them help in their desperate struggle in a new world. This devotion, this comradeship and fine *esprit de corps,* should have been won by the government itself from these scared and untrained citizens. The union was that which had concerned itself with real life, shelter, a chance to work, and bread for their children. It had come to them in a language they could understand, and through men with interests akin to their own, and it gave them their first chance to express

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themselves through a democratic vote, to register by a ballot their real opinion upon a very important matter.

They used the referendum vote, the latest and perhaps most clever device of democratic government, and yet they were using it to decide a question which the government presupposed to be quite outside its realm. When they left the old country, the government of America held their deepest hopes and represented that which they believed would obtain for them an opportunity for that fullness of life which had been denied them in the lands of oppressive government.

It is a curious commentary on the fact that we have not yet attained self-government, when the real and legitimate objects of men's desires must still be incorporated in those voluntary groups, for which the government, when it does its best, can afford only protection from interference. As the religious revivalist looks with longing upon the fervor of a single-tax meeting, and as the orthodox Jew sees his son staying away from Yom Kippur, but to pour all his religious fervor, his precious zeal for righteousness which has been gathered through the centuries, into the Socialist Labor party, so a patriot finds himself exclaiming, like Browning's Andrea del Sarto: "Ah, but what do they, what do they, to please you more?"

So timid are American cities in dealing with this perfectly reasonable subject of wages in its relation to municipal employees that when they do prescribe a minimum wage for city contract work, they allow it to fall into the hands of the petty politician and to become part of a political game, making no effort to give it a dignified treatment in relation to cost of living and to margin of leisure. In this the English cities have anticipated us, both as to time and legitimate procedure. Have Americans formed a sort of "imperialism of virtue," holding on to the pre-

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conceived ideas of self-government, and insisting that they must fit all the people who come to our shores, even although we crush the most promising bits of self-government and self-expression in the process? Is the American's attitude toward self-government like that of his British cousin toward Anglo-Saxon civilization, save that he goes forth to rule all the nations of the earth by one pattern whether it fits or not, while we sit at home and bid them to rule themselves by one set pattern?—both of us many times ruining the most precious experiments which embody ages of travail and experience.

In the midst of the city, which at moments seems to stand only for the triumph of the strongest, the successful exploitation of the weak, the ruthlessness and hidden crime which follow in the wake of the struggle for mere existence on its lowest terms, there come daily accretions of simple people, who carry in their hearts the desire for mere goodness, who regularly deplete their scanty livelihood in response to a primitive pity, and who, independently of the religious which they have professed, of the wrongs which they have suffered, or of the fixed morality which they have been taught, have an unquenchable desire that charity and simple justice shall regulate men's relations.

The disinterestedness, although as yet an intangible ideal, is taking hold of men's hopes and imaginations in every direction. Even now we only dimly comprehend the strength and irresistible power of those "universal and imperious ideals which are formed in the depths of anonymous life," and which the people insist shall come to realization, not because they have been tested by logic or history, but because the mass of men are eager that they should be tried, should be made a living experience in time and in reality.

In this country it seems to be only the politician at the

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bottom, the man nearest the people, who understands this. He often plays upon it and betrays it, but at least he knows it is there.

This is perhaps easily explained, for, after all, the man in this century who realizes human equality is not he who repeats the formula of the eighteenth century, but he who has learned, if I may quote again from Mr. Wilcox, that the "idea of equality is an outgrowth of man's primary relations in nature. Birth, growth, nutrition, reproduction, death, are the great levelers that remind us of the essential equality of human life. It is with the guaranty of ideal opportunities to play our parts well in these primary processes that government is actually concerned," and not merely in the repression of the vicious nor in guarding the rights of property. There is no doubt that the rapid growth of the Socialist party in all crowded centers is largely due to their recognition of those primary needs and experiences which the well-established governments so stupidly ignore, and also to the fact that they are preaching industrial government to an industrial age which recognizes it as vital and adapted to its needs. All of that devotion, all of that speculative philosophy concerning the real issues of life could, of course, easily be turned into a passion for self-government and the development of the national life, if we were really democratic from the modern evolutionary standpoint, and did we but hold our town meetings upon topics that most concern us.

In point of fact, government ignores industrial questions as the traditional ostrich hides his head in the sand, for no great strike is without its political significance, nor without the attempt of political interference, quite as none of the mammoth business combinations of manufacturers or distributors are without their lobbyists in the city council, unless they are fortunate enough to own aldermen outright.

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It is merely a question as to whether industry in relation to government is to be discussed as a matter of popular interest and concern at the moment when that relation might be modified and controlled, or whether we prefer to wait a decade and to read about it later in the magazines, horrified that such interference of business with government should have taken place.

Again we see the doctrinaire of the eighteenth century preferring to hold to his theory of government and ignoring the facts, as over against the open-minded scientist of the present day who would scorn to ignore facts because they might disturb his theory.

The two points at which government is developing most rapidly at the present moment are naturally the two in which it genuinely exercises its function,—in relation to the vicious and in relation to the poor and dependent.

The juvenile courts which the large cities are inaugurating are supplied with probation officers, whose duty it is to encourage the wavering virtues of the wayward boy, and to keep him out of the police courts with their consequent penal institutions,—a real recognition of social obligation. In one of the most successful of these courts, that of Denver, the judge, who can point to a remarkable record with the bad boys of the city, plays a veritable game with them against the police force, he and the boys undertaking to be "good" without the help of repression, and in spite of the machinations of the police. For instance, if the boys who have been sentenced to the State Reform School at Golden deliver themselves without the aid of the sheriff, whose duty it is to take them there, they not only vindicate their manliness and readiness "to take their medicine," but they beat the sheriff, who belongs to the penal machinery, out of his five-dollar fee, over which fact they openly triumph. A simple example, perhaps, but significant of the attitude of the well-intentioned toward repression government.

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As the juvenile courts are beginning to take an interest in the social life of the child, in order to prevent arrest, on the same principle the reform schools are inaugurating the most advanced education in agriculture and manual arts. A bewildered foreign parent comes from time to time to Hull House, asking that his boy be sent to a school to learn farming, basing his request upon the fact that his neighbor's boy has been sent to "a nice green country place." It is carefully explained that the neighbor's boy was bad, and was arrested and sent away because of his badness, and it is quite possible sometimes to make clear to the man that the city assumes that he is looking out for himself and taking care of his own boy; but it ought to be further possible to make him see that, if he feels that his son needs the education of a farm school, it lies with him to agitate the subject and to vote for the candidate who will secure such schools. He might well look amazed, were this advice tendered him, for these questions have never been presented to him to vote upon. Because he does not easily discuss the tariff, or other remote subjects, which the political parties present to him from time to time, we assume that he is not to be trusted to vote on the education of his child; and in Chicago, at least, the school board is not elective. The ancestors of this same immigrant, from the days of bows and arrows, doubtless taught their children those activities which seemed valuable to them.

Again, we build enormous city hospitals and almshouses for the defective and dependent, but for that great mass of people just beyond the line from which they are constantly recruited we do practically nothing. We are afraid of the notion of governmental function which would minister to the primitive needs of the mass of people, although we are quite ready to care for him whom misfortune or disease has made the exception. It is really the rank and file, the

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average citizen, who is ignored by government, while he works out his real problems through other agencies, and is scolded for staying at home on election day.

It is comparatively easy to understand the punitive point of view, which seeks to suppress, or the philanthropic, which seeks to palliate; but it is much more difficult to formulate that city government which is adapted to our present normal living. As over against the survival of the first two, excellent and necessary as they are, we have the many municipal activities of which Mr. Shaw has told us, but we have attained them surreptitiously, as it were, by means of appointed commissions, through boards of health endowed with exceptional powers, or through the energy of a mayor who has pushed his executive function beyond the charter limit. The people themselves have not voted on these measures, and they have lost both the education and the nourishing of the democratic ideal, which their free discussion would have secured and to which they were more entitled than to the benefits themselves.

In the department of social economy in this Exposition is an enormous copy of Charles Booth's monumental survey of the standard of living for the people of London. From his accompanying twelve volumes may be deduced the occupations of the people, with their real wages, their family budget, their culture-level, and to a certain extent their recreations and spiritual life. If one gives one's self over to a moment of musing on this mass of information, so huge and so accurate, one is almost instinctively aware that any radical changes, so much needed in the blackest and the bluest districts, must largely come from forces outside the life of the people: enlarged mental life from the educationalist, increased wages from the business interests, alleviation of suffering from the philanthropists. What vehicle of correction is provided for the people themselves?

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What broad basis has been laid for modification of their most genuine and pressing needs through their own initiative? What device has been invented for conserving, in the interests of the nation, that kindliness and mutual aid which is the marvel of all charity workers who know the poor? So conservative an economist as Marshall has pointed out that, in the fear of crushing "individual initiative," we every year allow to go to waste untold capacity, talent, and even genius, among the children of the poor, whose parents are unable to shelter them from premature labor; or among the adults, whose vital force is exhausted long before the allotted span of life. We distrust the instinct to shelter and care for them, although it is as old and as much at the foundation of human progress as is individual initiative itself.

The traditional government of East London expresses its activity in keeping the streets clean, and the district lighted and policed. It is only during the last quarter of the century that the London County Council has erected decent houses, public baths, and many other devices for the purer social life of the people; while American cities have gone no farther, although they presumably started at workingmen's representation a hundred years ago, so completely were the founders misled by the name of government, and the temptation to substitute the form of political democracy for real self-government, dealing with advancing social ideals. Even now London has twenty-eight borough councils in addition to the London County Council itself, and fifteen hundred direct representatives of the people, as over against seventy in Chicago, with a population one-half as large. Paris has twenty mayors with corresponding machinery for local government, as over against New York's concentration in one huge city hall, too often corrupt.

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In Germany, as the municipal and social-economic exhibits of this Exposition so magnificently show, the government has come to concern itself with the primitive essential needs of its working-people. In their behalf the government has forced industry, in the person of the large manufacturers, to make an alliance with it, and they are taxed for accident insurance of working-men, for old-age pensions, and for sick benefits; indeed, a project is being formed in which they shall bear the large share of insurance against non-employment, when it has been made clear that non-employment is the result of financial crisis brought about through the maladministration of finance. And yet industry in Germany has flourished, and this control on behalf of the normal working-man, as he faces life in the pursuit of his daily vocation, has apparently not checked its systematic growth nor limited its place in the world's market.

Almost every Sunday, in the Italian quarter in which I live, various mutual benefit societies march with fife and drum and with a brave showing of banners, celebrating their achievement in having surrounded themselves by at least a thin wall of protection against disaster, setting up their mutual good will against the day of misfortune. These parades have all the emblems of patriotism; indeed, the associations represent the core of patriotism—brothers standing by each other against hostile forces from without. I assure you that no Fourth of July celebration, no rejoicing over the birth of an heir to the Italian throne, equals in heartiness and sincerity these simple celebrations. Again, one longs to pour into the government of their adopted country all this affection and zeal, this real patriotism.

Germany affords, perhaps, the best example of this concern of government for the affairs of the daily living of

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its wage-earners, although Belgium and France, with their combination of state savings-banks, with life-insurance and building-associations, backed by the state, afford a close second in ingenuity and success. All this would be impossible in America, because it would be hotly resented by the American business man, who will not brook any governmental interference in industrial affairs. Is this due to the inherited instinct that government is naturally oppressive, and that its inroads must be checked? Are we in America retaining this tradition, while Europe is gradually evolving governments logically fitted to cope with the industrial situation?

Did the founders cling too hard to that which they had won through persecution, hardship, and finally through a war of revolution? Did these doctrines seem so precious to them that they were determined to tie men up to them as long as possible, and allow them no chance to go on to new devices of government, lest they slight these that had been so hardly won? Did they estimate, not too highly, but by too exclusive a valuation, that which they had secured through the shedding of blood?

Man has ever overestimated the spoils of war and tended to lose his sense of proportion in regard to their value. He has ever surrounded them with a glamour beyond their deserts. This is quite harmless when the booty is an enemy's sword hung over a household fire, or a battered flag decorating a city hall; but when the spoil of war is an idea which is bound on the forehead of the victor till it cramps his growth, a theory which he cherishes in his bosom until it grows so large and so near that it afflicts its possessor with a sort of disease of responsibility for its preservation, it may easily overshadow the very people for whose cause the warrior issued forth.

We have not yet apprehended what the scientists call

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"the doctrine of the unspecialized," what the religious man calls "the counsel of imperfection," and the wise educator calls "the wisdom of the little child." If successful struggle ends in survival, in blatant and tangible success, and, as it is popularly supposed to do, in a certain hardness of heart, with an invincible desire to cling fast to the booty which has been thus hardly acquired, government will also have to reckon with the many who have been beaten in this struggle, with the effect upon them of the contest and the defeat; for, after all, they will always represent the majority of citizens, and it is with its large majority that self-government must eventually deal, whatever else other governments may determine for themselves.

We are told that mere successful struggle breeds emotion, not strength; that the hard-pressed races are the emotional races; and that wherever struggle has long prevailed emotion is the dominant force in fixing social relations. Because of this emotional necessity all the more does it seem a pity that American municipal administration has so long confined itself to cold and emotionless areas, dealing as it must with the immigrants who come to us in largest numbers from the lands of oppression, and who vote quite simply for the man who is kind to them. We do much loose talking in regard to American immigration; we use the phrase "the scum of Europe," and other unwarranted words, without realizing that the underdeveloped peasant may be much more valuable to us here than the more highly developed, but also more highly specialized town-dweller, who may much less readily develop the acquired characteristics which the new environment demands.

To demand protection from these so-called barbarians in our midst, who are supposed to issue forth from the shallows of the city and to seize upon the life and treasure of the citizens, as barbarians of old came from outside the

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city walls, is, of course, not to have read the first lessons of self-government in the light of evolutionary science, and to have scarcely apprehended the truth that it is, after all, from the mass, from the unspecialized, that reforms proceed.

In spite of the danger of bringing biology bodily over into the social field, it is well to remember that all biologists agree that when any growth of new tissue must take place it cannot come from the highly specialized cell, whose powers are already turned in one direction, but that it must come from the primitive cell, which has never perfected any special function and is capable of development in any direction.

Professor Weaver, of Columbia, has lately pointed out that "the cities have traditionally been the cradles of liberty, as they are to-day the centers of radicalism," and that it is natural that brute selfishness should first be curbed and social feeling created at the point of the greatest congestion. If we once admit the human dynamic character of progress, then we must look to the cities as the focal points of that progress; and it is not without significance that the most vigorous effort at governmental reform, as well as the most generous experiments in ministering to social needs, have come from the largest cities. Are we beginning to see the first timid, forward reach of one of those instinctive movements which carry forward the goodness of the race?

If we could trust democratic government as over against and distinct from the older types,—from those which repress, rather than release, the power of the people,—then we should begin to know what democracy really is, and our municipal administration would at last be free to attain Aristotle's ideal of a city, "where men live a common life for a noble end."

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(Prepared through courtesy of Professor W. W. Willoughby.)

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WORKS OF REFERENCE RELATING TO THE SECTION OF DIPLOMACY

(Prepared through courtesy of David Jayne Hill, LL.D.)

No general bibliography of this subject can be attempted here, but the following special indications may be found useful:

I. The classic conception of diplomacy dates from the time of Machiavelli, whose work *Il Principe*, published in 1532, is an exposition of the theory of a successful state as conceived by Machiavelli and his Italian contemporaries. See, in addition to this work, translated by Detmold under the title of *The Prince*, London, 1882, for the life of Machiavelli Villari, *Niccolo Machiavelli e i suoi tempi*, Florence, 1877, translated by Linda Villari, London and New York, 1892; for the diplomacy of his time, De Maulde-la-Clavière, *La diplomatie au temps de Machiavel*, Paris, 1892; for the literature, expository and critical, Mohl, *Geschichte und Literatur der Staatswissenschaft*, Erlangen, 1855; and for the influence of Machiavelli, Ferrari, *Machiavel jugé des révolutions de notre temps*, Paris, 1849; Mundt, *Machiavelli und der Gang der europäischen Politik*, Leipzig, 1853, and Symonds, *The Age of the Despots*, London, 1902.

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II. On the relations of diplomacy to history, special references are hardly practicable, owing partly to the great mass of details and to their technical character. Some idea of the labor already expended upon the Archives of Venice, so important for the history of diplomacy, may be obtained from Toderini and Cecchetti, *L'archivio di stato in Venezia nel decennio* 1866-1875, Venice, 1876; and of the historical value of the Papal Archives, hitherto imperfectly explored, from Gachard, *Les archives du Vatican*, Brussels, 1874, compared with the use subsequently made of them. The examples cited, Déprez, *Les préliminaires de la guerre de cent ans*, Paris, 1902, and Pélissier, *Louis XII et Ludovic Sforza*, Paris, 1896, published in the *Bibliothèque des Ecoles françaises d'Athènes et de Rome*, are intended only to illustrate the class of work lately done, and still remaining to be done, with these sources.

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III. On the relation of diplomacy to jurisprudence, besides the standard works on jurisprudence and international law, see Ward, *An Enquiry into the Foundation and History of the Law of Nations in Europe*, London, 1795; Wheaton, *History of the Law of Nations in Europe and America*, New York, 1845, translated into French, Leipzig and Paris, 1846; Hosack, *Rise and Growth of the Law of Nations*, London, 1882; Walker, *A History of the Law of Nations*, Cambridge, 1899; De la Guéronnière, *Le droit public et l'Europe moderne*, Paris, 1876.

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IV. The literature bearing on the relation of diplomacy to economics is too varied and voluminous for even a partial citation here, for it includes the entire theory and history of population, production, commerce, and colonization. Many interesting facts may be found in Mill, *The International Geography*, New York, 1900; and Adams, *A Textbook of Commercial Geography*, New York, 1901. Synthetic treatment is much to be desired.

The problem of cosmopolitanism *versus* nationalism is discussed from many points of view in Novicow, *Die Föderation Europas*, Berlin, 1901, and other works in French and Italian by the same author.

V. The relation of diplomacy to ethics has received practically no specific treatment, which can proceed only from a moral conception of the state and the conscience of enlightened peoples.

VI. For a knowledge of the place accorded to diplomacy in modern education, reference may be made to the programmes of colleges and universities. Among these, the courses of study offered by the Ecole Libre des Sciences Politiques at Paris and by the School of Jurisprudence and Diplomacy of The George Washington University, at Washington, D. C., are the most complete. For the educational attainments required for admission to the diplomatic service of the various countries, see their respective official foreign office publications.

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Annuaire Colonial; appears since 1888, and is now published by the French Colonial Office.

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(Prepared through courtesy of Professor Bernard Moses.)

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SOCIAL REGULATION

BY A. LAWRENCE LOWELL

[A. LAWRENCE LOWELL, Professor of the Science of Government, Harvard University. b. Boston, Massachusetts, December 13, 1856. A.B. Harvard, 1877; LL.B. *ibid.* 1880. AUTHOR OF *Essays on Government; Governments and Parties in Continental Europe*, etc.; joint author, with Judge F. C. Lowell, of *Transfer of Stock in Corporations;* with Prof. H. Morse Stephens, of *Colonial Civil Service.*]

IT has been said that the object of every writer is to draw a new diagonal line through the field of human knowledge. Men love to point out the connection between things apparently so far apart as the spots on the sun and economic crises, or as the invention of bills of exchange at Venice and the rise of the mendicant orders. But the topic assigned to me at this Congress, "The Unity and Inner Relations of the Political, Legal, and Social Efforts of Society," has little of the charm of novelty. The path is well trodden; and, until a new philosophic light breaks forth, whatever is said on this subject must be trite; what can be said in a short address must obviously be superficial.

Let us take, first, the relation between politics and jurisprudence, using the term *politics,* not in the narrow sense in which it is currently employed, to denote the struggles of political parties, but in the larger sense of the conduct of public affairs.

Law both provides the framework within which political life goes on, and it is also the result of that life. It is like the shell of a mollusk, or the trunk of a tree.

Whatever definition we take of law whether we regard it as the command of a superior, or accept the theory that it rests upon intrinsic natural justice, we may say that it is that part of the rules of human conduct which is enforced,

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or at least may be enforced, by public authority; such a definition, although vague, is wide enough to include on the one hand primitive law, where the public authority is rudimentary, and on the other hand public international law,—a body of rules which a number of civilized nations habitually obey.

Now so far as politics does not deal with pure questions of persons, either in the sordid form of distributing spoils, or in the higher aspect of selecting efficient persons for office, it is concerned mainly with the creation of law; not that the direct aim and object of political activity is always legislation, but legislation in some form is usually the indirect, if not the immediate, consequence of political achievement; and this is true where at first sight the connection may appear remote. Political questions concerning foreign affairs, for example, often give rise to treaties, to the recognition of some principle of international law, or to a change in the legal relations of territory. A successful effort in a city to obtain clean streets, or a pure water-supply, is almost certain ultimately to leave its mark upon the statute-book. It is hard to conceive of a struggle, even over a matter of administrative discretion, that is not likely to result in legislation, or subordinate legislative ordinance, or in the increase or diminution of taxation. That which does not exclusively concern persons almost of necessity involves principle; and if a decisive issue is reached the victorious principle is likely to be established by law. So that the political warfare of to-day leaves its traces in the legislation of to-morrow.

This may be the case, although the immediate result of the contest is not embodied in positive law. The constitutional rule about the responsibility of ministers has become firmly established in England, and all her self-governing colonies, without any recognition in the law. Yet the prin-

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THE BANQUET OF PLATO.

Photogravure from the Painting by Anselm Feuerbach.

Banquets or Symposia were very frequent in ancient Greece. The Banquet of Plato, reproduced here from Feuerbach's original painting, gives us a lively idea of such entertainments at Athens. The enjoyment was heightened by agreeable conversation and by the introduction of music and dancing. Sometimes philosophical subjects were discussed, although a symposium, as the Greek term implies, was originally only intended as a drinking party. The guests reclined on couches and were crowned with garlands of flowers.

Feuerbach's great painting presents a symposium to which the banqueters, including Socrates, were invited by Plato to celebrate the tragic victory of Agathon, and, as they were not in the mood for hard drinking, they dismissed the flute girl, and entertained each other with the praise of love. "The Banquet of Plato" won universal admiration when it was first placed on view at the International Exhibition of Munich in 1869.

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ciple has deeply affected legislation. It has given rise to statutes that would doubtless not have been enacted otherwise, and in fact it has created the body that really initiates all the important legislation in those countries.

So far as law is the result of political struggle, it is somewhat in the rear of social evolution, and represents not the last stage of human thought, but the next to last. For a rule of conduct is usually followed by large numbers of people before an attempt is made to enforce it on the rest, and it is certainly largely recognized as a rule that ought to be observed for some time before it is made compulsory by public authority; while, on the other hand, laws that have been outgrown, and have ceased to be in harmony with social conditions, often remain in force for a considerable period before they are repealed or become quite obsolete. Law represents, therefore, the crystallized elements of social evolution, while politics deal with the fluid or transient elements. It deals with questions that arouse immediate interest, and involves a constant effort to transform current opinion into law.

No doubt some laws are ephemeral. They are the result of abortive political efforts to bring about a change. In that case they do not represent the next to last stage in social evolution, but an aspiration, an effort to anticipate and create a future stage, an attempt to give effect to principles for which their advocates erroneously believe the community is prepared. The history of legislation contains many such wrecks of unseaworthy statutes, and they are not less numerous to-day, in spite of the far greater power of a state to enforce its laws. Legislation intended to promote what a friend of mine calls "righteousness by statute" is particularly common in the United States, because of the easy and irresponsible way in which statutes are enacted, and because it suits both the idealistic temper and the prac-

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tical qualities of the people to pass unwise laws designed to work moral reforms, and then leave them unenforced.

Most prominent among statutes of the kind are the liquor laws in many places, the evasions of the law being sometimes clandestine, sometimes open, and sometimes done with the connivance of the authorities. Statutes of this class are passed on many subjects, out of good nature, or in deference to the urgent appeals of deputations of influential citizens. They may be enacted without any serious intention of enforcing them, or they may be such that local opinion—as is often the case with game laws—or the difficulty of proving violation—as in the case of laws concerning railway rates—make it very difficult to enforce them. Some of these laws are harmless; others are demoralizing to the men who evade them and weaken the law-abiding character of the people; while others are a fertile source of political corruption. The author of *The Boss,* an exceedingly acute study of New York city politics, written under a feigned name, and far less widely known than it deserves to be, has pointed out that sumptuary laws, which can be violated on payment of a contribution to the campaign fund of the party, are almost a necessity for the support of the machine in the city.

Apart from tentative, ephemeral, and inoperative statutes, political contests are the struggles of political growth, and the political growth of a nation is eventually embodied in its laws.

All this may be supposed to refer to public rather than to private law. Napoleon expressed that idea when he said: "The *legislature* should legislate, *i. e.*, construct grand laws on scientific principles of jurisprudence, but it must respect the independence of the executive as it desires its own independence to be respected. It must not criticise the government, and as its legislative labors are essentially of a

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scientific kind, there can be no reason why its debates should be reported."[1] In other words, he regarded private civil jurisprudence as a science, quite independent of politics and public opinion. This may be true of the construction of a code based upon existing law; but it is certainly not true of legislative changes. In countries with a popular government, deliberate alterations of the law are made to-day only with the consent of representative bodies, which are intended for that purpose to reflect public opinion.

Such a relation to politics is not limited to statutes. Law is created every day by bodies of learned lawyers. It takes the form of precedents established by courts of justice in the course of the decision of actual cases,—the so-called judge-made law; nor is this process confined to jurisprudence affecting private persons. The distinction, indeed, between public and private law in no way coincides with the difference between statutory and judge-made law; for, in the first place, private law is freely made or changed by statute; and in the second place, the most important body of judge-made law in Continental Europe to-day is the French *droit administratif;* which regulates the official rights and duties of state functionaries and is, therefore, pure public law. In this connection it may be noted, in passing, that in Anglo-Saxon countries the administration of public law can be safely intrusted to the ordinary courts, because there are always in them a number of judges who have had actual experience of public life. Chief Justice Marshall could hardly have laid, as he did, the foundations of constitutional interpretation had it not been for his knowledge of national affairs acquired in the public service, and the same principle applies to every court when called upon to deal with questions that touch administration. A certain sprinkling of

[1] Quoted in Ilbert's *Legislative Methods and Forms*, p. 208. The original letter does not appear to be extant.

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judges with political experience is needed to supplement those trained simply by study and at the bar. This is one of many cases where the efficiency of a public body depends upon the presence in small quantities of what in large doses would be a poison.

A full discussion of the relation of politics in the larger sense of the word to judge-made law would entail an examination of many conflicting theories of jurisprudence. In his *Beruf unserer Zeit für Gesetzgebung und Rechtswissenschaft,* Savigny, the most celebrated opponent of codification, declared that, for the most part, law, like language, has developed by a process of natural growth in accordance with the character of the people. Von Ihering, pushing Savigny's comparison of the growth of law and language farther, perhaps, than the author really intended, criticised his theory, and insisted that, instead of developing by the same quiet, unconscious process as the rules of grammar, law was, and always had been, the result of a struggle between conflicting aims and principles. As this is not intended to be a discourse on jurisprudence, but merely an attempt to point out certain relations existing at the present day, it is not necessary to consider how far such doctrines are really in conflict, and how far each of them is historically true. Nor is it necessary for our purpose to analyze Austin's theory that law is a command, and that courts in establishing precedents are creating law by virtue of a legislative power delegated to them by the sovereign. Austin was not an historian, but a philosopher who based his theories upon the facts that came under his immediate observation. His insight into contemporary matters was keen and accurate, and although his admiration for judge-made, or as he has called it, "judiciary law," was by no means unbounded, his analysis of its real nature is one of the best parts of his book. He made, however, an admission which certainly

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goes far towards upsetting his theory that the courts exercise a delegated legislative power. After declaring that "the sovereign administering the law through subordinate courts of justice is the author of that measureless system of judge-made law or rules of law made judicially which has been established by those subordinate tribunals in directly exercising their judicial functions," Austin goes on to say: "In this country, where the rules of judge-made law hold a place of almost paramount importance in our legal system, it can hardly be said that Parliament (the so-called *legislature*) is the author of those rules. It may, indeed, be said that Parliament, by not interfering, permits them to be made, and, by not repealing them by statute, permits them to exist. But, in truth, Parliament has no effective power of preventing their being made and to alter them is a task which often baffles the patience and skill of those who can best command parliamentary support."[1]

Now this remark is interesting because it would seem that the legislature is constantly acquiring greater capacity of controlling and reversing judge-made law. In the past we have seen cases where the legislature has found it impossible to carry out its will, and where courts have virtually made a statute of no effect by their interpretation. This was true in the celebrated case of the English Statute of Uses, which was designed to prevent the creation of subordinate interests in land, but is commonly said to have resulted only in the addition of three words to every conveyance. A very striking example in later days is the decree of the French Government of National Defence in 1870 repealing the provision in the constitution of the year VIII that protected public officials from suit or prosecution. The decree was intended to remove all hindrances

[1] Austin's *Jurisprudence*, Campbell's Students' Ed., p. 99. This does not appear in the original edition of Austin's work.

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in the way of bringing the officials before the ordinary courts; but the Tribunal of Conflicts decided that it applied only to their personal protection, and did not affect the principle of the separation of powers which, as understood in France, forbids the ordinary judges to pass upon the legality of official acts. This example of the exercise of power by a court to defeat the intent of the legislature is certainly very recent, but it could hardly have occurred except in the revival of the ordinary functions of government after a period of revolution.

Austin's remark, however, still retains some truth. Even at the present day the legislature has no effective means of anticipating by statute the doctrines laid down in judicial decisions, and does not always find it easy to alter them after they have been made. A representative assembly that would reject by an overwhelming majority a bill to enact a certain principle of law may hesitate to reverse that principle when it has been sanctioned by the courts. It often happens that a negative course is the most prudent and politic for a representative chamber, and this gives real force to judicial initiative.

Nevertheless the decisions of the courts on important questions of law attract so much attention to-day, and the power and flexibility of legislatures has increased to such an extent, that the enactment of a statute to change a principle judicially declared is less difficult than it was formerly. Judge-made law has, therefore, become subject to legislative revision to a greater extent than in the past. In giving their decisions the courts are, and it is of most fundamental importance that they should be, absolutely free from political control, but the growth and stability of the law they make depends ultimately on its accord with the public sense of justice. Law cannot endure permanently upon any other basis. At the close of the Middle

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Ages the customary law of most of Continental Europe, having failed to develop with advancing civilization, was swept away by the advent of the Roman law. Such a legal revolution could hardly occur again, because with the growth of legislative power the control over judge-made law is more rapid and more constant. If the courts are too closely bound by precedents which are no longer adapted to social conditions, or if their judgments do not accord with the public sense of justice, their law will be changed by statute. So that judge-made law, not the decisions in particular cases, but the principles established by those cases, is to-day ultimately subject to political approval. The nineteenth century has certainly shown that in Anglo-Saxon countries the vitality of judge-made law has in no wise diminished; but it endures upon the condition that the principles of law so established must be in general accord with the sense of justice of the community; and that where this is not the case they can be and will be set aside.

Let us now turn to the relations between social science on the one hand and politics and jurisprudence on the other.

The collections of people treated in the various sections under the Department of Social Science at this Congress fall into two distinct classes. They appear to be distinguished in the programme by the terms *community* and *group*, and hence those expressions will be used in this paper, the word "group" indicating a body of people who, as the cause or result of similar conditions, display similar feelings and opinions; while the so-called communities have in addition a sense, or at least a much stronger sense, of solidarity and of common interest, some organization, and a capacity for common action. In short, the members of one class have similar, and those of the other have common,

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sentiments and opinions. The line between these classes is not absolute, and the classes themselves are by no means fixed. A body of persons, that form at one period of the world's history a group, may at another form a community. The family and the local community were, of course, true communities before the dawn of history; and certain bodies of people, such as the dependent group, and still more clearly the groups of lunatics, feeble-minded, and infants, have never been, and could hardly be, communities at all; but, on the other hand, bodies of men pursuing the same occupation, though usually mere groups, have become communities at times and under exceptional conditions. The trade-guilds of the Middle Ages were communities of this kind, and many bodies of workmen that had previously been nothing more than groups have developed into communities during the last hundred years. The trade-unions of the present day are both an expression of a sense of solidarity and an attempt to turn a group of workmen into a true community.

Now, although neither of these classes can be left out of account in the study of politics and jurisprudence, the community, with its capacity for common action, is by far the more important of the two. Groups involve less difficult problems for both politics and jurisprudence, because in their case the only matter to be considered is the welfare of the group and of the public at large. In the case of communities the question is further complicated by the wishes and the action of the community itself. This may or may not lead to a more just solution according to the wisdom, moderation, and mutual respect, or the animosities and the exasperation, of the various bodies of men concerned. But in any case it adds to the elements of the problem. Whether the movement, for example, to transform bodies of workmen into communities in the form of

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trade-unions has been beneficial or not, it has certainly, from the point of view both of politics and of jurisprudence, made labor questions more pressing and more complex.

In treating of the relation of communities to politics and jurisprudence, we must distinguish between those that are based upon status and those that are voluntary. For although this distinction applies to groups as well as to communities, it is naturally far more important in the latter case.

The classification of social entities according as they are based upon status or upon voluntary association requires, however, both explanation and definition. In some cases the members become such without any voluntary action or possibility of choice on their part. This is true of children born into a family, and, in an early period of society, into a tribe or local community. Then there are cases where the membership, while not assumed for the purpose of membership, is the result of a condition or status which is voluntary in the sense that in theory, at least, the condition is the result of choice, or might have been avoided. That is the case with the dependent and criminal groups. It is the case also with the urban and rural communities. A man is free to live in a city or not as he pleases, but he usually moves his abode to a city, or remains there because his occupation or engagements lead him to do so, not because he desires to be a member of an urban community. In all groups or communities of the foregoing kinds the membership is the inevitable result of a status which may itself be voluntary or not; and these are the only kinds of groups treated under the different sections of Department 22 at this Congress. But there is another kind of entity, the membership in which is purely voluntary, because the members belong to it not on account of

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any extrinsic condition or status, but for the sake of the group itself. How far the choice is really deliberate or free, and how far the result of environment, of the association of ideas, and of suggestion, over which the individual has little actual control, we must leave to the psychologists, and especially to the Section on Social Psychology. We are concerned here only with the political and legal aspects of the problem, and from that point of view the membership may be regarded as voluntary. Of such a character are social and learned clubs of various kinds, religious bodies, philanthropic organizations, and, let us add, political parties. In this connection it may be observed that the trade-unions are striving to become communities based upon status instead of voluntary association. This effort lies at the foundation of the conflict over the open and closed shop. The policy of the closed shop, if successful, would drive every man who pursued a certain occupation into the trade-union; while the principle of the open shop leaves the union a voluntary body, and for that reason any one familiar with the trend of civilization will be very much inclined to doubt whether the effort is likely to succeed.

As an example of the political and legal problems presented by communities based upon status, we may take the race question. This problem, in one shape or another, faces most of the great civilized nations at the present day, either in their national or their colonial administration. A number of solutions of it have been essayed. The simplest and most drastic is that of expelling or excluding the weaker race. At various times in the world's history the Jews have been expelled from different countries. The Chinese are now excluded from the United States and from Australia. But expulsion on a large scale is clearly impossible to-day among civilized people, and exclusion is possible only under favorable conditions.

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In other cases an attempt has been made to transform or absorb a race. This is the solution commonly tried by the governments of Continental Europe. It is manifestly out of the question except when the differences are not very profound. It may or may not be possible to make Slavs into Germans, or *vice versa,* but no one would expect to make Europeans and Chinese interchangeable. Even as between European races the efforts in this direction have not of late been generally successful.

The third solution is to ignore the difference of race and legislate as if it did not exist. That was the solution applied in this country after the Civil War; but it cannot be said to have fulfilled the hopes cherished by its authors, and the present generation, even in the Northern States, seems inclined to regard it as neither satisfactory nor final.

The fourth solution has been that of disregarding the rights of the weaker race altogether. This has been tried at various periods in the world's history, especially in the case of colonies. It is safe to say it will never commend itself permanently to the conscience of mankind.

Other partial solutions have been tried, more or less deliberately, and with varying degrees of success. This is not the place to follow them in detail, but merely to point out that the problem is one that will hang heavy on the hands of the twentieth century; and that with the growth of popular government and the increasing industrial, intellectual, and social opportunities throughout the world, the task of governing a people that is not homogeneous has become far more difficult. Although these very forces may tend to efface race differences where they are not profound, the differences are often so great that one can entertain little hope that they will disappear.

Except for the questions arising from race, legal and political problems connected with status have tended to

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decline in importance, while those connected with voluntary associations are increasing in gravity, and are likely to do so for a considerable time to come. Man's mastery over the forces of nature, and the improvement in transportation that is bringing the whole world into active competition, have made coöperation upon a large scale a necessity. One form of this has been economically highly successfully. That is the combination of small amounts of capital into great corporations, and its very success has made abuses possible and legislation necessary. Transportation has also made the wants of all civilized mankind more alike, while the diffusion of a common elementary education and the ease of communication have brought about uniformity of thought and the possibility of combination in all directions. Hence associations of many kinds which, being capable of good and evil, must be regulated by law, and must often be the subject of political action.

The solution of social and political questions by the progressive thinkers of the eighteenth and the early part of the nineteenth centuries was based mainly upon individualism. They considered man, not combinations of men, and they regarded all individuals as equal, isolated, and independent units. The prophets of democracy, supposing that each person would think for himself, failed to appreciate the contagious quality of ideas and the compulsory power exerted over opinions by organized bodies of men. They assumed also that the real interests of all men were fundamentally in harmony, and hence they saw no strong motive for combination. The English individualists, moreover, looked upon freedom to combine as an essential part of personal liberty, and they did not perceive a danger that the right might be so abused as to encroach upon the liberty of others. This is very clearly put in Professor

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Dicey's *Law and Public Opinion in England during the Nineteenth Century.*

Rousseau, whose acumen in grasping the real nature of a problem is more striking than his good sense in finding the solution of it, perceived the difficulties that might arise in his ideal commonwealth from the presence of combinations of men. He saw that his principle of a common will, ascertained by counting votes, and then accepted as the unanimous wish of the whole people, would be futile where there was an organized minority. He declared, therefore, that a community is incapable of a common will where factions or sects exist. If he really imagined that any community would ever arise without those incumbrances, he showed that although a good philosopher, he was a bad prophet. He was a particularly luckless prophet, because he wrote just at the time when the era of invention was about to open the gates for the greatest development of voluntary combinations of men that the world has ever known, and when in public life the very democracy which he preached was about to make political parties a recognized and permanent element in the state.

He was, however, a good philosopher, because he was right in believing that the presence of associations, or groups, or bodies of men of any kind, makes the opinion or action of a community quite a different thing from what it would be if no such bodies existed; and this for several reasons.

In the first place, a composite majority made up of majorities of fractional parts is a very different thing from a majority of the whole people, and may be exactly the reverse of it. Each man in such case puts himself into the hands of some body of men whose will is in Rousseau's sense general as regards him, and partial as regards the rest of the community.

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Then man is only in a small degree a rational animal, and is mainly a creature of suggestion. He takes his opinions largely from the society of which he is a part. In fact he does not so much join a church, for example, or a political party, because he agrees with its objects, as he accepts its policy because he belongs to it. An association becomes indeed an end in itself, and thus a body may act in a way that the bulk of the individuals who compose it would not act if left to themselves.

In the second place, a large body of men has power to affect the destinies and curtail the freedom of action of other people in a way that individuals could not do. Even without acquiring an actual monopoly, a trust or a huge corporation can drive smaller rivals out of business, or force conditions of labor or trade, or affect the method of conducting other distinct trades, when smaller concerns would have no such power. Moreover, they can do it without resorting to any conduct that would be illegal, oppressive, or even improper in the case of individuals. The same thing is true of trade-unions, or any other combinations of men on a large scale. To take a most familiar illustration: An individual may buy or sell where he pleases, and the motives for his choice are nobody's affair; but if a large number of men agree not to trade with a certain person it becomes a "boycott," and a terrible engine of compulsion.

It follows that formidable combinations stand in a peculiar position. Their acts have different effects from those of individuals. Their moral rights and duties are not the same, and they must to some extent be subject to peculiar laws. The difficulty in dealing with them comes in drawing the line between freedom of combination and the liberty of the individual. The question—in some ways akin to the problem of reconciling order and progress,

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which has at times occupied so much attention in Europe—will loom large in the twentieth century.

While dealing with voluntary associations it is interesting to observe how far we have already gone in solving an important problem arising out of their development. I refer to the case of political parties. The greatest contribution to the art of politics in the nineteenth century is expressed in the phrase "Her Majesty's Opposition." It implies a recognition that organized bodies of men who are loyal to the state and to the established form of government, but who are opposed to the administration in power, have a right to exist and to carry on an active propaganda. Germs of the modern party system can, no doubt, be traced farther back in some countries, but the system cannot be said to have developed fully until the nineteenth century. The legitimacy of party as a factor in public life is now fully admitted in all countries which have possessed popular government for a considerable length of time, and it is admitted to some extent in all countries that have a popular element in their governments. The system is, however, based upon a number of conditions.

On the one side there must be a recognition that differences of political opinion are legitimate and may be advocated by argument and all the proper arts of persuasion.

On the other side the opposition must not urge revolutionary opinions. It must not be what is sometimes called irreconcilable, that is, it must not aim at the destruction of the existing foundations of government and of society. The limits of legitimate difference in political opinions vary, of course, from place to place and from time to time; but it is necessary that the limit should be generally recognized at any given moment, and this is one of the most important functions of a constitution.

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Then again the means employed by each party for obtaining power must be proper, and for this reason many laws have been enacted in the nineteenth century against the bribery of voters, and provisions have been made to prevent intimidation—by the device, for example, of the secret ballot.

Finally, there must be a universally recognized means of determining which opinion ought to prevail. This is another function of a constitution and of constitutional law.

The party system is by no means without grave faults, but without it popular government could not have endured. The system has reconciled to a great extent liberty of political opinion and action with the stability of popular institutions.

One of the chief problems of the twentieth century will be the regulation of other combinations of men, whether based upon race or upon voluntary associations for industrial and other purposes; and that problem will involve politics, jurisprudence, and social science. The solution will not be the same as that adopted in the case of political parties, but some hints may, nevertheless, be obtained therefrom, such as the plan of leaving the right to organize free, but regulating the ends and means of operation. In one point certainly the example set in the case of political organizations must be followed. It is that of accepting the natural tendencies of a progressive age instead of trying to run counter to them. The method of approaching the problem and the principles applied to it will, no doubt, be different in different countries and under varying conditions; but just as the nineteenth century showed an inclination to lay too much stress on the individual, we may perhaps expect in the twentieth century a reactionary tendency to treat bodies of men too much col-

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lectively. But the true and, therefore, the permanent solution must be found in keeping in mind both the individual and the group, and politics and jurisprudence can be wisely directed only by a thorough study of the psychology of the group; in other words, the effect of the group upon the mental attitude of the individual.

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SOCIAL CONTROL AND THE FUNCTION OF THE FAMILY

BY GEORGE ELLIOTT HOWARD

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IT is needful in the outset to mark the differentiation and to observe the close interrelations of the family, marriage, and the home. The problems of the family are necessarily involved in those of the home and marriage. The three forms of development are distinct in concept, but in their life or functions they constitute a trinity of interdependent institutions. Westermarck has suggested that in its origin marriage rested more on family than the family upon marriage. Biologically, of course, marriage comes first in the union of the sexes; yet it is certain that the culture-types of marriage have been determined less by the sex-motive than by the economic needs of the family,—the bread-and-butter problem in the struggle for existence. To-day this fact is decidedly true. In our age of social self-consciousness, of dynamic sociology, the reformer who would act wisely will not seek help in definitions but in a comprehension of the economic and spiritual needs of the family and those of the

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individuals which compose it. As in other cases, there must be an adjustment of functions to the environment. The social uses of the family and still more those of the home are too often neglected while speculating on the nature of wedlock and the ethics of divorce.

Accordingly the fundamental question which confronts the student of this trinity of institutions is the problem of social control. In the Western world the extension of the sphere of secular legislation practically to the whole province—the whole outward or legal province—of marriage is a fact of transcendent interest. In this regard the Reformation marks the beginning of a social revolution. Luther's *dictum* that "marriage is a worldly thing" contained within it the germ of more history than its author ever imagined. The real trend of evolution has not at all times been clearly seen or frankly admitted; but from the days of Luther, however concealed in theological garb or forced under theological sanctions, however opposed by reactionary dogma, public opinion has more and more decidedly recognized the right of the temporal lawmaker in this field. In the seventeenth century the New England Puritan gave the state, in its assemblies and in its courts, complete jurisdiction in questions of marriage and divorce, to the entire exclusion of the ecclesiastical authority. For nearly three quarters of a century the clergy were forbidden to solemnize wedlock, while at the same time marriages were freely dissolved by the lay magistrate. Even the Council of Trent, by adjusting the dogma regarding the minister of the sacrament, had already left to Catholic states the way open for the civil regulation of matrimony, a way on which France did not hesitate to enter. Definitively the state seems to have gained control of matrimonial administration.

As a result in the United States, not less clearly than elsewhere in countries of Western civilization, marriage and the

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family are emerging as purely social institutions. Liberated in large measure from the cloud of medieval tradition, their problems are seen to be identical in kind with those which have everywhere concerned men and women from the infancy of the human race. Biologically they are indeed a necessary result of man's physical and psychic nature; but institutionally they are something more. Modern jurisprudence is a practical recognition of the fact that matrimonial forms and family types are the products of human experience, of human habits, and are, therefore, to be dealt with by society according to human needs.

The greatest fact in social history is the rise of the state; and in the more vital or organic sense the state has never been so great a social fact as at the present hour. Moreover its authority, its functions, are every day expanding. The popularization of sovereignty has but added to its power. With the rise of this mighty institution all lower organisms have lost something or all of their institutional character. In the culture-stage of civilization the gentile organization is no more. The clan and the tribe have disappeared. The function of the family as the social unit, as a corporation held together by the blood-tie, has likewise vanished. In a perfectly logical way, however paradoxical at first place it may seem, the social function of the individual has expanded with that of the state. The process of socialization and the process of individualization are correlative and mutually sustaining operations.

Consequently out of the primary question of social control arises the problem with which we are here chiefly concerned: the problem of protecting the family against harm from the dual process of disintegration just referred to. Already many changes of vast sociological meaning have taken place, but the most vital characteristic of the family survives. From the infancy of the human race, in the light

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of our fullest knowledge, monogamy appears as the prevailing type of sexual life. Under diverse conditions, religious, economic, or social, there have been many aberrations from that type; but, at first for biological or economic and later for ethical or spiritual reasons, always the tendency has been toward a more clearly differentiated form of the single pairing family. Among all peoples, whether Christian, Jew, or Gentile, the highest ideal of marriage is that of lifelong partnership.

On the other hand, under the twofold leveling process, the interrelations of the members of the family group are being gradually transformed. The patriarchial authority of the house-father is crumbling, although here and there it is still sustained by the relics of medieval tradition. The wife is declining to pass into the husband's hand, in *manu viri,* but physically and spiritually she is more and more insisting on becoming an equal member of the connubial partnership. Not only are sons and daughters legally emancipated at a reasonable age; but during nonage, in the most englightened households, their individuality is being recognized in a way which would have shocked social sentiment a few generations ago. Young boys and even young girls show a tendency to cut the parental moorings and embark in affairs for themselves. The business precocity of the American youth is notorious. Moreover, the state in the interest of the larger social body is attacking the ancient constitution of the household. It is taking a hand in the rearing of the young. Through educational requirements, factory laws, and other child-saving devices it is invading the ancient domain of the parent. Little by little, to use the generalization of Dr. Commons, the original "coercive" powers of the family under the patriarchial *régime* have been "extracted" and appropriated by society. Thus the family becomes "less a coercive institution, where the chil-

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dren serve their parents, and more a spiritual and psychic association of parent and child based on persuasion." The state, the "peculiar coercive institution," he declares, in the interest of children's rights has "annexed" a large part of the *patria potestas;* and "all families are thereby toned up to a stronger emphasis on persuasion as the justification of their continuance."[1] In fact the leveling tendency just considered, instead of being a serious menace to the family, is probably a regenerative force. The question is, may the old legal patriarchial bonds be adequately replaced by spiritual ties, and thus a nobler type of domestic life be produced?

In more sinister ways the solidarity of the family appears to be menaced through the individualism fostered by our economic and industrial systems, operating chiefly in great urban centres. With the rise of corporate and associated industry comes a weakening of family ties. Through the division of labor the family "hearthstone" is fast becoming a mere temporary meeting-place of individual wage-earners. The congestion of the population in cities is forcing into being new and lower modes of life. The home is in peril. In the vast hives of Paris, London, or New York the families even of the relatively well-to-do have small opportunity to flourish—for self-culture and self-enjoyment. To the children of the slum the street is a perilous nursery. For them squalor, disease, and sordid vice have supplanted the traditional blessings of the family sanctuary.

Furthermore, the social trinity is seriously threatened by two opposite tendencies, each of which is, in part, the product of present urban and industrial conditions. On the one hand, marriage is shunned and the home is ceasing to be attractive. For very many club life has stronger

[1] Commons, "The Family," in his *Sociological View of Sovereignty, American Journal of Sociology*, v, 683 ff., 688-689.

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allurements than the connubial partnership. For the poor, sometimes for the rich, the great city has many interests and many places more attractive than the home circle. The spirit of commercial greed and the love of selfish ease, not less than grinding penury, restrain men and women from wedlock. On the other hand, the urban environment has the opposite effect. In the crowded, heterogeneous, and shifting population of the great towns marriages are often lightly made and as lightly dissolved. Indeed, the remarkable mobility of the American people, the habit of frequent migration in search of employment, under the powerful incentives of industrial enterprise, gold-hunting, or other adventure, and under favor of the marvelously developed means of transportation, will account in no small degree for the laxity of matrimonial and family ties in the United States.

Yet these perils, although serious, need not become fatal. They are inherent mainly in industrial institutions which may be scientifically studied and intelligently brought into harmony with the requirements of the social order. The problems of the family are at once ethical, sociological, and economic. If the home is to be rescued from the encroachments of the shop and the factory, it must be earnestly studied in connection with the problems of organized industry and with those of state or municipal control of the great public utilities. Already through improved facilities for rapid transit the evils resulting from dense population are being somewhat ameliorated. Of a truth every penny's reduction in street-railway fares signifies to the family of small means a better chance for pure air, sound health, and a separate home in the suburbs. The dispersion of the city over a broader area at once cheapens and raises the standard of living. Every hour's reduction in the period of daily toil potentially gives more leisure for building, adorning, and enjoying the home.

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There is another result of social evolution which to many persons seems to be just cause of alarm. The liberation of woman in every one of its aspects profoundly involves the destiny of the family. It signifies in all the larger activities of life the relative individualization of one-half of human kind. This means, of course, a weakening of the solidarity of the family group so far as its cohesion is dependent upon the remnants of ancient marital authority. Will the ultimate dissolution of the family, as sometimes predicted, thus become the price of equality and freedom? Or rather, is it not almost certain that in the more salubrious air of freedom and equality there is being evolved a higher type of the family, knit together by ties, sexual, moral, and spiritual, far more tenacious than those fostered by the régime of subjection?

In particular the fear that the higher education of woman, in connection with her growing economic independence, will prove harmful to society through her refusal of matrimony or maternity, appears to be without real foundation. It is true that the birth-rate is falling. So far as this depends upon male sensuality—a prevalent cause of sterility; upon selfish love of ease and luxury—of which men even more than women are guilty; or upon the disastrous influence of the extremes of wealth and poverty—of which women as well as men are the victims—it is a serious evil which may well cause us anxiety; but so far as it is the result of the desire for fewer but better-born children, for which, let us hope, the advancing culture of woman may in part be responsible, it is in fact, a positive social good.

It is true also that, while fewer and fewer marriages in proportion to the population are taking place, men as well as women are marrying later and later in life. The marriage-rate is falling and the average age at which either

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sex marries is rising. Here, again, for the reasons just mentioned, the results are both good and bad. Certain it is that early marriages and excessive child-bearing have been the twin causes of much injury to the human race. It is high time definitively to expose the dual fallacy, derived mainly from ancient military and theological tradition, that early marriages and many children should be favored at all hazards. The gradual advance of the marriage-age man mean better mated parents and more stable families. Moreover, if it be admitted that a falling birth-rate is a sign of national decadence, it should be considered that an increasing population may now be sustained by families smaller than in earlier times. Better sanitation, the scientific mastery of prevention of disease, and the lessening of the ravages of war are producing a decrease in the death-rate which more than keeps pace with the fall in the rate of births. In the last few decades the average length of human life has been considerably increased. Fewer children are born, but they are much better in quality.

There is really no need to be anxious about the destiny of the college woman. It is not marriage or maternity which she shuns; but she is refusing to become merely a child-bearing animal. It is simply wrong wedlock which she avoids. She has a higher ideal of matrimony. The rise of a more refined sentiment of love has become at once a check and an incentive to marriage. With greater economic and political liberty, she is declining to look upon marriage as her sole vocation. As a wife she asks to be admitted to an even partnership with the husband in the nurture of the family and in doing the world's work. Thus the liberation movement means in a high degree the socialization of one-half of the human race.

It is perhaps not surprising that of all the alleged evils

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which threaten the integrity of the family divorce should be commonly looked upon as the most dangerous. In Europe as well as in America the divorce-rate is rising while the marriage-rate is falling. It is higher in the United States than in any other country collecting statistics except Japan. In this instance as in others it does not follow that the individualistic tendency is necessarily vicious. Nowhere in the field of social ethics, perhaps, is there more confusion of thought than in dealing with the divorce question. Divorce is not favored by any one for its own sake. Probably in every healthy society the ideal of right marriage is a lifelong union. But what if it is not right, if the marriage is a failure? Is there no relief? Here a sharp difference of opinion has arisen. Some persons look upon divorce as an evil in itself; others as a "remedy" for, or a "symptom" of, social disease. The one class regards it as a cause; the other as an effect. To the Roman Catholic and to those who believe with him divorce is a sin, the sanction of "successive polygamy," of "polygamy on the installment plan." At the other extreme are those who, like Milton and Humboldt, would allow marriage to be dissolved freely by mutual consent, or even at the desire of either spouse. According to the *prevailing* opinion, as expressed in modern legislation, civil divorce is the logical counterpart of civil marriage. The right of the state to dissolve wedlock is conceded, although it is clear that in marriage the family relation is more vital than the contract by which entrance into it is sanctioned. The rupture of that relation is indeed "revolutionary," as has been strongly insisted upon; but the state in granting divorce is merely declaring a revolution which in reality has already taken place.

Yet divorce is sanctioned by the state as an individual right, and there may be occasions when the exercise of that

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right becomes a social duty. Loose divorce laws may even invite crime. Nevertheless it is fallacious to represent the institution of divorce as in itself a menace to social morality. It is a result and not a cause; a remedy and not the disease. It is not immoral. On the contrary, it is quite probable that drastic, like negligent, legislation is sometimes immoral. It is not necessarily a virtue in a divorce law, as appears often to be assumed, to restrict the application of the remedy regardless of the sufferings of the social body. If it were, the only logical course would be to imitate South Carolina and prohibit divorce entirely. The most enlightened judgment of the age heartily approves of the policy of extending the legal causes so as to include offenses other than the one "scriptural" ground, as being equally destructive of connubial happiness and family well-being. Indeed, considering the needs of each particular society, the promotion of happiness is the only safe criterion to guide the lawmaker either in widening or narrowing the door of escape from the marriage bond.

The divorce movement is a portentous and almost universal incident of modern civilization. Doubtless it signifies underlying social evils, vast and perilous. Yet to the student of history it is perfectly clear that it is but a part of the mighty movement for social liberation which has been gaining in volume and strength ever since the Reformation. According to the sixteenth-century reformer, divorce is a "medicine" for the disease of marriage. It is so to-day in a sense more real than Smith or Bullinger ever dreamed of; for the principal fountain of divorce is bad matrimonial laws and bad marriages. Certain it is that one rises from a detailed study of American legislation with the conviction that, faulty as are our divorce laws, our marriage laws are far worse; while our apathy, our carelessness and levity regarding the safe-

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guards of the matrimonial institution are well-nigh incredible. The centre of the dual problem of protecting and reforming the family is marriage and not divorce.

In fact there has been a great deal of hasty and misdirected criticism of American divorce legislation. Often it rests upon the facts as they were eighteen years ago, when the government report was compiled. Meantime great improvements have been made. Little by little the codes of the fifty-two states and territories, freed from their most glaring faults, are approximating to a common type. If American legislation is on the average more liberal than that of other lands, it would surely be rash to assume that it is worse on that account. The question is: Has American social liberalism, in this regard as in so many other respects, increased the sum of human happiness? Is there any good reason for believing that what De Tocqueville said fifty years ago is not to-day true? "Assuredly," he wrote, "America is the country in the world where the marriage tie is most respected and where the highest and justest idea of conjugal happiness has been conceived."

The divorce movement in America is in part an incident of a great transition phase in social progress. It cannot be denied that the increase in the number of divorces is largely due to the new economic and intellectual position of woman. The wife more frequently than the husband is seeking in divorce a release from marital ills; for in her case it often involves an escape from sexual slavery. Indeed there is crying need of a higher ideal of the marriage relation. While bad legislation and a low standard of social ethics continue to throw recklessly wide the door which opens to wedlock, there must of necessity be a broad way out. How ignorantly, with what utter levity, are marriages often contracted; how many thousands of par-

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ents fail to give their children any serious warning against yielding to transient impulse in choosing a mate; how few have received any real training with respect to the duties and responsibilities of conjugal life? What proper check is society placing upon the marriage of the unfit? Is there any boy or girl so immature, if only the legal age of consent has been reached; is there any "delinquent" so dangerous through inherited tendencies to disease or crime; is there any worn-out debauchee, who cannot somewhere find a magistrate or a priest to tie the "sacred knot?" In sanctioning divorce the welfare of the children may well cause the state anxiety; but are there not thousands of so-called "homes" from whose corrupting and blighting shadow the sooner a child escapes the better both for it and society?

In some measure the problem of the family has now been stated. What are the means available for its solution? The raising of ideals is a slow process. It will come only in relatively small degree through the statute-maker. Yet the function of legislation is important. Good laws constitute a favorable environment for spiritual progress. Already much effective work has been done, yet in almost every direction there is urgent need of reform. In particular our matrimonial law should be thoroughly overhauled. The so-called "common law marriage"—a fruitful source of social anarchy—ought to be absolutely abolished. The illogical and awkward system of optional lay or ecclesiastical celebration should be superseded by obligatory civil marriage on the European model. The administrative system governing the preliminaries of marriage should be amended so as to relieve America from the scandal of clandestine weddings of the St. Joseph (Michigan) pattern. The achievement of a wisely conceived and carefully drafted uniform matrimonial law for

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the entire country ought to be more zealously taken in hand. At present, through the state commissions on uniform legislation, practical workers are urging the adoption of a model statute relating to divorce. Perhaps conventions of groups of states might be used to advantage. In the end it may be found necessary, under a constitutional amendment, to appeal to the federal power. What service could a national legislature render more beneficent than the creation of a code embracing every division of the intricate law of marriage and divorce? Aside from its educational value as a moral force, such a code in material ways would prove a powerful guaranty of social order and stability.

Far more important in the solution of the problem is the function of education. Apparently the salvation of the family must come mainly through the vitalizing, regenerative power of a more efficient moral, physical, and social training of the young. The home and the family must enter into the educational curriculum. In the sphere of the domestic institutions, even more imperatively than in that of politics or economics, there is need of light and publicity. It is vain to turn back the hand on the dial. The process of individualization for the sake of socialization should be frankly accepted. The old coercive bonds of the family cannot be restored. A way must be found to replace them by spiritual ties which will hold father, mother, and child together in the discharge of a common function in the altered environment.

The new social education must grapple fundamentally with the whole group of problems which concern the family, marriage, and the home. Through conscious effort the home should become an educational institution in which the family receives its most intimate training. In the work every grade in the educational structure from

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the university to the kindergarten must have its appropriate share. Already departments of sociology, social science, domestic science, and physical culture are giving instruction of real value; but the training should be broadened and deepened. Moreover, the elements of such a training in domestic sociology should find a place in the public school programme. Where now, except perchance in an indirect or perfunctory way, does the school-boy or girl get any practical suggestion as to home-building, the right social relations of parent and child, much less regarding marriage and the fundamental question of the sexual life? Indeed, almost the entire methodology of such instruction has yet to be devised. Is it visionary to hope that right methods may be developed for safely dealing even with such matters?

In the future educational programme sex questions must hold an honorable place. Progress in this direction may be slow because of the false shame, the prurient delicacy, now widely prevalent touching everything connected with the sexual life. The folly of parents in leaving their children in ignorance of the laws of sex is notorious; yet how much safer than ignorance is knowledge as a shield for innocence!

It is of the greatest moment to society that the young should be trained in the general laws of heredity. Everywhere men and women are marrying in utter contempt of the warnings of science. Domestic animals are literally better bred than are human beings. There must be a higher ideal of sexual choice. Experience shows that in wedlock natural and sexual selection should play a smaller, and artificial selection a larger, rôle; the safety of the social body requires that a check be put upon the propagation of the unfit. Here the state has a function to perform. In the future much more than now, let us hope, the mar-

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riage of persons mentally delinquent or tainted by nereditary disease or crime will be legally restrained.

Moreover, the social culture of the future must consciously foster a higher race-altruism which shall be capable of present sacrifice for the permanent good of the coming generations. A wise sociologist has already outlined the elements of a new science of Eugenics—a science dealing with all the influences which improve and develop to advantage the inborn qualities of the race.[1] Indeed, family sentiment in some measure must yield to race sentiment. Too often at present family sentiment is but an expression of avid selfishness and greed which are no slight hindrance to sociological progress. "When human beings and families rationally subordinate their own interests as perfectly to the welfare of future generations as do animals under the control of instinct," says Dr. Wood[2], "the world will have a more enduring type of family life than exists at present." May we not confidently believe that the family, surmounting the dangers which beset it, is capable of developing new powers and discharging new functions of vital importance to mankind? In the even partnership of the domestic union, knit together by psychic as well as physical ties, the house-father and the house-mother are already becoming more conscious of their higher function and responsibility as father and mother of the race.

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[1] Galton, *Eugenics: Its Definition, Scope, and Aims*, in *American Journal of Sociology*, x, 1 ff.

[2] Dr. Thomas D. Wood, *Some Controlling Ideals of the Family Life of the Future*, 27.

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THE SOCIAL PROBLEMS OF AMERICAN FARMERS

BY KENYON LEECH BUTTERFIELD

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The title of this paper indicates that, for the present purpose, the words "the rural community" have been interpreted to apply chiefly to farmers. Eight millions of our people are classed by the census as "semi-urban." The village problem is an interesting and important field for social investigation, but we shall discuss only the conditions and needs of farmers.

In America the farm problem has not been adequately studied. So stupendous has been the development of our manufacturing industries, so marvelous the growth of our urban population, so pressing the questions raised by modern city life, that the social and economic interests of the American farmer have, as a rule, received minor consideration. We are impressed with the rise of cities like Chicago, forgetting for the moment that half of the American people still live under rural conditions. We are perplexed by the labor wars that are waged about us, for the time unmindful that one-third of the workers of this country make their living immediately from the soil. We are astounded, and perhaps alarmed, at the great centralization of capital, possibly not realizing that the capital in-

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vested in agriculture in the United States nearly equals the combined capital invested in the manufacturing and railway industries. But if we pause to consider the scope and nature of the economic and social interests involved, we cannot avoid the conclusion that the farm problem is worthy of serious thought from students of our national welfare.

We are aware that agriculture does not hold the same relative rank among our industries that it did in former years, and that our city population has increased far more rapidly than has our rural population. We do not ignore the fact that urban industries are developing more rapidly than is agriculture, nor deny the seriousness of the actual depletion of rural population, and even of community decadence, in some portions of the Union. But these facts merely add to the importance of the farm question. And it should not be forgotten that there has been a large and constant growth both of our agricultural wealth and of our rural population. During the last half-century there was a gain of 500 per cent in the value of farm property, while the non-urban population increased 250 per cent. Agriculture has been one of the chief elements of America's industrial greatness; it is still our dominant economic interest, and it will long remain at least a leading industry. The people of the farm have furnished a sturdy citizenship and have been the primary source of much of our best leadership in political, business, and professional life. For an indefinite future a large proportion of the American people will continue to live in a rural environment.

In a thorough discussion of the "social problems of American farmers" it would be desirable first of all to analyze with some detail the general question which we have called the farm problem. Only thus can we understand the social difficulties of the rural community, the

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significance of the social agencies designed to meet those difficulties, and the real ambitions and needs of the farming class. But time will permit merely a concise, and necessarily a somewhat dogmatic, statement of what the writer believes to be the ultimate farm problem in America. We may perhaps most quickly arrive at the conclusion by the process of elimination.

Current agricultural discussion would lead us to think that the farm problem is largely one of technique. The possibilities of the agricultural industry, in the light of applied science, emphasize the need of the farmer for more complete knowledge of soil and plant and animal, and for increased proficiency in utilizing this knowledge to secure greater production at less cost. This is a fundamental need. It lies at the basis of success in farming. But it is not the farm problem.

Business skill must be added, business methods enforced. The farmer must be not only a more skillful produce-grower, but also a keener produce-seller. But the moment we enter the realm of the market we step outside the individualistic aspect of the problem as embodied in the current doctrine of technical agricultural teaching, and are forced to consider the social aspect as emphasized, first of all, in the economic category of price. Here we find many factors—transportation cost, general market conditions at home and abroad, the status of other industries, and even legislative activities. The farm problem becomes an industrial question, not merely one of technical and business skill. Moreover, the problem is one of a successful industry as a whole, not merely the personal successes of even a respectable number of individual farmers. The farming class must progress as a unit.

But have we yet reached the heart of the question? Is the farm problem one of technique, plus business skill,

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plus these broad economic considerations? Is it not perfectly possible that agriculture as an industry may remain in a fairly satisfactory condition, and yet the farming class fail to maintain its status in the general social order? Is it not, for instance, quite within the bounds of probability to imagine a good degree of economic strength in the agricultural industry existing side by side with either a peasant régime or a landlord-and-tenant system? Yet would we expect from either system the same social fruitage that has been harvested from our American yeomanry?

We conclude, then, that the farm problem consists in maintaining upon our farms a class of people who have succeeded in procuring for themselves the highest possible class status, not only in the industrial, but in the political and the social order—a relative status, moreover, that is measured by the demands of American ideals. The farm problem thus connects itself with the whole question of democratic civilization. This is not mere platitude. For we cannot properly judge the significance and the relation of the different industrial activities of our farmers, and especially the value of the various social agencies for rural betterment, except by the standard of class status. It is here that we seem to find the only satisfactory philosophy of rural progress.

We would not for a moment discredit the fundamental importance of movements that have for their purpose the improved technical skill of our farmers, better business management of the farm, and wiser study and control of market conditions. Indeed, we would call attention to the fact that social institutions are absolutely necessary means of securing these essential factors of industrial success. In the solution of the farm problem we must deliberately invoke the influence of quickened means of communication, of coöperation among farmers, of various means of edu-

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cation, and possibly even of religious institutions, to stimulate and direct industrial activity. What needs present emphasis is the fact that there is a definite, real, social end to be held in view as the goal of rural endeavor. The highest possible social status for the farming class is that end.

We may now, as briefly as possible, describe some of the difficulties that lie in the path of the farmers in their ambition to attain greater class efficiency and larger class influence, and some of the means at hand for minimizing the difficulties. A complete discussion of the farm problem should, of course, include thorough consideration of the technical, the business, and the economic questions implied by the struggle for industrial success; for industrial success is prerequisite to the achievement of the greatest social power of the farming class. But we shall consider only the social aspects of the problem.

Rural Isolation

Perhaps the one great underlying social difficulty among American farmers is their comparatively isolated mode of life. The farmer's family is isolated from other families. A small city of perhaps twenty thousand population will contain from four hundred to six hundred families per square mile, whereas a typical agricultural community in a prosperous agricultural state will hardly average more than ten families per square mile. The farming class is isolated from other classes. Farmers, of course, mingle considerably in a business and political way with the men of their trading town and county seat; but, broadly speaking, farmers do not associate freely with people living under urban conditions and possessing other than the rural point of view. It would be venturesome to suggest very definite generalizations with respect to the precise influ-

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ence of these conditions because, so far as the writer is aware, the psychology of isolation has not been worked out. But two or three conclusions seem to be admissible, and for that matter rather generally accepted.

The well-known conservatism of the farming class is doubtless largely due to class isolation. Habits, ideas, traditions, and ideals have long life in the rural community. Changes come slowly. There is a tendency to tread the well-worn paths. The farmer does not easily keep in touch with the rapid modern development, unless the movements or methods directly affect him. Physical agencies which improve social conditions, such as electric lights, telephones, and pavements, come to the city first. The atmosphere of the country speaks peace and quiet. Nature's routine of sunshine and storm, of summer and winter, encourages routine and repetition in the man who works with her.

A complement of this rural conservatism, which at first thought seems a paradox, but which probably grows out of these same conditions of isolation, is the intense radicalism of a rural community when once it breaks away from its moorings. Many farmers are unduly suspicious of others' motives; yet the same people often succumb to the wiles of the charlatan, whether medical or political. Farmers are usually conservative in politics and intensely loyal to party; but the Populist movement indicates the tendency to extremes when the old allegiance is left behind. Old methods of farming may be found alongside ill-considered attempts to raise new crops or to utilize untried machines.

Other effects of rural isolation are seen in a class provincialism that is hard to eradicate, and in the development of minds less alert to seize business advantages and less far-sighted than are developed by the intense industrial

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life of the town. There is time to brood over wrongs, real and imaginary. Personal prejudices often grow to be rank and coarse-fibered. Neighborhood feuds are not uncommon and are often virulent. Leadership is made difficult and sometimes impossible. It is easy to fall into personal habits that may mark off the farmer from other classes of similar intelligence, and that bar him from his rightful social place.

It would, however, be distinctly unfair to the farm community if we did not emphasize some of the advantages that grow out of the rural mode of life. Farmers have time to think, and the typical American farmer is a man who has thought much and often deeply. A spirit of sturdy independence is generated, and freedom of will and of action is encouraged. Family life is nowhere so educative as in the country. The whole family coöperates for common ends, and in its individual members are bred the qualities of industry, patience, and perseverance. The manual work of the schools is but a makeshift for the old-fashioned training of the country-grown boy. Country life is an admirable preparation for the modern industrial and professional career.

Nevertheless, rural isolation is a real evil. Present-day living is so distinctively social, progress is so dependent upon social agencies, social development is so rapid, that if the farmer is to keep his status he must be fully in step with the rest of the army. He must secure the social viewpoint. The disadvantages of rural isolation are largely in the realm of the social relations, its advantages mostly on the individual and moral side. Farm life makes a strong individual; it is a serious menace to the achievement of class power.

A cure for isolation sometimes suggested is the gathering of the farmers into villages. This remedy, however,

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is of doubtful value. In the first place, the scheme is not immediately practicable. About three and one-half billions of dollars are now invested in farm buildings, and it will require some motive more powerful than that inspired by academic logic to transfer, even gradually, this investment to village groups. Moreover, it is possible to dispute the desirability of the remedy. The farm village at best must be a mere hamlet. It can secure for the farmer very few of the urban advantages he may want, except that of permitting closer daily intercourse between families. And it is questionable if the petty society of such a village can compensate for the freedom and purity of rural family life now existing. It may even be asserted with some degree of positiveness that the small village, on the moral and intellectual sides, is distinctly inferior to the isolated farm home.

At the present time rural isolation in America is being overcome by the development of better means of communication among farmers who still live on their farms. So successful are these means of communication proving that we cannot avoid the conclusion that herein lies the remedy. Improved wagon-roads, the rural free mail delivery, the farm telephone, trolley-lines through country districts, are bringing about a positive revolution in country living. They are curing the evils of isolation, without in the slightest degree robbing the farm of its manifest advantages for family life. The farmers are being welded into a more compact society. They are being nurtured to greater alertness of mind, to greater keenness of observation, and the foundations are being laid for vastly enlarged social activities. The problem now is to extend these advantages to every rural community—in itself a task of huge proportions. If this can be done and isolation can be reduced to a minimum, the solution of all the other rural social problems will become vastly easier.

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Farmers' Organization

Organization is one of the pressing social problems that American farmers have to face. The importance of the question is intrinsic, because of the general social necessity for coöperation which characterizes modern life. Society is becoming consciously self-directive. The immediate phase of this growing self-direction lies in the attempts of various social groups to organize their powers for group advantage. And if, as seems probable, this group activity is to remain a dominant feature of social progress, even in a fairly coherent society, it is manifest that there will result more or less of competition among groups.

The farming class, if at all ambitious for group influence, can hardly avoid this tendency to organization. Farmers, indeed, more than any other class, need to organize. Their isolation makes thorough organization especially imperative. And the argument for coöperation gains force from the fact that relatively the agricultural population is declining. In the old day farmers ruled because of mere mass. That is no longer possible. The naïve statement that "farmers must organize because other classes are organizing" is really good social philosophy.

In the group competition just referred to there is a tendency for class interests to be put above general social welfare. This is a danger to be avoided in organization, not an argument against it. So the farmers' organization should be guarded, at this point, by adherence to the principle that organization must not only develop class power, but must be so directed as to permit the farmers to lend the full strength of their class to general social progress.

Organization thus becomes a test of class efficiency, and consequently a prerequisite for solving the farm problem. Can the farming class secure and maintain a fairly com-

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plete organization? Can it develop efficient leaders? Can it announce, in sound terms, its proposed group policy? Can it lend the group influence to genuine social progress? If so, the organization of farmers becomes a movement of preëminent importance.

Organization, moreover, is a powerful educational force. It arouses discussion of fundamental questions, diffuses knowledge, gives practice in public affairs, trains individuals in executive work, and, in fine, stimulates, as nothing else can, a class which is in special need of social incentive.

Organization is, however, difficult of accomplishment. While it would take us too far afield to discuss the history of farmers' organizations in America, we may briefly suggest some of the difficulties involved. For forty years the question has been a prominent one among the farmers, and these years have seen the rise and decline of several large associations. There have been apparently two great factors contributing to the downfall of these organizations. The first was a misapprehension, on the part of the farmers, of the feasibility of organizing themselves as a political phalanx; the second, a sentimental belief in the possibilities of business coöperation among farmers, more especially in lines outside their vocation. There is no place for class politics in America. There are some things legislation cannot cure. There are serious limitations to coöperative endeavor. It took many hard experiences for our farmers to learn these truths. But back of all lie some inherent difficulties, as, for instance, the number of people involved, their isolation, sectional interests, ingrained habits of independent action, of individual initiative, of suspicion of others' motives. There is often lack of perspective and unwillingness to invest in a procedure that does not promise immediate returns. The mere fact of failure has discredited the organization idea. There

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is lack of leadership; for the farm industry, while it often produces men of strong mind, keen perception, resolute will, does not, as a rule, develop executive capacity for large enterprises.

It is frequently asserted that farmers are the only class that has not organized. This is not strictly true. The difficulties enumerated are real difficulties and have seriously retarded farm organization. But if the progress made is not satisfactory, it is at least encouraging. On the purely business side, over five thousand coöperative societies among American farmers have been reported. In coöperative buying of supplies, coöperative selling of products, and coöperative insurance the volume of transactions reaches large figures. A host of societies of a purely educational nature exists among stock-breeders, fruit-growers, dairymen. It is true that no one general organization of farmers, embracing a large proportion of the class, has as yet been perfected. The nearest approach to it is the Grange, which, contrary to a popular notion, is in a prosperous condition, with a really large influence upon the social, financial, educational, and legislative interests of the farming class. It has had a steady growth during the past ten years, and is a quiet but powerful factor in rural progress. The Grange is, perhaps, too conservative in its administrative policy. It has not at least succeeded in converting to its fold the farmers of the great Mississippi Valley. But it has workable machinery, it disavows partisan politics and selfish class interests, and it subordinates financial benefits, while emphasizing educational and broadly political advantages. It seems fair to interpret the principles of the Grange as wholly in line with the premise of this paper, that the farmers need to preserve their status, politically, industrially, and socially, and that organization is one of the fundamental methods

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they must use. The Grange, therefore, deserves to succeed, and indeed is succeeding.

The field of agricultural organization is an extensive one. But if the farm problem is to be satisfactorily solved, the American farmers must first secure reasonably complete organization.

Rural Education

It is hardly necessary to assert that the education of that portion of the American people who live upon the land involves a question of the greatest significance. The subject naturally divides itself into two phases, one of which may be designated, as rural education proper, the other as agricultural education. Rural education has to do with the education of people, more especially of the young, who live under rural conditions; agricultural education aims to prepare men and women for the specific vocation of agriculture. The rural school typifies the first; the agricultural school, the second. Rural education is but a section of the general school question; agricultural education is a branch of technical training. These two phases of the education of the farm population meet at many points, they must work in harmony, and together they form a distinct educational problem.

The serious difficulties in the rural school question are perhaps three: first, to secure a modern school, in efficiency somewhat comparable to the town school, without unduly increasing the school tax; second, so to enrich the curriculum and so to expand the functions of the school that the school shall become a vital and coherent part of the community life, on the one hand translating the rural environment into terms of character and mental efficiency, and on the other hand serving perfectly as a stepping-stone

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to the city schools and to urban careers; third, to provide adequate high-school facilities in the rural community.

The centralization of district schools and the transportation of pupils will probably prove to be more nearly a solution of all these difficulties than will any other one scheme. The plan permits the payment of higher wages for teachers and ought to secure better instruction; it permits the employment of special teachers, as for nature-study or agriculture; it increases the efficiency of superintendence; it costs but little, if any, more than the district system; it leaves the school amid rural surroundings, while introducing into the school-room itself a larger volume, so to speak, of world-atmosphere; it contains possibilities for community service; it can easily be expanded into a high school of reputable grade.

There are two dangers, both somewhat grave, likely to arise from an urgent campaign for centralization. Even if the movement makes as great progress as could reasonably be expected, for a generation to come a large share, if not a major portion, of rural pupils will still be taught in the small, isolated, district school; there is danger that this district school may be neglected. Moreover, increased school machinery always invites undue reliance upon machine-like methods. Centralization permits, but does not guarantee, greater efficiency. A system like this one must be vitalized by constant and close touch with the life and needs and inspirations of the rural community itself.

Wherever centralization is not adopted, the consolidation of two or three schools—a modified form of centralization—may prove helpful. Where the district school still persists, there are one or two imperative requirements. Teachers must have considerably higher wages and longer tenure. There must be more efficient supervision. The state must assist in supporting the school, although only

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in part. The small schools must be correlated with some form of high school. The last point is of great importance because of the comparative absence in country communities of opportunity near at hand for *good* high-school training.

Agricultural education is distinctively technical, not in the restricted sense of mere technique or even of applied science, but in the sense that it must be frankly vocational. It has to do with the preparation of men and women for the business of farming and for life in the rural community.

Agricultural education should begin in the primary school. In this school the point of view, however, should be broadly pedagogical rather than immediately vocational. Fortunately, the wise teaching of nature-study, the training of pupils to know and to love nature, the constant illustrations from the rural environment, the continual appeal to personal observation and experience, absolute loyalty to the farm point of view, are not only sound pedagogy, but from the best possible background for future vocational study. Whether we call this early work "nature-study" or call it "agriculture" matters less than that the fundamental principle be recognized. It must first of all *educate*. The greatest difficulty in introducing such work into the primary school is to secure properly equipped teachers.

Perhaps the most stupendous undertaking in agricultural education is the adequate development of secondary education in agriculture. The overwhelming majority of young people who secure any agricultural schooling whatever must get it in institutions that academically are of secondary grade. This is a huge task. If developed to supply existing needs, it will call for an enormous expenditure of money and for the most careful planning. From

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the teaching viewpoint it is a difficult problem. Modern agriculture is based upon the sciences; it will not do, therefore, to establish schools in the mere art of farming. But these agricultural high schools must deal with pupils who are comparatively immature, and who almost invariably have had no preparation in science. Nor should the courses at these schools be ultra-technical. They are to prepare men and women for life on the farm—men and women who are to lead in rural development, and who must get some inkling at least of the real farm question and its solution. The agricultural school, therefore, presents a problem of great difficulty.

A perennial question in agricultural education is: What is the function of the agricultural college? We have not time to trace the history of these colleges, nor to elaborate the various views relative to their mission. But let us for a moment discuss their proper function in the light of the proposition that the preservation of the farmers' status is the real farm problem, for the college can be justified only as it finds its place among the social agencies helpful in the solution of the farm question.

In so far as the agricultural college, through its experiment station or otherwise, is an organ of research, it should carry its investigations into the economic and sociological fields, as well as pursue experiments in soil fertility and animal nutrition.

In the teaching of students, the agricultural college will continue the important work of training men for agricultural research, agricultural teaching, and expert supervision of various agricultural enterprises. But the college should put renewed emphasis upon its ability to send well-trained men to the farms, there to live their lives, there to find their careers, and there to lead in the movements for rural progress. A decade ago it was not easy to find col-

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leges which believed that this could be done, and some agricultural educators have even disavowed such a purpose as a proper object of the colleges. But the strongest agricultural colleges to-day have pride in just such a purpose. And why not? We not only need men thus trained as leaders in every rural community, but if the farming business cannot be made to offer a career to a reasonable number of college-trained men, it is a sure sign that only by the most herculean efforts can the farmers maintain their status as a class. If agriculture must be turned over wholly to the untrained and to the half-trained, if it cannot satisfy the ambition of strong, well-educated men and women, its future, from the social point of view, is indeed gloomy.

The present-day course of study in the agricultural college does not, however, fully meet this demand for rural leadership. The farm problem has been regarded as a technical question, and a technical training has been offered the student. The agricultural college, therefore, needs "socializing." Agricultural economics and rural sociology should occupy a large place in the curriculum. The men who go from the college to the farm should appreciate the significance of the agricultural question, and should be trained to organize their forces for genuine rural progress. The college should, as far as possible, become the leader in the whole movement for solving the farm problem.

The farm home has not come in for its share of attention in existing schemes of agricultural education. The kitchen and the dining-room have as much to gain from science as have the dairy and the orchard. The inspiration of vocational knowledge must be the possession of her who is the entrepreneur of the family, the home-maker. The agricultural colleges, through their depart-

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ments of domestic science—better, of "home-making"—should inaugurate a comprehensive movement for carrying to the farm home a larger measure of the advantages which modern science is showering upon humanity.

The agricultural college must also lead in a more adequate development of extension teaching. Magnificent work has already been done through farmers' institutes, reading courses, coöperative experiments, demonstrations, and correspondence. But the field is so immense, the number of people involved so enormous, the difficulties of reaching them so many, that it offers a genuine problem and one of peculiar significance, not only because of the generally recognized need of adult education, but also because of the isolation of the farmers.

It should be said that in no line of rural betterment has so much progress been made in America as in agricultural education. Merely to describe the work that is being done through nature-study and agriculture in the public schools, through agricultural schools, through our magnificent agricultural colleges, through farmers' institutes, and especially through the experiment stations and the federal Department of Agriculture in agricultural research and in the distribution of the best agricultural information—merely to inventory these movements properly would take the time available for this discussion. What has been said relative to agricultural education is less in way of criticism of existing methods than in way of suggestion as to fundamental needs.

The Ethical and Religious Problem.

Wide generalizations as to the exact moral situation in the rural community are impossible. Conditions have not been adequately studied. It is probably safe to say that the country environment is extremely favorable for pure family

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life, for temperance, and for bodily and mental health. To picture the country a paradise is, however, mere silliness. There are in the country, as elsewhere, evidences of vulgarity in language, of coarseness in thought, of social impurity, of dishonesty in business. There is room in the country for all the ethical teaching that can be given.

Nor is it easy to discuss the country church question. Conditions vary in different parts of the Union, and no careful study has been made of the problem. As a general proposition it may be said that there are too many churches in the country, and that these are illy supported. Consequently, they have in many cases inferior ministers. Sectarianism is probably more divisive than in the city, not only because of the natural conservatism of the people and a natural disinclination to change their views, but because sectarian quarrels are perhaps more easily fomented and less easily harmonized than anywhere else. Moreover, in the city a person can usually find a denomination to his liking. In the country, even with the present overchurched condition, this is difficult.

The ideal solution of the country church problem is to have in each rural community one strong church adequately supported, properly equipped, ministered to by an able man —a church which leads in community service. The path to the realization of such an ideal is rough and thorny. Church federation, however, promises large results in this direction and should be especially encouraged.

Whatever outward form the solution of the country church question may take, there seems to be several general principles involved in a satisfactory attempt to meet the issue. In the first place, the country church offers a problem by itself, socially considered. Methods successful in the city may not succeed in the country. The country church question must then be studied thoroughly and on the ground.

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Again, the same principle of financial aid to be utilized in the case of the schools must be invoked here. The wealth of the whole church must contribute to the support of the church everywhere. The strong must help the weak. The city must help the country. But this aid must be given by coöperation, not by condescension. The demand cannot be met by home missionary effort nor by church-building contributions; the principle goes far deeper than that. Some device must be secured which binds together the whole church, along denominational lines if must be, for a full development of church work in every community in the land.

Furthermore, there is supreme necessity for adding dignity to the country parish. Too often at present the rural parish is regarded either as a convenient laboratory for the clerical novice, or as an asylum for the decrepit or inefficient. The country parish must be a parish for our ablest and strongest. The ministry of the most Christlike must be to the hill-towns of Galilee as well as to Jerusalem.

There is still another truth that the country church cannot afford to ignore. The rural church question is peculiarly interwoven with the industrial and social problems of the farm. A declining agriculture cannot foster a growing church. An active church can render especially strong service to a farm community, in its influence upon the religious life, the home life, the educational life, the social life, and even upon the industrial life. Nowhere else are these various phases of society's activities so fully members one of another as in the country. The country church should coöperate with other rural social agencies. This means that the country pastor should assume a certain leadership in movements for rural progress. He is splendidly fitted, by the nature of his work and by his position in the community, to coöperate with earnest farmers for the social

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and economic, as well as the moral and spiritual, upbuilding of the farm community. But he must know the farm problem. Here is an opportunity for theological seminaries: let them make rural sociology a required subject. And, better, here is a magnificent field of labor for the right kind of young men. The country pastorate may thus prove to be, as it ought to be, a place of honor and rare privilege. In any event, the country church, to render its proper service, not alone must minister to the individual soul, but must throw itself into the struggle for rural betterment, must help solve the farm problem.

Federation of Forces.

The suggestion that the country church should ally itself with other agencies of rural progress may be carried a step farther. Rural social forces should be federated. The object of such federation is to emphasize the real nature of the farm problem, to interest many people in its solution, and to secure the coöperation of the various rural social agencies each of which has its sphere, but also its limitations. The method of federation is to bring together, for conference and for active work, farmers, especially representatives of farmers' organizations, agricultural educators, rural schoolteachers and supervisors, country clergymen, country editors, in fact, all who have a genuine interest in the farm problem. Thus will come clearer views of the questions at issue, broader plans for reform, greater incentive to action, and more rapid progress.

Conclusion

In this brief analysis of the social problems of American farmers it has been possible merely to outline those aspects of the subject that seem to be fundamental. It is hope that the importance of each problem has been duly emphasized,

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that the wisest methods of progress have been indicated. and that the relation of the various social agencies to the main question has been clearly brought out. Let us leave the subject by emphasizing once more the character of the ultimate farm problem. This problem may be stated more concretely, if not more accurately, than was done at the opening of the paper, by saying that the ideal of rural betterment is to preserve upon our farms the typical American farmer. The American farmer has been essentially a middle-class man. It is this type we must maintain. Agriculture must be made to yield returns in wealth, in opportunity, in contentment, in social position, sufficient to attract and to hold to it a class of intelligent, educated American citizens. This is an end vital to the preservation of American democratic ideals. It is a result that will not achieve itself; social agencies must be invoked for its accomplishment. It demands the intelligent and earnest coöperation of all who love the soil and who seek America's permanent welfare.

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THE RELATIONS OF THE URBAN COMMUNITY TO OTHER BRANCHES OF SOCIAL SCIENCE

BY J. JASTROW

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IF we want to gain information about the relations of the subject of this paper, the urban community, to kindred sciences, we proceed in the easiest way by considering that the urban community has three other communities beneath itself, above itself, and at its side: beneath itself the family, above itself the state, and at its side the rural community.

I

Wherever an urban community formed itself, it found the already existing family; by this fact it has been directed in its development. Nowhere is the urban community an original community grown out of individuals, but it is everywhere a coalition of existing social formations. The formation of a higher order is determined by the elements from which it has grown. And even to-day, after the urban community has long ago attained to independent activity separated from the

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family, the influence of that origin is still evident in the selection of the objects of its activity. Perhaps there is no country in which this dependency is more apparent than in Germany.

The principal objects of activity of a German urban community, *i. e.*, those which bring the greater part of the citizens, either actively or passively, in contact with the community and which characterize the urban community, are the school and charities. Both are an integral part of familiar activity.

The school originated when a part of education, instruction, was separated from the family and instituted for several families in common. The municipal school is an institution established for the purpose of making this part of education common to all families of the city (or to make the common education possible). As long as the families paid school fees according to the number of the children using the school, the public school was a common institution of all participating families. Where the fees are abolished this connection is dissolved and a part of the familiar duties have been transferred to the community. But now the different parts of education are so closely connected that no part could be separated from the whole without drawing other parts along. Even the school libraries which furnish the pupils reading material in their leisure hours recognize that the child is, in a certain measure, under their supervision and care during the time in which it does not go to school. Since not only mental but also physical culture is the object of instruction, and since special stress must be laid upon this in accordance with the old saying, "*mens sana in corpore sano*," also the care of the body becomes a part of the activity of this institution. The cities begin, therefore, to connect baths with the institutions (*Schul-brausebäder*), and the sanitary supervision, in the hands of school physi-

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cians, is performed from the higher point of view that in a country with universal education this supervision gives the best opportunity to review the sanitary condition of the future generation and to prevent, at least with good advice and little remedies, the diseases of eyes, teeth, etc., on which the necessary care is not bestowed in the families, as experience has shown. Free instruction contains the recognition that the community has taken up this part of education instead of the family. From this the deduction is made that the community must furnish not only the common means of instruction, but also the individual means for every child, not only the means of teaching, but also of learning. To a certain degree an agreement in this much-disputed demand has been reached, inasmuch as it is considered to be, under all circumstances, the duty of the school administration to provide children with school-books. There is still a controversy whether this provision shall become general or shall be confined to the cases of poor families (more expressly: whether the provision of school-books shall be general or subsidiary). If, according to the Latin proverb, *"plenus venter non studet libenter,"*—a full stomach is not inclined to study,—certainly an empty one is less capable of it. The impossibility to instruct hungry children urges the necessity of feeding the pupils; it is done as a formal school institution (in Switzerland, and in Norway) or in connection with charitable societies, as is preferred in Germany. This development is spreading fast. Now the needs of life urge to proceed from feeding of children also to clothing them (to furnish shoes in mountainous regions); now the apparently useless recreations which make life more enjoyable cause play and sport to be added to instruction; they open an infinite space for the extension of the school to activities which had formerly belonged to the family. In no country of the world is this more evident than in America.

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But also in other respects the activity of the urban community of the public school draws its objects from the family. Formerly the family itself had been the school for the education of the girls; the daughters received their education for their duties as mother and wife by their activity in the family. The more the family is dissolved by the drift of the women to the trades, and the more the home education is impaired, the more the family is in danger of losing that important historical connection which is founded upon the tradition of the mother to her daughter. Here the school appears as a remedy, as it offers instruction to girls in domestic science for their future activity in the family.

The familiar origin of urban activity shows itself also in charity, in a different way but not less clearly, either in public institutions for the poor or in the care for the poor in their homes. In either case urban charity has the same object as the care of the family for its members. Only in one instance the activity of the family is entirely replaced; in the other it is supplemental; this difference determines the two systems of the charity administration. English charity, a large indoor relief system, gives every one who does not find in the family what life demands, a compensation, but it demands (at least according to the rules) that the poor give up his family and move into the urban poorhouse; only exceptionally he is supported while living within the family. The opposite system is followed in Germany: as long as it is possible, the poor is permitted to remain in his abode, and urban charity furnishes only the necessary additional support; only in exceptional instances, if no other way is possible, is the poor separated from his family and sent to the poorhouse. But in either system familiar duties are transferred to the city. It would be a mistake to believe that this development is confined to those countries in which legislation recognizes the obligation of charity. There are no

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longer any large cities without public charity, whether legislation urges it or not. France is considered the classical country of exclusively voluntary charity. But while French legislation has not mentioned expressly the obligation to establish administrations of charity, it has instituted obligatory branches of charity for a great many special cases, so that France surpasses, in many respects, even the countries with obligatory charity; and where charity is voluntary, it is voluntary not only for the individuals but also for the communities, the largest of which have gone farthest in performing voluntary charitable duties. In the United States of America, where there is no uniform system and where all intermediate degrees from strictly voluntary to completely obligatory charity exist, the necessity of uniform administration appeared most urgent in the urban centres of population. As London has set an example by its *Charities Directory,* so did New York with the great idea of the local concentration of its charitable institutions. A constantly growing circle of private, of familiar activity occupies itself with charity, by rising from the idea of removing existing need to the higher idea of preventive charity. Thus the administrations of charity either endeavor to improve sanitary conditions as sources of pauperism, or they attempt to diminish the lack of employment and occupation by caring for finding work more easily, by erecting small houses at the right time in order to prevent the ill effects of abnormal high rates of renting, etc. With all these aspirations charity does not create any new objects of its activity, but it selects certain activities from those of the family which are appropriate for the wide circle of the community. Charity is the intermediate stage through which a number of activities pass in order to be taken out of the hands of the family and to be performed at first only under compulsion of necessity and in a provisory manner, and later to become a problem of enormous significance.

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For example: To procure a dwelling is the matter of the family. A place of refuge for the homeless and the inducement to build little cottages when no houses are available is a provisory assistance through charity; the policy of land and of home is a great modern communal problem.

While school and charity demonstrate, especially by the example of Germany, that the sphere of communal activity is determined by the condition that the authority finds everywhere the family, yet a number of other urban problems represent activity taken from the family, as water-supply and canalization. Often it is said that the modern technic has not done anything to facilitate housekeeping, since the wife stands even to-day at the primitive hearth and must work with the same primitive utensils which her great-grandmothers and their ancestors had possessed. But in those days housekeeping comprised also carrying water into the house and removing the garbage. To-day it is difficult to imagine how in high apartment houses the burdens of housekeeping could be overcome, if these two functions had not been taken by the urban community from the family. And this transition was accomplished so thoroughly that it is not even noticed, because it does not occur any more to any one that the powerful accomplishments of modern technic in water-supply and canalization are only common activities of housekeeping.

II

As the little cell of the family exists beneath the urban community, so there is, above it, the great encompassing circle of the state. (Department 20, Section C, "National Administration"). Here, however, the features of a uniform typical picture cannot be ascertained; but two absolutely different cases must be distinguished: First, the state, extended over wide areas which needs a division into pro-

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vinces for its own purpose. Even if a subdivision is made, the smallest district will still be apt to contain several settlements. By mere self-division a state does not yet attain to formation of communities; an urban community cannot be spoken of, because there does not exist any local community. In this wise, we must think, the old division into counties and hundreds in entire western Europe was made in the epoch when the Roman-Germanic states were constituted. If in reality sometimes the smallest district, the hundred, coincided with a settlement, it was a mere accident. This can still be seen in countries where the constitution of the parish depends upon geographical division. Even the smallest district, the parish, comprises the parochial village with the filial villages. By accident the entire parish may be one settlement, no more nor less; but usually either the parish will comprise several settlements, or a large urban settlement will be divided into several parishes.

The opposite extreme we find, if the community itself is the state. The classical example for this city-state is Athens. Here the commonwealth has never been anything else but the community of the Athenian citizens. The market-place where they assembled to discuss the affairs of their community and their environs remained the centre in which the most important affairs of an insular empire were decided, whose members are considered only allies of the Athenians. In a great measure the same was repeated at Rome. The city of Rome remained the Roman commonwealth (*respublica Romana*). Only he who possessed citizens' rights in this city was a citizen of the empire. In order to appease the revolting Itali, who wanted to have their share in the government, no other means could be found than to grant them citizens rights in the city of Rome. And the unity of the empire, as it was understood since Caracalla, was only founded upon the fact that every inhabitant of each province

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of the far-spread empire was simultaneously a citizen of the city of Rome. While city and family stood in close relations from the very beginning, the relations between state and city cannot be traced on those distinctly visible lines which pointed out the ways to the statesman.

The embodiment of free urban communities into a firmly organized state is a problem. An important part of the difficulties in the structure of the administrative organization of the different states has to deal with this one problem. How difficult it is to comprehend, in this regard, national peculiarities is shown especially by the various, partly contrasting opinions which can be heard, in a foreign country, about the condition of the urban communities of Germany.

Frequently one finds there the notion that a free civic activity does not exist at all in Germany. This conception was formed in consequence of certain occurrences in German urban life which have gained publicity and attracted greatest attention. These were cases in which the government of the state had not sanctioned the elections of mayors and members of the magistracy. Of foreigners who have spent some time in Germany, especially of Americans, one hears quite often the opposite opinion, that they were astonished by the great, free, and fruitful activity of citizens' spirit which they recommend to their own countries as an example. In reality, either conception is correct; there exist limitations for the German cities which are unconformable to citizens' self-administration and, as the experience of other states shows, unnecessary for the purpose of a firm state organization. But there remains, nevertheless, a considerable space for free activity, for great aims. However conscious we must remain in Germany that we have to strive after the improvement of the position which is prescribed to the cities in the state, yet we are not forced, in view of this need of improvement, to decline the favorable judgment of

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the foreign nations about the accomplishment and partly also the organization of our cities. We must not believe that the difficult problem of the embodiment of the free city into the German state organism has been solved; but we may probably accept the complement that a remarkable attempt is made in this line. The difficulties to be considered can be clearly seen from history.

From the thirteenth to the sixteenth century the urban development of entire western Europe bears that bold feature of autonomic expansion of culture and power which we have seen in the ancient "city-states" of Athens and Rome. The history of Italy consists almost exclusively of the history of its urban communities. If Milan sacks Lodi and Como, this means that in its realm no other citizen's right shall exist besides the Milanese. At the time of the Crusades, Genoa and Venice founded a circle of settlements around the eastern part of the Mediterranean Sea which had their common government in the city authorities of Venice and Genoa. The same was the case when in Spain the urban community of Barcelona took an equally independent position by which it was enabled to establish its own maritime law and to spread it among all maritime nations; when the Provençal and French cities, at the time of the great wars with the English kings, appeared as independent powers, and when in Germany Lübeck and its allies engaged in northern European politics with the supremacy over Scandinavian empires. In Germany the development was furthered by the assumption that the monarch, by virtue of his imperial title, was at the same time the lord of the world; even the recognition of their belonging to the empire did not, therefore, diminish their independence. This period of the independency of the cities was followed in Germany by an epoch (about from the sixteenth to the eighteenth century) of rising princely territorial power which forced the cities

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into the greater organism, justifying their despotism by their utility. In a third period beginning with Stein's municipal order (*Stein's Städteordnung*) an attempt is made to reanimate the free forces of the citizens and to retain them nevertheless in connection with the state. In four years Prussia and Germany will celebrate the centennial anniversary of this law enacted in 1808; but we stand, nowadays, still in the midst of the attempt which had then only been begun.

The relations between city and state go far beyond politics and administration; it is only a section from the problem of the relations between large centres of population and the community of the people. As an example of the influence of a capital upon the entire country, always the position is mentioned which Paris holds in France. Not only the three great French revolutions have originated in Paris, but also literary taste, theater, painting, sculpture and architecture, the fashions are dictated to the country by Paris. The very contrary relations exist in America. The founders of the Union have placed the seat of the government in a city which should be nothing more but the seat of the federal authorities. And, although Washington has developed, contrary to the intentions of its founders, into a metropolis and enjoys to-day the just reputation of being one of the most beautiful cities of the world, yet this urban community has never been of much political importance in the history of the Union. Its inhabitants, excluded from the right of voting, are rather bound to let themselves be ruled than to claim predominance. While in the position which Paris takes in France there is still a faint remembrance of the ancient city-state, Washington represents the strongest logical contrast. Also in the whole intellectual life of the American people there is no movement that has taken its issue from the population of Washington.

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III

The urban community which has beneath itself the family and above itself the state, has at its side the rural community. Although much has been written about the difference between urban and rural communities, yet the simple truth should not be forgotten that the natural difference between city and village is in their size. That the city is large and the village is small, nobody will dispute. Only in the question where the limit shall be drawn, the opinions differ. Frequently it is said that only the metropolis, cities with more than one hundred thousand inhabitants, are real cities. This opinion imparts to the word "city" a significance that never before had been attached to it. If the languages of all peoples have formed the word "city" without thinking of a large city, there must be something which the smallest communities (that may still be named cities) have in common with the largest centres of population and which, at the same time, separates them from the still smaller places, the villages. It is not difficult to find it out. One needs only wander from village to village, for a few weeks, and then arrive in a town of two to three thousand inhabitants in order to become aware of the difference. There one can find shelter only through a village's good will or be received hospitably by some one who only occasionally accommodates a transient stranger, though he is not a professional hotel-keeper. Here one finds regular hotels which provide for the stranger. There it is difficult to find a servant who can do the most necessary repairing of clothing, and, in emergencies, as sickness, one is helpless. Here one finds tailors, shoemakers, physicians, druggists, etc. The city begins with the division of labor.

In this point our subject does not only approach the subject of industrial common life (Department 22, Section D,*

* The program of the Congress is not exactly followed in this arrangement of the lectures.—Ed.

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"The Industrial Group,") and economic history (Department 19, Section A), but also the whole large group of social culture (Division G). I shall add some words about the manifold relations of urban life to social culture. In social regard the city differs from the country in two points: the *few* inhabitants of a village are, generally considered, *homogeneous;* the *many* inhabitants of the city are *dissimilar.* These combined factors give the urban community its importance in the cultural movement.

In the programme of this Congress under "Social Culture" the topics "Education" and "Religion" are discussed. Of the first group, Education (Department 23), we have discussed at length one of the most important points, the School (Section B), as an example to show how the urban community takes its tasks from the familiar community. The school is certainly not an urban, but just as well a rural institution; it belongs to the urban community not because this is a city but a community. But no other example demonstrates so clearly that the solution of the cultural problems of the community is really reached except in the urban communities. Also in all other points of this Department (23) the enormous urban influence becomes manifest. The educational theories originated in cities. The two great founders of modern pedagogy, Rousseau and Pestalozzi, have sprung from cities. The universities can, in their modern organization, be traced back, in Europe as well as in America, to the model established by Bologna and Paris, centres of urban culture. The numerous foundations of universities in the fourteenth and fifteenth centuries were made exclusively in cities; they represented the reaction against the older, monastic, world-shunning learnedness, as also only those monastic orders took hold of them, which in the two preceding centuries had sought their seats not in rural loneliness, but in the cities, and were supported there by the people, the beggar monks, the mendicant friars.

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If we call the cities centres of culture, we want to express, of course, that they shall not wish to retain their acquired possession of culture. They city acquires cultural treasures, but only in order to let them radiate and in order to begin, thereupon, the work began on new materials. Its educational work is a constant renunciation of acquired privileges. This is shown especially clearly in America in the history of the library movement. This movement has begun especially in the cities. First it was the ambition of each city to surpass the country by the possession of a public library, accessible to everybody. To-day it is the ambition of the cities to induce the country to follow their example. On my wanderings through small towns on the coast of Massachusetts I have visited, in each place, the public libraries, such as in no European state have been carried out into the villages.

The country can, however, claim for itself a certain superiority in religious culture (Department 24), much rather than in education. The development of Buddhism proves that rural solitude and contemplation are able to imprint their stamp upon great world religions. But Christianity shows the influence of urban culture. Though the origin of Christianity may be found in the synagogue of Capernaum, a little community, almost more rural than term-like, that was so poor that it had to accept its house of worship as the donation of the foreign captain, yet the work of the founder of this religion attained to its penetrating significance only when He stepped upon the soil of the city. And this fact lives still in tradition so powerfully that it is scarcely comprehended that Christ passed but few days in Jerusalem. The founder of the Mohammedan religion was a merchant, and even in the oldest doctrines of Islam the interest in communication becomes evident. The connection of religious and urban culture is shown also by the fact that a sanctuary

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and sacred place to which the processions of many pilgrims are directed bears in itself the germ of an urban centre; not only Mecca and Medina, but also the Parthenon and Capitol, the height of Zion, the medieval Rome, and the multitude of bishops' seats in all European countries. And even if, now, we want to designate the life after death with a worldly metaphor, we do not select any of those steads, removed from the world, which have induced lonesome men to contemplative meditation about the last truths, but we select even now the idea of an urban community and we speak of the "heavenly Jerusalem."

The universal cultural significance of the urban community is also expressed by the secondary meaning which the expression "urban" has in various languages. As in classical Latin *urbanus* and *rusticus* point out the difference between higher and inferior culture, so the word "urbane" is still used to denote refined manners, contrary to boorish manners. But we find also, in languages, traces of that mission of the city to spread culture and to gain advantages only in order to let others partake of them. From the city the word "citizen" is derived, as "burgher" from burgh and borough, and *citoyen* from *cité*. But after the citizens' rights and duties had been placed in relations of more general validity, they were transferred to the larger community.

The notion of the citizen is probably the most important contribution made by the urban communities to modern political culture.

Literature

My treatise occupies itself merely with the formal character of the urban community. Only through examples has it been shown how its formal peculiarities find actual expression. To treat exhaustively this part of the subject

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it would be necessary to discuss all branches of urban administration. But this is the subject of a special theme (Department 20, Section E, "Municipal Administration"). By means of the different branches of administration the doctrine of the urban community is connected with each human discipline whose object can become in some way the object of administration; hence not only, as has been shown by an example, by means of the school administration with the entire pedagogical science, but likewise by means of the sanitary administration with medical science (Department 17), by means of the administration of buildings and ways with the entire science of engineering and architecture (Department 18; *cf.* the example of water-supply and canalization), by means of the administration of transportation and economics with political economy (Department 19), etc. All these connections are left to Department 20, Section E, which, in a certain sense, runs parallel to this section. But in the following review of the literature I shall consider it at least so much that a bridge is formed for the investigator.

German literature or urban community is split in three literary directions, that exist side by side almost without mutual contact; the historical, juristic, and administrative.

Historical literature, especially the literature on the origin of the German municipal constitution, is very copious. Into the hypotheses concerning this origin Heusler attempted to bring light by his orientating treatise. Although more than thirty years have elapsed since, this orientating treatise is still indispensable. (A. Heusler, *Der Ursprung der deutschen Städteverfassung,* Weimar, 1872.) Doch muss für den gegenwärtigen Stand der Forschung hinzugenommen werden: *K. Hegel, die Entstehung des deutchen Städtewesens,* Leipzig, 1898. The extraordinarily large literature on the development of single

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German cities is collected in the section *Städtewesen* in Dahlmann-Waitz, *Quellenkunde der deutschen Geschichte, Neubearbeitung von Altmann und Bernheim,* Göttingen, 1904. The German history which describes adequately the influence of city and country is: K. Nitzsch, *Geschichte des deutschen Volkes bis zum Augsburger Religionsfrieden. Nach dessen hinterlassenen Papieren und Vorlesungen herausgegeben von G. Matthäi,* Leipzig, 1883-1885.

The German juristic literature on municipal law is influenced especially by the fact that the most prominent German thinker who made the legal relations between state and city the object of his studies made only occasional scientific remarks about Germany. This is Gneist, in whose works the investigation of English conditions is treated almost exclusively. Thus the juristic literature has remained in the hands of officials. The juristic literature on the position of the cities within the state organism reproduces especially the opinions of governmental bureaucracy expressed in ministerial rescripts, etc.; the municipality yields to these opinions now unwillingly, then unconsciously. Also he more liberal teacher of state law is under this influence. In Rönne's *Preussisches Staatsrecht* this subject is not treated by the author, but in an additional volume: Schön, *Recht der Communalverbände in Preussen,* Leipzig, 1897. Only lately new life has been brought into this state literature, as the juristic side of municipal constitution was regarded from the urban point of view. Preuss, a student of Gneist, is at present the only teacher of state law who follows this direction. Preuss, *Das Städtische Amtsrecht in Preussen,* Berlin, 1902.

The administrative and social literature starts, in Germany at present, with the numerous attempts of reform of different parts of urban life, which are being made in almost all German cities. However, it might suffice to point

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to the results which we owe to the great German municipal exposition of 1903. The administration of almost all important cities of Germany had united for this purpose. The exposition was held in Dresden where, during the preceding winter, the *Gehe-Stiftung* established a course of lectures in which an historian, a geographer, a statistician, a political economist, a philosopher, etc., should each express his opinion about urban culture. The lectures have been collected and printed in the *Jahrbuch der Gehe-Stiftung,* 9 Bände, *Die Grosstadt, Vorträge und Aufsätze von Bücher, Ratzel, v. Mayr, Waentig, Simmel, Th. Petermann, D. Schäfer.* After the close of the municipal exposition its president caused a large work to be compiled about each of the different sections; this book may be considered a synopsis of the latest progress in the different branches of German municipal administration; its author is Wuttke (Dresden, 1904). Finally the pamphlets which the city of Dresden had distributed at the exposition and in which the various branches of administration were described offer an intelligible introduction into a municipal administration which can serve as an example. (*Führer durch das Vorwaltungsgebiet der Stadt Dresden,* 1903.)

Most German municipal regulations prescribe the annual publication of an administrative report. The city of Berlin goes beyond the legal obligation and publishes besides these annual reports quinquennial statements of acknowledged excellence. Where the putting in print was not usual, even this has been of advantage to literature, as in the first edition a comprehensive review was given. In this way the first administrative report of the city of Essen contains an introduction into the development of modern municipal administration. (*Die Verwaltung der Stadt Essen im* 19. *Jahrhundert,* 1 Band, *Verwaltungsbericht erstattet von Oberbürgermeister Zweigert,* Essen, 1902.)

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Schoeneberg, one of the quickly risen suburbs of Berlin which had been a rural community until lately, at the time of its admission to the immunities and privileges of a town, published an exhaustive and retrospective report of its administration which describes the development of a great urban community (1899). In connection with the bicentennial jubilee of the city of Charlottenburg, in 1905, the same subject will be treated, upon a broad historical basis, in Gundlach's work (under the press) *Geschichte der Stadt Charlottenburg,* Berlin, 1905; the entire modern municipal administration will there be discussed. Finally I should like to call attention to the fact that I have taken the examples in the first volume of my work *Socialpolitik und Verwaltungswissenschaft,* Berlin, 1902, mostly from the modern municipal administration of Germany and foreign countries.

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THE INDUSTRIAL GROUP

BY WERNER SOMBART

(Translated from the German by W. H. Price, Harvard University.)

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My task is to sketch the historically peculiar circumstances of life amid which the industrial proletariat lives. By the industrial proletariat I mean the body of wage-earners in the service of modern industrial capitalism. And I intend to point out the relation of these conditions to modern progress in general. This problem might be attacked in either of two ways,—first by making prominent those phenomena, such for instance as state interference, which have a peculiar significance in the establishment of a definite social ideal and which furnish encouragement, as well, for undertaking definite reforms. This is the political point of view.

A second method would be to correlate such of these phenomena as we are able to recognize as the points of departure, the occasions, or the conditions from which arise the movements of the laboring class itself. This is the evolutionary point of view, from which can be answered the question, What makes the social movement possible? In the language of Hegel and Marx this sort of inquiry would be called the dialectic method. And this is the method of inquiry which will be adopted here.

In order rightly to judge the conditions of existence of the modern proletariat we must first of all understand what it has lost as compared with other groups of people, what

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it no longer possesses of the conditions of living of its own former generations. Hence I must pay special attention to European conditions, which indeed are necessary to an understanding of all social phenomena. My discourse cannot be more than an introduction to a big subject.

Estrangement from nature is the most important feature of the proletarian existence. The contact of the country lad with nature ceases,—the friendly relation with the animal world, the growing up with the elements, rain, storm, and inclement weather, the dependence upon the events of nature, the rotation of summer and winter, of day and night. The modern industrial wage-earner becomes a characteristic representative of that artificial race of men now growing up in cities. Away from his natural environment, that is, away from home, the thousandfold spiritual ties and tender sentiments are lost. His home is the world, he is a child of the world.

Another feature of the laborer's existence is his liberation from old institutions which confined him but restrained him as well. Among these was the village community with its customs and its usages, its festivals and fashions, which in part survive in the smaller towns. *Propinquitas!* But the proletariat has cosmopolitan customs and usages. Thanks to the development of commerce, provincial manners are abandoned.

There was also the family group. Not only is the old family connection, with its far-reaching interdependence, giving way, but the immediate family is also losing its binding power because the economic basis upon which it rests is disappearing owing to labor away from home, night work, and the labor of children and women who no longer find satisfactory employment at home. The early employment of children and youth makes them independent at an early age, and thus is weakened the discipline over children

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by parents. To this must be added the sordidness of the dwelling-houses in cities, for this narrows even more the basis of family life.

We must note, also, the decay of trade-associations built up by the medieval handicrafts, by which membership in a definite craft provided the individual ample internal and external status. Membership in a trade, however, is losing its hold as a result of the frequent change of occupation. For an individual passes with greater ease than formerly from one occupation to another, while the array of labor arrangements mobilized for a united productive activity has to be constantly remarshaled owing to the influence of the modern revolutionizing technique. The mechanical arrangement of individual operations which constitute an industry leads to a constant change, just as surely as a personal classification leads to the stereotyping of the industry.

Another cause of the decay of the trade fellowship is the dissolution of the intimate relation of the worker and his work. Activity is no longer the expression of a lively human interest, it is only the mechanical turning-off of some one simple process. The empirical technique of the olden time rested upon personal skill; the modern technique rests upon objective science. The organization of industry upon the principle of the division of labor separates the laborer from his work and makes him a mere soulless piece-worker in the social process of production. The capitalistic organization also separates the worker economically from his work. He is no longer economically interested in the results of his work.

The old servile rights and obligations have been dedestroyed. Every earlier time has recognized mutual responsibilities with respect to the dependent man, which indeed bound him, made him unfree, but gave him physical and moral support, protected him from hunger, and helped

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him over crises in his life, such as sickness. Even the slave or serf had this claim upon his lord. The journeyman of the Middle Ages was united to his master by a close fellowship supported by the feeling of moral obligation. This relation is disappearing. The modern workman is a "free" laborer, legally free, who now stands only in a business relation with his employer; services are rated on both sides at a money value. Therewith he is free to go hungry because without protection from commercial crises. He must win his bread from day to day and be prepared at any time to lose his position. In other respects his freedom is a mere formality; he cannot exercise it by not working; he can at best change masters. But this is becoming closed to him because capital is being monopolized in trusts. As soon as he succeeds in finding work, he is for the greater part of his life driven to the hardest drudgery in the service of the capitalistic undertaker. He is then less free than any Turkish peasant who plows with his oxen in a free field.

How will, how can this "free," that is to say, uprooted cosmopolitan live? This is the question which presents itself for him as well as for all who have experienced the same process of emancipation. This is the question of the time, which receives only one definite response from the proletariat. The recovery of the content of life is to be sought in two ways,—by means of pleasure and by means of labor. Pleasure as one of the features of life is necessarily denied to the great mass, clearly from external causes, perhaps also from internal causes, because people are still too "sensible" to find a motive of life in pure pleasure, material or spiritual, *i. e.,* in estheticism! They still require self-sacrifice, an object, morals. There remains clearly open only the second way,—labor. "To labor and not to despair," has been proclaimed as the watch-

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word for our hollow age. And the poet sings so sweetly

> "'Tis labor alone that helps us along
> Over this wilderness of gloomy doubt;
> It gives to each passing moment a goal
> Which our life itself is without."

But how it is with the labor of the wage-earner? Often enough he has no work at all. The condition known as "being out of work" has established itself as a matter-of-course accompaniment of capitalism,—another novelty of our age. But also, by the time he finds work its power of yielding satisfaction has for the most part been lost. This is, perhaps, the most significant consequence of modern civilization. Labor as the sanction of life, as the director of energy, has ceased to round out the worker into the complete man and hence to make him peaceful and contented. The reason for this lies in the peculiarity of modern technique as well as the organization of modern business, for the modern factory labor is in large measure destructive of health, above all because it calls for too intense an exertion, and because of that disregard for the limits of human endurance which characterizes the modern technical development.

Moreover, labor has frequently become a disagreeable, repulsive act, in the depths of the earth and amid the noise, dust, and heat of many modern factories. Labor has become more and more monotonous and unrhythmical, mere piece-work of unvarying nature in the modern great industries built up by division of labor and consolidation. The laborer is now separated from his work, he creates no longer, he fashions no longer, he brings nothing to completion, nothing appears as his work, nothing in which his labor is embodied. He is no more than a secondary wheel in a gigantic mechanism.

The labor of the modern industrial wage-worker has

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thus lost all concreteness, all qualitative significance, and so has for him only an abstract and hence purely quantitative significance. And so it becomes a burden of which he seeks to be relieved as much as possible. (If we realize this we come to comprehend the endeavors for shortening the hours of labor, which give the characteristic impress to the modern labor movement.) And so also it comes to be measured in the terms of the money for which it is exchanged. Thus it was that the wage-earner was involved in the circle of ideas of the capitalistic world. The mechanism which accomplished his inclusion was the piece-wage system, after the pure money-wage had already accustomed him to value all labor power in terms of money. This valuation in money is imbued in him from early youth, for he enters "service" early, at a period of life when hitherto a youth lived without responsibility as a dependent member of a family.

Here lie the roots of all class strife between proletariat and entrepreneurs, who are now at odds regarding their respective shares in the joint product. "The right to the whole produce of labor!" The foregoing sketch of the peculiarities of proletarian life explains what we mean by the modern "social movement," wherein the proletariat struggles against the position into which capitalism has brought it.

When we observe the proletariat setting forth to emancipate itself from its position, and see how the movement is carried on with the passions of hatred and envy, the conviction forces itself upon us that the origin of the movement is not hopeless misery, for this is no characteristic of the proletariat. The cause is rather the contrast which the laborer observes between his own frequently pinched position and that superabundance of wealth in which many of the employing class live, wealth which the laborer has, in

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his own opinion, produced. For in their service he wears himself out. And this contrast is constantly brought to his attention, not so much because he sees that insolent wealth used in display, oftentimes vain enough,—the poor serfs of the Middle Ages endured that sight,—but rather because he daily witnesses the accumulation of new fortunes, whose possessors grow rich before his very eyes. Frederick Albert Lange accurately and forcibly expressed this attitude when he once said, "The spirit of jealousy never completely disappears while a poor man lives in the neighborhood of a rich man; it may, however, be rendered very dull by constant relative wealth." But by fluctuating relations and by every occasion which makes the present contrasts more striking, the feeling of envy is quickened. To this, what we might call objective insecurity of wealth relations, which is characteristic of our times, and which the proletariat observes, is added another insecurity which for the laborer is a subjective one. This is the uncertainty as to the means of his livelihood, the fact that he does not know from day to day whether he is going to earn his bread. For an industrial depression may result in the wholesale discharge of laborers, and thus in widespread famine.

It is this continual change which brings to a member of the proletariat a consciousness of his position. The increasing intellectual training, to which his life in great cities powerfully contributes, enables and inspires him to reflect upon the causes of this insecurity and upon the contrast between his own position and that of the rich. And then a secret is revealed to him, the discovery of which becomes the ground of justification for the modern agitations of the laboring class, the secret, namely, that all the circumstances of his existence are not founded in unchangeable, natural relationships. On the contrary, they are based

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upon the peculiarities of the prevailing social and economic organization. "No man can assert any right against nature, but in society distress at once assumes the form of an injustice inflicted upon this or that class." (Hegel.) Thus the ground is prepared upon which a social movement may be developed, for now a point of attack is found, —the existing social order.

And to the extent that social criticism of this sort becomes refined and sharpened, as discontent and the desire for improvement become intensified, another circumstance which defines the position of the wage-earner becomes more and more intolerable. This is his dependence upon his employer. This dependence is no longer a legal one, as in the time of slavery, but is no less complete on that account. It appears in the fact that the laborer is assigned to his position by the entrepeneur through stress of hunger; it appears in the humiliating subordination under the command of an entrepreneur. It often assumes a medieval form when the factory-owner regards himself as the "patriarch" of his people and seeks to guide and determine their lives. It reaches out into the sphere of political right when the capitalist classes use their power in order to limit the participation of the wage-earners in the activity of the state.

Apparently these are the causes of the proletarian criticism of the existing organization of society, yet we must attend to some other special conditions of life among the modern laboring classes in order to understand the peculiar current of ideas which we continually meet with in all clamors for the "emancipation" of the proletariat. These might be distinguished on the one hand as a tendency toward communistic dreams, and on the other as a love for the masses.

The love of the masses and regard for the masses fol-

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lows immediately from the association of each individual wage-earner with his thousands of fellow workers, all of whom are united by no other tie than their common labor in the service of the entrepreneur. They are grouped together without distinction, like grains in a heap of sand, and outside the factory undertake no higher social activity than some sort of union. What capitalism has tossed together, in crowds, in great cities and centres of industry, is, as we say, an inarticulate mass of individuals who have completely broken with the past, who have cut themselves loose from all communal ties, from home, village, and kindred, beginning life anew with a complete destruction of their old ideals. The laborer's only support is the comrade of his fate, who signifies as little as he, and who like himself does not belong to any historic community. With this individual he allies himself, and becomes his confederate. Hence arises a host of confederates who are distinguished by one thing above all others, not by individuality, not by common tradition, but by their mass, their massiveness. Never in the history of the world have so many individuals stood together for united action. Never in history has the impetus of mass-action so characterized any movement as has this of the proletariat. Everywhere we hear "the heavy tramp of the labor battalion" with which Lassalle sought to frighten his opponents. And if we would picture to ourselves the social movement of our day, it invariably appears to us as an inexhaustible stream of men hardly one of whom stands out clearly, flowing over the whole land as far as the eye can see, to the farthest horizon where the last of them roll away into the darkness. Translated into psychological terms, it signifies that there has grown up in the individual a tremendous strengthening of the consciousness of combined power, and a strong mass-ethical feeling to conflict with class-ethical doctrine.

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Membership in his class, therefore, signifies for the wage-earner exactly what for others membership in a noble rank, in a community, a city, or a state has implied. With pride, he proclaims, *Proletarius sum.*

The dissolution of all quantitative or individual distinction in the mass, now viewed and, therefore, now valued only qualitatively, is parallel with and affects in the same manner the development of modern technique in other directions. Only he who has familiarized himself with their peculiarities will be in a position to understand the important features of the proletarian movement, and above all to comprehend the above-mentioned communistic tendency.

The increasing differentiation and integration of separate economies, their absorption into an indissoluble whole, on the one hand, and on the other, the progressive specialization and organization of labor in the modern "great industries" constitute what has been called the socialization of the process of production. This socialization has brought it about that a particular commodity appears no longer as the product of individual labor but as the joint product of common labor. Formerly the cobbler who made a pair of boots regarded himself as the fashioner of this particular article. The laborer in a modern shoe factory, who pursues only a single task in the general process, has lost this personal relation to the particular product. To-day the actual process is collective for individual articles, and, therefore, to the task laborer engaged in it, the conception of a collective organization of general production is no more strange. In the same way, however, and at the same time, the idea occurs to the laborer in the great city, of a common, of a communistic consumption. This idea is made more and more familiar to him by the character of his own home surroundings.

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The separate dwelling, which satisfies man's original instinct for privacy, loses for the poor man in his congested tenement more and more of its charm. Instead, he feels a growing liking for public places where he can satisfy more completely his material and immaterial needs. Workingmen's clubs, public reading-rooms, concert-halls, and beer-gardens become a new home for the masses in great cities. The aggregated advantages of the public institutions, the public gardens and parks and museums, with their uninterrupted series of pleasures and delights, rise in the estimation of the laborers as the charm of their private or family life diminishes. The family itself dissolves under the influence of the excessively long day or night work away from home, through woman's labor, and the early employment of children. The result is that the proletariat is involuntarily led to transfer the weight of its interest from the individual to the social life.

Now, however, to gain a full understanding of the modern social movements, we must become acquainted with the general conditions of the time under which they operate. Here also a few remarks are necessary. That which distinguishes the modern time is, above all, an alertness such as I can think of in no other time. A current of life flows through present-day society, of which no other time has known, and thus is made possible a stimulus between individual members of society, which was before inconceivable. This has been brought about by the machinery of commerce which capitalism has provided. The possibility of communicating across a great country within a few hours by means of the telegraph, the telephone, and the newspaper; the possibility of transferring from one place to another great masses of people by the modern facilities of transportation, has brought about an appreciation of the solidarity of the great masses, and a sense of

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omnipresence that to earlier times was unknown. This is especially true of the great towns of the present. The possibility of great mass-movements is thus extraordinarily increased. And in like manner is attained that development within the mass which we are accustomed to call education. Knowledge, and with knowledge pretensions.

Closely connected with this activity, however, is that phenomenon which we call the nervousness of our time, the lack of composure, the hurrying, the restlessness pervading all the walks of life. Through the peculiarity of business relations in all branches not only of economic, but also of social life, this restless spirit prevails. The era of free competition is manifest in all fields. Every one vies with his neighbor. No one longer finds joy in life. Beautiful contemplative peace is gone.

And finally, one more suggestion. This might be called revolutionism. For there never has been a time which has experienced such a complete subversion of every form of existence. Everything is in a fluid state, business, science, art, morals, religion. All ideas are in such a ferment that we are finally driven to the conclusion that there is nothing certain left. And this is one of the most important criteria for the interpretation of the modern social upheaval. For it explains two different things. In the first place it accounts for that destructive criticism of existing conditions which seeks to throw a bad light upon everything; which casts to the scrap-heap all former ideas in order to bring new ones to market. This critical spirit first took its rise among the *bourgeoisie,* who applied it to political, moral, religious, and esthetic relations. The proletariat is now adopting the same critical spirit, and applying it to the whole intricate field of economic and social institutions.

That revolutionary spirit produces, furthermore, fanat-

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ical ideas concerning the possibility of a blissful future state. Since miracles have been realized before our own eyes, such as none could have hoped for; why not still more? Why not anything we wish? Thus the revolutionary present becomes the breeding-ground for the social Utopias of the future. Edison and Siemens are the spiritual fathers of Bellamy and Bebel. Here we have at hand the elements of which are constructed the "Socialism and Social Movements" of our time.

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CERTAIN PSYCHOLOGICAL PHASES OF INDUSTRIAL EVOLUTION

BY RICHARD T. ELY

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A FEW years ago we heard a great deal about a new forward movement in economic theory that was attributed to a profounder study of the psychological forces at work in man's socio-economic activities than had previously been made. Professors Menger, Böhm-Bawerk, and Wieser, leaders in the so-called Austrian school of economists, were most prominent in this renaissance, and their chief service was a new elaboration of the theory of value based upon a more careful analysis of man's mental processes. But the distinguished German economist, Adolph Wagner, of the University of Berlin, who long before the Austrians were widely known, achieved fame, has frequently insisted upon a deeper study of psychological forces in our industrial life as a condition of an improvement in economic science. Wagner's treatment of capital affords illustration.

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An examination of psychical considerations disclosed by the study of economic society, he tells us, gives reason to believe that only under private ownership will there be a sufficient accumulation of capital.

Strangely enough, with all this emphasis upon the psychology of economic life, the peculiarly psychical elements at work in industrial evolution have received little distinctive attention even at the hands of scientists, while their existence appears to be almost unknown to those whom we ordinarily call the educated public. Nevertheless, it is precisely the so-called psychological considerations which are decisive in the elaboration of a wise policy as well as in the correct scientific treatment of industrial problems. In other words, in my opinion we have had the smallest attention given to the psychological considerations precisely in that field of economics where the psychological method is likely to yield the richest returns. It is my purpose now and here simply to throw out a few suggestions which go to prove that we cannot understand industrial evolution unless we give careful consideration to psychical forces at the same time. These considerations, it is hoped, will throw some light upon a correct solution of important industrial problems.

The fact of the evolution of industrial society is generally recognized, although its implications are not a part of our familiar knowledge. A study of the history of industrial society reveals clearly that we have passed through various stages. It is not necessary when we say this that we commit ourselves to any particular theory of stages. According to the old and well-known classification mankind has gradually progressed from the hunting and fishing stage to the pastoral stage, from the pastoral stage to the agricultural stage, and then has passed through the agricultural stage to the handicraft stage, and finally to the

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machine stage of production. Each one of these economic stages has, of course, a subclassification into phases. This gives us simply a general line of industrial evolution and does not imply that every portion of the human race must pass through the same stages and the same phases of evolution within the stage. It would take an undue amount of space to enter into a discussion of the scientific arguments and reasons for the position that this classification is sound. It seems necessary, however, on account of the limitations of the human mind, to divide our industrial evolution, which has a history of thousands of years, into periods in order to help us arrange our facts systematically and accumulate knowledge. We find men in historical periods living in each one of these stages. Each stage has in its full development characteristics of its own distinguishing it from the preceding and likewise from the following stage, when we consider these also in their full development. Between the stages at their culmination we have the transitional periods where one gradually changes into the other. No one will deny that the handicraft stage of the Middle Ages is radically different from the industrial life that we live now. Now, it is precisely when we consider our industrial evolution psychologically that we find the most meaning in the division of our economic or industrial life—for the two terms here are used interchangeably—into stages and sub-stages, designated as phases. As we pass from stage to stage and from phase to phase in the stages we notice certain changes in those habits, mental traits, and characteristics which lead to success. We have a certain psychical type of man corresponding to every phase in our industrial evolution. Where an individual has this psychical nature he is in harmony with his environment. The absence of this psychical nature results in disharmony and lack of adjustment. This is our first main position.

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Our second main position is that as we advance from lower to higher stages a better man is required. What is essential in a higher stage is not a later period of time but a greater control gained over nature by man. The purpose of our economic activity is to gain subsistence through control over nature, and just in proportion as we gain more abundant subsistence through increased control over nature we may be said to advance to higher stages and phases in our economic life.

Our third position is that there are those who in their life do not keep pace with the general industrial movement. They are left behind and, unless special measures are taken to prevent it, a period of rapid movement means a relatively large number who are unable to adjust themselves to conditions.

One fourth main position is that the movement in our economic life has continued for thousands of years and that those who are most advanced economically are separated psychologically by thousands of years from those living in the earliest conditions. They are the descendants of generations of men who have had all this time for adjustment, an adjustment secured very largely by natural selection.

If we reflect upon the change from the agricultural stage to the handicraft stage it will help us to understand these psychological features in industrial evolution. The handicraft stage is one in which man gained a greater control over nature, first, through the larger use of tools of a higher kind; second, through greater wealth accumulation with a devotion of a larger part of this wealth, particularly in the form of capital, to the preparation for future needs; third, through closer association with his fellows. Let us examine in its implications each one of these three methods by means of which nature has, to an increasing extent, been subjugated. The use of more tools of a higher kind

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means more complex brain operations. As we go forward in our industrial life an examination of the features of this life shows clearly that the man who is fully equal to it has to meet increasingly severe mental tests. Next we observe that a greater degree of self-control is required as a condition of success in a higher stage of economic life. Wealth must be accumulated not for immediate consumption but for future consumption. This means abstinence and self-control. It has been found necessary to pay some men of a low type twice a day in order to induce them to continue their work. A man of an advanced economic type will make an effort now without the slightest thought of reaping the fruit of the effort inside of ten years. The closer association of man with his fellows is one of the means whereby we gain increased power over nature; and as our efforts in production advance associations of an economic character continually become larger and closer. This means the ability to work for others steadily and persistently in organic relations. If large success is to be achieved there must be power to command and a readiness to obey while a state of liberty is at the same time maintained.

What has been said finds an increased emphasis when we compare the present machine stage of production, characterized by a high degree of competition, with the earlier handicraft stage. Especially are alertness, adaptability, and quickness of adjustment conditions of large success at the present time. The ties of an economic character binding us to our fellows have increased extensively and intensively with unprecedented rapidity. The term "industrial society" has only recently become familiar, and this is a result of these ties. As a further result we have a growing social self-consciousness which imposes its own problems upon members of an economic society, but which

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at the same time is one of the essential conditions of our advanced life.

It follows naturally enough that those who succeed in a lower stage are crowded down and out in a higher stage. It is proved conclusively by history and by present observation of easily accessible facts. The piratical merchant who is a hero in an earlier stage hangs from the yardarm in our stage. The ancient Germans, Tacitus tells us, thought it a disgrace to gain by the sweat of the brow what could be secured by the sword. There is no room for doubt that many a modern bandit would, in an earlier and cruder stage of society, have been a hero. This is, perhaps, a sufficiently familiar observation, but the implications of it are often overlooked even by scholars when they come to treat present economic problems. Men are in varying degrees mentally prepared for the present economic conditions which have been gradually reached during thousands of years. Within the nation there are those who, in mental traits and characteristics, are only imperfectly prepared for modern economic life and must be treated correspondingly. Man's mental and moral make-up is capable only of a limited modification after the period of maturity, and even in the case of children heredity sets a limit to the possibilities of modification, although this limit is a far more flexible one. To take a very marked illustration, we have, in the United States, on the one hand, the Negroes, and on the other hand, the Redmen, who, themselves or their near ancestors, were brought up in a stage of industrial society separated from ours by a period of hundreds if not thousands of years. Is it conceivable that in a short period they can acquire those characteristics, such as forethought, careful planning, and awaiting results, which lead to success in the most advanced economic society? What is true of these races is true only

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in a less marked manner of other classes of society. We may lay it down as a general proposition that during the past century the generalization of economic progress has been more rapid than the generalization of psychical traits corresponding to the phases of industrial evolution through which we have been passing. We have a society which, broadly speaking, has become coöperative under competition, but many men have not acquired those psychical characteristics which adapt them to a society at the same time coöperative and competitive.

This point, that there is a lack of correspondence between many men and classes of men and the particular phase of industrial evolution reached at a given moment is one to which in my opinion great importance should be attached; and I beg, therefore, to offer an illustration taken from the changed and changing conditions of American agriculture. Not that I mean thereby to imply the absence of similar changes elsewhere. Quite the contrary. I take this illustration because it is familiar to me from observation and because it is especially striking.

Successful agriculture is becoming daily a more complicated occupation, requiring a larger and higher type of man as time goes on. We have more and better machinery and less and less merely manual toil. We plant, cultivate, dig, and harvest by machinery. This means the accumulation of an increasing amount of capital, and awaiting results or a lengthening-out of the period between effort and the fruition of effort; also it means the capacity to handle the machinery effectively.

We have a continuous evolution from simplicity to complexity. As Professor Elwood Mead has well said in one of his Irrigation Reports: "The traction engine and the automobile have both an assured place in the economic operations of farms. Improvements in electrical transmis-

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sion render it certain that water power is to be used more largely than in the past. Farm buildings, instead of being simply storage places for grain or shelters for live-stock, are becoming as complex in their designs and uses as factories."[1]

Irrigation also shows the need of a new type of man in agriculture. The old-type farmer was by training an individualist. He looked to himself for success, and his isolation in his activities so influenced his character that his individualism seemed to become a part of his nature. But when the farmer from Old England or New England goes to the "Far West," where the only agriculture is irrigated agriculture, he must unlearn his individualism and become a coöperative man as a condition of success. The first farmers in a state like Colorado cultivate the bottom lands by means of simple, inexpensive ditches. Even this implies the use of more brain power, as a knowledge of the proper ways to apply water to secure the best result is required. But as time goes on the ditches must be made increasingly large and expensive in order to cultivate the higher, so-called bench lands, which it is discovered are the more fertile. A single ditch means the investment of hundreds of thousands of dollars. Reservoirs are next constructed so as to save the flood-waters and to equalize the supply of water, bringing water to crops late in the season when natural streams run dry. The relations of farmer to farmer and of farmers to others who need water for manufacturing purposes or for urban purposes become daily more complicated, until the solution of the problem thus presented becomes a task worthy of the best intellects of our time. Now it is said that it requires a high type of man to succeed in agriculture in a state like Colorado, and

[1] Review of Irrigation Investigation for 1902, Washington, D. C., in the *Annual Report of the Office of Experiment Stations*, p. 368, United States Department of Agriculture.

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I must say that I have never elsewhere seen farmers who, as a whole, impressed me as so active and alert, so much like capitalistic manufacturers. Those equal to the task set by irrigated agriculture seem to make large gains, and the others to be crowded down and out. At the same time the proper regulation of the economic relations involved in irrigated agriculture is a condition of the utilization of natural resources and also a condition of liberty, for without regulation we have the oppression of the weak and the tyranny of the strong.

The American Economic Association has recently published a monograph by Dr. H. W. Quaintance, instructor in economics in the University of Missouri, that throws a good deal of light on the nature of agricultural development. It is entitled *The Influence of Farm Machinery on Production and Labor.* One fact brought out clearly is the newness of our present farm implements and agricultural methods. It is stated that agriculture in our colonial period was not markedly different from that of Egypt two thousand years ago. On the other hand it is shown that on an average for our nine principal crops, namely, barley, corn, cotton, hay, oats, rice, wheat, potatoes, and rye, nearly four-fifths of the present yield is due to the use of farm machinery. That is to say, farm labor is estimated to be nearly five times as effective in the production of these crops as it was as recently as 1850. With the exception of one of the nine crops, namely, cotton, a decrease of labor is absolute as well as relative. But this means difficulty of adjustment along several lines and also increased demands upon brain power and moral force. It requires a far larger amount of capital than formerly to carry on agriculture with success and consequently hired laborers have been increasing rapidly in states like Illinois. It requires a better man to

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use machinery than to carry on agriculture by the old methods. Consequently we find a large increase in the daily wages of workmen employed in the production of crops which require a use of machinery and a knowledge of machinery on the part of the hired laborers. On the other hand it is stated that the average daily wages of agricultural laborers who are engaged in those branches of agriculture which require little machinery have actually decreased.

Even more striking are recent methods in corn culture which are being introduced in the Central West. We have long heard about pedigreed stock and now we are becoming familiar with pedigreed corn (maize). A bulletin published by the University of Illinois in August, 1903, gives an analysis of corn taken from forty ears, each of which represents seven generations of pedigreed corn and each bred with reference to some particular quality. It is not enough to raise corn, but corn must be raised for special purposes in order to achieve the largest success. Stock-feeders want protein in corn, and by breeding it is easy to make a variation of 100 per cent in protein. Manufacturers of starch and of glucose sugar want more starch in the corn. They, however, want less protein. It is stated in an earlier bulletin, likewise of the University of Illinois, that "the yield of corn can be increased and the chemical composition of the kernel can be changed as may be desired either to increase or decrease the protein, the oil, or the starch." The purpose of this reference to pedigreed corn is to bring out clearly the significance of economic evolution with respect to the kind of man who is going to achieve the greatest success in agriculture.

The use of automobiles elsewhere than in agriculture affords further illustration of the thesis under consideration. Automobiles are not used so much as they would be in

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retail trade because the employees are so frequently not equal to the higher requirements thereby set. A grocer's boy who can drive a horse may not always be trusted with the automobile. But progress is simply delayed. In the end those not equal to the higher requirements will be pressed down and out and will render existence more difficult in the overcrowded ranks of those with the minimum skill and capacity.

Let us now seek illustration in certain phases of the labor problem. A good illustration is afforded by a comparison between transportation by the steam railway and transportation by a wagon drawn by oxen or horses. The more advanced kind of transportation carries with it higher physical and moral requirements for those engaged in it. Not only are temperance and sobriety requisites, but eyesight must be tested as a condition of employment for the locomotive-driver, whereas an inferior man may drive a team of horses.

The minimum wage established so generally by trades-unions has a similar consequence. Those who are not equal to that degree of efficiency warranting this minimum wage are crowded out of their trade. This is a condition for which, in some cases at least, provision has been made by labor organizations, so clearly has it been recognized.

On the other hand we have an antinomy, as we may call it, in the fact that this same industrial evolution has in consequence of the division of labor given us some employments of a routine character exceedingly simple, apparently soul-deadening, and very poorly paid. These occupations fall to the most helpless classes in the community, recruited by those crowded down and out of those kinds of labor requiring growing efficiency.

All this we may bring into direct connection with the struggle for equality of opportunity. The progressive evo-

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lutionary stages of industrial society set increasingly difficult tasks, and as a result of the unequal development of men we have capacities almost infinitely varied when they are applied to these tasks.

The subject of contract brings before us in a new way the increasingly complicated nature of modern industrial society and enables us to see it from a new viewpoint. This is of particular importance in the consideration of the labor problem. Labor remuneration is governed by contract and contract determines the other conditions of employment. Now modern contract becomes daily a more intricate affair, which, for its interpretation, taxes the ingenuity of our ablest legal minds. On the other hand it requires a rather developed mind to grasp even the essential elements of contract. One of the obstacles to reform in Turkey is said to be the difficulty the ordinary Turk has in understanding the significance of time.[1] Yet the concept time is one of the first elements in the labor contract. Let us pause for a moment to consider the difficulties with which we are confronted when we consider contract. Contract must be viewed as sacred. It is a necessary foundation of our socio-economic order. We admire the man "that sweareth to his own hurt and changeth not." Thomas Jefferson wrote in his Bible opposite that verse and the verses accompanying it in the Psalms, "the description of a perfect gentleman." And we feel that he was right. Yet in contract we have all the hardnesses, injustices, and cruelties of nature. It is simply a medium through which existing forces find expression. The individual must obey his individual contract; but it is apparent that there must be a higher power, a public power, controlling, regulating contract, forbidding some contracts, determining the conditions of

[1] *North American Review*, August, 1904, "Obstacles to Reform in Turkey," by Charles Morawitz.

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others, and in extreme cases dispensing from the obligation of contract, as the courts in Germany may do in the case of usury. Public authority must be the binding and loosing power. Let us again seek an illustration in irrigation. From the Platte River system in Colorado, Wyoming, and Nebraska more than two thousand ditches take water. The absurdity of the idea that voluntary agreement expressed in unregulated private contract can divide up this water satisfactorily becomes apparent on a few moments' reflection to one who knows even the primary elements of the problem involved.[1]

If space were sufficient it would be interesting to consider at some length those who are left behind by industrial evolution and the problem that they present. We have those who make up the element in our population that has been called the submerged tenth. These must be carried as painlessly as possible for themselves but without injury to society. Criminals are included in this submerged tenth. It is now generally conceded by criminologists that they should be shut up during criminality and that the aim in their incarceration should be reformation. It is also clearly perceived that we must define our terms and not place among the criminal class those who by nature do not belong to it. No one can say how large the class of natural criminals is, but it us much smaller than has been frequently supposed. When we look at the facts of the case we discover that in our bungling we have been making criminals of men. It is as true as it is trite to say that the ordinary county jail is a school of crime. Through juvenile courts and modern methods we know how to reduce the number of criminals.

We may consider also the feeble-minded who require

[1] Elwood Mead's "Review of Irrigation Investigation," in the *Annual Report of Experiment Stations for 1902*, pp. 374, 375, United States Department of Agriculture.

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custodial care and those educational methods that will give them the highest development possible. At the same time they must be confined to prevent reproduction.

We have the insane who are not equal to the strain of modern life. Thus we could continue. We have a permanent condition in those left behind in the transition from stage to stage and from phase to phase. The only way that this can be prevented is through the control of reproduction of human species. Something can be done in this direction and is being done, as for example, in Wisconsin, where the feeble-minded are confined, and as in Connecticut, which has the most advanced legislation in this country on the subject of marriage.

The main industrial problem is found in the conditions of the great mass of men who are capable of development, but require help to help themselves in order that they may become equal to modern industrial conditions.

We have, as we advance, and with every stage in our advancement, an increased expensiveness of adjustment on account of the greater demands on the individual in the more complex society. This is part of the price of industrial progress, and the wealth to pay this price is furnished in the very increased productivity which causes the higher price.

The great problem then is the creation of institutions in accordance with the needs of the different elements in the community, if we arrange these into classes to correspond to their mental and moral characteristics. We have as a matter of fact been creating such institutions during the past one hundred years. All civilized lands have been engaged in this activity and they have created institutions to serve the purposes of classes of men with widely varied needs and capacities even in opposition to preconceived and generally accepted theories. This has been particularly

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the case in the United States. I believe that this is an explanation which throws new light on social progress. The movement is destined to continue as it is an inevitable outcome of that mighty struggle for equality of opportunity which is shaping human history.

We also have this economic problem when we come to deal with those of other nations as we do in this era of expansion. It is a problem, for example, to what extent landed property in severalty, with its free sale and purchase, is adapted to those tribes of people who have not acquired the type of mind which has been gradually evolved by the most civilized nations during the course of their history. Let us once more take the case of the North American Indian. If this line of argument is valid, is it possible that in a few short years he should become adapted to that form of property which the most highly developed people in the world have reached as a result of an evolution of hundreds and thousands of years? If the problem is to change the nature of the Indian, must we not shape our institutions to his conditions and allow him generations to adapt himself to the most modern institutions? If this line of argument is true, we must expect that the results of property in land in severalty among the Indians will be that they will lose their land. To prevent alienation of the land allotted to the Indians for the period of twenty years seems absurd, as the real problem is a change of Indian nature.

Continuing this line of thought, that we must provide institutions adapted to the needs of the various classes in the community, we come to the problem of insurance. The gifted and capable can make their way and do make their way in competitive society based upon private property if they do not meet with accidents. It is absolutely impossible that the ordinary man should prepare for all the contingencies of modern industry. Accidents may befall the worker

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just at the initial period of activity, and they may come in middle life. It is beyond possibility for the ordinary man with ordinary wages to make adequate provision therefor through his own unaided efforts. The solution of the problem of contingencies is found in insurance, which is making such rapid headway throughout the world and in which Germany has left all the rest of the world so far behind. There is no greater labor problem than that of insurance. This can be provided by government or by private individuals. In the United States great private corporations are doing something in this direction. There are obvious limitations to what can be accomplished by private effort. A great proportion of the wage-earners must always be employed by private individuals or by firms and corporations not sufficiently powerful and stable to furnish satisfactory insurance. Apart from this, there arises the question, To what extent may a really desirable freedom of movement be impeded if employment and insurance are furnished by the same persons?

I think it is now generally conceded that the risks of industry should be borne as a part of the cost of production, and this must be secured by general measures. England has, perhaps, gone as far as possible through employers' liability. The investigations of the Industrial Commission of the United States show that, to a very great extent, the blame for accidents cannot be laid either on the employer or on the employee, as accidents are a natural outcome of production. In many cases there is blame, especially when the best safety appliances are not provided, but the establishment of blame does not bring with it a remedy for the economic incapacity of the individual wage-earner. Much governmental activity in the way of supervision is required to make the industry bear the burden of the accidents and contingencies which befall the workers and to make indemnity certain.

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The question of pensions is closely connected with that of insurance. When old age is reached we have also reached an appropriate period of rest. Competition has done its work and society has no further economic services to expect from the individual. The problem is to provide for those who have reached old age without weakening the springs of right economic activity in others.

Returning once more to competition, the trite phrase, a high ethical level of competition, suggests a large number of problems and appropriate methods for their solution. Society determines what we may call the rules of the game and does so in accordance with its ideals, which gradually become clearer as social self-consciousness becomes more pronounced. When we determine that no child under fourteen shall be employed in a manufacturing establishment we do not lessen competition, but we simply determine one of its conditions. We make one of the rules of the game. That is what we do in all our labor laws, in our pure-food laws, etc.

This suggests in the United States the subject of interstate competition and, for the world as a whole, the subject of international competition and its bearing upon the general level of competition. Just as we cannot in local matters rely upon voluntary effort, because we have the problem of the twentieth man who, through the force of competition, tends to drag others down to his own mean ethical level, so it would seem that in one state or nation we cannot rely upon other states and nations to establish as high a level of competition as we might desire. This object has been agitated more or less for three quarters of a century, but so far little that is very tangible has been reached. An International Labor Conference was called by Switzerland fifteen years ago, but Switzerland gave way to the German Emperor, William II, and a congress was held in Berlin,

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March 15 to 29, 1890. But the first international treaty designed to protect labor is that between Italy and France dated April 15, 1904. A beginning has been made and that is all that we can say. Fortunately up to the present time it has not been clearly demonstrated that any nation or even a state within a nation has suffered on account of a high level of competition. Success in competition depends upon the kind of man who is engaged in industrial pursuits, and a high level of competition naturally means a larger and better man, and consequently an ability to maintain one's own in competition. Generally speaking it is those nations and those parts of nations which have done the most for the workers that are most dreaded in competition. It must be admitted, however, that as we draw closer and closer together in our economic life and as world economy gains relatively upon national economy, the problem of international economic legislation, particularly international labor legislation, gains in importance.

The presence of monopoly in modern industry is one of the facts revealed by a survey of industrial history; monopoly has existed in the past in all civilized countries as well as in the present. In a study of the industrial history of England we come upon the words "monopoly" and "exclusive privilege" on almost every page of that history. The ceaseless iteration of the terms becomes almost wearisome. So far as monopoly itself is concerned, meaning thereby exclusive control over some portion of the industrial field, we have no new thing. The character of monopoly has simply changed with the progress of industrial evolution. The significant monopolies of our own time are those which are extra-legal. They have not grown up as a result of the intention of the lawmakers nor indeed have they come as a result of any conscious desire on the part of society as a whole. Certain industries have shown monopolistic tend-

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encies by virtue of their inherent properties, and there is an increasing tendency in civilized countries to recognize this fact and to make these pursuits, the so-called natural monopolies, also legal monopolies in order to prevent waste and to secure certain gains resulting from monopolistic methods. It is recognized by the common law of England and America and, I think I may say, by what corresponds to our common law in other countries, that private monopoly uncontrolled is a menace to public weal, inasmuch as it removes the benefits of competition and creates special privileges. Monopoly due to external conditions is not like those extra gains coming to one as a result of peculiar excellence and which are suitable rewards for social service. The monopoly due to external conditions or to facts and forces external to the individual tends, so far as we can judge from history, to repress initiative and invention on the part of the individual. Consequently, the extra gain from monopoly is a gain not for social service but for social disservice. We have rewards either without service or without adequate service. We have then a special privilege which is hostile to the general interest and particularly to the wage-earning classes. The problem then before us is a problem of control of monopoly in such a way that we may remove the oppression of laborers and of others and retain equality of opportunity. This control may be secured either through direct ownership and management of the monopolistic industry or through regulation. We find both methods resorted to. In the case of industries of a routine character which can be carried on in accordance with certain general principles, public ownership seems on the whole to secure better results. It is in accordance with the principles of property to give control, and when we have private ownership and public control we are attempting to unite two antagonistic principles. This is an industrial problem which

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carries with it a great many subordinate problems. It is enough at this time and place to point out the nature of the problem.

Closely connected with the foregoing is a compact organization, (*a*) of capital, (*b*) of labor, also revealed to us by a general survey of industrial history and present economic industrial life. This survey reveals to us, and in my mind demonstrates the futility of efforts to suppress the large organization of capital and the large organization of labor. The only right method can then be to guide and direct both kinds of organizations in such a way that they may subserve the public interest.

What has been said in regard to industrial problems is general in its nature and designed to be merely suggestive. It presents specific problems of industrial society as problems produced by industrial evolution and also as problems which are largely psychical in their nature. The laws and institutions demanded are those which are required to meet the needs of the various classes in the community which are almost infinitely varied with respect to acquisitions, achievements, and capacities. We present one side of the problem when we say that we must create institutions to answer the needs of the various classes in the community. We present a different side of the problem when we say that we must attempt to adjust all members of society by educational processes to their physical and more particularly their social and economic environment in its highest manifestation. This gives us the dynamic side of our problem. We must not simply attempt to meet the needs of a class with a low average of mental traits and moral characteristics, but we must attempt so far as possible to raise each class to the highest level. We have thus indicated the two great lines of movement of modern nations in their attempts to solve the industrial problems of the present age.

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THE DEFINITION OF A SOCIAL POLICY RELATING TO THE DEPENDENT GROUP

BY CHARLES RICHMOND HENDERSON

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THE subject of the social treatment of dependents has been approached through several different disciplines, according to the previous training and bias of the investigator and writer. The economists have dealt with the topic as a problem of finance, of public expenditure, and of production, wages, and the distribution of the product of industry. Since the money spent in public relief must be raised by taxation, and since the method of giving relief affects the efficiency of labor and the rate of wages, the economists were right in giving serious attention to this matter.[1] The Poor-Law has naturally been treated by legal writers because it was a vital part of the system of control by governments in all modern countries, especially in northern Europe

[1] Here may be mentioned, among many, Malthus, Chalmers, J. S. Mill, Fawcett, Roscher.

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and the English colonies and their offspring. The "police power" of the state covers this function.[1]

The older "moral philosophy" or "moral science" sought to answer the question: "What is our duty to the very poor, and how can we best fulfill that duty?" In reality that is one problem of what may be called a branch of social science, differentiated as "social technology."[2] For the steps that we take in accumulating facts about the dependent group, in the classification of sub-groups, in the determination of causes, in the statistical measurement of misery, and in the definition of social aims, all culminate and find their supreme value in their contribution to the solution of this question: "What is our *duty* to the helpless poor and how may we best fulfill that duty?"

When we come to deal with special classes of dependents we encounter a series of professional disciplines and arts. For example, the care of the insane is a branch of the medical art, and only alienists who devote their lives to this department are trusted to speak with highest authority. This is also true of the public care of epileptics. The care of the feeble-minded, idiots, and imbeciles is chiefly a matter of a pedagogical specialty, although medicine and surgery lend important aid, as in physical culture, the thyroid treatment, etc. The care of normal dependent children is best determined by considerations of general education, and here we are brought into the field of the teacher and to the problems of domestic institutions.

It thus appears that the study of the social treatment of dependents makes drafts on almost all the funds of human knowledge, uses all the methods and results of investigation, and employs in turn all the great institutional agencies of the community.

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[1] See E. Freund, *Police Power*, 1904.

[2] My article, *American Journal of Sociology*, January, 1901.

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This essay does not profess to announce for the first time any new discoveries or results of special original investigations as yet unpublished, but rather to mark the present stage of knowledge on the matter before us, and to indicate some of the points on the frontier of experiment and research where further data are needed. If, in thus restating the subject, some slight increment to science may be added, it will be incidental to the main purpose of the exposition.

Any attempt to describe the system of charity even in one country would result in a dry, tedious, and disappointing sketch. The essential features of modern methods fill a large volume, and detailed accounts require many volumes.[2]

It would seem expedient to select a theme which will lead us to consider the most recent and successful endeavor of students of social science, (1) to construct a special discipline which is clearly marked off by its subject-matter and is deserving of independent and systematic treatment; and (2) to consider a method of taking up particular problems of practice, so as to guide experiment into the most economical and promising paths.

I

A social policy is not aimless and irrational, but *moves toward an end, seeks to realize a good.* Soon or late social science, in the course of its development and specialization, must encounter the problem of values and standards which does not complicate the studies of inorganic nature, as chemistry, physics, and astronomy, and only incidentally biology. Thus, for example, we are forming judgments as to the best methods of dealing with dependents. What do we mean by "best"? We are really thinking of the welfare of depend-

[2] *Modern Methods of Charity Systems*, by the writer and others, Macmillan Company, 1904.

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ents and of the people of the community of which they are members. Many specific ends we have in mind, as the restoration of the sick and the insane to health, or the mitigation of distress when cure is impossible; the improvement of the touch, hearing, sight, and skill of the feeble-minded; the proper nutrition and development of neglected infants; peaceful and quiet existence for aged men and women in almshouses; and many more such purposes. We give social honor and praise to the rich men who endow hospitals, and to the physicians and nurses who faithfully give their lives to the sick. It is evident that modern societies act as if they knew that such ends are rational and worthy.

But there is both theoretical and practical interest in the wider scientific problem: What is the general social end? For we neither know the full extent of social obligation nor the relative value of a particular object or institution until we see the specific action in its place in a comprehensive system of ends. Our theory is incomplete and our system of agencies falls short, and our devices are either superfluous and exaggerated, or halting and inadequate, until our definition of the ultimate purpose of social action and conduct is clear and rationally justified.[1]

Since we cannot, here at least, critically follow this argument to a satisfactory conclusion, we may assume what society actually takes for granted, and what we find implied in all social institutions, laws, societies, movements, governments, that health, sanity, intelligence, morality, beauty, etc., are desirable for every human being.

The standard by which we judge a social policy must be a *multiple* standard, like the compensating pendulum of a reliable clock. The standard here assumed as valid includes the following ideas: (1) Welfare, well-being, analyzed into its various unanalyzable elements of health, wealth,

[1] See Stammler, *Wirthschaft und Recht*.

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A FEAST OF LUCULLUS.

Hand-painted Photogravure from the painting by Gustav R. C. Boulanger.

The name of Lucullus is proverbial for extravagance and luxury. A single feast cost him $10,000. The painting, reproduced here, depicts a Summer Repast at the house of Lucullus in Tusculum. The artist, M. Boulanger, was awarded the medal of honor when this painting was exhibited at the Paris Salon in 1878.

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knowledge, beauty, sociability, ethical rightness, and religious faith, is the most general conception involved (analysis of A. W. Small). (2) The welfare of all men, not of a limited class, must be the ideal, the regulative principle. Neither the political will of a democratic age nor the authority of an ethical philosophy countenances any standard for social conduct which is not universal, purely human. Persons cannot ethically be treated as means to ends outside themselves. No policy which is partial to a family, a dynasty, an order, a church, a class, at the expense of others, can be defended. (3) Therefore our standard is set up for the defense of the helpless child, the undeveloped, the tardy, the incapable; not because of what they can now do for society, but because they are human and have potential capacity for future development. (4) The analysis of social ends shows that we include all qualities and kinds of the humanly desirable. As a nature-object every person must have a certain minimum of food and shelter, and, normally, the race-interest asks for provision for propagation, maintenance, and protection of healthy offspring. Hence the demand of our standard that all capable human beings have a chance to work and produce wealth, material objects of desire. As a psychical person, one who must find his own way in a knowable world, each human being must be taught what he can learn of the knowledge possessed by his community, and his power to learn must be developed. Culture must be many-sided, even in an asylum for idiots or a prison for the criminal. (5) Scientific social ethics transcends merely qualitative analysis of social elements of welfare, and is ambitious to employ mathematics as far as possible in the accurate and quantitative measurement of its standard. Our age is *trying to define at least a minimum standard of life for all citizens.* This process has already gone farther

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than many citizens are aware. The *standardizing* of weights and measures is a recent addition to the functions and offices of our federal government at Washington, and it marks an advance in the technical arts. At many points[1] we are seeking to standardize the conditions of welfare of human beings. Naturally we are here concerned with a *minimum* standard; if we can discover and fix this measure, the more capable, aspiring, and energetic members of society may safely be left free to enjoy all above that level which they can justly acquire and rationally use.

At this hour no rational (scientific) standard for the minimum income of wage-earners has been generally accepted. (1) The rough rule of average employers is "the law of supply and demand;" which law actually leads to the destruction of human life on a gigantic scale for the sake of profits. It has no final social justification. (2) The gradation of wages according to the rate of profits is not rational nor equitable. The fluctuations and inequalities under such a rule would be unendurable.[2] (3) The rule of the "sliding scale," which means that the rate of wages fluctuates with the price of the commodity produced, has no ultimate basis in reason, and does not provide a socially acceptable minimum rate. (4) The rule of the strongest, in the fight between trade-unions and employers' combinations, which gives the advantage to the party which holds out longest, is simply a barbarous make-shift, with a rational standard far in the dim background. And where unions and combinations do agree the result is simply more hardship for the consumers, and bears with greatest weight on the very poor. (5) The *only rational starting-point is a minimum standard below which public morality expressed in sentiment, custom, trade-union regu-*

[1] See C. R. Henderson, *Practical Sociology in the Service of Social Ethics*, "Decennial Publications of the University of Chicago," 1902.

[2] *The Outlook*, August, 1904, articles by Messrs. Hand and Poole.

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lations, moral maxims, and law, will not permit workers to be employed for wages.

As I have elsewhere discussed this minimum in relation to the industrial group, it remains only to indicate the contribution which charity work has made to the discussion of a standard. The dietaries of asylums, orphanages, hospitals, and prisons are the outcome of a long series of experiments in chemical and physiological laboratories, in army and navy, in camp and mine, as well as in these institutions of charity and correction.

One field for the adoption of a standardized minimum remains to be cultivated, that of adequate outdoor relief to needy families in their homes. The stupid complacency with which only too many public officials and private benevolent societies pretend to relieve the destitute, while leaving many of them still partly to depend on begging, theft, or vice, is a sad commentary on the state of knowledge in this region. One result of this unscientific guess-work, where measurement is already possible, is that much public money is spent on the burial of pauper children which should have gone to feed and nourish them into vigorous producers of wealth.

Charity, in American cities, is far behind its task. It does not even have knowledge of those who need its aid. Under the "Elberfeld" system there are friends of the dependent in every small district of the city, and the individuals on the border of suffering can easily find their way to a helper. In America the public funds are frequently accessible only in one central office, and even when there is outdoor relief it is limited in amount.

There are many people in comfortable circumstances, and many charity workers, who think that our American charity is very nearly adequate. This optimism, I believe, is not based on facts, and is positively a barrier to necessary im-

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provements. My own conviction is based on long personal observation and on certain professional testimonies and statistical data. For example: Physicians who practice among the poor frequently report sickness and mortality which arise from "starvation diseases." Teachers of public schools in poor quarters make similar statements. The London and Chicago measurements of children in reformatory schools show an enormous ratio of dwarfed, underfed children. The reports of boards of health in American cities contain evidence of the same conditions.

A very common answer of some charity societies to this charge is that they are able to give relief to all applicants. But, with these facts before us, the answer is not decisive. People by the tens of thousands are trying to exist and bring up children in homes which are unfit for human habitation, and on food which is insufficient to meet the minimum requirements of growth. They do this because they either do not know where to apply for help, or because they know that, unless actually ready to perish, they will be treated as able-bodied and "not needing relief," or because they prefer to suffer from hunger and cold and disease rather than ask alms.

I do not claim that charity should attempt to relieve all distress. No doubt the idleness and vices of men produce much misery which philanthropy cannot reach. No doubt moral reformation and schemes of thrift, insurance, education, and general sanitation will in time remove many of the causes of this distress. But what I urge is that we do not now realize the actual enormity of suffering from poverty, that our methods of finding out are very inadequate, and that our optimism is as cruel as it is unscientific. So long as many influential charity workers are teaching rich and well-to-do people that we are almost at our goal we shall never awaken the public to put forth the necessary

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effort to cope with the overwhelming evils of extreme need in our industrial centres.[1]

The present efforts of the permanent Census Bureau of the nation, supported by the National Conference of Charities and Correction, by the National Prison Association, and by all experts, to collect continuous and reliable statistics relating to paupers and criminals, should be supported by all citizens. It is to be hoped that funds will be furnished to professors and students in university departments of social science for investigations in this field.

It might be thought that the elements of welfare in the higher regions of intellectual, esthetic, and moral culture are too refined, indefinite, and ethereal to be standardized. But all countries which have compulsory school attendance, at least up to a certain age, declare thereby that they have adopted a minimum standard of education; and they compel competitive exploitation of youth to await for maturity of body and mind. Child-labor laws are themselves the definite legal expression of a mathematical measurement of a social duty.

The trade-union world is stating its minimum standard more and more definitely, and insisting on it with courage and constancy, though sometimes also with acts of lawlessness and atrocity which show disregard of community welfare. This minimum standard includes such factors as the eight-hour day, the sanitary work-place, protected machinery, the age of beginning apprenticeship, and a minimum rate of wages for each branch of industry. The effect of the successful and general application of this stand-

[1] One illustration of an attempt to fix a minimum standard may here be given: "Dr. Frankel, of the United Hebrew Charities of New York, in a study of income and expenditure of a family just above the line of dependency, shows the disbursements for one month to have been about $32, the receipts from all sources (including $5 from lodgers) during the same period were from $33 to $35." Solomon C. Lowenstein in *Jewish Charity*, June, 1904, p. 210. See also, Charles Booth, *Life and Labor*; Rountree, *Poverty: a Study of Town Life*; E. T. Devine, *Principles of Relief*. Dr. Devine's book was not yet published when this paper was written.

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ard upon the incapable and the feeble deserves our attention; but the enforcement of the minimum, being a community interest, should not be left to trade-unions, but should be, as far as possible, a matter of law and governmental action.

In the maintenance of this minimum standard we are compelled to face the problem of immigration of foreigners whose standard of living is below this minimum. So long as hordes of this class are permitted to come freely to America, to live herded in unfit habitations, and to compete for places with our naturalized citizens who have already won an advance, the case is hopeless for our own people.

Uncritical and traditional requirements of ethics produce an unreasoning sentimentalism which wreaks injury upon the race. The ethical demands of the future will become more exact, more capable of explanation and justification, because they will rest both upon inherited instincts of sympathy and also upon calculations of the consequences of methods on social welfare in our own and coming ages. Many of the moral standards of our times need to be profoundly modified by this process of scientific testing and experimentation.

II

The general form of our present problem is this: What is the best system and method of promoting the welfare of the dependent group considered as a vital part of the entire community? It is chiefly a problem of technique. This technique is a mode of action by a community. It is known and has its reasons in relation to the rational order of society. It can be taught and learned, for it is taught and learned. Hence it is a subject of science and has won proper recognition as a topic in this Scientific Congress.

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This technique is learned originally as other scientific conclusions are reached,—by systematic observation of social phenomena, by induction from facts, by performing experiments with methods under varied conditions, by inventing working hypotheses and putting them to the test of reality.

We are students of causes in a rational system of life; only we are trying to discover forces and conditions which will bring about a desired result, and we are not merely trying to explain a fact completed. We set before us not merely an effect to be accounted for, but a state of society and of persons which we desire and will to produce, on the ground that we represent it to ourselves as desirable. We are mentally adjusting a system of means to good ends, and not merely looking for the process by which what actually exists once came to be. One of these processes is just as truly scientific as the other, although the difficulty of prevision and provision is greater than that of explaining the past.

III

Elements in a Social Policy relating to the Dependent Group

(1) We need to *distinguish* as sharply as possible, both in social thought and action, the members of this group from those who belong to the industrial group. Perhaps one of the most disastrous forms of mental confusion is that of confounding these two groups and so treating them alike. The dependents have long been played off against the wage-earners, and are even now frequently used to lower the standard of living of the competent so as to reduce many of the self-supporting to beggary, shame, and demoralization, with a long train of vicious consequences

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through heredity for the future race. The typical historical example here is the national degradation which threatened the English people before the reform of the poor-law about 1834, when poor-relief was given as a supplement to wages, with the consequence that all common, unskilled laborers were fast becoming paupers as a condition of mere existence; and pauper labor proved to be incapable of producing wealth enough to support the nation.

But we do not have to go so far to discover flagrant illustrations of the same tendency, even in the fortunate economic conditions of the United States. There has not been an important strike in the past decennium, involving large numbers of low-skilled laborers, when charity-supported or charity-assisted persons or semi-criminals did not offer themselves in crowds to compete with the strikers.[1] The "parasitic industries" are found in all cities, that is, industries in which the income which supports the family comes partly from wages, partly from charity, partly from vice, and partly from the physical and moral capital of the next generation.

Under a previous head the minimum standard of human existence has been defined as closely as the nature of the subject and our present knowledge permit. The critical test lies here: Those who can earn the minimum in competitive society belong to the industrial group; those who cannot earn this minimum belong to the dependent group. This is a rough measure, but it is far better than no standard, and it is practically correct. In fact, it is already more or less consciously applied in every instance where public poor-relief is given. Of course, no thoughtful person will take us to mean that there is an impassable barrier between the two classes, so that dependents cannot be

[1] It is notorious that many of the professional "strike-breakers" are the vagrant class, on the borderland between vice, pauperism, and crime.

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helped to ascend into and remain in the industrial group; and there will always be some difficulty to decide the status of those on the border-line.

The members of the dependent group, who cannot earn even the minimum wage necessary to a human existence, are now actually supported by society; but frequently, and on a large scale, in such a way and by such methods as to keep them down and drag others to their level. For example, the products of charitable and correctional institutions are sometimes put upon the market in such quantities and massed at such points as to reduce the wages of self-supporting work-people below the level of the minimum. In the sewing industries very serious evil is thus introduced.

(2) A social policy relating to the dependent group must isolate the criminal group. One of the plagues of public and private charity is the anti-social criminal, the sturdy rogue and vagrant, the debased drunkard, the cunning thief, who mix in the throng of the merely dependent and appropriate by impudence or craft the fund intended for the helpless and incapable. At the door and desk of the municipal lodging-house may be seen daily the sifting and judging process—one of the most delicate tasks which ever test the judicial faculties of man. The same problem often confronts the friendly visitor in the homes of the poor,—as when one is called to help the wife and infant children of a lazy or absconding husband and father.

Recent experiments and discussions at this dividing-line have shown that the rough and ready, but overworked, "work-test," even as a "workhouse test," is but one factor in the best method. One difficulty is that the motley multitude called the "unemployed" is composed of unlike elements, the vagrant, the inebriate, the petty unsuccessful thief, the burglar "down on his luck," the physical degen-

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erate, the enfeebled convalescent just staggering back from a hospital, the stranded country youth, the unskilled laborer seeking a job without trade-union card, and others; some with hard palms and thick muscles, some with deft but delicate fingers, some accustomed to cold and heat, some with prophetic cough ready to perish with slight exposure to sun or storm.

In order to treat with fairness, discrimination, wisdom, and humanity all these "unemployed," and to transfer to the machinery of the criminal law those with whom charity cannot deal, several tests are necessary, and a merely automatic, mechanical method is totally irrational. (*a*) First of all a judicious, firm, courageous, and humane agent is necessary. The evil of depending entirely on a single coarse test, as the stone-pile, the bath, the workhouse, is that it seems to make the man unnecessary. It has long been observed that in an asylum for the insane where all the patients are kept within steel cages, one or two brutal attendants can carry out the policy; but where freedom, fresh air, play, industry, and rational treatment are given, the hospital must have many gentle, strong, and trained nurses. So exclusive reliance on a stone-breaking test tends to place surly and cruel keepers in charge of all applicants for shelter and aid, and thus the institution designed for charity and justice becomes an insult to honest workmen and a discouragement to the sensitive, without furnishing the quick insight which most unerringly discovers real criminals. (*b*) The work-test, in many forms, is only one useful method which works well under good direction, since crime is as parasitic as pauperism, and the mark of the parasite is that he wishes to live at the expense of others. (*c*) The employment bureau, with a reliable record and a sharp watch-care, is another means of marking the industrious man and discovering the cheat. (*d*) In

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cities, and often in towns, a certain amount of personal guardianship, a kind of probation work, is necessary to hold a moral weakling back from sliding down the easy incline toward criminality. All this information which is necessary for a wise treatment must be collected instantly, by means of messengers and telephone and telegraph, and from every available source. For the moment when a man can be helped and turned away from beggary or crime is the moment when he is under treatment and within the grasp of the official. The German *Verpflegungsstationen,* with their simple inns and their system of certificates and records, have much to teach us.

But whatever the tests employed, in some way the members of the criminal group must be distinguished, known, and isolated from the dependent group. Charity, public or private, has no machinery of compulsion, and ought not to have. The steamboat is not made to sail on land; the school-house is not constructed to hold burglars in confinement; and a charity bureau is not fitted for the task of managing deserting husbands, petty thieves, and confirmed inebriates. Society must erect specially adapted machinery for dealing with this class of men, and it must have agents trained for each particular branch of its service.

(3) Part of our social policy must be a *better understanding between the public and private agencies of relief.* So far as principles of administrative methods are concerned there are no radical differences, both must aim at the real good of the recipients and of the community. It is also true that the division of labor need not be the same in every state and every county or municipality.

But the necessity of agreement and coöperation is easily illustrated and demonstrated from examples taken from practice. Thus private charity sometimes supports a feeble alien who has been rejected by the agent of public outdoor

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relief until he has gained the rights of settlement and becomes henceforth a public charge; and this happens even in states where it is a punishable offense to import a pauper from one county into another. This understanding should go far enough, in cities where there is legal outdoor relief, to secure for the salaried agents the assistance of voluntary, unpaid, friendly visitors. Our public relief in American cities sins against the fundamental principle of individual treatment, because it refuses thus far to learn from the German cities, which employ unpaid visitors and give to them, within certain regulated limits, the responsibility for the distribution of public funds.

The essential principles of division of labor seem to be: (1) the relief which is required by law is only that which is necessary to life and industrial efficiency, while private relief can deal with exceptional cases and provide a measure of comfort; (2) public relief is more suitable where there can be common, general regulations; private relief is more adaptable and can act in exceptional ways; (3) public relief may properly provide for permanent and universal demands; private relief, being optional and voluntary, may rise to meet changing situations, and hence can more readily try experiments for which the voting public is not ready to expend money or erect administrative machinery.

But division of labor is only one aspect of social coöperation, and it really implies and demands a conscious and concerted effort to work for the common welfare. This division of labor and this coöperation require organs and agents to make them effective. In German cities the initiative is naturally taken by the municipality; in American cities it must at first be taken by the Charity Organization Society or some kindred association.

(4) A social policy relating to the dependent group must include an extension of experiments with positive social

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selection. Each year competent thinkers come nearer to agreement on this principle, although it is not so clear that we have yet hit upon the most effective devices in its application. It is more than formerly assumed that persons who cannot improve, or at least will not degrade, the physical and psychical average of the race, should be prevented, so far as possible, from propagating their kind. Accidental and sporadic deflections downward from the average would still occur; but one of the principal causes of race-deterioration would cease at the source.

The device of extermination by painless death has not been seriously discussed among the competent.

The device of *sterilization* has been frequently suggested, and, in a few instances, chiefly on the ground of advantage to the individual, it has been employed. There is nothing absurd, cruel, or impracticable in this proposition, although it would be helpful only within a limited area at best, and would not make segregation unnecessary, since even a sterilized degenerate can do injury by example and actions. It could be useful only upon the recommendation of a medical administrator and in the case of persons isolated from social contacts.

A beginning has been made with the device of the custodial colony for segregation, already in quite general use with the insane, the feeble-minded, the epileptic. The idea is not absolutely new, but the scientific grounds and economic methods have not yet been worked out in a way to frame a cogent argument and appeal to electors and legislators. We must still interpret the partial and tentative experiments already made so as to throw light on extended applications of the principle. Until the entire community, or at least the governing majority, has accepted this policy with open eyes and united will, we must expect to pay the heavy costs of neglect.

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Conviction of the importance of a rational and humane policy of social selection has been diluted, and aggressive effort has been delayed, by certain widely accepted errors. Thus we have a large number of citizens who cling to the belief that "natural selection" is adequate and preferable. They speak of the "evanescence of evil;" they cite the high rate of mortality of starved and sick infants, the sterility of prostitutes, the frequent celibacy of vicious and criminal men, the disappearance of degenerate families, the ravages of alcoholism and disease among the neurotic and inefficient. Doubtless, as was long ago abundantly illustrated by Malthus, misery, pain, weakness, vice, do tend to extinction without any conscious, concerted, and rational effort of the community through law. Why not leave the weeding-out process to these destructive agents and forces?

False modesty has been an important factor in hindering the calm and responsible discussion of the selective process. Ignorance of biological science has contributed to the obstacles in the way of progress. We need to consider what the waiting, *laissez-faire* policy involves in order to understand why a humane society will not always stand by without a positive effort to modify the process and reduce its cost. It would mean, first of all, that hundreds of thousands of our fellow men who fail in competition would starve or freeze before our eyes in our streets. Among these would be innumerable innocent little children and helpless old men and women, unfortunate and crippled veterans of the army of labor. We do not need to depend on imagination for a knowledge of the effect of such conduct. It is what Bill Sykes did, what miserly stepfathers and heartless tyrants have done. The king who heard that his subjects had nothing to eat, and sent word that they were welcome to eat grass, was inviting a revolution—and it came. Hunger breeds despair, and those who are left on

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the verge of starvation have nothing to risk when they steal and rob, or set the torch to palaces, and rob public stores and granaries in the glare of conflagrations.

The instinct of sympathy is too deep and general to permit neglect. The moral obligation of charity is now with us organic, institutional, and fortified by ethical philosophy. While we cannot "prove" it, as we can a physical cause of disease, we can show to all who are capable of appreciating the argument that charity is an essential factor in a rational view of life and the universe. In spite of the powerful and influential protest of Mr. Herber Spencer, the civilized nations have gone on their way of extending the positive agencies of benevolence. The let-alone policy is impracticable. Evidence is accumulating to prove that charitable support, without a positive general policy of segregation and custody, is, in the case of those who are seriously defective, the certain cause of actually increasing misery by insuring the propagation of the miserable. We cannot go backward to mere natural selection, the process which was suitable with vegetable and animal life, and inevitable in the stages of early human culture. Nor can we rest with merely mitigating methods of relief. We are compelled to consider devices for direct elimination of the heredity of pauperism and grave defect.

Fortunately we have already discovered that an effective colony method is technically and economically possible, humane, and financially advisable. For example, it is not difficult to estimate the average cost per year for the support of a feeble-minded woman of child-bearing age in a farm colony where all the inhabitants work, learn, play, but none breed. If she were free to roam, the county or state would have during these same years to support the woman and her defective illegitimate children. The future generations of "the Jukes family" are in sight, and

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the burdens they will bring. We know the effects of these two policies; they "spring to the eyes." The method of segregation, as a device of negative social selection, is already at work and its results are before us. Gradually, tentatively, carefully, the method will be employed with others, as they are found to be manifestly unfit for the function of propagation and education of offspring; from the insane and feeble-minded society will proceed to place in permanent custody the incurable inebriate, the professional criminal, the hopelessly depraved. The marriage of consumptives and of others with feeble constitutions will be increasingly diminished under pressure of enlightened public opinion.

But the policy of segregation is applicable only within rigid limitations. Only those members can be cut off from family life and social freedom who are manifestly unfit for parenthood and for contact with fellow citizens in competitive industry. Many of the children of criminals may be so nourished and taught in a new domestic environment as to become valuable citizens. But society cannot afford to play the nurse and teacher for a very large horde of incapables and criminals. The cost would be too great and the sacrifice would fall on the wrong parties. It is in the improvements and reforms which promise the elevation of the group not yet either pauper or criminal that we may most reasonably hope to secure the best returns for our efforts. Something may be done to compel parents now negligent to perform their duties as parents and make better use of their wasted resources. The extension of probation work to parents, already begun in some of our juvenile courts, is a hint of what may be done.

(5) Not even a brief outline of a social policy relating to the dependent group can omit reference to the agencies of "preventive and constructive" philanthropy. Omitting

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details, yet bearing in mind the impressive array of inventions in this line, let us seek to define the essential regulative principles which at once inspire and direct these methods.

Pauperism is, in great part, the effect of known and removable causes. These causes are not obscure, concealed, or beyond our grasp. They are consequences of human choices which may be reversed. The reception of alms even in cases of innocent misfortune, is a social injury; it lowers self-respect, weakens energy, produces humiliation and mental suffering, diminishes productive efficiency, tends to the increase of pauperism. Hence those who know most of relief are most desirous of reducing the necessity for it to the lowest possible terms.

The National Consumers' League and the recently organized National Child Labor Committee represent a policy of prevention which is full of promise. It is perfectly clear to all competent observers, who are not blinded by some false conceptions of personal financial interest, that the vitality, industrial efficiency, fitness for parenthood, and intelligent social coöperation of the rising generation are profoundly affected by neglect of the children of the poor. In order to prevent juvenile pauperism and youthful vice and crime, the entire nation must work steadily to introduce and make operative something like the following programme of legislation and administration:[1]

All children must complete the first eight years of the common school curriculum and attain a certain standard of education before they are permitted to engage in breadwinning occupations, and none under sixteen years should be wage-workers unless this standard has been reached.

All children, when they begin work, should be examined

[1] Suggested by the paper of Mrs. Florence Kelley, published in the *American Journal of Sociology*.

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by a public physician, and held back from intense labor if in weight, stature, and development of muscles and nerves they are dwarfed. Physicians and nurses should be charged with the duty of seeing that school-children are kept in good health.

All defective, deaf, and subnormal children, as well as the crippled, should have proper separate and special instruction.

Boards of education should provide playgrounds and vacation schools, under careful supervision, in order to prevent the evils of idleness, misdirected energy, and vicious associations.

Public libraries should extend their branch work, not only to different districts of the city, but, by means of home library agencies, into the very homes of the poor; and the easy and pleasant use of the English language should thus be promoted.

The street occupations of boys should be carefully regulated and supervised, and the employment of girls in public ways should be prohibited.

Boys under the age of sixteen years should not be permitted to labor in mines or with dangerous machinery.

If parents and other adults are in any way responsible for the delinquency of children, they should be held penally responsible.

At the same time, the curriculum of the schools should be so planned as to lead by a natural transition from the play and study of childhood to the specialized industries of maturity, by means of evening schools, technical instruction for apprentices, regulation of hours and shifts, so that youth may lay a broad foundation for the specialization of the factory and mill.

Among the methods of preventive philanthropy is that of new applications of the principle of averaging risks or

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"insurance." The only nation which has thus far developed a system as comprehensive as social need and as our present social science justify is Germany, and any discussion which ignores that splendid system must be regarded as tardy and provincial. No doubt each country must construct its own system, but any legislature which neglects German experience and success falls short of the best wisdom.

Sickness being one of the chief causes of dependence, all recent improvements in hygiene and sanitary science, with their practical applications in municipalities, must be counted among the direct means of preventing pauperism. The contest with tuberculosis is a familiar and happy illustration of labors in this field.

(6) Philanthropy would still have a large and even higher mission if the commonwealth could by a stroke abolish pauperism in all its present forms. Philanthropy will never become obselete, but will merely move up to higher levels. There will always be superior and inferior; stronger men in advance, feebler men in the rear; but all will be members of the same community, knit by economic, political, and moral ties into one organization. Already the condition of social dependents is far higher than it was a century ago. When actual misery and depravity have been abolished, if that time ever comes, there will still be work for the most successful on behalf of those less gifted. Much of our charitable work is already on this level. In rural communities the desperate and tragical struggle with shameless pauperism is often absent; there are no "poor," none dependent on public or private relief; yet in many villages the higher charity has a very earnest mission. There are still spiritual and intellectual dwarfs to be stimulated; gossip dissipates; low vice lurks in unsuspected places; and those who lag in the rear hinder the march of the most advanced.

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The philanthropic measures which have been developed in presence of pathological phenomena have reacted upon normal activities. Thus, for example, the methods of studying and training the feeble-minded and the juvenile offenders, and the vacation schools for summer vagrants among children, have made substantial and appreciated contributions to the science of education.

Crises in commerce and industry are felt to be pathological; but a scientific study of crises reveals the principles which should regulate ordinary business in such a way as to avoid widespread financial ruin, as rules and laws controlling the issue of currency, the straining of credit, and the fluctuations in the production of commodities.

The labors of the philanthropist awaken and sustain those social habits of thought and sympathy which elevate and ennoble family life, refine customs, and inform legislation with a universal moral aim. Medieval charity was full of blunders, but its failures are our warnings, and its spirit of devotion inspires us through the literary monuments of its typical heroes. In a similar way the institutions and laws which public and private charity are now constructing will shine over the waste of years a veritable pharos for the centuries to come.

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THE PROBLEM OF POVERTY

BY EMIL MÜNSTERBERG

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POVERTY means a condition where there is lack of the necessaries of life. The preservation of the life of the body is a necessity, and the man who does not possess the means necessary to such preservation is poor. Whether it be directly through starvation, or indirectly through sickness brought on by insufficient nourishment, poverty must necessarily lead to the extinction of the physical life. The individual's instinctive love of life will not allow him to submit to this result without resistance, and so in one way or another, according to the circumstances in which he lives, he struggles against it. He will either beg the means of subsistence from his fellows, or, if this fails, he will resort to fraud or force in his efforts to obtain it. This means that he will strive to escape want by secret or forcible appropriation of the necessary means of subsistence. But so far as begging and force fail, whether it be because his fellow men are also poor, or because they take sufficient precautions to protect themselves against fraud and force, so far the condition of poverty continues to exist, and that consequence of physical degeneration makes its appearance which penetrates the whole being through disease, through moral neglect, and through embitterment of soul. Where wider circles of population fall into this condition we speak of collective poverty, in contrast to individual poverty.

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There is this great difference between poverty and all other human conditions, that the man who suffers from it has at his disposal no means of resistance out of his own power; that here there is no service rendered which furnishes a claim for a counter-service, as is the case in all other human relations. Hence, when help is rendered to the poor, be it by the individual or by society in its various forms, the question is always of a service without return. For this reason, therefore, such service cannot, without further ceremony, be left to the general principles governing economics and equity which otherwise regulate the relation between service and counter-service. There are many other points of view on which the necessity of helping the poor is based. They may be briefly classified as "philanthropic" and "police." The spectacle of a human being suffering from want is so affecting that it calls out the feeling of sympathy which impels his fellow men to help. From the standpoint of the police, however, the impulse evoked is almost the direct opposite—that of self-protection.

When an indigent, through need of the necessary means of subsistence, resorts to fraud or force, he can do this only through a breach of the law. Society, which imposes a penalty on such a breach of its laws, must guard against allowing such law-breaking, committed through the force of a natural instinct, to have the appearance of being justifiable. Means must be taken to anticipate such an instinctive action by voluntarily supplying the poor man with the means of satisfying his natural wants. The history of poverty furnishes numerous proofs of the fact that the instinct of self-preservation is under all circumstances stronger than the fear of penalty. The whole of the measures by means of which it is sought to alleviate the many and varied conditions of poverty, we designate "poor-re-

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lief." No civilized state is without such measures, although in various countries they have undergone a very different development. Their foundation is laid by a feeling of fellowship, which at first centres in the church parish and is directly shown by the members of the parish toward one another. Hence the custom passes over, as a religious exercise, to the church itself, which comes to recognize a definite religious duty toward the poor. It also grows up out of that feeling of fellowship which neighbors have, manifests itself in the mutual help of those bound together by a common occupation or calling into orders of knighthood, religious orders, merchant and trade guilds, unions, brotherhoods, and associations, and finds its final comprehensive expression in the recognition of the duty of poor-relief through political organizations, church, province, state. Yet its actual development assumes very different forms. In the Latin countries the exercise of poor-relief and charity continues to centre really in the church. In the Teutonic countries, on the other hand, it develops from an ecclesiastical to an ecclesiastico-civil, and then gradually to a completely civil, poor-relief. In keeping with this development, the ecclesiastical poor-relief in the Teutonic countries remains still in a mere modest, supplementary position, closely confined within the limits of those bound together by a common creed. The opposite is the case in the Latin countries. Here charity, which is administered through churches, monasteries, religious orders, and charitable endowments, is supplemented by state and parish measures. The traces of this historical development are to be found in numerous halfway forms. For example, even in the England of to-day the public poor-relief is administered by unions which correspond to the several church parishes. In the French *bureaux de bienfaisance* and in the Italian *congregazione di carità* the interest of

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the community at large finds expression in the fact that the mayor is the chairman of these associations.

To these public and semi-public forms of poor-relief there is added an immense number of private charities, which either pursue precisely the same object as the former, or else supplement them in some way or other. Their promoters are either single individuals or societies and associations. Above all things, the standpoint of humanity is predominant among them, although this takes different forms of expression at different periods. The simple command to love one's neighbor, which makes it a duty to help one's suffering fellow beings, expresses itself in almsgiving and penitential offerings in the medieval church, where the spiritual welfare of the giver is the idea in the foreground, rather than the need of the receiver. The charitable foundations of the cities that grew up after the Reformation are the expression of a powerful sense of citizenship, which feels itself able to do more for its impoverished members than afford them mere sustenance. The period of rationalism which set in about the middle of the eighteenth century transformed the Christian idea of love of one's neighbor into that of pure humanity. And still to-day impulses to relieve suffering are produced by motives of the most various kinds. The means to this end are pouring in to-day as they have never done before. The applied methods of relief, especially where sickness and infirmity are concerned, have reached a degree of excellence all out of comparison with that of any previous period. How much also poor-relief has extended its scope, increased its means, and improved its methods! The method of poor-relief in itself, however, can boast of no progress. It was and continues to be an indispensable, but always crude, means of contending against poverty. So far as we can speak here of progress at all, it is not to be found within, but rather

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without the proper compass of poor-relief. It begins at the moment when poverty is no longer reckoned with as a condition established by the will of God, or as a necessary fact of human existence; and the question is thus raised whether poor-relief itself cannot be absolutely banished from the world by the absolute abolition of poverty itself, and, without prejudice to the physical and mental inequalities in natural gifts which divide men, by the removal of that monstrous inequality which exists in the things of this life. From this point of view the problem of poverty is a problem of economics and sociology which investigates the whole relationship of man to man and to nature about him, and whose final aim must be to render to all an equitable share in the treasures that are to be wrung from nature through work, and also, by the creation of universal prosperity, to banish poverty from the world as the very contradiction of such prosperity.

With an insight into this connection of the matter there begins a new conception of social and economic events. We hear at the close of the eighteenth century of the great doctrine of individual freedom. All legal obstacles which set bounds to this movement must fall. It is taught that, as soon as every one has liberty to unfold his own powers, the greatest possible guaranty of universal prosperity is attained. But the new economic development which, under the banner of steam and electricity, leads the way to a new era of discovery and invention, in reality created colossal riches on the one hand, and appalling poverty on the other. Poverty is not removed, but increased, and in its opposition to riches appears still sharper and more pressing. Man's ability to work has become an article of sale, which, according to the law of supply and demand, displays a tendency toward continuous depreciation as population increases. So economic freedom becomes the freedom of

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"sweating," which receives only the slightest check from the good will of philanthropists. The immense pressure from above calls forth the counter-pressure from below. As their feeling of self-consciousness develops, the laboring classes seek to realize themselves as a unity, and in their wishes, needs, and point of view to oppose themselves to the employing class. One can speak of this movement among the laboring classes as something quite new in the history of sociology and of the world. This does not mean that there ever was a time when the struggle of the impoverished classes to improve their social and economic condition had no existence. But no movement has seized hold of such great masses of people. First of all, the modern means of communication and the press, together with a universal political freedom which has, in spite of every obstacle, made great advances, have been the powers which have given that solidarity to modern labor which is its peculiar characteristic. This movement of labor to realize itself as a great unity gives rise to the modern social problem of which the problem of poverty forms a part. As a part of the social problem it assumes a new aspect. The conception of poor-relief, in the old sense of the term, is entirely foreign to the labor programme, the first principle of which is self-help; not pity, but justice; not a prayer, but a claim.

This social conception of the problem increases the difficulty of treating it, because the attention is now directed away from the outer appearance of poverty to its deep-lying cause, and the trouble now is to find those measures through which the cause of poverty may be counteracted. We are accustomed to classify the causes of poverty as "general" and "particular." The former comprise events over which the individual has no influence, such as the whole organization of state and society, business crises,

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wars, discoveries, and inventions which revolutionize a whole branch of industry, such as especially the replacing of hand labor by machine labor; further, destructive events of nature, such as earthquakes, conflagration, inundations, epidemics, etc. Through all these causes numberless individuals are simultaneously rendered penniless and countless families deprived of their bread-winners. The particular causes of poverty are disease, infirmity, old age, etc., which are again to be distinguished as those for which the individual is responsible and those for which he is not responsible. For idleness, prodigality, drink-mania, and unchastity he is responsible; for youth, old age, sickness, and infirmity, and death of the bread-winner he is not responsible. Yet a sharp line of distinction is not to be drawn here. A bad course of life, for which a vicious bringing-up is to blame, is something for which, in a higher sense, the individual is not responsible. Moreover, a similar consideration will show us how the individual case broadens into the general. Take, for example, the problem of criminality among the young, a problem which has lately been the subject of especially earnest consideration and which is bound up with domestic conditions. In like manner, the sickness of the individual assumes a general importance when the condition of dwellings, the general diet, etc., deteriorate the health of the population. And if the state of dwellings and food have such a result, there forces itself to the front the question of wage and labor conditions which do not allow a sufficient expenditure for food and dwelling. And from this wage and labor question we are immediately led back to the question of economic and social conditions. In short, we have an immense variety of circumstances produced through causes the ultimate source of which is hidden in almost impenetrable obscurity. Personal, physical, intellectual, and mental qualities exercise a contributive but

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not decisive influence, where the determining circumstances are more powerful than the will of the individual.

However difficult it may be in particular cases to press back to the ultimate cause, yet the knowledge of the connection between the individual case and circumstances in general affords us points of view for the measures that are to be taken to counteract poverty. Indeed, it is this insight into the indissoluble connection of the single case with the general which gives its decisive character to the efforts of to-day to solve the problem of poverty. The well-worn comparison between poverty and disease here obtrudes itself. It is not a piece of court-plaster fastened over a wound which heals a disease whose causes lie within, but only the treatment of the whole bodily condition, the improvement of the vital forces, the restoration of regular circulation of the blood, the stimulation of the activity of the heart. Thus poor-relief, as a means of protecting the poor from direct want, is only the court-plaster which serves as a temporary relief, but does not produce a real cure. The farther the measures taken to counteract poverty are removed from this most external measure of poor-relief, the more effective are they. In the first rank stand all those measures which are fitted to elevate the general condition of prosperity. Here belong all those measures which concern public and economic life, commerce, the labor market, the administration of justice, etc., and also the question of protection and free trade, the conclusion of commercial treaties, the extension of the means of communication by land and water. In a similar position stand those measures for the elevation of the public weal through regulations promoting health and education, such as the fundamental demand of universal free elementary schools and of night schools, the equipment of technical, business, and higher educational institutions, the procuring of a good

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water-supply, the removal of garbage, the supervision of slaughter-houses, a good milk-supply, the promotion of physical training in the schools and homes, the furtherance of the building of sanitary dwellings; in short, those measures which are fitted to improve the mental and physical conditions of all the various classes of population.

The second division is formed by those regulations which have to do with single occupations and classes, especially the agricultural, artisan, and industrial wage-earning classes. Of first importance here is the regulation of the labor conditions, the legal protection of labor, labor coalition, and labor employment bureaus. Side by side with legal regulations, the claim to the highest importance lies with the activity of the independent organizations, of the artisan associations and trade-unions, of producers' and consumers' leagues, of building-societies; in short, of all those associations of laborers in a common field which are built upon self-help as their basal principle, and whose object is the regulation of the conditions of labor and mutual encouragement and support.

The third division has so far to do with the causes of individual poverty as certain circumstances can be foreseen which render the individual, either for a time or permanently, incapable of earning his bread. Such especially are disease, accident, disability, age, widowhood, and orphanage. The most important measures in this division are those comprised under the different forms of labor insurance, divided into sick, disability, old-age, accident, out-of-work, and survivors' insurance. Such insurance may rest chiefly on the basis of legal compulsion, as in Germany and Austria, or on the basis of friendly societies as in England and America, which, however, are to be found in the first-mentioned countries also. Labor insurance stands in its effects next to poor-relief, in that in single cases it removes

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or mitigates the consequences of penury. It has this difference, however, from poor-relief, that here the claim is based on the ground of an acquired right. On a similar basis rest the claims on the state, church, and corporations for pensions, retiring allowances, or maintenance of widows and orphans.

Sharply divided from these measures for the advance of general prosperity, of self-help, and of social prophylaxis, there exist, in the last place, the measures against poverty which constitute poor-relief proper. The man whom these general measures for the public good have not been able to prevent from falling into poverty, who, in the case of lost capacity to earn his living, or want of work, cannot fall back on the help of those upon whom he has some special claim, nor has the right to claim help from insurance,—such a man has no other resource than to accept outside help, which is offered by poor-relief and charity, a help which has this peculiarity that it stands outside the compass of that reciprocal service which determines and sets definite bounds to all other economic relations. The results of this peculiar relationship are plainly recognizable on the side of both giver and receiver. The giver is inclined to limit his gifts to what is only absolutely necessary, because he gives without return; the receiver is humiliated by the gift, because he can do nothing in return. Hardness on the one side, bitterness on the other, are consequently in great measure bound up with the exercise of poor-relief. And where poor-relief is not administered in this hard way, or where it reaches a lavish or actually prodigal extent, it escapes indeed arousing the feeling of bitterness, but produces in its stead other and no less dangerous evils, above all the evil of accustoming the receiver to free gifts, of making him covetous, of blessing his efforts to maintain himself out of his own endeavors. Where

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poor-relief so degenerates it becomes mere almsgiving, which has as its inevitable consequence the unlimited increase of the number of those seeking help. The lamentable fact that heads of families desert their wives and children is really fostered by the feeling, encouraged through the administration of adequate poor-relief, that sufficient provision will be made, without the presence and work of the head of the family, for the maintenance of those dependent upon him. Nay more: where greater riches afford the means of a lavish distribution of charity, the begging of charitable assistance becomes a business which supplies itself with specific expedients in order to secure its share of the superfluous wealth without any effort. The appearance of poverty is feigned. Hypocrisy, lying, and cunning in written and personal representation form the stock in trade of this beggar business, which, estimated by its moral quality, rivals the trade of the card-sharper, receiver of stolen goods, and defrauder.

Thus the conduct of society toward poverty continues to oscillate between two evils—the evil of insufficient care for the indigent, with the resulting appearance of an ever-increasing impoverishment which acts as an incentive to begging and crime; and the evil of a reckless poor-relief, with the resulting appearance of far-reaching abuses, the lessening of the spirit of independence, and the patronage of begging and vagrancy. The history of poverty is for the most part a history of these constantly observed evils and of the efforts to remove them, or at least to reduce their dimensions. No age has succeeded in solving this problem. In the early Christian Church the duty of poor-relief was based upon the love of one's neighbor, and the members of this community looked upon each other as brothers and sisters whose duty it was to render help to one another. Thus it was possible for a limited circle and for a limited

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time in some measure to avoid both these evils. But in the Middle Ages the church, now become a public power, encouraged and increased poverty to an appalling extent, without being able in a corresponding degree to meet the problem of helping the indigent. The state authorities during the latter part of the Middle Ages, and especially in the sixteenth and seventeenth centuries, in spite of their stringent laws against begging, remained powerless to contend with beggary and vagrancy. The other course which, with overflowing love and compassion, sought to mitigate the lot of the poor, which finds expression in the Gilbert's Act of England with its system of allowances, or the French law of 1811 concerning the anonymous reception of children, plainly showed, in the appalling increase of the number of able-bodied persons demanding support and of deserted children, where a too charitable conception of the administration of poor-relief must lead. To-day we stand face to face with the same problem. Public poor-relief and private charity wage the thousand-year-old battle over the successful administration of poor-relief and the prevention of its abuses, and reap to-day precisely the same experience as was reaped in times past,—that human nature, in spite of all economic and technical advance, in this respect has undergone no change. Hence also arises the very noteworthy fact that the most modern poor-relief directs its attention more than ever to the simple administration of poor-relief in the early Christian Church, and that the much-talked-about "Elberfeld system" is nothing else at bottom than an attempt to revive that old form of administration on systematic lines. Thus there stands in the foreground of all discussion concerning the proper form of poor-relief the question of organization. If poor-relief is to help the needy according to his need, and have a reason for rejecting the undeserving, it must have for this

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purpose a thorough knowledge of the circumstances of those who apply for help. This knowledge can be obtained only through direct examination in the home of the indigent, through observing his mode of life, his household management, the conduct of his family, etc.; and must be supplemented by inquiry in other directions, of the employer, neighbors, fellow-tenants, etc. This makes necessary a special equipment for examination which shall stand in fitting relation to the number of those seeking help. In this regard, the greatest success is displayed by the communities which are able to raise a sufficient number of volunteer helpers who enter into intercourse with the indigent in the spirit of brotherly love. Herein lie the roots and the power of the Elberfeld system, already referred to. The paid helper is perhaps better trained, but he lacks that vital element of love which distinguishes the voluntary helper. It is true that the voluntary-assistance office must have rooted itself in law and custom, as has been predominantly the case in German communities. This custom hardly exists in England and America. Hence the predominance of indoor over outdoor poor-relief in both these countries. In its place, however, America and England can point to a very great development in the sphere of private charity, which centres in the charitable organizations and societies, and offer here wider opportunities not only to volunteer helpers but also to paid workers who are trained by various plans and now by highly developed schools of philanthropy. The most valuable assistance rendered by woman makes itself conspicuous in the sphere of private charity, and leads to the demand, now advanced alike in all civilized states, that in public poor-relief woman shall have equal rights and duties with man.

The method of rendering assistance is closely bound up with the question of the organization of poor-relief. The

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German preference for outdoor relief is, without doubt, a result of the old custom of employing the help of volunteer assistants. In England the great reform of 1834 established as the very test of indigency the readiness of the applicant for help to enter an institution in which he had to forego his freedom of movement and many of his accustomed enjoyments of life. Whether this demand is expedient or not is to-day a matter of much dispute. The transactions of the National Conference of Charities, and the reports of state boards and of the English Central Poor Board, contain numerous discussions of the matter. That the number of those receiving assistance is lessened by a stringent application of the principle is without doubt. But, on the other hand, it remains doubtful whether in this way adequate relief is in all cases afforded, and whether it is not much more true that the rendering of money assistance to the indigent restores him more quickly to a condition of independence, and that the poorhouse tends to make him a permanent subject of poor-relief. Moreover, it has often been observed that a strict application of the principle of indoor relief leads to an increase of those two evils already mentioned—the want of those who are in real need, but whose pride is too great to allow them to enter the poorhouse; and the resort of the others to begging and vagrancy, which they find more comfortable and profitable. More than this, neither England nor America would be in a position consistently to carry out its system of indoor relief, were it not richly supplemented by private charity which mitigates the severities of the system. Moreover, an increasing insight into the connection between poverty on the one hand, and disease and immorality on the other, in all civilized countries, and not least in America and England, has had the result of so narrowing the sphere of indoor relief that all those classes of indigents are refused

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admittance which need special medical attendance, and for whose moral welfare dangers are to be feared from a stay in the workhouse. Above all is this true of the sick and the young. In its relation to the children especially is the development of the system of family relief, and the separation of children from adults, noteworthy. In sick-relief it is a matter of the first importance to render the relief at the right moment to insure the cure of the patient and, where possible, to seize the disease at a stage in which restoration of the power of earning his own living may be successfully accomplished. In this respect the movement for combating the evil of tuberculosis is especially of far-reaching importance.

The question of good organization, as well as the question of adequate relief, is handled by general efforts of the most various kinds, in which public poor-relief and private charity take part in different ways. This very diversity, however, conceals two serious dangers—lack of unity on the one side, and overlapping on the other. To counteract these dangers it is necessary that the directors of public poor-relief and the different representatives of private charity should associate with one another for the purpose of devising a systematic and mutually complementary relief. Information about the indigent, as it is sought in the "charity organization societies," in the *offices centraux des œuvres de bienfaisance,* in the *Vereinen gegen Verarmung,* and in the information bureaus, directs the indigent to the place where he can best find help, and leads to the discovery of those persons who misuse poor-relief and charity. Information about charitable institutions, as given in the digests and directories of great cities, show what measures are available, and how they can properly be made use of.

Beyond this activity, exercised almost exclusively by pri-

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vate parties, the need, at any rate, makes itself felt for a definite determination of the proper management and application of the means of poor-relief and charity. And here very different possibilities are open. The whole public poor-relief may be placed under one central board of control which is authorized permanently to supervise all the institutions and establishments that stand under it, to vote the estimates, to censure abuses, and to compel their redress by the authority of the law. The most stringent form of supervision is exercised by the Local Government Board in England, with the assistance of general inspectors, local inspectors, and auditors. All boards of poor-relief are required to furnish regular returns, which render possible general poverty statistics at once of scientific and practical utility. In France, so far as one can speak of a public system of poor-relief—that is, as far as care for children, aliens, and the diseased is concerned—the supervision lies with a special department of the minister of the interior—the *directeur de l'assistance publique.* He has, as an advisory, the *conseil supérieur de l'assistance publique,* which undertakes an exhaustive examination of all questions relating to poverty and charity, and expresses its judgment upon them. In Belgium a proposed law provides for a similar institution. In Italy, in accordance with a law which went into force a few weeks ago, a central government board, the *consiglio superiore di assistenza e beneficenza pubblica,* and besides for each separate province a provincial board of commissioners, *commissione di assistenza e bi beneficenza pubblica,* are created. The latter is authorized to exercise direct supervision over the local boards of management, and to interfere in their action; while the intention is that the functions of the central board should be more of an advisory nature. In the new laws of certain Swiss cantons and of the Austrian crown lands

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the institution of inspectors of poverty has been recently introduced. In Germany there is no such central authority in charge of poverty. The supervision of poverty here forms a part of the general government supervision whose duty it is to guard against all pernicious measures, whatsoever they may be.

In the United States, of late years, public opinion has taken a very lively interest in this question, from the point of view as to whether such supervision is desirable and permissible. One must place over against this the institutions of the Old World, where the old absolutism exercised a strong influence on self-government, from which in modern times it seeks to free itself. The exact opposite is the case in the United States, where from first to last constitution and government are based on democratic principles. The result is that an encroachment here on the part of central government authorties would be viewed beforehand, from the standpoint of political freedom, with much greater distrust. At the same time, it is universally agreed that the government authorities have the right to remedy public evils and abuses from the standpoint of state protection, and to exercise supervision over state institutions proper. The problem becomes more difficult when the question is raised concerning the supervision of the remaining public institutions, and those which receive aid from public funds; and still more difficult when purely private charity comes to be considered. The question has been answered in the United States, both theoretically and practically, in very different ways. First of all, a "State Board of Charities" was founded in Massachusetts in 1863. New York and Ohio followed in 1867. They bear very different names. Thus the above-mentioned State Board of Charities is in Washington and Wisconsin designated as the "State Board of Control;" in Iowa, "Board of Control of State Institu-

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tions;" in Maryland, "Board of State Aid and Charities;" and so on. Already in the names which they bear the essential difference makes itself felt, for which the Ohio and Iowa systems form the respective types. In the one case it assumes the form of a control, accompanied by the power of compelling, by government authority, the adoption of measures of improvement. In the other case there is simply a supervision, with the authority of exercising advisory powers solely. In some states the authority is intrusted to several boards. Thus there exists in Massachusetts a State Board of Charities; in Maryland and New York, besides this, a special Commission in Lunacy. In regard to the question of the supervision of private charities, the fact must be taken into consideration that here voluntary contributions are in question, and that as a rule every one must be allowed to spend his means in his own way. Yet it is only right to remember that, just as the state interferes in the management of insurance, banking, and manufacturing, from the standpoint of the welfare of society, so also the welfare of society is concerned with certain spheres of private charity. This is especially the case in the care of children and the housing of sick, old, and helpless people in institutions. The movement toward such a conception of the matter, however, has received a severe check through the decision of the supreme court of New York, which denied that the State Board of Charities in New York had the right of supervising the measures of the Society for the Prevention of Cruelty to Children. As an actual fact, in consequence of this decision, more than half of the charitable societies have been withdrawn from the supervision of the board.

In the countries of the Old World this question receives very different answers. While in Germany again the supervision of private charity is only a part of state super-

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vision in general, in England charitable endowments in particular are assigned to charity commissioners, whose influence, however, is rather limited. In France the very vigorous fight over this question keeps pace with the fight over the bounds between church and state. In Italy, on the contrary, the powers of supervision of the state authorities have been greatly widened by the law of 1890, and by the institution of the new central boards of control already mentioned. All these measures point to where the highest importance lies. This is not simply in a supervision which shall secure the remedy of whatever abuses exist, and the inauguration of a well-organized administration; but in furnishing the instrument of this administration with the most successful modes of management; in studying and making known new methods, especially in the sphere of insanity and of disease, as well as of the protection of children; and in general in elevating poor-relief and charity to a higher stage. And as the bounds between public relief and private charity have never been completely defined, there enters, side by side with the activity of the government, a very active private propaganda waged by the great charitable societies, and also by societies confined to the several departments of charitable effort. Here belong the English Poor Law Conferences, an annual assembly of those who administer public relief, to take council on all questions to which poor-relief gives rise; and also the *Congrès national d'assistance publique et de bienfaisance privée* in France, and the *Congresso di beneficenza* in Italy. In Germany it is the German Association for Poor-Relief and Charity which, during its twenty-five years of existence, has, in the most thorough manner, discussed all questions that appertain here, and has exercised an extraordinary influence on state legislation, on the control of poor-relief in the cities, and on the development of private charity. In the

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United States, the National Conference of Charities and Correction and the State Conferences possess an equal importance. Very real service is also rendered by the Charity Organization Societies and the State Charities Aid Association. International congresses for poor-relief and charity have been repeatedly held, for the most part in connection with the world's expositions, such as in 1856 in Brussels, in 1857 in Frankfort on the Main, in 1862 in London, in 1889 and 1900 in Paris, etc. At the international congress held in Paris in 1900 it was decided, through the appointment of a standing committee, that an international congress should be convoked at intervals of five years.

In this connection there is still one point that deserves attention. The distinction between public and private poor-relief rests on the fact that the one is regulated by law, and the expense, coming out of the means of the rate-payer, may be contested; while private relief is voluntary, and is administered out of voluntary contributions. Nevertheless, the difference between public and voluntary relief is not so prominent in practical administration as theoretical considerations would lead one to think. Moreover, in countries of which voluntary poor-relief is characteristic, the civic authorities place very considerable public means at the disposal of those who manage this voluntary relief; while, on the other hand, in the poorer communities of Germany or England the public relief falls far short of the demands made upon it. Moreover, the prevalence of voluntary relief does not exclude the state or the community from appropriating means for single objects. Thus in France the care for children and the insane devolves upon the *départments,* and the care for the sick, on the local communities, to which, however, the state grants considerable assistance. On the whole, the participation of the state and its greater associations in the burden of poor-relief forms a promi-

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nent feature of the modern development of public relief. The whole body of modern legislation on poor-relief in Germany, Switzerland, and Austria provides for considerable state and provincial aid for poor-relief, and lays on the state or the province direct responsibility for the care of certain classes of poor, for example, especially the insane, the infirm, and idiots. Moreover, a marked tendency to introduce, or at least to extend the sphere of public relief makes itself evident in the Latin countries, as in the French law of 1895 concerning the care of the sick, in the Italian law of 1890 on public charity, and in the proposed legislation in Belgium and the Netherlands which has not yet been discarded.

These efforts to increase the sphere of public relief are at first surprising, and appear to stand in contradiction to the distinctive characteristics of the age in which we live—to counteract poverty rather by methods of prevention and by measures calculated to increase prosperity in general. Yet here there is no contradiction, but, on the contrary, a proof of the fact that poor-relief on its side has imbued itself with a knowledge of the importance of all such measures of prevention, and is directing its efforts to become what we to-day are accustomed to call "social relief." The legislation on the education of abandoned children, the oldest of which dates back scarcely twenty years, rests on the principle of this knowledge. It administers poor-relief to the children with the aim of preventing the young who grow up under the direction of this law from falling in future years into a condition of poverty. A like tendency is displayed by the societies for the prevention of cruelty to children, the juvenile courts, the promotion of immigration to Canada, the equipment of school-ships, etc. The care for disease has a far wider aim than the mere care of the patient. It searches out the lurking-places of disease in

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order to tear it out by the roots. It is no wonder that new problems have everywhere sprung up, where the light of new sanitary and social knowledge has lit up the corners and holes of poverty, and where the young science of sociology has taught us to understand economic and social phenomena. One need here only call to mind the very recent movement for attacking tuberculosis and the abuse of alcohol. At the same time, this movement against tuberculosis beyond all others makes very manifest how far we are still removed from a healthy condition of affairs, and how to-day, in spite of every effort, millions of our fellow beings still live in such unfavorable conditions in respect to lodging, food, and education, that they fall victims in frightful numbers to this disease. No one who knows the circumstances can help seeing that all these measures, such as dispensaries, sanatoriums for consumptives, and administration of poor-relief, have no importance in comparison with the possession of permanent and remunerative employment, which renders possible the procuring of sanitary dwellings and sufficient nourishment, and strengthens the power of resistance against that frightful disease. But just this knowledge points us the way, not indeed of solving the problem of poverty, but of bringing ourselves in some degree nearer its solution, in that we see in this knowledge, which has grown up out of the social subsoil of our time, the most important sign of progress, and in that we place the furthering of general prosperity and the elevation of the working classes before even the very best measures of poor-relief and charity.

And here we must not be led astray by the fact that today these measures still demand an immense expenditure of public and private means, and that in the immediate future the question will be rather of an increase than of a diminution of this expenditure. And so far as we strive to en-

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lighten the public mind in this sphere, and to effect improvement, we must always bear in mind that poor-relief and charity must always be content with the most humble position among those measures which are directed against poverty. He who helps the needy to help himself does better than he who supports the poor. The most earnest effort of every true friend of the poor must always be directed toward making poor-relief itself superfluous.

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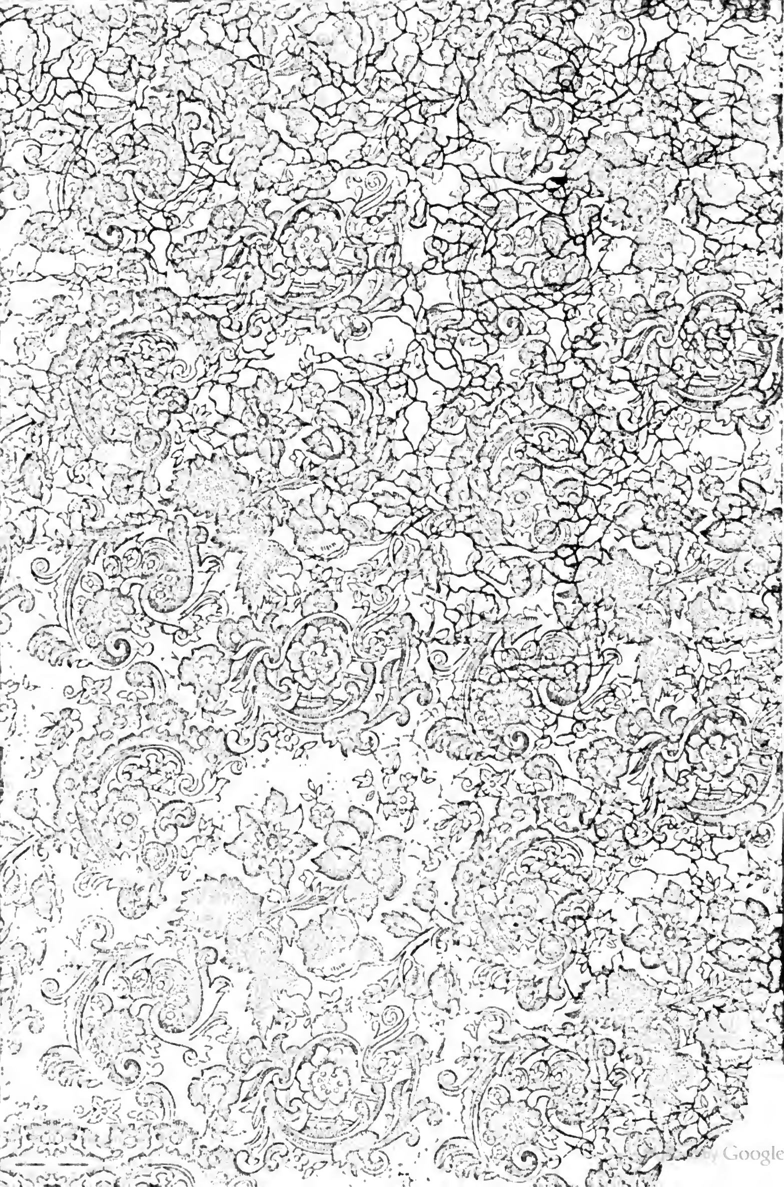

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