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CHAPTER VII

I

RECONSTRUCTION; ITS CONDITIONS AND PURPOSES

The best method of approaching a critical reconstruction of American political ideas will be by means of an analysis of the meaning of democracy. A clear popular understanding of the contents of the democratic principle is obviously of the utmost practical political importance to the American people. Their loyalty to the idea of democracy, as they understand it, cannot be questioned. Nothing of any considerable political importance is done or left undone in the United States, unless such action or inaction can be plausibly defended on democratic grounds; and the only way to secure for the American people the benefit of a comprehensive and consistent political policy will be to derive it from a comprehensive and consistent conception of democracy.

Democracy as most frequently understood is essentially and exhaustively defined as a matter of popular government; and such a definition raises at once a multitude of time-honored, but by no means superannuated, controversies. The constitutional liberals in England, in France, and in this country have always objected to democracy as so understood, because of the possible sanction it affords for the substitution of a popular despotism in the place of the former royal or oligarchic despotisms. From their point of view individual liberty is the greatest blessing which can be secured to a people by a government; and individual liberty can be permanently guaranteed only in case political liberties are in theory and practice subordinated to civil liberties. Popular political institutions constitute a good servant, but a bad master. When introduced in moderation they keep the government of a country in close relation with well-informed public opinion, which is a necessary condition of political sanitation; but if carried too far, such institutions compromise the security of the individual and the integrity of the state. They erect a power in the state, which in theory is unlimited and which constantly tends in practice to dispense with restrictions. A power which is theoretically absolute is under no obligation to respect the rights either of individuals or minorities; and sooner or later such power will be used for the purpose of opposing the individual. The only way to secure individual liberty is, consequently, to organize a state in which the Sovereign power is deprived of any national excuse or legal opportunity of violating certain essential individual rights.

The foregoing criticism of democracy, defined as popular government, may have much practical importance; but there are objections to it on the score of logic. It is not a criticism of a certain conception of democracy, so much as of democracy itself. Ultimate responsibility for the government of a community must reside somewhere. If the single monarch is practically dethroned, as he is by these

liberal critics of democracy, some Sovereign power must be provided to take his place. In England Parliament, by means of a steady encroachment on the royal prerogatives, has gradually become Sovereign; but other countries, such as France and the United States, which have wholly dispensed with royalty, cannot, even if they would, make a legislative body Sovereign by the simple process of allowing it to usurp power once enjoyed by the Crown. France did, indeed, after it had finally dispensed with Legitimacy, make two attempts to found governments in which the theory of popular Sovereignty was evaded. The Orleans monarchy, for instance, through the mouths of its friends, denied Sovereignty to the people, without being able to claim it for the King; and this insecurity of its legal framework was an indirect cause of a violent explosion of effective popular Sovereignty in 1848. The apologists for the Second Empire admitted the theory of a Sovereign people, but claimed that the Sovereign power could be safely and efficiently used only in case it were delegated to one Napoleon III—a view the correctness of which the results of the Imperial policy eventually tended to damage. There is in point of fact no logical escape from a theory of popular Sovereignty—once the theory of divinely appointed royal Sovereignty is rejected. An escape can be made, of course, as in England, by means of a compromise and a legal fiction; and such an escape can be fully justified from the English national point of view; but countries which have rejected the royal and aristocratic tradition are forbidden this means of escape—if escape it is. They are obliged to admit the doctrine of popular Sovereignty. They are obliged to proclaim a theory of unlimited popular powers.

To be sure, a democracy may impose rules of action upon itself—as the American democracy did in accepting the Federal Constitution. But in adopting the Federal Constitution the American people did not abandon either its responsibilities or rights as Sovereign. Difficult as it may be to escape from the legal framework defined in the Constitution, that body of law in theory remains merely an instrument which was made for the people and which if necessary can and will be modified. A people, to whom was denied the ultimate responsibility for its welfare, would not have obtained the prime condition of genuine liberty. Individual freedom is important, but more important still is the freedom of a whole people to dispose of its own destiny; and I do not see how the existence of such an ultimate popular political freedom and responsibility can be denied by any one who has rejected the theory of a divinely appointed political order. The fallibility of human nature being what it is, the practical application of this theory will have its grave dangers; but these dangers are only evaded and postponed by a failure to place ultimate political responsibility where it belongs. While a country in the position of Germany or Great Britain may be fully justified from the point of view of its national tradition, in merely compromising with democracy, other countries, such as the United States and France, which have earned the right to dispense with these compromises, are at least building their political structure on the real and righteous source of political authority. Democracy may mean something more than a theoretically absolute popular government, but it assuredly cannot mean anything less.

If, however, democracy does not mean anything less than popular Sovereignty, it assuredly does mean something

more. It must at least mean an expression of the Sovereign will, which will not contradict and destroy the continuous existence of its own Sovereign power. Several times during the political history of France in the nineteenth century, the popular will has expressed itself in a manner adverse to popular political institutions. Assemblies have been elected by universal suffrage, whose tendencies have been reactionary and undemocratic, and who have been supported in this reactionary policy by an effective public opinion. Or the French people have by means of a plebiscite delegated their Sovereign power to an Imperial dictator, whose whole political system was based on a deep suspicion of the source of his own authority. A particular group of political institutions or course of political action may, then, be representative of the popular will, and yet may be undemocratic. Popular Sovereignty is self-contradictory, unless it is expressed in a manner favorable to its own perpetuity and integrity.

The assertion of the doctrine of popular Sovereignty is, consequently, rather the beginning than the end of democracy. There can be no democracy where the people do not rule; but government by the people is not necessarily democratic. The popular will must in a democratic state be expressed somehow in the interest of democracy itself; and we have not traveled very far towards a satisfactory conception of democracy until this democratic purpose has received some definition. In what way must a democratic state behave in order to contribute to its own integrity?

The ordinary American answer to this question is contained in the assertion of Lincoln, that our government is "dedicated to the proposition that all men are created equal." Lincoln's phrasing of the principle was due to the fact that the obnoxious and undemocratic system of negro slavery was uppermost in his mind when he made his Gettysburg address; but he meant by his assertion of the principle of equality substantially what is meant to-day by the principle of "equal rights for all and special privileges for none." Government by the people has its natural and logical complement in government for the people. Every state with a legal framework must grant certain rights to individuals; and every state, in so far as it is efficient, must guarantee to the individual that his rights, as legally defined, are secure. But an essentially democratic state consists in the circumstance that all citizens enjoy these rights equally. If any citizen or any group of citizens enjoys by virtue of the law any advantage over their fellow-citizens, then the most sacred principle of democracy is violated. On the other hand, a community in which no man or no group of men are granted by law any advantage over their fellow-citizens is the type of the perfect and fruitful democratic state. Society is organized politically for the benefit of all the people. Such an organization may permit radical differences among individuals in the opportunities and possessions they actually enjoy; but no man would be able to impute his own success or failure to the legal framework of society. Every citizen would be getting a "Square Deal."

Such is the idea of the democratic state, which the majority of good Americans believe to be entirely satisfactory. It should endure indefinitely, because it seeks to satisfy every interest essential to associated life. The interest of the individual is protected, because of the liberties he securely enjoys. The general social interest is equally well protected,

because the liberties enjoyed by one or by a few are enjoyed by all. Thus the individual and the social interests are automatically harmonized. The virile democrat in pursuing his own interest "under the law" is contributing effectively to the interest of society, while the social interest consists precisely in the promotion of these individual interests, in so far as they can be equally exercised. The divergent demands of the individual and the social interest can be reconciled by grafting the principle of equality on the thrifty tree of individual rights, and the ripe fruit thereof can be gathered merely by shaking the tree.

It must be immediately admitted, also, that the principle of equal rights, like the principle of ultimate popular political responsibility is the expression of an essential aspect of democracy. There is no room for permanent legal privileges in a democratic state. Such privileges may be and frequently are defended on many excellent grounds. They may unquestionably contribute for a time to social and economic efficiency and to individual independence. But whatever advantage may be derived from such permanent discriminations must be abandoned by a democracy. It cannot afford to give any one class of its citizens a permanent advantage or to others a permanent grievance. It ceases to be a democracy, just as soon as any permanent privileges are conferred by its institutions or its laws; and this equality of right and absence of permanent privilege is the expression of a fundamental social interest.

But the principle of equal rights, like the principle of ultimate popular political responsibility, is not sufficient; and because of its insufficiency results in certain dangerous ambiguities and self-contradictions. American political thinkers have always repudiated the idea that by equality of rights they meant anything like equality of performance or power. The utmost varieties of individual power and ability are bound to exist and are bound to bring about many different levels of individual achievement. Democracy both recognizes the right of the individual to use his powers to the utmost, and encourages him to do so by offering a fair field and, in cases of success, an abundant reward. The democratic principle requires an equal start in the race, while expecting at the same time an unequal finish. But Americans who talk in this way seem wholly blind to the fact that under a legal system which holds private property sacred there may be equal rights, but there cannot possibly be any equal opportunities for exercising such rights. The chance which the individual has to compete with his fellows and take a prize in the race is vitally affected by material conditions over which he has no control. It is as if the competitor in a Marathon cross country run were denied proper nourishment or proper training, and was obliged to toe the mark against rivals who had every benefit of food and discipline. Under such conditions he is not as badly off as if he were entirely excluded from the race. With the aid of exceptional strength and intelligence he may overcome the odds against him and win out. But it would be absurd to claim, because all the rivals toed the same mark, that a man's victory or defeat depended exclusively on his own efforts. Those who have enjoyed the benefits of wealth and thorough education start with an advantage which can be overcome only in very exceptional men,—men so exceptional, in fact, that the average competitor without such benefits feels himself disqualified for the contest.

Because of the ambiguity indicated above, different people with different interests, all of them good patriotic Americans, draw very different inferences from the doctrine of equal rights. The man of conservative ideas and interests means by the rights, which are to be equally exercised, only those rights which are defined and protected by the law—the more fundamental of which are the rights to personal freedom and to private property. The man of radical ideas, on the other hand, observing, as he may very clearly, that these equal rights cannot possibly be made really equivalent to equal opportunities, bases upon the same doctrine a more or less drastic criticism of the existing economic and social order and sometimes of the motives of its beneficiaries and conservators. The same principle, differently interpreted, is the foundation of American political orthodoxy and American political heterodoxy. The same measure of reforming legislation, such as the new Inter-state Commerce Law, seems to one party a wholly inadequate attempt to make the exercise of individual rights a little more equal, while it seems to others an egregious violation of the principle itself. What with reforming legislation on the one hand and the lack of it on the other, the once sweet air of the American political mansion is soured by complaints. Privileges and discriminations seem to lurk in every political and economic corner. The "people" are appealing to the state to protect them against the usurpations of the corporations and the Bosses. The government is appealing to the courts to protect the shippers against the railroads. The corporations are appealing to the Federal courts to protect them from the unfair treatment of state legislatures. Employers are fighting trades-unionism, because it denies equal rights to their employers. The unionists are entreating public opinion to protect them against the unfairness of "government by injunction." To the free trader the whole protectionist system seems a flagrant discrimination on behalf of a certain portion of the community. Everybody seems to be clamoring for a "Square Deal" but nobody seems to be getting it.

The ambiguity of the principle of equal rights and the resulting confusion of counsel are so obvious that there must be some good reason for their apparently unsuspected existence. The truth is that Americans have not readjusted their political ideas to the teaching of their political and economic experience. For a couple of generations after Jefferson had established the doctrine of equal rights as the fundamental principle of the American democracy, the ambiguity resident in the application of the doctrine was concealed. The Jacksonian Democrats, for instance, who were constantly nosing the ground for a scent of unfair treatment, could discover no example of political privileges, except the continued retention of their offices by experienced public servants; and the only case of economic privilege of which they were certain was that of the National Bank. The fact is, of course, that the great majority of Americans were getting a "Square Deal" as long as the economic opportunities of a new country had not been developed and appropriated. Individual and social interest did substantially coincide as long as so many opportunities were open to the poor and untrained man, and as long as the public interest demanded first of all the utmost celerity of economic development. But, as we have seen in a preceding chapter, the economic development of the country resulted inevitably in a condition which demanded on the part of the successful competitor either

increasing capital, improved training, or a larger amount of ability and energy. With the advent of comparative economic and social maturity, the exercise of certain legal rights became substantially equivalent to the exercise of a privilege; and if equality of opportunity was to be maintained, it could not be done by virtue of non-interference. The demands of the "Higher Law" began to diverge from the results of the actual legal system.

Public opinion is, of course, extremely loth to admit that there exists any such divergence of individual and social interest, or any such contradiction in the fundamental American principle. Reformers no less than conservatives have been doggedly determined to place some other interpretation upon the generally recognized abuses; and the interpretation on which they have fastened is that some of the victors have captured too many prizes, because they did not play fair. There is just enough truth in this interpretation to make it plausible, although, as we have seen, the most flagrant examples of apparent cheating were due as much to equivocal rules as to any fraudulent intention. But orthodox public opinion is obliged by the necessities of its own situation to exaggerate the truth of its favorite interpretation; and any such exaggeration is attended with grave dangers, precisely because the ambiguous nature of the principle itself gives a similar ambiguity to its violations. The cheating is understood as disobedience to the actual law, or as violation of a Higher Law, according to the interests and preconceptions of the different reformers; but however it is understood, they believe themselves to be upholding some kind of a Law, and hence endowed with some kind of a sacred mission.

Thus the want of integrity in what is supposed to be the formative principle of democracy results, as it did before the Civil War, in a division of the actual substance of the nation. Men naturally disposed to be indignant at people with whom they disagree come to believe that their indignation is comparable to that of the Lord. Men naturally disposed to be envious and suspicious of others more fortunate than themselves come to confuse their suspicions with a duty to the society. Demagogues can appeal to the passions aroused by this prevailing sense of unfair play for the purpose of getting themselves elected to office or for the purpose of passing blundering measures of repression. The type of admirable and popular democrat ceases to be a statesman, attempting to bestow unity and health on the body politic by prescribing more wholesome habits of living. He becomes instead a sublimated District Attorney, whose duty it is to punish violations both of the actual and the "Higher Law." Thus he is figured as a kind of an avenging angel; but (as it happens) he is an avenging angel who can find little to avenge and who has no power of flight. There is an enormous discrepancy between the promises of these gentlemen and their performances, no matter whether they occupy an executive office, the editorial chairs of yellow journals, or merely the place of public prosecutor; and it sometimes happens that public prosecutors who have played the part of avenging angels before election, are, as Mr. William Travers Jerome knows, themselves prosecuted after a few years of office by their aggrieved constituents. The truth is that these gentlemen are confronted by a task which is in a large measure impossible, and which, so far as possible, would be either disappointing or dangerous in its results.

Hence it is that continued loyalty to a contradictory principle is destructive of a wholesome public sentiment and opinion. A wholesome public opinion in a democracy is one which keeps a democracy sound and whole; and it cannot prevail unless the individuals composing it recognize mutual ties and responsibilities which lie deeper than any differences of interest and idea. No formula whose effect on public opinion is not binding and healing and unifying has any substantial claim to consideration as the essential and formative democratic idea. Belief in the principle of equal rights does not bind, heal, and unify public opinion. Its effect rather is confusing, distracting, and at worst, disintegrating. A democratic political organization has no immunity from grievances. They are a necessary result of a complicated and changing industrial and social organism. What is good for one generation will often be followed by consequences that spell deprivation for the next. What is good for one man or one class of men will bring ills to other men or classes of men. What is good for the community as a whole may mean temporary loss and a sense of injustice to a minority. All grievances from any cause should receive full expression in a democracy, but, inasmuch as the righteously discontented must be always with us, the fundamental democratic principle should, above all, counsel mutual forbearance and loyalty. The principle of equal rights encourages mutual suspicion and disloyalty. It tends to attribute individual and social ills, for which general moral, economic, and social causes are usually in large measure responsible, to individual wrong-doing; and in this way it arouses and intensifies that personal and class hatred, which never in any society lies far below the surface. Men who have grievances are inflamed into anger and resentment. In claiming what they believe to be their rights, they are in their own opinion acting on behalf not merely of their interests, but of an absolute democratic principle. Their angry resentment becomes transformed in their own minds into righteous indignation; and there may be turned loose upon the community a horde of self-seeking fanatics—like unto those soldiers in the religious wars who robbed and slaughtered their opponents in the service of God.

II

DEMOCRACY AND DISCRIMINATION

The principle of equal rights has always appealed to its more patriotic and sensible adherents as essentially an impartial rule of political action—one that held a perfectly fair balance between the individual and society, and between different and hostile individual and class interests. But as a fundamental principle of democratic policy it is as ambiguous in this respect as it is in other respects. In its traditional form and expression it has concealed an extremely partial interest under a formal proclamation of impartiality. The political thinker who popularized it in this country was not concerned fundamentally with harmonizing the essential interest of the individual with the essential popular or social interest. Jefferson's political system was intended for the benefit only of a special class of individuals, viz., those average people who would not be helped by any really formative rule or method of discrimination. In practice it has proved to be inimical to individual liberty, efficiency, and distinction. An insistent demand for equality, even in the form of a demand for equal rights, inevitably has a negative and limiting effect

upon the free and able exercise of individual opportunities. From the Jeffersonian point of view democracy would incur a graver danger from a violation of equality than it would profit from a triumphant assertion of individual liberty. Every opportunity for the edifying exercise of power, on the part either of an individual, a group of individuals, or the state is by its very nature also an opportunity for its evil exercise. The political leader whose official power depends upon popular confidence may betray the trust. The corporation employing thousands of men and supplying millions of people with some necessary service or commodity may reduce the cost of production only for its own profit. The state may use its great authority chiefly for the benefit of special interests. The advocate of equal rights is preoccupied by these opportunities for the abusive exercise of power, because from his point of view rights exercised in the interest of inequality have ceased to be righteous. He distrusts those forms of individual and associated activity which give any individual or association substantial advantages over their associates. He becomes suspicious of any kind of individual and social distinction with the nature and effects of which he is not completely familiar.

A democracy of equal rights may tend to encourage certain expressions of individual liberty; but they are few in number and limited in scope. It rejoices in the freedom of its citizens, provided this freedom receives certain ordinary expressions. It will follow a political leader, like Jefferson or Jackson, with a blind confidence of which a really free democracy would not be capable, because such leaders are, or claim to be in every respect, except their prominence, one of the "people." Distinction of this kind does not separate a leader from the majority. It only ties them together more firmly. It is an acceptable assertion of individual liberty, because it is liberty converted by its exercise into a kind of equality. In the same way the American democracy most cordially admired for a long time men, who pursued more energetically and successfully than their fellows, ordinary business occupations, because they believed that such familiar expressions of individual liberty really tended towards social and industrial homogeneity. Herein they were mistaken; but the supposition was made in good faith, and it constitutes the basis of the Jeffersonian Democrat's illusion in reference to his own interest in liberty. He dislikes or ignores liberty, only when it looks in the direction of moral and intellectual emancipation. In so far as his influence has prevailed, Americans have been encouraged to think those thoughts and to perform those acts which everybody else is thinking and performing.

The effect of a belief in the principle of "equal rights" on freedom is, however, most clearly shown by its attitude toward Democratic political organization and policy. A people jealous of their rights are not sufficiently afraid of special individual efficiency and distinction to take very many precautions against it. They greet it oftener with neglect than with positive coercion. Jeffersonian Democracy is, however, very much afraid of any examples of associated efficiency. Equality of rights is most in clanger of being violated when the exercise of rights is associated with power, and any unusual amount of power is usually derived from the association of a number of individuals for a common purpose. The most dangerous example of such association is not, however, a huge corporation or a labor

union; it is the state. The state cannot be bound hand and foot by the law, as can a corporation, because it necessarily possesses some powers of legislation; and the power to legislate inevitably escapes the limitation of the principle of equal rights. The power to legislate implies the power to discriminate; and the best way consequently for a good democracy of equal rights to avoid the danger of discrimination will be to organize the state so that its power for ill will be rigidly restricted. The possible preferential interference on the part of a strong and efficient government must be checked by making the government feeble and devoid of independence. The less independent and efficient the several departments of the government are permitted to become, the less likely that the government as a whole will use its power for anything but a really popular purpose.

In the foregoing type of political organization, which has been very much favored by the American democracy, the freedom of the official political leader is sacrificed for the benefit of the supposed freedom of that class of equalized individuals known as the "people," but by the "people" Jefferson and his followers have never meant all the people or the people as a whole. They have meant a sort of apotheosized majority—the people in so far as they could be generalized and reduced to an average. The interests of this class were conceived as inimical to any discrimination which tended to select peculiarly efficient individuals or those who were peculiarly capable of social service. The system of equal rights, particularly in its economic and political application *has* worked for the benefit of such a class, but rather in its effect upon American intelligence and morals, than in its effect upon American political and economic development. The system, that is, has only partly served the purpose of its founder and his followers, and it has failed because it did not bring with it any machinery adequate even to its own insipid and barren purposes. Even the meager social interest which Jefferson concealed under cover of his demand for equal rights could not be promoted without some effective organ of social responsibility; and the Democrats of to-day are obliged, as we have seen, to invoke the action of the central government to destroy those economic discriminations which its former inaction had encouraged. But even so the traditional democracy still retains its dislike of centralized and socialized responsibility. It consents to use the machinery of the government only for a negative or destructive object. Such must always be the case as long as it remains true to its fundamental principle. That principle defines the social interest merely in the terms of an indiscriminate individualism—which is the one kind of individualism murderous to both the essential individual and the essential social interest.

The net result has been that wherever the attempt to discriminate in favor of the average or indiscriminate individual has succeeded, it has succeeded at the expense of individual liberty, efficiency, and distinction; but it has more often failed than succeeded. Whenever the exceptional individual has been given any genuine liberty, he has inevitably conquered. That is the whole meaning of the process of economic and social development traced in certain preceding chapters. The strong and capable men not only conquer, but they seek to perpetuate their conquests by occupying all the strategic points in the economic and political battle-field—whereby they obtain

certain more or less permanent advantages over their fellow-democrats. Thus in so far as the equal rights are freely exercised, they are bound to result in inequalities; and these inequalities are bound to make for their own perpetuation, and so to provoke still further discrimination. Wherever the principle has been allowed to mean what it seems to mean, it has determined and encouraged its own violation. The marriage which it is supposed to consecrate between liberty and equality gives birth to unnatural children, whose nature it is to devour one or the other of their parents.

The only way in which the thorough-going adherent of the principle of equal rights can treat these tendencies to discrimination, when they develop, is rigidly to repress them; and this tendency to repression is now beginning to take possession of those Americans who represent the pure Democratic tradition. They propose to crush out the chief examples of effective individual and associated action, which their system of democracy has encouraged to develop. They propose frankly to destroy, so far as possible, the economic organization which has been built up under stress of competitive conditions; and by assuming such an attitude they have fallen away even from the pretense of impartiality, and have come out as frankly representative of a class interest. But even to assert this class interest efficiently they have been obliged to abandon, in fact if not in word, their correlative principle of national irresponsibility. Whatever the national interest may be, it is not to be asserted by the political practice of non-interference. The hope of automatic democratic fulfillment must be abandoned. The national government must stop in and discriminate; but it must discriminate, not on behalf of liberty and the special individual, but on behalf of equality and the average man.

Thus the Jeffersonian principle of national irresponsibility can no longer be maintained by those Democrats who sincerely believe that the inequalities of power generated in the American economic and political system are dangerous to the integrity of the democratic state. To this extent really sincere followers of Jefferson are obliged to admit the superior political wisdom of Hamilton's principle of national responsibility, and once they have made this admission, they have implicitly abandoned their contention that the doctrine of equal rights is a sufficient principle of democratic political action. They have implicitly accepted the idea that the public interest is to be asserted, not merely by equalizing individual rights, but by controlling individuals in the exercise of those rights. The national public interest has to be affirmed by positive and aggressive fiction. The nation has to have a will and a policy as well as the individual; and this policy can no longer be confined to the merely negative task of keeping individual rights from becoming in any way privileged.

The arduous and responsible political task which a nation in its collective capacity must seek to perform is that of selecting among the various prevailing ways of exercising individual rights those which contribute to national perpetuity and integrity. Such selection implies some interference with the natural course of popular notion; and that interference is always costly and may be harmful either to the individual or the social interest must be frankly admitted. He would be a foolish Hamiltonian who would claim that a state, no matter how efficiently organized and ably managed, will not make serious and

perhaps enduring mistakes; but he can answer that inaction and irresponsibility are more costly and dangerous than intelligent and responsible interference. The practice of non-interference is just as selective in its effects as the practice of state interference. It means merely that the nation is willing to accept the results of natural selection instead of preferring to substitute the results of artificial selection. In one way or another a nation is bound to recognize the results of selection. The Hamiltonian principle of national responsibility recognizes the inevitability of selection; and since it is inevitable, is not afraid to interfere on behalf of the selection of the really fittest. If a selective policy is pursued in good faith and with sufficient intelligence, the nation will at least be learning from its mistakes. It should find out gradually the kind and method of selection, which is most desirable, and how far selection by non-interference is to be preferred to active selection.

As a matter of fact the American democracy both in its central and in its local governments has always practiced both methods of selection. The state governments have sedulously indulged in a kind of interference conspicuous both for its activity and its inefficiency. The Federal government, on the other hand, has been permitted to interfere very much less; but even during the palmiest days of national irresponsibility it did not altogether escape active intervention. A protective tariff is, of course, a plain case of preferential class legislation, and so was the original Inter-state Commerce Act. They were designed to substitute artificial preferences for those effected by unregulated individual action, on the ground that the proposed modification of the natural course of trade would contribute to the general economic prosperity. No less preferential in purpose are the measures of reform recently enacted by the central government. The amended Inter-state Commerce Law largely increases the power of possible discrimination possessed by the Federal Commission. The Pure Food Bill forbids many practices, which have arisen in connection with the manufacture of food products, and discriminates against the perpetrators of such practices. Factory legislation or laws regulating the hours of labor have a similar meaning and justification. It is not too much to say that substantially all the industrial legislation, demanded by the "people" both here and abroad and passed in the popular interest, has been based essentially on class discrimination.

The situation which these laws are supposed to meet is always the same. A certain number of individuals enjoy, in the beginning, equal opportunities to perform certain acts; and in the competition resulting there from some of these individuals or associations obtain advantages over their competitors, or over their fellow-citizens whom they employ or serve. Sometimes these advantages and the practices whereby they are obtained are profitable to a larger number of people than they injure. Sometimes the reverse is true. In either event the state is usually asked to interfere by the class whose economic position has been compromised. It by no means follows that the state should acquiesce in this demand. In many cases interference may be more costly than beneficial. Each case must be considered on its merits. But whether in any particular case the state takes sides or remains impartial, it most assuredly has a positive function to perform on the promises. If it remains impartial, it simply agrees to abide by the results

of natural selection. If it interferes, it seeks to replace natural with artificial discrimination. In both cases it authorizes discriminations which in their effect violate the doctrine of "equal rights." Of course, a reformer can always claim that any particular measure of reform proposes merely to restore to the people a "Square Deal"; but that is simply an easy and thoughtless way of concealing novel purposes under familiar formulas. Any genuine measure of economic or political reform will, of course, give certain individuals better opportunities than those they have been recently enjoying, but it will reach this result only by depriving other individuals of advantages which they have earned.

Impartiality is the duty of the judge rather than the statesman, of the courts rather than the government. The state which proposes to draw a ring around the conflicting interests of its citizens and interfere only on behalf of a fair fight will be obliged to interfere constantly and will never accomplish its purpose. In economic warfare, the fighting can never be fair for long, and it is the business of the state to see that its own friends are victorious. It holds, if you please, itself a hand in the game. The several players are playing, not merely with one another, but with the political and social bank. The security and perpetuity of the state and of the individual in so far an he is a social animal, depend upon the victory of the national interest—as represented both in the assurance of the national profit and in the domination of the nation's friends. It is in the position of the bank at Monte Carlo, which does not pretend to play fair, but which frankly promulgates rules advantageous to itself. Considering the percentage in its favor and the length of its purse, it cannot possibly lose. It is not really gambling; and it does not propose to take any unnecessary risks. Neither can a state, democratic or otherwise, which believes in its own purpose. While preserving at times an appearance of impartiality so that its citizens may enjoy for a while a sense of the reality of their private game, it must on the whole make the rules in its own interest. It must help those men to win who are most capable of using their winnings for the benefit of society.

III

CONSTRUCTIVE DISCRIMINATION

Assuming, then, that a democracy cannot avoid the constant assertion of national responsibility for the national welfare, an all-important question remains as to the way in which and the purpose for which this interference should be exercised. Should it be exercised on behalf of individual liberty? Should it be exercised on behalf of social equality? Is there any way in which it can be exercised on behalf both of liberty and equality?

Hamilton and the constitutional liberals asserted that the state should interfere exclusively on behalf of individual liberty; but Hamilton was no democrat and was not outlining the policy of a democratic state. In point of fact democracies have never been satisfied with a definition of democratic policy in terms of liberty. Not only have the particular friends of liberty usually been hostile to democracy, but democracies both in idea and behavior have frequently been hostile to liberty; and they have been justified in distrusting a political régime organized wholly or even chiefly for its benefit. "La Liberté," says Mr. Emile

Faguet, in the preface to his "Politiques et Moralistes du Dix-Neuvième Siècle"—"La Liberté s'oppose à l'Égalité, car La Liberté est aristocratique par essence. La Liberté ne se donne jamais, ne s'octroie jamais; elle se conquiert. Or ne peuvent la conquérir que des groupes sociaux qui out su se donne la cohérence, l'organisation et la discipline et qui par conséquent, sont des groupes aristocratiques." The fact that states organized exclusively or largely for the benefit of liberty are essentially aristocratic explains the hostile and suspicious attitude of democracies towards such a principle of political action.

Only a comparatively small minority are capable at any one time of exercising political, economic, and civil liberties in an able, efficient, or thoroughly worthy manner; and a régime wrought for the benefit of such a minority would become at best a state, in which economic, political, and social power would be very unevenly distributed—a state like the Orleans Monarchy in France of the "Bourgeoisie" and the "Intellectuals." Such a state might well give its citizens fairly good government, as did the Orleans Monarchy; but just in so far as the mass of the people had any will of its own, it could not arouse vital popular interest and support; and it could not contribute, except negatively, to the fund of popular good sense and experience. The lack of such popular support caused the death of the French liberal monarchy; and no such régime can endure, save, as in England, by virtue of a somewhat abject popular acquiescence. As long as it does endure, moreover, it tends to undermine the virtue of its own beneficiaries. The favored minority, feeling as they do tolerably sure of their position, can scarcely avoid a habit of making it somewhat too easy for one another. The political, economic, and intellectual leaders begin to be selected without any sufficient test of their efficiency. Some sort of a test continues to be required; but the standards which determine it drift into a condition of being narrow, artificial, and lax. Political, intellectual, and social leadership, in order to preserve its vitality needs a feeling of effective responsibility to a body of public opinion as wide, as varied, and as exacting as that of the whole community.

The desirable democratic object, implied in the traditional democratic demand for equality, consists precisely in that of bestowing a share of the responsibility and the benefits, derived from political and economic association, upon the whole community. Democracies have assumed and have been right in assuming that a proper diffusion of effective responsibility and substantial benefits is the one means whereby a community can be supplied with an ultimate and sufficient bond of union. The American democracy has attempted to manufacture a sufficient bond out of the equalization of rights: but such a bond is, as we have seen, either a rope of sand or a link of chains. A similar object must be achieved in some other way; and the ultimate success of democracy depends upon its achievement.

The fundamental political and social problem of a democracy may be summarized in the following terms. A democracy, like every political and social group, is composed of individuals, and must be organized for the benefit of its constituent members. But the individual has no chance of effective personal power except by means of the secure exercise of certain personal rights. Such rights, then, must be secured and exercised; yet when they are exercised, their tendency is to divide the community into

divergent classes. Even if enjoyed with some equality in the beginning, they do not continue to be equally enjoyed, but make towards discriminations advantageous to a minority. The state, as representing the common interest, is obliged to admit the inevitability of such classifications and divisions, and has itself no alternative but to exercise a decisive preference on behalf of one side or the other. A well-governed state will use its power to promote edifying and desirable discriminations. But if discriminations tend to divide the community, and the state itself cannot do more than select among the various possible cases of discrimination those which it has some reason to prefer, how is the solidarity of the community to be preserved? And above all, how is a democratic community, which necessarily includes everybody in its benefits and responsibilities, to be kept well united? Such a community must retain an ultimate bond of union which counteracts the divergent effect of the discriminations, yet which at the same time is not fundamentally hostile to individual liberties.

The clew to the best available solution of the problem is supplied by a consideration of the precise manner, in which the advantages derived from the efficient exercise of liberties become inimical to a wholesome social condition. The hostility depends, not upon the existence of such advantageous discriminations for a time, but upon their persistence for too long a time. When, either from natural or artificial causes, they are properly selected, they contribute at the time of their selection both to individual and to social efficiency. They have been earned, and it is both just and edifying that, in so far as they have been earned, they should be freely enjoyed. On the other hand, they should not, so far as possible, be allowed to outlast their own utility. They must continue to be earned. It is power and opportunity enjoyed without being earned which help to damage the individual—both the individuals who benefit and the individuals who consent—and which tend to loosen the ultimate social bond. A democracy, no less than a monarchy or an aristocracy, must recognize political, economic, and social discriminations, but it must also manage to withdraw its consent whenever these discriminations show any tendency to excessive endurance. The essential wholeness of the community depends absolutely on the ceaseless creation of a political, economic, and social aristocracy and their equally incessant replacement.

Both in its organization and in its policy a democratic state has consequently to seek two different but supplementary objects. It is the function of such a state to represent the whole community; and the whole community includes the individual as well as the mass, the many as well as the few. The individual is merged in the mass, unless he is enabled to exercise efficiently and independently his own private and special purposes. He must not only be permitted, he must be encouraged to earn distinction; and the best way in which he can be encouraged to earn distinction is to reward distinction both by abundant opportunity and cordial appreciation. Individual distinction, resulting from the efficient performance of special work, is not only the foundation of all genuine individuality, but is usually of the utmost social value. In so far as it is efficient, it has a tendency to be constructive. It both inserts some member into the social edifice which forms for the time being a desirable part of the whole structure, but it tends to

establish a standard of achievement which may well form a permanent contribution to social amelioration. It is useful to the whole community, not because it is derived from popular sources or conforms to popular standards, but because it is formative and so helps to convert the community into a well-formed whole.

Distinction, however, even when it is earned, always has a tendency to remain satisfied with its achievements, and to seek indefinitely its own perpetuation. When such a course is pursued by an efficient and distinguished individual, he is, of course, faithless to the meaning and the source of his own individual power. In abandoning and replacing him a democracy is not recreant to the principle of individual liberty. It is merely subjecting individual liberty to conditions which promote and determine its continued efficiency. Such conditions never have been and never will be imposed for long by individuals or classes of individuals upon themselves. They must be imposed by the community, and nothing less than the whole community. The efficient exercise of individual power is necessary to form a community and make it whole, but the duty of keeping it whole rests with the community itself. It must consciously and resolutely preserve the social benefit, derived from the achievements of its favorite sons; and the most effective means thereto is that of denying to favoritism of all kinds the opportunity of becoming a mere habit.

The specific means whereby this necessary and formative favoritism can be prevented from becoming a mere habit vary radically among the different fields of personal activity. In the field of intellectual work the conditions imposed upon the individual must for the most part be the creation of public opinion; and in its proper place this aspect of the relation between individuality and democracy will receive special consideration. In the present connection, however, the relation of individual liberty to democratic organization and policy can be illustrated and explained most helpfully by a consideration of the binding and formative conditions of political and economic liberty. Democracies have always been chiefly preoccupied with the problems raised by the exercise of political and economic opportunities, because success in politics and business implies the control of a great deal of physical power and the consequent possession by the victors in a peculiar degree of both the motive and the means to perpetuate their victory.

The particular friends of freedom, such as Hamilton and the French "doctrinaires," have always believed that both civil and political liberty depended on the denial of popular Sovereignty and the rigid limitation of the suffrage. Of course, a democrat cannot accept such a conclusion. He should doubtless admit that the possession of absolute Sovereign power is always liable to abuse; and if he is candid, he can hardly fail to add that democratic favoritism is subject to the same weakness as aristocratic or royal favoritism. It tends, that is, to make individuals seek distinction not by high individual efficiency, but by compromises in the interest of useful popularity. It would be vain to deny the gravity of this danger or the extent to which, in the best of democracies, the seekers after all kinds of distinction have been hypnotized by an express desire for popularity. But American statesmen have not always been obliged to choose between Hamilton's unpopular integrity and Henry Clay's unprincipled bidding for popular favor. The greatest American political leaders have been

popular without any personal capitulation; and their success is indicative of what is theoretically the most wholesome relation between individual political liberty and a democratic distribution of effective political power. The highest and most profitable individual political distinction is that which is won from a large field and from a whole people. Political, even more than other kinds of distinction, should not be the fruit of a limited area of selection. It must be open to everybody, and it must be acceptable to the community as a whole. In fact, the concession of substantially equal political rights is an absolute condition of any fundamental political bond. Grave as are the dangers which a democratic political system incurs, still graver ones are incurred by a rigidly limited electoral organization. A community, so organized, betrays a fundamental lack of confidence in the mutual loyalty and good faith of its members, and such a community can remain well united only at the cost of a mixture of patronage and servility.

The limitation of the suffrage to those who are individually capable of making the best use of it has the appearance of being reasonable; and it has made a strong appeal to those statesmen and thinkers who believed in the political leadership of intelligent and educated men. Neither can it be denied that a rigidly restricted suffrage might well make in the beginning for administrative efficiency and good government. But it must never be forgotten that a limited suffrage confines ultimate political responsibility, not only to a number of peculiarly competent individuals, but to a larger or smaller class; and in the long run a class is never to be trusted to govern in the interest of the whole community. A democracy should encourage the political leadership of experienced, educated, and well-trained men, but only on the express condition that their power is delegated and is to be used, under severe penalties, for the benefit of the people as a whole. A limited suffrage secures governmental efficiency, if at all, at the expense of the political education and training of the disfranchised class, and at the expense, also, of a permanent and radical popular political grievance. A substantially universal suffrage merely places the ultimate political responsibility in the hands of those for whose benefit governments are created; and its denial can be justified only on the ground that the whole community is incapable of exercising the responsibility. Such cases unquestionably exist. They exist wherever the individuals constituting a community, as at present in the South, are more divided by social or class ambitions and prejudices than they are united by a tradition of common action and mutual loyalty. But wherever the whole people are capable of thinking, feeling, and acting as if they constituted a whole, universal suffrage, even if it costs something in temporary efficiency, has a tendency to be more salutary and more formative than a restricted suffrage.

The substantially equal political rights enjoyed by the American people for so many generations have not proved dangerous to the civil liberties of the individual and, except to a limited extent, not to his political liberty. Of course, the American democracy has been absolutely opposed to the delegation to individuals of official political power, except under rigid conditions both as to scope and duration; and the particular friends of liberty have always claimed that such rigid conditions destroyed individual political independence and freedom. Hamilton, for instance, was insistent upon the necessity of an upper house consisting of

life-members who would not be dependent on popular favor for their retention of office. But such proposals have no chance of prevailing in a sensible democracy. A democracy is justified in refusing to bestow permanent political power upon individuals, because such permanent tenure of office relaxes oftener than it stimulates the efficiency of the favored individual, and makes him attach excessive importance to mere independence. The official leaders of a democracy should, indeed, hold their offices under conditions which will enable them to act and think independently; but independence is really valuable only when the officeholder has won it from his own followers. Under any other conditions it is not only peculiarly liable to abuse, but it deprives the whole people of that ultimate responsibility for their own welfare, without which democracy is meaningless. A democracy is or should be constantly delegating an effective share in this responsibility to its official leaders, but only on condition that the power and responsibility delegated is partial and is periodically resumed.

The only Americans who hold important official positions for life are the judges of the Federal courts. Radical democrats have always protested against this exception, which, nevertheless, can be permitted without any infringement of democratic principles. The peculiar position of the Federal judge is symptomatic of the peculiar importance in the American system of the Federal Constitution. A senator would be less likely to be an efficient and public-spirited legislator, in case he were not obliged at regular intervals to prove title to his distinction. A justice of the Supreme Court, on the other hand, can the better perform his special task, provided he has a firm and permanent hold upon his office. He cannot, to be sure, entirely escape responsibility to public opinion, but his primary duty is to expound the Constitution as he understands it; and it is a duty which demands the utmost personal independence. The fault with the American system in this respect consists not in the independence of the Federal judiciary, but in the practical immutability of the Constitution. If the instrument which the Supreme Court expounds could be altered whenever a sufficiently large body of public opinion has demanded a change for a sufficiently long time, the American democracy would have much more to gain than to fear from the independence of the Federal judiciary.

The interest of individual liberty in relation to the organization of democracy demands simply that the individual officeholder should possess an amount of power and independence adequate to the efficient performance of his work. The work of a justice of the Supreme Court demands a power that is absolute for its own special work, and it demands technically complete independence. An executive should, as a rule, serve for a longer term, and hold a position of greater independence than a legislator, because his work of enforcing the laws and attending to the business details of government demands continuity, complete responsibility within its own sphere, and the necessity occasionally of braving adverse currents of public opinion. The term of service and the technical independence of a legislator might well be more restricted than that of an executive; but even a legislator should be granted as much power and independence as he may need for the official performance of his public duty. The American democracy has shown its enmity to individual

political liberty, not because it has required its political favorites constantly to seek reëlection, but because it has since 1800 tended to refuse to its favorites during their official term as much power and independence as is needed for administrative, legislative, and judicial efficiency. It has been jealous of the power it delegated, and has tried to take away with one hand what it gave with the other.

Taking American political traditions, ideals, institutions, and practices as a whole, there is no reason to believe that the American democracy cannot and will not combine sufficient opportunities for individual political distinction with an effective ultimate popular political responsibility. The manner in which the combination has been made hitherto is far from flawless, and the American democracy has much to learn before it reaches an organization adequate to its own proper purposes. It must learn, above all, that the state, and the individuals who are temporarily responsible for the action of the state, must be granted all the power necessary to redeem that responsibility. Individual opportunity and social welfare both depend upon the learning of this lesson; and while it is still very far from being learned, the obstacles in the way are not of a disheartening nature.

With the economic liberty of the individual the case is different. The Federalists refrained from protecting individual political rights by incorporating in the Constitution any limitation of the suffrage; but they sought to protect the property rights of the individual by the most absolute constitutional guarantees. Moreover, American practice has allowed the individual a far larger measure of economic liberty than is required by the Constitution; and this liberty was granted in the expectation that it would benefit, not the individual as such, but the great mass of the American people. It has undoubtedly benefited the great mass of the American people; but it has been of far more benefit to a comparatively few individuals. Americans are just beginning to learn that the great freedom which the individual property-owner has enjoyed is having the inevitable result of all unrestrained exercise of freedom. It has tended to create a powerful but limited class whose chief object it is to hold and to increase the power which they have gained; and this unexpected result has presented the American democracy with the most difficult and radical of its problems. Is it to the interest of the American people as a democracy to permit the increase or the perpetuation of the power gained by this aristocracy of money?

A candid consideration of the foregoing question will, I believe, result in a negative answer. A democracy has as much interest in regulating for its own benefit the distribution of economic power as it has the distribution of political power, and the consequences of ignoring this interest would be as fatal in one case as in the other. In both instances regulation in the democratic interest is as far as possible from meaning the annihilation of individual liberty; but in both instances individual liberty should be subjected to conditions which will continue to keep it efficient and generally serviceable. Individual economic power is not any more dangerous than individual political power—provided it is not held too absolutely and for too long a time. But in both cases the interest of the community as a whole should be dominant; and the interest of the whole community demands a considerable concentration of economic power and responsibility, but only for the

ultimate purpose of its more efficient exercise and the better distribution of its fruits.

That certain existing American fortunes have in their making been of the utmost benefit to the whole economic organism is to my mind unquestionably the fact. Men like Mr. J. Pierpont Morgan, Mr. Andrew Carnegie, Mr. James J. Hill, and Mr. Edward Harriman have in the course of their business careers contributed enormously to American economic efficiency. They have been overpaid for their services, but that is irrelevant to the question immediately under consideration. It is sufficient that their economic power has been just as much earned by substantial service as was the political power of a man like Andrew Jackson; and if our country is to continue its prosperous economic career, it must retain an economic organization which will offer to men of this stamp the opportunity and the inducement to earn distinction. The rule which has already been applied to the case of political power applies, also, to economic power. Individuals should enjoy as much freedom from restraint, as much opportunity, and as much responsibility as is necessary for the efficient performance of their work. Opinions will differ as to the extent of this desirable independence and its associated responsibility. The American millionaire and his supporters claim, of course, that any diminution of opportunity and independence would be fatal. To dispute this inference, however, does not involve the abandonment of the rule itself. A democratic economic system, even more than a democratic political system, must delegate a large share of responsibility and power to the individual, but under conditions, if possible, which will really make for individual efficiency and distinction.

The grievance which a democrat may feel towards the existing economic system is that it makes only partially for genuine individual economic efficiency and distinction. The political power enjoyed by an individual American rarely endures long enough to survive its own utility. But economic power can in some measure at least be detached from its creator. Let it be admitted that the man who accumulates $50,000,000 in part earns it, but how about the man who inherits it? The inheritor of such a fortune, like the inheritor of a ducal title, has an opportunity thrust upon him. He succeeds to a colossal economic privilege which he has not earned and for which he may be wholly incompetent. He rarely inherits with the money the individual ability possessed by its maker, but he does inherit a "money power" wholly independent of his own qualifications or deserts. By virtue of that power alone he is in a position in some measure to exploit his fellow-countrymen. Even though a man of very inferior intellectual and moral caliber, he is able vastly to increase his fortune through the information and opportunity which that fortune bestows upon him, and without making any individual contribution to the economic organization of the country. His power brings with it no personal dignity or efficiency; and for the whole material and meaning of his life he becomes as much dependent upon his millions as a nobleman upon his title. The money which was a source of distinction to its creator becomes in the course of time a source of individual demoralization to its inheritor. His life is organized for the purpose of spending a larger income than any private individual can really need; and his intellectual point of view is bounded by his narrow experience and his class interests.

No doubt the institution of private property, necessitating, as it does, the transmission to one person of the possessions and earnings of another, always involves the inheritance of unearned power and opportunity. But the point is that in the case of very large fortunes the inherited power goes far beyond any legitimate individual needs, and in the course of time can hardly fail to corrupt its possessors. The creator of a large fortune may well be its master; but its inheritor will, except in the case of exceptionally able individuals, become its victim, and most assuredly the evil social effects are as bad as the evil individual effects. The political bond which a democracy seeks to create depends for its higher value upon an effective social bond. Gross inequalities in wealth, wholly divorced from economic efficiency on the part of the rich, as effectively loosen the social bond as do gross inequalities of political and social standing. A wholesome social condition in a democracy does not imply uniformity of wealth any more than it implies uniformity of ability and purpose, but it does imply the association of great individual economic distinction with responsibility and efficiency. It does imply that economic leaders, no less than political ones, should have conditions imposed upon them which will force them to recognize the responsibilities attached to so much power. Mutual association and confidence between the leaders and followers is as much a part of democratic economic organization as it is of democratic political organization; and in the long run the inheritance of vast fortunes destroys any such relation. They breed class envy on one side, and class contempt on the other; and the community is either divided irremediably by differences of interest and outlook, or united, if at all, by snobbish servility.

If the integrity of a democracy is injured by the perpetuation of unearned economic distinctions, it is also injured by extreme poverty, whether deserved or not. A democracy which attempted to equalize wealth would incur the same disastrous fate as a democracy which attempted to equalize political power; but a democracy can no more be indifferent to the distribution of wealth than it can to the distribution of the suffrage. In a wholesome democracy every male adult should participate in the ultimate political responsibility, partly because of the political danger of refusing participation to the people, and partly because of the advantages to be derived from the political union of the whole people. So a wholesome democracy should seek to guarantee to every male adult a certain minimum of economic power and responsibility. No doubt it is much easier to confer the suffrage on the people than it is to make poverty a negligible social factor; but the difficulty of the task does not make it the less necessary. It stands to reason that in the long run the people who possess the political power will want a substantial share of the economic fruits. A prudent democracy should anticipate this demand. Not only does any considerable amount of grinding poverty constitute a grave social danger in a democratic state, but so, in general, does a widespread condition of partial economic privation. The individuals constituting a democracy lack the first essential of individual freedom when they cannot escape from a condition of economic dependence.

The American democracy has confidently believed in the fatal prosperity enjoyed by the people under the American system. In the confidence of that belief it has promised to Americans a substantial satisfaction of their economic

needs; and it has made that promise an essential part of the American national idea. The promise has been measurably fulfilled hitherto, because the prodigious natural resources of a new continent were thrown open to anybody with the energy to appropriate them. But those natural resources have now in large measure passed into the possession of individuals, and American statesmen can no longer count upon them to satisfy the popular hunger for economic independence. An ever larger proportion of the total population of the country is taking to industrial occupations, and an industrial system brings with it much more definite social and economic classes, and a diminution of the earlier social homogeneity. The contemporary wage-earner is no longer satisfied with the economic results of being merely an American citizen. His union is usually of more obvious use to him than the state, and he is tending to make his allegiance to his union paramount to his allegiance to the state. This is only one of many illustrations that the traditional American system has broken down. The American state can regain the loyal adhesion of the economically less independent class only by positive service. What the wage-earner needs, and what it is to the interest of a democratic state he should obtain, is a constantly higher standard of living. The state can help him to conquer a higher standard of living without doing any necessary injury to his employers and with a positive benefit to general economic and social efficiency. If it is to earn the loyalty of the wage-earners, it must recognize the legitimacy of his demand, and make the satisfaction of it an essential part of its public policy.

The American state is dedicated to such a duty, not only by its democratic purpose, but by its national tradition. So far as the former is concerned, it is absurd and fatal to ask a popular majority to respect the rights of a minority, when those rights are interpreted so as seriously to hamper, if not to forbid, the majority from obtaining the essential condition of individual freedom and development—viz. the highest possible standard of living. But this absurdity becomes really critical and dangerous, in view of the fact that the American people, particularly those of alien birth and descent, have been explicitly promised economic freedom and prosperity. The promise was made on the strength of what was believed to be an inexhaustible store of natural opportunities; and it will have to be kept even when those natural resources are no longer to be had for the asking. It is entirely possible, of course, that the promise can never be kept,—that its redemption will prove to be beyond the patience, the power, and the wisdom of the American people and their leaders; but if it is not kept, the American commonwealth will no longer continue to be a democracy.

IV

THE BRIDGE BETWEEN DEMOCRACY AND NATIONALITY

We are now prepared, I hope, to venture upon a more fruitful definition of democracy. The popular definitions err in describing it in terms of its machinery or of some partial political or economic object. Democracy does not mean merely government by the people, or majority rule, or universal suffrage. All of these political forms or devices are a part of its necessary organization; but the chief advantage such methods of organization have is their tendency to

promote some salutary and formative purpose. The really formative purpose is not exclusively a matter of individual liberty, although it must give individual liberty abundant scope. Neither is it a matter of equal rights alone, although it must always cherish the social bond which that principle represents. The salutary and formative democratic purpose consists in using the democratic organization for the joint benefit of individual distinction and social improvement.

To define the really democratic organization as one which makes expressly and intentionally for individual distinction and social improvement is nothing more than a translation of the statement that such an organization should make expressly and intentionally for the welfare of the whole people. The whole people will always consist of individuals, constituting small classes, who demand special opportunities, and the mass of the population who demand for their improvement more generalized opportunities. At any particular time or in any particular case, the improvement of the smaller classes may conflict with that of the larger class, but the conflict becomes permanent and irreconcilable only when it is intensified by the lack of a really binding and edifying public policy, and by the consequent stimulation of class and factional prejudices and purposes. A policy, intelligently informed by the desire to maintain a joint process of individual and social amelioration, should be able to keep a democracy sound and whole both in sentiment and in idea. Such a democracy would not be dedicated either to liberty or to equality in their abstract expressions, but to liberty and equality, in so far as they made for human brotherhood. As M. Faguet says in the introduction to his "Politiques et Moralistes du Dix-Neuvième Siècle," from which I have already quoted: "Liberté et Égalité sont donc contradictoires et exclusives l'une et l'autre; mais la Fraternité les concilierait. La Fraternité non seulement concilierait la Liberté et l'Égalité, mais elle les ferait gêneratrices l'une et l'autre." The two subordinate principles, that is, one representing the individual and the other the social interest, can by their subordination to the principle of human brotherhood, be made in the long run mutually helpful.

The foregoing definition of the democratic purpose is the only one which can entitle democracy to an essential superiority to other forms of political organization. Democrats have always tended to claim some such superiority for their methods and purposes, but in case democracy is to be considered merely as a piece of political machinery, or a partial political idea, the claim has no validity. Its superiority must be based upon the fact that democracy is the best possible translation into political and social terms of an authoritative and comprehensive moral idea; and provided a democratic state honestly seeks to make its organization and policy contribute to a better quality of individuality and a higher level of associated life, it can within certain limits claim the allegiance of mankind on rational moral grounds.

The proposed definition may seem to be both vague and commonplace; but it none the less brings with it practical consequences of paramount importance. The subordination of the machinery of democracy to its purpose and the comprehension within that purpose of the higher interests both of the individual and society, is not only exclusive of many partial and erroneous ideas, but demands both a reconstructive programme and an efficient organization. A government by the people, which seeks an organization

and a policy beneficial to the individual and to society, is confronted by a task as responsible and difficult as you please; but it is a specific task which demands the adoption of certain specific and positive means. Moreover it is a task which the American democracy has never sought consciously to achieve. American democrats have always hoped for individual and social amelioration as the result of the operation of their democratic system; but if any such result was to follow, its achievement was to be a happy accident. The organization and policy of a democracy should leave the individual and society to seek their own amelioration. The democratic state should never discriminate in favor of anything or anybody. It should only discriminate against all sorts of privilege. Under the proposed definition, on the other hand, popular government is to make itself expressly and permanently responsible for the amelioration of the individual and society; and a necessary consequence of this responsibility is an adequate organization and a reconstructive policy.

The majority of good Americans will doubtless consider that the reconstructive policy, already indicated, is flagrantly socialistic both in its methods and its objects; and if any critic likes to fasten the stigma of socialism upon the foregoing conception of democracy, I am not concerned with dodging the odium of the word. The proposed definition of democracy is socialistic, if it is socialistic to consider democracy inseparable from a candid, patient, and courageous attempt to advance the social problem towards a satisfactory solution. It is also socialistic in case socialism cannot be divorced from the use, wherever necessary, of the political organization in all its forms to realize the proposed democratic purpose. On the other hand, there are some doctrines frequently associated with socialism, to which the proposed conception of democracy is wholly inimical; and it should be characterized not so much socialistic, as unscrupulously and loyally nationalistic.

A democracy dedicated to individual and social betterment is necessarily individualist as well as socialist. It has little interest in the mere multiplication of average individuals, except in so far as such multiplication is necessary to economic and political efficiency; but it has the deepest interest in the development of a higher quality of individual self-expression. There are two indispensable economic conditions of qualitative individual self-expression. One is the preservation of the institution of private property in some form, and the other is the radical transformation of its existing nature and influence. A democracy certainly cannot fulfill its mission without the eventual assumption by the state of many functions now performed by individuals, and without becoming expressly responsible for an improved distribution of wealth; but if any attempt is made to accomplish these results by violent means, it will most assuredly prove to be a failure. An improvement in the distribution of wealth or in economic efficiency which cannot be accomplished by purchase on the part of the state or by a legitimate use of the power of taxation, must be left to the action of time, assisted, of course, by such arrangements as are immediately practical. But the amount of actual good to the individual and society which can be effected *at any one time* by an alteration in the distribution of wealth is extremely small; and the same statement is true of any proposed state action in the interest of the democratic purpose. Consequently, while responsible state action is an essential condition of any steady approach to

the democratic consummation, such action will be wholly vain unless accompanied by a larger measure of spontaneous individual amelioration. In fact, one of the strongest arguments on behalf of a higher and larger conception of state responsibilities in a democracy is that the candid, courageous, patient, and intelligent attempt to redeem those responsibilities provides one of the highest types of individuality—viz. the public-spirited man with a personal opportunity and a task which should be enormously stimulating and edifying.

The great weakness of the most popular form of socialism consists, however, in its mixture of a revolutionary purpose with an international scope. It seeks the abolition of national distinctions by revolutionary revolts of the wage-earner against the capitalist; and in so far as it proposes to undermine the principle of national cohesion and to substitute for it an international organization of a single class, it is headed absolutely in the wrong direction. Revolutions may at times be necessary and on the whole helpful, but not in case there is any other practicable method of removing grave obstacles to human amelioration; and in any event their tendency is socially disintegrating. The destruction or the weakening of nationalities for the ostensible benefit of an international socialism would in truth gravely imperil the bond upon which actual human association is based. The peoples who have inherited any share in Christian civilization are effectively united chiefly by national habits, traditions, and purposes; and perhaps the most effective way of bringing about an irretrievable division of purpose among them would be the adoption by the class of wage-earners of the programme of international socialism. It is not too much to say that no permanent good can, under existing conditions, come to the individual and society except through the preservation and the development of the existing system of nationalized states.

Radical and enthusiastic democrats have usually failed to attach sufficient importance to the ties whereby civilized men are at the present time actually united. Inasmuch as national traditions are usually associated with all sorts of political, economic, and social privileges and abuses, they have sought to identify the higher social relation with the destruction of the national tradition and the substitution of an ideal bond. In so doing they are committing a disastrous error; and democracy will never become really constructive until this error is recognized and democracy abandons its former alliance with revolution. The higher human relation must be brought about chiefly by the improvement and the intensification of existing human relations. The only possible foundation for a better social structure is the existing order, of which the contemporary system of nationalized states forms the foundation.

Loyalty to the existing system of nationalized states does not necessarily mean loyalty to an existing government merely because it exists. There have been, and still are, governments whose ruin is a necessary condition of popular liberation; and revolution doubtless still has a subordinate part to play in the process of human amelioration. The loyalty which a citizen owes to a government is dependent upon the extent to which the government is representative of national traditions and is organized in the interest of valid national purposes. National traditions and purposes always contain a large infusion of dubious ingredients; but loyalty to them does

not necessarily mean the uncritical and unprotesting acceptance of the national limitations and abuses. Nationality is a political and social ideal as well as the great contemporary political fact. Loyalty to the national interest implies devotion to a progressive principle. It demands, to be sure, that the progressive principle be realized without any violation of fundamental national ties. It demands that any national action taken for the benefit of the progressive principle be approved by the official national organization. But it also serves as a ferment quite as much as a bond. It bids the loyal national servants to fashion their fellow-countrymen into more of a nation; and the attempt to perform this bidding constitutes a very powerful and wholesome source of political development. It constitutes, indeed, a source of political development which is of decisive importance for a satisfactory theory of political and social progress, because a people which becomes more of a nation has a tendency to become for that very reason more of a democracy.

The assertion that a people which becomes more of a nation becomes for that very reason more of a democracy, is, I am aware, a hazardous assertion, which can be justified, if at all, only at a considerable expense. As a matter of fact, the two following chapters will be devoted chiefly to this labor of justification. In the first of these chapters I shall give a partly historical and partly critical account of the national principle in its relation to democracy; and in the second I shall apply the results, so achieved, to the American national principle in its relation to the American democratic idea. But before starting this complicated task, a few words must be premised as to the reasons which make the attempt well worth the trouble.

If a people, in becoming more of a nation, become for that very reason more of a democracy, the realization of the democratic purpose is not rendered any easier, but democracy is provided with a simplified, a consistent, and a practicable programme. An alliance is established thereby between the two dominant political and social forces in modern life. The suspicion with which aggressive advocates of the national principle have sometimes regarded democracy would be shown to have only a conditional justification; and the suspicion with which many ardent democrats have regarded aggressive nationalism would be similarly disarmed. A democrat, so far as the statement is true, could trust the fate of his cause in each particular state to the friends of national progress. Democracy would not need for its consummation the ruin of the traditional political fabrics; but so far as those political bodies were informed by genuinely national ideas and aspirations, it could await confidently the process of national development. In fact, the first duty of a good democrat would be that of rendering to his country loyal patriotic service. Democrats would abandon the task of making over the world to suit their own purposes, until they had come to a better understanding with their own countrymen. One's democracy, that is, would begin at home and it would for the most part stay at home; and the cause of national well-being would derive invaluable assistance from the loyal coöperation of good democrats.

A great many obvious objections will, of course, be immediately raised against any such explanation of the relation between democracy and nationality; and I am well aware that these objections demand the most serious consideration. A generation or two ago the European

democrat was often by way of being an ardent nationalist; and a constructive relation between the two principles was accepted by many European political reformers. The events of the last fifty years have, however, done much to sever the alliance, and to make European patriots suspicious of democracy, and European democrats suspicious of patriotism. To what extent these suspicions are justified, I shall discuss in the next chapter; but that discussion will be undertaken almost exclusively for obtaining, if possible, some light upon our domestic situation. The formula of a constructive relation between the national and democratic principles has certain importance for European peoples, and particularly for Frenchmen: but, if true, it is of a far superior importance to Americans. It supplies a constructive form for the progressive solution of their political and social problems; and while it imposes on them responsibilities which they have sought to evade, it also offers compensations, the advantage of which they have scarcely expected.

Americans have always been both patriotic and democratic, just as they have always been friendly both to liberty and equality, but in neither case have they brought the two ideas or aspirations into mutually helpful relations. As democrats they have often regarded nationalism with distrust, and have consequently deprived their patriotism of any sufficient substance and organization. As nationalists they have frequently regarded essential aspects of democracy with a wholly unnecessary and embarrassing suspicion. They have been after a fashion Hamiltonian, and Jeffersonian after more of a fashion; but they have never recovered from the initial disagreement between Hamilton and Jefferson. If there is any truth in the idea of a constructive relation between democracy and nationality this disagreement must be healed. They must accept both principles loyally and unreservedly; and by such acceptance their "noble national theory" will obtain a wholly unaccustomed energy and integrity. The alliance between the two principles will not leave either of them intact; but it will necessarily do more harm to the Jeffersonian group of political ideas than it will to the Hamiltonian. The latter's nationalism can be adapted to democracy without an essential injury to itself, but the former's democracy cannot be nationalized without being transformed. The manner of its transformation has already been discussed in detail. It must cease to be a democracy of indiscriminate individualism; and become one of selected individuals who are obliged constantly to justify their selection; and its members must be united not by a sense of joint irresponsibility, but by a sense of joint responsibility for the success of their political and social ideal. They must become, that is, a democracy devoted to the welfare of the whole people by means of a conscious labor of individual and social improvement; and that is precisely the sort of democracy which demands for its realization the aid of the Hamiltonian nationalistic organization and principle.