

THE END OF DEMOCRACY

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BY

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"Yet if I am a democrat, I confess it is mainly because I cannot find anything else to be. The actual achievement of democracy is that it gives a tolerably good time to the underdog. Or, at least, it honestly tries; and it is, I think, for this reason that most of us accept it as our political creed. My objection to it is that, as I think, it forms a barrier to further upward progress. True progress—to better things—must be based on thought and knowledge. As I see it, democracy encourages the nimble charlatan at the expense of the thinker, and prefers the plausible wizard with quack remedies to the true statesman. Democracy is ever eager for rapid progress, and the only progress which can be rapid is progress downhill. For this reason I suspect that all democracies carry within them the seeds of their own destruction, and I cannot believe that democracy is to be our final form of government. And indeed, there is little enough of it left in Europe today."

SIR JAMES JEANS

from "Living Philosophies"

APOLOGIA

WITH EVENTS RUSHING TUMULTUOUSLY upon each other, it requires some temerity to publish a book such as this. It has been put together over a space of two years or more, and the scene, which seemed fairly clear when it was begun, has changed almost monthly during that period. And it still continues to change even while the proofs are being corrected.

In the interminable process of revision in the effort to keep it up to date, facts have had to be re-stated, opinions revised, conclusions modified. I do not think that any fundamental principles have been changed or basic convictions abandoned as a result of this process of development of social and political affairs. So far as I am concerned these are too deeply rooted to be affected by such kaleidoscopic rearrangements as those that have taken place amongst the shattered and vari-coloured fragments that make up the human scene. On these general principles I am disposed to rest my case while admitting that in matters of detail and implementation, further reconsideration might be enforced by the headlong course of events. Revision and adaptation had to stop somewhere, therefore they stop here.

Some few chapters have already been published in different magazines, though each of these was con-

ceived as ultimately forming a part of the present volume. I fear that this procedure has resulted in a certain amount of repetition. However, if the things repeated are true, reiteration may be excusable, though for any annoyance this may cause possible readers, I offer my sincere apologies.

RALPH ADAMS GRAM

ALASSIO, ITALY

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INTRODUCTION

THE LONG HABIT OF LIVING indisposeth us for dying," saith Sir Thomas Browne, and this holds for peoples as well as for persons. There is little evidence that the kings and nobles of the XIVth Dynasty in Egypt realized that the high civilization of their time was at the point of declension and that the Hyksos anarchy was just around the corner. So also with the last of the Athenians. The great landholders and the military dictators of Britain and Gaul, seeing low clouds on the horizon, thought it would not be much of a shower; the French aristocrats of the Court of the last Bourbons ate, drank, and made merry, with no thought on the morrow they were to die. Foreknowledge of things to come is granted only to a few; ability to estimate the nature of contemporary conditions to fewer still.

The long habit of familiarity breeds no contempt for things known; confidence rather, with distaste for any effort at comparative or positive evaluation. It takes a long perspective to see events or conditions clearly. Looking backward through long vistas it is easy enough now to note the characteristics of the various past ages that in pride were riding for a fall, to see the signs of the times that preceded and assured that fall. Myopia blinded those

who were a part of it all; therefore, as in the case of this physical infirmity, so in that other of spiritual nearsightedness, the victims were perhaps not to be blamed too harshly.

All the same it might seem that familiarity with the steadily increasing number of these periodic phenomena might have given some illumination to later generations. *Experientia docet* is held to be sound doctrine, and over and over, even before Patrick Henry, philosophers have declared they knew "no way of judging of the future but by the past." Philosophers, yes, but not the average man.

When Macaulay's New Zealander, sitting on the ruins of London Bridge sometime in the future, calls up the vision of society as it stood during the century from 1836 to 1936, he will (I should suppose) draw various parallels between it and the last century of the Roman Empire, and he will reflect (again I should suppose) on the curious limitations that bound the human intellect, because of which so many people held, until the end, that it was the crown of ages, while so few, until near the very end, estimated it at its true value, and even fewer still to what it was bound to lead.

It may be that most of the documentary evidence will have perished in the rough and wholesale process of liquidating an entire civilization (at the moment of writing Spain is showing again how this is to be accomplished) and so he will be compelled to deduce from the broken foot of the exhumed statue (clay this time, not marble) that this was indeed a Hercules. If however, a sufficiency of the

original documents have been preserved he will have much matter for thought. Fortunately for the credit of the time a good deal will have disappeared; the newspapers will have disintegrated, the pulp magazines and many of the books of the baser sort; so also, it is to be presumed, will the cinema films. The ferro-concrete skyscrapers may very well have deliquesced in exceedingly unhandsome ruins of oxidized steel and melting cement, while post-impressionist painting and sculpture, long ago relegated to attics and other receptacles for the outmoded and forgotten, will have found their way to the junk-heap. It is devoutly to be hoped that the *Congressional Record* and the other annals of political ineptitude may have achieved the same destiny, for after all, we do not wish to pile the Pelion of shame on the Ossa of error.

It is pretty sure however that enough will remain to make possible a recreation of a vanished time. Even a second Pepys' Dairy, if conscientiously kept, would be enough, and as we make for ourselves the counterfeit presentment of the Empires of Sargon and Ramesses the Great and Julian the Apostate, so will he in the case of the similar empires of Stalin, Mussolini, Hitler, Baldwin, Blum and Roosevelt II.

It is hardly probable that it will be, in the estimation of the hypothetical New Zealander, a noble or stimulating picture. As he estimates the quality of the years between the end of the First World War and the Spanish Revolution he will see a space of some eighteen years in which all sense of direction had been lost, all consistency of motive in action, all

standards of value abolished or reversed. In the greater part of two continents everyone was running around in circles crying, "What next, and where and why?" With no lucid motive for doing anything in particular, self-appointed arbiters in almost every field of human activity from painting to politics were starting the first thing that came into their heads, tiring of it in a week and lightly starting something else. Blind leaders were leading blind followers, and they in turn were repudiating obviously wrongheaded leadership and asking for more. "The War to End all Wars," as once it had been called, had engendered more wars, from the civil strife of the general strike, the class contest and the national "reign of terror," to the standard type of formal warfare made more like Sherman's "hell" than ever, through the triumphs of applied science in devising new engines of human destruction of an ingenuity and a comprehensive effectiveness that made Jules Verne's vision seem positively pedestrian. The futile philosophies, the curious religions and the unearthly superstitions of the last days of Rome, were matched and beaten by a fantastic farrago of auto-intoxication, while manners and morals lay under a dark eclipse.

It was not a pretty picture that presented itself. Searching, as he naturally would do, for the reason for it all, for the sequence of events that must have led up to so unhappy a condition of things, our suppositious observer must have thought back over the antecedent century or more, and doing so he could scarcely have failed (granting a reasonable degree

of intelligence) to perceive that the nineteenth century being what it was, the twentieth could have been no other. It was all as clear as a mathematical demonstration, though its repercussions were more direct and poignant in relation to the individual and to society.

As a matter of fact he could have gone far back of the nineteenth century, for this, in its turn, derived quite directly, in spirit at least, from several of those that went before. The fifteenth century began it (with some preliminary motions in the fourteenth) but the sixteenth century organized the whole tendency and effectively set the stage for the drama that was to ensue. Social, economic, industrial, commercial, and financial; literary, artistic, scientific, metaphysical, philosophical and religious activities then took a fresh start along a new line, and with increasing crescendo the great melodrama swept onward to its breath-taking climax in the last thirty-five years of the nineteenth, and the first fifteen of the twentieth century. Neither Aeschylus, Sophocles, nor Euripides ever encompassed a major dénouement.

It is rather illogical to try to separate all these elements and to choose one for commentary. They all hung together with perfect intimacy, each influencing the other. There was a great dynamic and governing force, as consistent as that which made Greek culture, or Mediæval, Chinese or Moslem civilization. Social impulses moulded philosophy and religion, and these in turn, reacted, as they developed, on society itself. Industry and finance

modified and directed political evolution and vice versa. Science and mechanics controlled the course of human life, and this in its turn directed the progress and development of the intellectual, artistic and spiritual life of man. Irrational as it may be, however, to attempt to isolate one factor from another, I venture the attempt, and therefore in this essay, I propose to consider one only and that the principles and the form of the political organism man has made for himself under the impulse of that new time-spirit that has been operative during the space of the last five hundred years.

Let me at once disassociate myself from the sometime popular but now outworn idea that any law or code of laws, or indeed any formal political or social scheme, can in itself act as a guaranty of orderly and happy and fruitful life in any human community. Equally on the other hand I am disposed to reject the "quietest" doctrine that these organic formulae are of little account and that the assurance and maintenance of good estate are wholly dependent on the character of the component members of society. It is the interplay of these two forces, each of them indispensable, that works towards that "good society" always sought for by the questing man, and now and then attained at rare intervals in the six thousand years, more or less, of documented human history—attained only to be incontinently lost and so to be sought again.

The character and intelligence—I put the two qualities deliberately in this order—of the men of "fight and leading" fashion the best laws and or-

ganize the best society they can, and these, while they last in their integrity, react again on those who are born and develop under their domination. There would seem, however, to be a certain rhythmic law of life that, regardless of character or the quality of a society, no matter how good it may be, sets a limit to the endurance of every epoch, permitting its parabolic rise to a certain height and then implacably determining its fall in accordance with the curve of its trajectory. The great cultures of the past have achieved eminence only to fall into decay and ultimately disappear, leaving only their artifacts and their records to be destroyed by their jealous and (immediately) barbarian successors. Then unhappy and, apparently, unfavourable conditions in their turn become dynamic. Misery, oppression, injustice, even commonness and vulgarity, breed resentment, indignation and, ultimately, revolt, for as wealth and ease, intellectual achievements and spiritual triumphs find their Nemesis in the inescapable penalty of success, so the ensuing consciousness of failure becomes in its turn creative, and all is to be done over again.

There is evidence to show that our own era which began so effectively now nearly five centuries ago and achieved such commanding heights as a result of the discoveries and inventions and social and economic innovations of the end of the eighteenth and of all of the nineteenth century, is now declining to that inevitable ending that is its destiny as it was that of all cultural epochs from the Old Kingdom of Egypt down to the Middle Ages. The

disillusionment that is now so general is no accidental and temporary result of the World War or the unfortunate circumstances of the Peace; still less is it a consequence of the industrial and financial "depression" as yet only a few years old. Its origin lies farther back, its ethos is more fundamental, its existence of far greater significance than would have been the case had it been engendered by such casual happenings. It is rather a sign of that new dynamic that comes as well from ill conditions as from good and is in effect a promise of a new energy that is born of the hard realization of facts, of a visualizing of new standards of value, and is, even unconsciously, destined to build up the new era that gives promise of better things than were encompassed by the old.

It is becoming increasingly clear that the old régime is passing away. Already there are many signs that the doctrine of *laissez faire* of the "Manchester School" of the nineteenth century has been abandoned for a theory of official direction and control that is operating to make governmental agencies not only the arbiters of individual, social, and moral conduct but the actual agency of operation in commercial and industrial fields that have successively passed through the hands of the individual, the guild and the corporation. Capitalism, which was the inevitable and logical result of the industrial, mechanical and scientific revolution that began at the time when the American Constitution was formulated (a revolution which was the greatest that has ever overtaken society and has re-

sulted in what is in effect a new world) has shown itself incapable of managing this new order of things to the general welfare. The events of the last decade have revealed this incapacity after so clear a fashion that consciousness of its failure has been implanted in minds far outside the radius of the bolshevik, the syndicalist and the socialist organizations. The triumphs and achievements of inventors and scientists have been grossly and foolishly misused by those into whose hands they fell for exploitation, the protagonists of industrialism. Employed solely for selfish purposes and with the ruthlessness of the barbarian, they have been made the agencies of destruction rather than of beneficent creation. The labour-saving machine has done its work: it has "saved" labour and disposed the labourer until in the United States alone, some twelve million potential—and some of them willing—workers are unemployed and are become a charge on the community. Production has so far outrun buying power that we are in the midst of economic chaos. The attempts to resolve this by advertising and high-pressure salesmanship have proved fruitless and the desperate device of increased tariffs has only intensified it. Business men, industrialists and financiers are responsible for the state of things rather than the politicians, and the final revelation of the last few years is that these same men, captains of industry, masters of "big business," the bankers and the lords of high finance are precisely the least well informed, the most easily deluded, the most unreliable as leaders and manag-

ers, of all the factors in society. The towering fabric of industrialism, technicism and international finance, the foundations for which were laid in the last quarter of the eighteenth century, and that since has risen to such fabulous heights, is simply breaking up in ruin and falling to the ground. Another ten years and there will be little to salvage from this titanic débâcle unless control, management and direction can be placed in other hands.*

A system of state capitalism under the "dictatorship of the proletariat" is, or rather was, one possibility, but there is evidence to show that by the time America is ready for the transfer of power, this will have become discredited through comprehensive failure. The supreme tyranny of a self-perpetuating oligarchy under the dictatorship of a Hitler is another; that Fascism which proclaims its evangel as "All for the State; nothing outside the State; nothing against the State" is a third. As Sr. Ortega y Gasset so emphatically and accurately says in his era-making "The Revolt of the Masses": "Bolshevism and Fascism, the two 'new' attempts in politics that are being made in Europe and on its borders, are two clear examples of essential retrogression . . . Typical movements of mass-men, directed, as all such are, by men who are mediocrities,

* "America is the greatest of opportunities and the worst of influences. . . . It imposes optimism, imposes worldliness, imposes mediocrity. But our mediocrity, with our resources, is a disgrace, our worldliness a sin, our optimism a lie. . . . Is our Tower of Babel, our science, our comforts, our machines—to collapse in dishonor, and to be remembered, if at all, only as a vast blunder?"—George Santayana.

improvvised, devoid of a long memory and a 'historic conscience' they behave from the start as if they already belonged to the past, as if, though occurring at the present time, they were really fauna of a past age." Dismissing them both, partly because sane and patriotic men could not conceive of either fixing itself in America, except with horror and despair, partly because by their very nature they do not relate themselves to reality and are in their essence ephemeral, the fact still remains that the present industrial, social and financial system has failed and that we do confront a situation where inevitably, and very shortly, the demand will come for a new control, and that, wisely or unwisely, at the hands of the State, while this demand will very certainly realize itself in fact.

In order to prepare for this eventuality, it is obvious that the present organization of the national government must be radically changed by Constitutional amendments that amount to a thorough and even drastic revision. It is unthinkable that the broad and comprehensive powers of direction, control, and administration involved in such a widening of the field of government, could be entrusted to the political establishment as it now exists. The scandalous waste, inefficiency and expense that have followed so many governmental excursions into the field of business and administration, the inevitable magnifying of a bureaucracy already intolerable in its extravagance and in the enormous numbers of its personnel, together with the vastly greater opportunities for the exercise of political and parti-

zan power that would follow from any further extension of governmental control, makes impossible that official and rational administration of natural resources and, within certain limits, of production and distribution, that now seem to be inevitable and indeed, desirable. High character, broad intelligence, patriotism that goes beyond sectional interests and personal profit, must be brought back into government, and while Constitutional changes cannot guarantee a result that must be primarily dependent on an aroused, enlightened and operative public opinion and on the emergence and the action of the individuals of sterling character in the community, the Constitution must be so revised as to prevent, as far as possible, the operation and dominance of men of lower intelligence and character. The complete failure of the Constitution, strictly interpreted, adequately to meet the anomalous conditions brought about by a society transformed, root and branch, from that of a century and a half ago, has resulted in what can only be termed extra-constitutional action by two of the three coördinate branches of Government; the third, the Supreme Court, usually by a bare majority of votes, opposing this course on purely legal and technical grounds. Outside the field of practical politics, and apart from the exigencies developed by a Presidential campaign, there is a general consensus of opinion that this action on the part of President and Congress was quite justified in the light of a vital crisis that threatened the disruption of the social and economic organism, with bankruptcy and chaos following on. The 'suspension

sion of constitutional guarantees" has always been resorted to by free governments in times of grave danger, and always will be, under penalty of dissolution, where the social organism functions under a written fundamental law. Life is of greater moment than juridical formulæ.

Action such as this is however subject to grave dangers and abuses, since it opens the way to dictatorships and other forms of administrative tyranny, with all this means of loss of liberty, the subjugation of personality, and the extinction of that freedom of choice which differentiates Christian society from pagan fatalism and Calvinistic determinism. No organ of civil government can possibly be devised by man that can last in perpetuity; a fact very clearly known to the Framers of the Constitution of the United States. As a matter of fact Great Britain has, generally speaking, got on better with no written Constitution whatever, and on the basis of racial tradition, custom, and the Common Law, than have those countries that have tried to exist under charters based on *a priori* theories and the sudden philosophies of casual and temporary groups of well-meaning empiricists.

This at least was true until the substitution, through the device of universal suffrage, of the quantitative for the qualitative standard, since which time conditions have radically changed.

In how far it is possible, through revision and modification, to relate a written Fundamental Law more clearly to life, itself never static for a moment, and so to avoid extra-constitutional action, with all

its dangers, is of course a question. It is always the human equation that counts in the end, and this is apparently quite incalculable in its action. It would seem reasonable, however, to suppose that certain guarantees and safeguards can be assured in some one form rather than another, and if this is so then it is the part of prudence, and an evidence of human intelligence, to find out, if possible, what this safer and better form may be.

Physical environment has a certain bearing on individual character; so also has personal and psychological environment. If the government of a people has fallen into the hands of an inferior or bad lot of men: if laws and the basic Law are out of harmony with *informed* public opinion, then these conditions are depressive, even, in the end, destructive of civic consciousness. If, on the other hand, strong men of high and fine character are in control, and if they operate under Law and laws that are related to flourishing life, then there is a certain dynamism in the air that is creative in its character and that leads society upward along organic lines rather than, as in the other case, downward towards possible dissolution.

Democracy, the *new* democracy, both socially and politically, has failed because, under the impact of mistaken philosophies and at the hands of the unfit, it has taken insufficient cognizance of the real nature of life itself and of biological and anthropological facts. It has brought universal society to the very edge of that final abyss to which it was, in its last five-hundred-year-old phase, evidently destined.

This destiny now being practically accomplished, it is necessary to look forward to the new era and to make preparation for it in so far as this is humanly possible.

The sketch-programme of a Constitutional form that follows is intended as no blue-print of a definite scheme but only as a sort of "preliminary specifications" for a new structure to take, in a measure, the place of the old. It aims to go no further than the enunciation of what would, in the light of experience and recent history, seem to be basic principles.*

* "A good government implies two things: first, fidelity to the object of government, which is the happiness of the people; secondly, a knowledge of the means by which that object can be best attained.

"Some governments are deficient in both these qualities; most governments are deficient in the first. I scruple not to assert, that in American governments, too little attention has been paid to the last."—*The Federalist*.

THE END OF DEMOCRACY

Chapter One

THE END OF DEMOCRACY

I

THE TITLE OF THIS BOOK leaves something to be desired. The end of a democracy is certainly now in process of accomplishment, and so far as this particular thing is concerned, the words do well enough. This is that democracy as it has come to be today, both in politics and in society. Of this phenomenon it is true to say that it is at an end, at least so far as its energizing force is concerned. In a few countries its forms remain, voided of the original dynamic content, and these desiccated forms, mere shells or simulacra, give the illusion of reality and continuity.*

Now the thesis I am prepared to defend is that there was once a High Democracy, not only in theory but in practice, and that this has now given place to a Low Democracy which is its antithesis. High Democracy was actually realized for a few centuries during the Middle Ages. It is known in contemporary histories as Monarchical Feudalism. In theory it was held by the Framers of the Constitution of the United States, though they thought of it as an Aristocratic Republic. After such fashion

* See Appendix A.

do what Jeremy Bentham called "imposter terms" and Roosevelt I denominated "weasel words" seduce the fluid mind of a receptive public into grave error.

I apologize to the revered memory of Washington, Adams, Madison, Gerry, and all their fellows for attributing to them any intellectual commerce with democracy, for if they feared anything it was precisely this; whereby their prevision was highly justified. As Mr. Nock says: "One sometimes wonders how our Revolutionary forefathers would take it if they could hear some flatulent political thimblery charge them with having founded 'the great and glorious democracy of the West.'" Of course, as we know now, they never intended to do anything of the sort, but in spite of their elaborate precautions against the possibility of such a thing coming to pass through the malice of time and the propensity to evil of a reprobate human nature, their hopes were vain. Within a generation decomposition of the body of their wisdom set in, to continue by process of mathematical progression until life had departed and a new and, so to speak, fungoid growth, had insensibly taken its place.

This, the current type of democracy, founded on certain recently promulgated dogmas, none of them much more than a century and a half old, has little, if any, relationship to that ideal estate which in the past served as inspiration to the protagonists of the democracy of realization. It was based on a variety of doctrines that cannot be authenticated biologically, historically or philosophically. Amongst these was that particularly disastrous dogma of

"progressive" evolution whereby man was assumed to be engaged in an automatic and irresistible advance towards some "far-off, divine event," based on inherent perfectibility; with free, secular, universal and compulsory education as the assured guaranty of this desirable result, and as its effective power. Linked with this was the amiable and humanitarian theory that all men are created free and equal.*

Deriving from these pious aspirations, as of necessity, came the plausible scheme of representative, parliamentary government founded on universal suffrage, with, as its own original contribution and essential quality, the Reconstruction Era principle that the electoral franchise is not a privilege (as it was prior to that Witches' Sabbath of corruption, infamy and disgrace) but an inalienable right, inherent in man as man, and of equal validity with the incontestable rights to life, liberty and the pursuit of happiness. Finally, and in a way, the most curious (but imperative) of all, the dogma that the majority was practically sure to be more nearly right on all possible subjects than any minority, and that, anyway, the decision of the majority, right or wrong, wise or otherwise, must implicitly be accepted and obeyed.†

* See Appendix B.

† "In the eyes of the average man 'the people' in the phrase 'the sovereignty of the people' means 15 million votes against 14 million. . . . [The liberal democratic leaders] have accepted in all its disastrous implications the statistical conception of democracy, i.e. the view that numbers of votes, no matter by whom, how, or on what occasion given, decide the issues before the community."—Salvador de Madariaga, in "Anarchy or Hierarchy."

This is the bastard form of an originally sane and fine idea. It has had to be abolished as a public nuisance in most of the countries of Europe. It still lingers in the fullness of its futility in France, with a number of inopportune devices added for full measure, while, under sufferance, it precariously exists in the Iberian peninsula.* In Great Britain, Holland and the admirable Scandinavian kingdoms it still manages fairly well, partly because they are monarchical in form, partly because some of the worst features of modern democracy have never found lodgment there, partly because the subjects of the several sovereigns have been blessed by God with an unusual amount of good sense. Here in the United States we had a great and preservative Fundamental Law to start with, that worked well enough until it became progressively vitiated by ill-considered amendments, while some of the silliest features of the later parliamentary systems of the Continent were never taken over, though the suggestion has been made from time to time that we might well indulge in this wild adventure. It is true that what we have of the Constitution of 1787 has saved us thus far from the particular disasters that have brought the European democratic-parliamentary house of cards to destruction and established in its place Communistic, military or political dictatorships.

* Since this was written Spanish "democracy" has reaped the whirlwind of its own sowing, with a military dictatorship mounted on the wide ruin of a slaughtered nation. In Greece, also, the same type of military rule has succeeded the "republic" of the standard sort of political racketeers.

There are none too many citizens of these despotisms who would have the old system back. Whether they like the new autocracies or not, and probably the majority are not any too well pleased with what they have, they have had enough of parliamentary democracy and are vociferous in their denunciation of this, which has now become a sort of second and equally distasteful *Ancien Régime*. And the pathos, even the tragedy of it all is that they themselves, these denouncers of democracy, are the very ones (or their immediate forbears) who made the old democracy what it is today—or was yesterday. To quote G. K. Chesterton, "They will first take a natural thing, then daub it and disguise it and deface it with artificial things and then complain that it is an unnatural thing, and throw it away. At the beginning each addition must be accepted as an improvement. By the end each improvement is used to show that the thing should be not so much altered as abolished." In the greater part of Europe the daubed, disguised, defaced thing has already been thrown away. The same may happen here unless alteration is put in process. The wisdom of this course leaps to the mind.

* * * * *

The really vital and insistent question today is just such drastic alteration, in what it is to consist and how it is to be accomplished. If we are to avoid that vain repetition of history which has been the way of the world time out of mind (there are, admittedly, few historical precedents that would

indicate such a possibility) and escape the Nemesis of their foolish ways that has at last caught up with the several States of Europe, not to mention the *ersatz* republics of South and Central America and China, these questions will have to be solved in short order. These are the vanishing volumes of the Sibylline Books. Only three are left, those earmarked for England, France and America, and the price is steadily rising.

We have had no lack of warning during the last ten years. Indeed it is astonishing how many and how significant are the books that recently have appeared, all showing in varying words and from different points of view, just where we are and how we got there. A century ago William Cobbett warned of what would happen if society kept on the way it had begun, and he did not nor could not know the half of it; or the tenth. Others followed after him down to the time of Carlyle, Ruskin and Morris, but the ethos of the nineteenth century was in full control, and no one for a moment believed a word of these discredited Cassandras. Now that all has happened that they predicted—and more—diagnosis has taken the place of prognosis. Spengler began it, I suppose, and following him have come Hillaire Belloc, G. K. Chesterton, H. R. Tawney, Ortega y Gasset, Nicholas Berdyaeff, William Aylott Orton, W. G. Peck, Herbert Agar, Ross J. S. Hoffman, Albert J. Nock, Alexis Carrel, Christopher Dawson, Salvador de Madariaga, and a score of others all following along the same line. And the two great Papal Encyclicals, *Rerum Novarum* and *Quadrage-*

gesimo Anno, have their supreme part there as well.

So far as the diagnostic works are concerned, most of them might not unjustly be called defeatist. For them it is "Under which King, Bezonian, speak or die?" since for them there seem but the two alternatives, Communism or Dictatorship, once the contemporary democracy is liquidated; a consummation they confidently and unanimously look on both as devoutly to be wished and as inescapable. For their convictions there is, it must be admitted, ample justification in conditions as they are and as they hurriedly progress, but to accept such disaster without at least a struggle, is, as I say, a defeatism that borders on Moslem fatalism. As Ortega says, "A hurricane of farcicality, everywhere and in every form, is at present raging over the lands of Europe," and it may be the nations that have not as yet had to make the terrible choice, may ultimately join the general *débâcle*, with the second Dark Ages the great Spanish philosopher envisages, following after. It is neither easy nor pleasant to anticipate the same fate for the United States. With the great model of our original Constitution before us, and with the mental ingenuity of our inventors and discoverers turned to more really creative concerns than have been their prepossession during the past fifty years, we surely ought, by taking thought, to find a third alternative to Communism and Dictatorship.*

* "After the dictators? Oligarchy in some form. A decent oligarchy—call it aristocracy if you like—is the most ideal form of government. It depends on the quality of a nation whether they evolve a decent oligarchy or not."—Dr. Carl Gustav Jung.

The Great War was to be fought, we were told, to make the world safe for democracy, but we are beginning now to realize that it was the wrong sort of democracy. It was a thing not worth the saving. It was only a hundred years old anyway, but it had lived long enough to reveal its fallaciousness. Behind it stood another democracy of very different temper and it would seem to be the part of wisdom, first of all to go back to that and see if it might not serve as a basis to build upon.

The use of the word, "democracy," is a little ambiguous. If what we have is that, then what we had before was not. A dictionary definition means nothing. The People never has governed and by their nature they never will. From town meeting to Congress, government—legislative, executive and judicial—is determined, directed and administered by small oligarchies of statesmen, professional politicians, money and industrial powers, spellbinders, shysters and racketeers—to cover the field from one end to the other—and its quality depends on the combination of these varied elements and the preponderance of one or the other. The People have very little to do with it, especially along constructive lines. They do not vote *for* a policy or candidate but *against* a candidate or policy.* When mob psy-

* The result of the Presidential election of 1936 offers an absolute negative to this statement made in good faith when it was written. For once ten million more citizens voted *for* a man and a cause than voted *against* them. Spontaneously, and without collusion, this determining majority ignored the politicians and the newspaper editors and acted in positive fashion and independently of both time-honoured agencies. Apart from the merits or demerits of their action,

chology is aroused, they have a certain veto power that is effective through its very mass, and this, like all veto power, whether of a chief executive or a court of law, is as often used unwisely as wisely.

This is very far from being democracy, either in theory or in practice, and if there were nothing more to it than the right to vote, representative, parliamentary government, rotation in office, free, secular, public education and social egalitarianism, and no standards of value, culture, or conduct determined and imposed from superior sources either human or divine, then the word could not be used in the sense in which I propose to use it. As a matter of fact, this is all no more than a pseudo-democracy, a sort of changeling foisted on a naïve and credulous public. Rightly it has no claim to the title. Is there then, or has there been, a true democracy? If so, what are its distinguishing marks?

In the first place there are certain things it definitely is not. It is not universal suffrage, the parliamentary system of government, direct legislation or those pet panaceas of democratic corruption and inefficiency recommended to a very sick body politic in the time of Roosevelt I; the initiative and referendum. The *forms* of the governmental machines are not implied by democratic ideology nor are they determined by its principles. There have been and are "democracies" that are tyrannical, oppressive

one fact was proved, and that is that under sufficient provocation, the People are the final arbiters of government; furthermore, that they need, demand, and will accept, commanding and dynamic leadership.

and destructive of legitimate human liberty; there have been and are "monarchies" that stand for and enforce the basic principles of the higher democracy.

Democracy is not the abolition of status, the elimination of grades or rank in the social organism, the establishing of one dead level of uniformity by pulling down from above and pushing up from below. Aristocracy and monarchy are not inconsistent with its ethos—but they must be of the right type. The contemporary aristocracy built on material power and the monarchies that followed the end of the Middle Ages and held pretty well down to the time of the Great War, are inconsistent with high democratic principle.

What is this "Higher Democracy" of which the current and dissolving type is little more than a caricature? As there has never been any authoritative and dogmatic revelation on this point, each individual must, I suppose, construct his own definition. What follows can only be the statement of a personal conviction, but I think it has some justification in history and in philosophy.

Democracy is that form of social organization which endeavours to assure to man Life, Liberty and the Pursuit of Happiness.*

*"There were five great rights which no government could legitimately destroy: the right to life; the right to liberty; the right to property; the right to the pursuit of happiness (so long as the exercise of this right did not encroach upon the rights of others); and the right to self-government—that is, government was made to serve man, man was not made to serve government, and when government failed to serve man it should be changed, peacefully if possible, forcibly if need be."—Herbert Agar and Allen Tate, in "Who Owns America?"

This sounds axiomatic, indeed platitudinous, but it is worth repeating here simply because it has so wholly been forgotten, that all democratic or pseudo-democratic communities have either completely lost, or are by way of doing so, power on the part of the individual so to live his life as to make possible the achievement of these ends. In this respect the United States stands on a level with Italy, Germany, Mexico and the U. S. S. R. As a matter of fact, our social, economic, and political estate is now, and has been for seventy years, the antithesis of a true democratic polity and state. Not only does it negate all the principles of the Higher Democracy, it has lost even the reality of its modern degenerate form. Let us see wherein some of these antitheses exist.

In a very suggestive book called, "The Crisis of the Middle Classes," Mr. Lewis Corey says, in estimating democracy, that "its form of expression and substantial reality was the liberty and equality of men owning their independent means of livelihood." This is pretty fundamental. What price money capitalism, big business, mass production and trustification? The anonymous author of "Our Lords and Masters" has put into very concise form what we already subconsciously knew but were laggard to realize; the actual nature, the cosmic sweep, the inclusive and dominating power of the controlling factors in current society. Exercising as they do now, complete control of the life of the "civilized" portions of the planet, they made this first qualification of democracy impracticable. A century ago seventy

per cent. of the American people lived in accordance with this first principle; they were free, independent, self-supporting, self-respecting citizens, owning their own land, practicing their own craft or trade; in a word, freemen. Today seventy per cent. of the populace are proletarians, whether they wear a white collar or blue overalls. They have no means of support except the sale of their mental or manual services, in a market daily becoming more and more congested and now close to the saturation point. They are unfree men. This is not democracy of any sort.*

The firm foundation of a democracy is at least sixty per cent. of the people living on land that they own, and from this land, plus subsidiary craft and shop work, also individually or communally owned. Incidentally, this is the only visible cure for current unemployment. As William Green of the American Federation of Labor says, "While technological improvements in industry are steadily reducing the number of workers necessary to provide all the goods and service industry can market, the number of men and women who want work is steadily increasing." At one time it looked as though this very obvious solution of a very critical social problem had suggested itself in Washington, but as soon as subsistence homesteads were tentatively put in process,

*"And herein the desire of King Henry the Seventh . . . was profound and admirable: in making farms and houses of husbandry of a standard; that is, maintained with such a proportion of land unto them as may breed a subject to live in convenient plenty and no servile condition; and to keep the plough in the hands of the owners, and not mere hirelings."—Francis Bacon, *Lord Verulam*.

the vested interests that so largely energize judicial opinion, took alarm, and the Controller General found the scheme as unconstitutional as the Blue Eagle.*

Very soon it will be necessary to decide whether we shall restore a truly democratic State of the original sort, or go on (there is no other alternative) to the corporative, Totalitarian State or to that state socialism which is the negation of all democracy, whether original or derivative.

The original democratic idea has been transformed, distorted, and finally negated by the measures adopted to implement it. The process was dual and reciprocal. The *zeitgeist* has for a century and more, been busily at work inculcating what is known (and widely observed) as "democratic doctrine." This had a determining influence on the progressive changes necessarily taking place in the fundamental law and in the instruments and mechanism of the governmental organization, while each new modification of technical and operative methods intensified and exaggerated the "spirit of the age," whose workings were mysterious but actual and possibly irresistible. An example of this is the progressive amendment of the American Constitution where every change made since the promulgation of the Bill of Rights has been in answer to this—again so-called—democratic impulse. The original Constitu-

* Since this was written the Controller General has ceased from troubling and, under the unmistakable mandate of the People, Washington is, apparently, turning again towards this solution of the agrarian, and social-economic, problem.

tion was conservative, constructive, anti-revolutionary, and anti-democratic in the sense later manifested in the French Revolution. Once this epic event had occurred, the repercussions were universally widespread, and almost unconsciously it affected the whole course of later political development.

In the beginning, *ie.*, 1787, there was no clear conception of, or provision for, party government, partly because at that time political parties did not properly exist. Very shortly thereafter they were in full swing, dividing the electorate on what became the standard bi-partizan, Conservative-Liberal lines. It was a very foolish system, since it resulted in permanent warfare for office between the factions, a generally regular oscillation between two powers (except when war and the suppression of a conquered people and the party of their allegiance left the other party in power for a long period, incidentally with worse results than had followed the older system of rotation) which meant a complete lack of continuity in policy, domestic and foreign, and an unwholesome state of feverishness and uncertainty in society. The *reductio ad absurdum* of this plan which finds its parallel only in Alice in Wonderland, is the parliamentary system of the Continent, where there were no plausible political parties, (nor even of the ins and outs, as in recent years in America,) but anywhere from six to twelve personal and feudal followings. The result in point of conspiracy, corruption and impotence through the shuffling of blocs in order that a Government might achieve a brief lease of life, was on a par

with "Of Thee I Sing" and would have been equally farcical and amusing if it had not had such tragic consequences. The spectacle of once reputable countries such as France, writhing under three or four ministries in a year (Portugal was even more phrenetic) was one to make the high gods grin acridly, and philosophical evolutionists cry *peccavi!* This three-ringed circus of Continental parliamentary government was in itself enough to explain, if not to justify, the advent of Mussolini, Hitler, Pilsudski and the daily dozen of other dictators from King Zog to Mustapha Kemal.

Now the parliamentary system based on political, partizan divisions is no essential part of sound democratic doctrine. It was a plausible device to implement a democratic doctrine that was rotting as it ripened. And it was a bad one. *Si requieris momentum, circumspice.* Fascism, Bolshevism, Nazism, have produced substitutes, but day by day and in every way it begins to look as though the last state would be worse than the first, though such a result rather staggers the imagination. If this Republic had ever taken over the Continental idea of governing ministries responsible to the legislative bodies, and bound to fall on an adverse vote, *fnis* would have been written long ago. Back to the parliamentary system, either Continental or American, we cannot go, for we now have seen what it means and why and what are its results. Onward (or backward, or sideways, whatever it is) we cannot go to State Socialism or the Totalitarian State. The discovery of a saving alternative is the precise issue

before us today, and we are bound to confront it with a steady eye.

Social equality, *i.e.*, a levelling of all human life and its component parts to the basic grade of those that are least distinguished in point of intelligence, character, and capacity for creative work, together with a similar levelling off of standards of value, is equally no part of sound democratic doctrine. Three things are essential: abolition of privilege; equality of opportunity; utilization of ability. What is the application of these principles to the Modern Age?

To quote from Dr. Carrel, who of late has added to his high position as a scientist, that of a constructive philosopher: "Another error, due to the confusion of the concepts of human being and individual, is democratic equality. This dogma is now breaking down under the blows of the experience of the nations. It is, therefore, unnecessary to insist on its falseness, but its success has been astonishingly long. How could humanity accept such faith for so many years? . . . Indeed human beings are equal, but individuals are not. The equality of their rights is an illusion. The feeble minded and the man of genius should not be equal before the law.* The stupid, the unintelligent, those who are depressed, incapable of invention, or effort, have no right to a higher education. It is absurd to give them the same electoral power as the fully developed individuals. . . . The democratic principle has contributed to the collapse of civilization in opposing

* Note: I assume that Dr. Carrel means under *statutory* law, not before courts of law. The difference is radical.

the development of an élite. . . . The standardization of men by the democratic ideal has already determined the predominance of the weak. . . . The myth of equality, the love of the symbol, the contempt for the concrete fact are, in a large measure, guilty of the collapse of individuality. As it was impossible to raise the inferior types, the only means of producing democratic equality among men was to bring all to the lowest level."

The first law in the Book of Man is inequality. Individuals vary in intelligence, character, capacity for doing one thing or another, and well or ill, far more than they do in their physical characteristics. From the Australian "blackfellow," the writer of popular songs or the publisher of a tabloid newspaper to Akhnaton, Leonardo da Vinci or Pope Leo XIII is a space that almost needs to be measured in astronomical terms. Any society that does not recognize this and attempts to liquidate this disparity can last but a short time and is bound to quick dissolution after a sad and unsavoury record. As a matter of fact, none has seriously made the attempt. The destruction of an aristocracy of Prætorian Guards, of blood and breeding, of knight-hood nobility, of great landholders, or of scholars and artists and poets, simply means that its place is immediately taken by something worse: party politicians and their subsidizers, multi-millionaires, great industrialists or the manipulators of securities on the stock exchange and the international money lenders. Where status is eliminated, caste takes its place and democracy is no longer attainable.

There is one equality that democracy demands, and that is equality before the courts of law. Equality before God, an even greater desideratum, is taken care of by Authority beyond the purview of human beings.

Abolition of privilege, equality of opportunity, utilization of ability; the three foundations of the democratic State. "Privilege" in this sense means power bought by money, control of natural resources or the means of production, or any monopoly that is gained by force of any kind, not by merit of any kind. The present degenerate democratic society is shot through and through with this sort of privilege, just as the social system is dominated by an aristocracy of money lenders, tycoons of big business, cinema stars, and publishers of amoral (and immoral) newspapers.

Democracy demands equality of opportunity. This means that the definite (but limited) potential inherent in every man must be given opportunity to develop to the full. Here is where the fact of fundamental human inequality comes into play. Free, secular, compulsory public school education may be the best way to ascertain just what this potential may be, as between one and another (the point is debatable), but beyond the beginnings it is worse than useless. From one-half to two-thirds of the students now pushed through high schools, preparatory schools, technical schools and colleges, are gifted with a potential that can only be developed beyond a certain fairly low point, say that of the junior high school. Tempting them further is un-

fair, even cruel, to them and to those who can do better. The schools today are yearly turning out thousands of graduates who have been spoiled for doing the sort of thing they were by nature fitted to do. Either they crowd out those of real ability, working for lower pay and doing their job indifferently well, or else they have to join the cohorts of the white-collar unemployed. This is the bankruptcy of the idea of equality of opportunity.*

Utilization of ability is closely tied up with this. Democracy should mean that every man would find and hold that place where his inherent and developed capacity can find its clearest field and where all that he is can best be used for the good of society, the community and the larger synthesis of the race itself; incidentally, that he may participate, through self-expression and self-fulfillment, in that pursuit of happiness avowed by the Declaration of Independence as one of the rights of man. Under deformed and vitiated democracy, this desideratum becomes increasingly unattainable. The transvaluation of values and the progressive lowering of all standards of value (not to say those of right and wrong) minimize these opportunities because the people (or those who control opportunity) are not interested. Under contemporary democratic government, employment, like kissing, goes by favour. The doctrine that to the victors belong the spoils, initiated by General Jackson, himself the veritable Nemesis of true democracy, still obtains in full force, in fact

* See Appendix C.

if not by avowal, and in spite of civil service reform and similar well-meant but ineffectual panaceas. Today professors and teachers fight for their scholastic lives against bigotry and political tyranny in high places; potential statesmen must become party politicians or must hire themselves out to money or big business to get a hearing; Hollywood seduces the actor, the writer, the artist into selling his soul if he would gain recognition, fame and a competence: the Hearstified press reduces to the lower depths the literary and moral standards of men who would follow the high profession of letters; the radio and broadcasting lay their heavy, deliterious hands on all forms of the creative instinct. Religion is become ballyhoo, and philosophy the pragmatic doctrine of whatever will work and whatever the People are willing to take. This is not democracy in any rational sense.

* * * * *

The new democracy is cancelling the freedom that was to have been guaranteed us by the old. We may perhaps be able to recover some of this through the material means of new laws, revision of the implements of government, or other technical action. Whatever we might accomplish would in the end prove both hollow and ephemeral, unless it were energized by a corresponding reorientation of the individual parts of the community. It is the quality of the citizen that makes the State, not the laws or the frame of government. Without a new emancipation of the human spirit, a valid recovery of spiri-

tual liberty, our mechanical devices for social and political reform will be as fruitless as the mechanics of technocracy.

Says Dr. Carrel, "The day has come to begin the work of our renovation. We will not establish a program. For a program would stifle living reality in rigid armor. It would prevent the bursting forth of the unpredictable, and imprison the future within the limits of our mind. We must arise and move on. We must liberate ourselves from blind technology and grasp the complexity and the wealth of our nature. The sciences of life have shown to humanity its goal and placed at its disposal the means of reaching it. But we are still immersed in the world created by inert matter without any respect for the laws of our development. In a world that is not made for us, because it is born from an error of our reason and from the ignorance of our true self. . . For the first time in the history of humanity, a crumbling civilization is capable of discerning the causes of its decay. . . Our destiny is now in our own hands. On the new road we must now go forward."*

From Berdyaeff's latest book, "Freedom and the Spirit," I will add this: "Self determination is precisely that which proceeds from the inmost depths of the spirit when spiritual forces are at work, and not from some exterior, natural impulse, nor from man's own nature. In a state of freedom, man is not determined from without under the compulsion

* See Appendix D.

of a nature alien to himself, but he is self-determined in the depths of his spiritual life, and out of his own spiritual energies he finds himself in his own spiritual world."

As a result of the rushing and cumulative events that have driven onward for the last three hundred years, man, searching avidly for freedom both of body and spirit, has lost the reality of both. Losing this he has paid too high a price for bodily comfort, money values and technological triumphs. Without spiritual liberty he becomes enslaved to the plausible subterfuges of the lower, but materially successful, grades of the mass-man, accepting his reversed standards of value and so in time becoming not only a participant in his degenerative actions, but unconscious even of his own enslavement.

My memory goes clearly back to that Presidential campaign when Tilden, the Democratic candidate, was counted out and Hayes, who had lost the election, was made President by the Republican cabal. I think it safe to say that since that time public opinion, standards of value and overt activities have scarcely ever reached a lower level than now. I offer as substantial evidence, three only of the many examples that force themselves on our attention. The Hauptmann case, Louisiana, and the Soldiers' Bonus.

If these instances of public intelligence, mob-psychology, and mass action, with their other unnumbered panaceas, are indeed indicative, as they appear to be, of the downfall of the American Idea as this was envisaged by the Founders of the Republic, then

are we justified in expecting any wide support for essential changes in the social framework or that of the political organism? I answer, yes, but only if our people can regain their spiritual liberty. If this is accomplished, anything is possible; if we fail of this, then we must take our place with the disintegrating states of Europe.*

* This chapter appeared in *The American Mercury*.

Chapter Two

THE END OF DEMOCRACY

II

THAT DEMOCRACY, then, has failed to ensure to men Life, Liberty and the pursuit of Happiness, is self-evident. "It needs no ghost come from the grave to tell us that." There are several reasons for this deplorable issue of high endeavour, very varied in their nature, but all knit together in an effective unity. What has happened might be put into a phrase. Jeffersonian democracy has been superseded by Jacksonian democracy. There is a certain humorousness in the partizan linking together of the names of these two men as protagonists of a new social and political dispensation (names to conjure with now for partizan purposes) for they represent theories and practices diametrically opposed. To see the "Democratic" party invoking these two names as though they stood for identical ideas is to gauge with some accuracy the mental calibre of the general run of human beings.

The process of transformation began long before the days of General Jackson just as Jeffersonian democracy long antedates Jefferson himself. In the United States, however, it was the accession to the

Presidency of the former that marked the beginning of the local transformation. The ethos of what I call High Democracy manifests itself from time to time throughout all history, back even to Socrates and Aristotle; that of false democracy in every servile revolt, in the rise and fall of each proletarian demagogue, and the incursions of barbarian hordes amongst the local high cultures of the world even to the Roman Republic and the period of the Hyksos invasions of Egypt. In the eternal rhythm of the historic process, an Idea, implicit in the spiritual sphere, becomes an energizing force. This is materialized and made operative by some chosen genius (as Prometheus gained fire from heaven) or by some small group of creative spirits. A culture follows, rising now and then to supreme heights. Its duration is limited, for soon barbarism in one form or another, either internal or external, emerges from wild minds or wild lands, and the cultural fabric is destroyed or the vitalizing idea corrupts through degeneration, and all is to be done over again.*

The spirit of this liquidating barbarism is well expressed by Spengler in his "Hour of Decision." "It is 'bourgeois' or 'plebeian' in so far as these are terms of abuse. It looks at human things, history, and political destiny *from below*, meanly, from the cellar window, the street, the writer's café, the national assembly; not from height and distance. It

* Professor Arnold Toynbes, in his monumental and revealing "Study of History" calls these factors "the internal proletariat" and "the external proletariat."

detests every kind of greatness, everything that towers, rules, is superior; and construction means for it only the pulling down of all the products of civilization, of the State, of society, to the level of the little people, above which its pitiful emotionalism cannot soar to understand."

Democracy, using the word in its current sense, has never existed in history until very recent times, nor was there ever anything approaching a republic as such is estimated today. The "republics" of Greece and Rome were aristocracies reared on a basis of slavery. The concept of High Democracy has always existed, and it has measurably been put in practice from time to time, particularly during the Catholic Middle Ages. There were certain definite factors that determined this High Democracy and they were to be found in the teachings of the Stoics and the Fathers of the Church, particularly St. Gregory the Great and St. Augustine, but they found their full expression in the political theory of the Middle Ages. That all men are free and equal before God and the Law, was the fundamental concept. Spiritual liberty, the freedom of the spirit of man before man-made law was equally fundamental.* The chief object of the State was the ensuring of justice for the individual and between man and man. Political authority represented moral as well as legal

*"From St. Athanasius and St. Ambrose down to Erasmus and More, each age heard the protest of earnest men in behalf of the liberty of conscience, and the peaceful days before the Reformation were full of promise that it would prevail."—Lord Acton, "The History of Freedom."

obligation, and whatever the source of this authority, it gave no power to rule wrongly. In the Assizes of Jerusalem it is laid down as law that "*La dame ni le sire n'en est seignor se non dou dreit.*"

It was the prerogative of the sovereign power to declare the law, after consultation with the wisest and best men of the State, but no law so promulgated could be held as valid unless it was freely accepted by the people themselves. The civil relation was the result of a definite contract between two free agents; lord and vassal, king and people, seigneur and serf; if one party violated this contract, the other was absolved from allegiance. Out of this relation grew the potent idea of chivalry and honour. In theory, and not infrequently in practice, honour, faithfulness, loyalty and devotion were inseparable from social and political actions and relationships.*

All this is perfectly good democratic doctrine, if you are speaking of the old democracy. In its divergence from the principles and practices of the new democracy, its application is less intimate and exact.

Now these determining factors which were so well expressed by Seneca, St. Augustine, St. Gregory the Great, Bracton, Gratian, Beaumanoir, and given expression by St. Louis of France and the Assizes of Jerusalem, held well down to the end of the Middle Ages. With the Renaissance and the Reformation they began to fade from men's consciousness. Religious sanctions were increasingly ignored; the rapid

* See Appendix E.

growth of commerce and banking, the influx of the fabulous gold of the Indies, the development of arbitrary political power, the self-satisfied contempt for what were held to be the "barbarous dark ages," soon extinguished the flame of the old Christian ideals. The Protestant revolution, with its shattering of the Church and its emphasis on individual authority, private judgment and rugged individualism, broke down the unity of society. The peasantry became enslaved, independent craftsmen were forced into the position of wage earners, and society found itself again sharply divided into two classes: the omnipotent rich, the oppressed and degraded poor.

This unrighteous and unwholesome condition could not last; it never has in all history though its recurrence has appeared with almost astronomical regularity. There is no reason to suppose it ever will. Power, wealth and autocracy dig their own graves with their very implements of construction. The middle of the eighteenth century marked the crest of the great wave and simultaneously its break, fall, and swift recession. The moment power weakened with degeneration and lassitude, the long oppressed commons burst through the crumbling shell of wealth, dominion and privilege. Led and regimented by the intellectuals who had developed through revolt against the manifest and ever-growing evils of the time, they had little trouble in taking matters into their own hands.

Spengler, in that passionate indictment of contemporary civilization, "The Hour of Decision,"

quotes Polybius in a passage that has application here: "And for this change the populace will be responsible when on the one hand they think they have a grievance against certain people who have shown themselves grasping, and when, on the other hand they are puffed up by the flattery of others who aspire to office. For now, stirred by fury and swayed by passion in all their councils they will no longer consent to obey or even to be the equals of the ruling caste, but will demand the lion's share for themselves. When this happens the State will change its name to the finest sounding of all, freedom and democracy, but will change its nature to the worst thing of all, mob rule. And now, uniting their forces, massacre, banish and plunder until they degenerate again into perfect savages and find once more a master and monarch." This of course is a prophetic forecast of all proletarian revolutions in history, and not of Rome alone. The "Great Rebellion" in England, the French Revolution, and those of Russia, Mexico, Germany and Spain, to note only the major instances, are all of a piece with those of Marius and Spartacus.

It is not hard to find some justification for the proletarian revolution of the seventeenth and eighteenth centuries. An actual process of enslavement had been in process ever since the liquidation of the mediæval system in the fourteenth and fifteenth centuries. The small, independent farmers, then as ever in an wholesome civil polity, had been largely dispossessed, becoming unfree agricultural labourers, or, more often, paupers; the

craft-guilds had become unionized with the same result, *ie*, the members, once free and autonomous, were now simply wage earners; the merchant guilds were transformed into corporations, and over all was the dominating power of the new banking system and high finance, fast becoming international. So far as the social and political organization was concerned, the feudal system with its scheme of balanced and corresponding duties and privileges and its free, limited and responsible monarchies had been superseded by Renaissance tyrannies and absolutism.

Life during the Middle Ages was, for the mass of people, hard, uncomfortable and in itself narrow and limited, while the standard of living compared with that of the skilled worker of today was far down in the scale. It is doubtful, however, if at any time between the years 1100 and 1500, the Middle Ages could show a depth of ignominy and virtual economic slavery comparable with that of the French peasant of the eighteenth century, the mill hands in England in the early part of the nineteenth century, the coal miners of Pennsylvania, or the sharecroppers of the Lower South in the twentieth. Arduous and, if you like, circumscribed as was the life of the mediæval peasant, artizan and craftsman—as, indeed it was in America until the coming of the new industrialism, trustification and democracy, it had its compensations. The individual was comparatively free, his status was assured, and a decent competence. He could have his own sense of dignity and self-respect and he was not exploited as is

the town-dwelling, wage-earning proletarian of today, dispossessed as he is of land, no longer master of his brain or hand, made the raw material of monopoly-capital, and beaten upon by all the winds of false doctrine emanating from politicians, propagandists and false prophets, newspapers, radio, cinema and the pseudo-philosophies of half-baked and mal-educated theorists.

During the five centuries of practical enslavement the great mass of men—peasants, yeomen, craftsmen, tradesmen, workers—all developed a new character compelled by new conditions. They became penurious, crafty, selfish, jealous, envious, covetous and instinct with a dull rage against the privileged few who kept them in subjection. How could they do otherwise? Sense of justice is implicit in man and for them there was no justice. "The Vision of Piers Plowman" and the life of John Ball are good evidence of what they felt, in England, and the same is true of Europe where peasant revolts began early in the sixteenth century. The failure of every attempt at gaining a measure of justice, let alone liberty and a decent competence, embittered them still more and when at last, three centuries later, they began to get the whip-hand they acted according to what they had been made.

When at last opportunity offered, they divided into two groups; the proletarian mob and the new class of industrial, commercial and financial bosses. These latter took over the power from the fast degenerating aristocracy; the squires, the merchant adventurers and the bankers. The former, more

dull-witted and incompetent, passionately desiring to better themselves, discovered very shortly that their new masters, who now held the reins of power, had pushed them back again into servitude, wherefore the old sentiments, engendered under Renaissance absolutism, were intensified still further and their character still more intensified.

It was coal and iron, or rather the realization of the potential inherent in these con-old geological products that brought about the greatest social revolution in human history. It has been held as a truism that the mariner's compass, gunpowder and the printing-press were, after Promethan fire, the great factors in the development of civilization, and their claims are not to be disregarded, but it is *power* as this was released and made universally available through coal in conjunction with iron, that became the chief prepossession of man after the middle of the eighteenth century. For five thousand years man had travelled along the same grooves without any material deviation worth considering. Spiritually and morally he had his ups and downs (and never the one without the other). The wisdom of the early Egyptian dynasties was as high as any epochs that followed after. Once the wheel and the lever were invented, nothing much was added to the material equipment of society until a century or two ago. Indeed, many clever and valuable devices were lost out of life with the Fall of Rome. Coal and iron have made a "brave new world"—and are now unmaking it through the cyclopean implements, both spiritual and material, that have

been forged and fashioned from their basic ore. To develop this power to the full, it needed that a certain type of character and mentality should be available. I pause here to consider the inscrutable workings of Providence. Had this new power revealed itself towards the end of the twelfth century, say while Chartres Cathedral was being built, Catholic philosophy was in flower, and the great universities; with able kings on many thrones, the revelation might have been utilized after a very different fashion. It was the portentous combination of the unveiling of a vast and dynamic energy and the releasing of exactly the type of man to exploit it, that in the eighteenth century framed an entirely new, if probably evanescent, world. This was furnished to admiration by the emergent mass of humanity from the prison-house of its long suppression. On the one hand the exploiter, profiteer and ultimate boss; on the other the hordes of barbarized proletarians who could easily be regimented and again bound in slavery, no longer fixed in serfage to the land but in equal serfage to the machine.

What was wanted was a type ambitious, daring and courageous, but self-seeking, ruthless and cold-blooded; shrewd, crafty, and unscrupulous, covetous of wealth and greedy for power; unconscious of any religious sanctions except those of Calvinistic determinism, predestination and salvation by faith; constrained by no moral conditions save those of the jungle.

Such were the iron-masters, the mill owners, the usurers and profiteers who seized upon coal and iron

and steam, and in a generation made with them, and out of them, the greatest material power in history. Predominantly they were, in point of descent, base-born; sons or grandsons of the futilely emancipated proletariat, and the qualities engendered by centuries of oppression now gave a good account of themselves. Even the "nobility and gentry" who participated in the exploitation of material power and man power, were generally of the same sort; not the chivalry of the thirteenth century, the knight-hood nobility of the fourteenth and fifteenth, the sea-rovers and adventurers of the sixteenth and seventeenth, or the "county families" and squirearchy of the eighteenth, but the Henrician cabal of equally base-born upstarts whose greed for wealth and power had been inculcated through the ill-gotten spoils of suppressed monasteries and field enclosures; men of the type of Wolsey, Thomas Cromwell, and Cecil.

Men of this sort were easily to be found and they organized the new power most effectively. To quote from Will Bowden's excellent book on the rise of industrialism in England, "As for the manufacturers generally, they belonged to humble families," and again: "Many of the manufacturers had in fact come from what 'the Great' were often disposed to look upon as 'the refuse of mankind,' and this very emergence from the ranks of common labour tended to raise higher the barriers already existing between employers and employees in manufacturing enterprises." Some of the names of these first "captains of industry" are known, such as Watt,

Arkwright (a barber, afterwards knighted), Josiah Wedgewood, Matthew Boulton, Samuel Oldknow. Mostly their identity has been lost and "since the motives inherent in the rising industrialism were crassly unsocial, often indeed anti-social, it is perhaps just as well that society should have rewarded the industrialists with obscurity."

The conditions that developed under this direction are of record. It is doubtful if the life of Moorish galley slaves was more miserable. Certainly nothing is recorded in the annals of Greece, Rome or the Middle Ages that is comparable. Miners and mill hands slaved under living and labour conditions that have left a black blot on the history of England and the industrial revolution. Working hours ran from fourteen a day upward. Women in the mines, crawling on all fours, dragged carts of coal by a chain that passed from a leather yoke between their legs. Children of five or six years were regularly forced up narrow chimney flues to dig out the soot, sometimes getting stuck and dying in the operation. Boys ten or twelve years old were hanged for stealing a loaf of bread to keep from starving. The unforgivable sin was the sin against property.

In this nightmare of horror there was one manufacturer whose name stands out from the others: Robert Dale Owen, who almost alone seems to have had high character and bowels of compassion. He realized the infamy of it all and tried to counteract it, but with only a small measure of success, and that temporary. After the failure of his humanitarian efforts, conditions remained as bad as before until,

some fifty years later, the seventh Earl of Shaftesbury, outraged by the general horror of the situation, began to organize the slowly awakening English conscience, the result being parliamentary action that went far towards ameliorating the condition of the labouring classes. His chief opponents were the "Liberals" and the Non-conformists who were intricately tied up with the great industrialists and profiteers.

All this was to the good, but simultaneously two other movements came into being; unionization of labour and extension of the electoral franchise. The first, in its beginnings, had been under the ban of the law, the second derived directly from the principles of the French Revolution. As the labour unions increased in number and authority, and the franchise was steadily extended, the whole complexion of government was changed. The new voters were all of the proletarian class, they counted for power with the political parties and their support had to be won. The composition of Parliament rapidly changed, as labour members were returned to Westminster and began to make themselves felt. From the time of Gladstone on, the House of Lords began to fill up with men of low birth who were generous contributors to the party funds, with manufacturing, trade and financial magnates, with beer barons, professional politicians and un-cultured and unscrupulous owners of big newspapers. It was a second "Great Rebellion" which ended in practical revolution.

Now it is to be borne in mind that whether in the

House of Commons, the House of Lords or the Government; whether in society, the universities or the cultural sphere, this new and forceful element was by descent and tradition, if not always in actuality, proletarian; that is, of the submerged class that through three centuries of suppression, penury, dispossession of property and denial of liberty had nursed its resentment and fostered those qualities of craftiness, self seeking and covetousness for money and power that had automatically developed from the circumstances of their existence. They were egalitarians, humanists, democrats as good as the next man if not better. Their time had now come and they were going to have their way. Nor can anyone blame them for that.

In France the same process was taking place, though more tumultuously and with considerable shedding of blood. In the United States, though several laps behind Great Britain, the same, except that here the proletarian, social, and political revolution came first, devolving from the Jacksonian period. The industrial revolution, with its concomitants, capitalist dominion, both financial and in point of real property, following on from the War Between the States. The revolt against this, already accomplished in England, is now, and here, in process of becoming.

It is this sequence of events, now something over a century old, that has transformed what I have called High Democracy to its present diametrically opposite estate. Natural revolt against this has already resulted in the many European dictatorships.

The same sort of thing is long overdue in France and cannot much further be delayed. Great Britain may very well escape. The old saying is that Providence looks out for fools and drunkards. The British are neither, but in spite of the manifold errors of their later ways, they seem somehow to be taken care of beyond what might seem to be their just deserts if these are estimated by their political and diplomatic performances during the last generation. America "may well profit by their example. If this be treason, make the most of it."

We have heard much of late of the Dictatorship of the Proletariat, as a delectable thing to be anticipated for the future. Indulgence in this hope is unnecessary, since, for the space of a century, it has been in existence, socially, politically, and economically, in full effectiveness.* †

* "The 'dictatorship of the proletariat'—that is, of its profiteers the trade unions and party officials of all tendencies—is an accomplished fact, whether governments are actually formed by them or, owing to the timidity of the 'bourgeoisie,' are dominated by them."—Oswald Spengler, in "The Hour of Decision."

† This chapter appeared in *The American Review*.

Chapter Three

THE DEMOCRATIC RECORD

THE RECORD of democratic failure is monotonous. In no single historical instance has such a régime resulted in a civil state that has accomplished the idealistic aims proclaimed by the protagonists of revolution as sure to follow on the achievement of their ends. This is true for the whole period from the Great Rebellion in England to the latest in time that comes within our own experience. In some cases betterment has come in the way of certain by-products of the popular assumption of power; a decadent reigning house has been done away with, vicious court camarillas abolished, a worn out and implausible aristocracy put back in its place, land to a certain degree restored to a dispossessed peasantry. There can be no quarrel with political and social revolutions in this respect. They were probably the only way in which bad conditions could be remedied. The point is, however, that, these laudable ends obtained, the revolutionists should have stopped there. The moment they tried to set up a new and democratic frame of government, they exceeded their mandate, fabricated a democratic device which had no reasonable relation to reality and, indeed, guaranteed the return of the old ills against which they had con-

tended, only at other hands and in somewhat different forms. The power that wins a war should never organize the victory, for the mental and character requirements for the several tasks are different in their nature.

Without going farther back than modern times, it is true to say that each new political organization that has followed a successful revolution has been a failure and that in the end it has proved no more beneficial to the people themselves than what it has supplanted. Sometimes this result has showed itself in a few years, as in the case of the English Commonwealth; sometimes it has taken several generations to reveal itself, as in the case of France where, for some obscure reason, the post-revolution estate still has the support (now very tenuous and more the result of habit and lethargy than of conviction) of enough people to keep it in power.

There was no valid reason for a revolutionary movement in England as far as the people themselves were concerned. As a matter of fact it was a rebellion of the propertied classes, landlords, merchants, monopolists, against a patriot king whose tendency to regard the welfare of all his subjects, and especially that of the peasantry and the poor, threatened their own interests. The rebellion, so initiated, was joined at once by Protestant sectaries, inflamed from Geneva, and by that urban mob that is always prompt to get into any sort of a fight if it seems to be waged against its betters. Dominated at last by Cromwell, the first of the great modern dictators, it was turned into the path

of Calvinistic democracy, with results so notably unfortunate that Cromwell himself had in decency (and his fanatical integrity is not to be questioned) to nullify and abolish his own creation. The whole thing was in no way a proletarian revolution aimed at the substitution of popular democratic and parliamentary government in place of monarchy, and it is these, from the French Revolution down to the latest in Spain, with which I am concerned.

In the same way, the American Revolution does not come in this category. It was an upper class movement, initiated and directed by landed and commercial interests driven to revolt by a stupid government in England that was doing all it could to oppress and even ruin its colonials to the advantage of its own traders and monopolists.* There was no local enmity towards monarchy as a scheme of government, and at first no particular interest in democracy. There was however a good sound racial sense of justice and independence and a conviction that only by establishing the second could the first be gained and maintained.

It must be evident that the English and the American Revolutions are in a very different class from that which includes the later type which followed and in a measure stemmed from the French Revolution. These have all been proletarian or popular

* It is true, as Mr. John C. Miller shows in his illuminating biography of Sam Adams, that trouble began with the Boston proletariat at the instigation of Adams, but the actual revolution was carried out by the gentry, both North and South, who, by force of events had reluctantly come over to the democratic cause.

movements, generally initiated by a few empirical theorists (sometimes they were very selfish plotters and trouble-makers) known to history as patriots. Generally with real, though sometimes minor, grievances against the existing monarchical system, they aimed not only at redress of these grievances, but at the establishment of what had come to be known as free democratic government. It is of these that it can justly be said that the last state has been worse than the first.

The Revolutionary Republic in France was a degree worse than the monarchy of the later Bourbons and so bad it had to be liquidated by the second of the great modern dictators, General Buonaparte. The Third Republic has been, and is, an exceedingly ridiculous substitute for any rational scheme of civil polity, marked as it is by very complete inefficiency, venality and puerility. Why it is tolerated is one of the great human and social mysteries. The theoretical "Republics" of Mexico, Central America and South America are such only in name. They vary from place to place and from year to year in accordance with the character, or lack of this personal attribute, of the military or political boss who happens to have gained supreme power for a brief space of time. Except for a few interludes of reasonable peace and decency, they have all been torn by civil strife and corrupted by venality, and it would be hard to say wherein they have been better off than under their Spanish Viceroys or the admirable Portuguese Dom Pedro of Brazil.

The nature and accomplishments of the Republics

that followed the World War and the expulsion of the Kings of Central Europe from their thrones, is now recorded in history. The Kerenky episode in Russia, the grotesque Republics of Germany, Austria and the Succession States have been incompetent and inept to a degree, and here also it is hard to see wherein they were an improvement over the destroyed monarchies. The only exception would seem to be Czechoslovakia, but this anomalous exception is due to the great ability of one man, President Masaryk, who, because of his inherent capacity, could have made a success of any scheme of government, even, perhaps, that of France.

As for China, this is the most pathetic case of all. Educated in a peculiar type of American Protestantism and under the obsession of American democracy, Sun Yat Sen conceived the fantastic idea of turning the Chinese Empire into a parliamentary democracy. It was an idea characterized more by naïveté and ingenuity than by the dictates of common sense. The result has been social, economic and political ruin, with no apparent future except the final extinction of an Empire that has had a continuous life of some three thousand years.

Latest of all in time, and perfectly expository in type, we have the Spanish Revolution now, at the moment of writing, following the regular course of such experiments. Parliamentary government, though under a monarchy, had become intolerable through the very unpleasant sort of politicians that were carrying on. An uprising of military men and the better sort of citizens, established a sudden dicta-

torship. Meanwhile Communist infiltration and socialist ideology had built up a proletarian faction that, seizing on certain real economic grievances, made these the pretext for a counter revolution along their own lines. The Second Republic was proclaimed and proceeded to function along traditional lines. These, as usual, leading to no good, the conservative elements in the country, in their turn, won a parliamentary election and set up their own government. This, apparently, led also to no good (since it was parliamentary and therefore in the hands of politicians) and again the Communist-Socialist, anti-religious, masonic "Popular Front" got control. This led to even less good than the preceding administrations, and Spain became a volcanic area of strikes, sabotage, arson, pillage and assassination. The President who owed his office, and continuation therein to the same forces that were turning the country into a sort of Witches' Sabbath, declined to move against his supporters, gave them arms, and refused to establish martial law and let the military straighten things out and restore a measure of order. Once more the better sort, both military and civil, rose in revolt and today, all Spain is in the throes of civil war. The question that naturally suggests itself to the inquiring mind is: was the civil estate as it was under General Primo de Rivera, or even under King Alfonso, worse than it has been under the Second Spanish Republic; if so in what respect?

I do not think the statement can be successfully challenged that, since the French Revolution, and

with perhaps two exceptions, no democratic republic that has succeeded a democratic monarchy, has added any valuable quality to the life of those peoples on whom it has been imposed, but that on the contrary it degraded civic sense, maintained and even increased political corruption and inefficiency, increased the burden of taxes, fomented war and civil strife, made life more insecure, curtailed liberty and made more difficult the pursuit of happiness.

During the same period it has been the consistent policy of newspaper editors, politicians, social and political economists and other imperfectly informed exponents of popular opinion, to hail as an act of God the overthrow of a kingdom and the establishing of a republic. It was a curious and disquieting phenomenon, but of late there is a marked change of attitude. It would almost seem that the force of events has led these empiricists and experts to form their judgment more on facts and less on theory. Any other course would be irrational in the light of the very revealing testimony of the last few years.

Why this particular form of government has failed, and was bound to fail, is due to the fact that it was not concerned with due regard to human conditions. Its proponents took no cognizance of man as he is and, so far as the evidence shows, will ever continue to be. In a preceding chapter I have tried to give what seems to me the reason for this. Summarized it is this: The majority of mankind are of the mass, or tabloid type. Before God and the Law they are the equals of their fellows of a more advanced stage of development, but here their

parity ceases. In the social fabric they are not entitled to obtain equal rights, privileges or duties. The radical slogan, now current, is based on fundamental reality. "From each according to his ability. To each according to his needs."

The democratic form of government is based on the quantitative standard, and for the reasons given above this cannot hold. Majority rule on a basis of universal suffrage simply means that the tabloid, or Hearstian mind, will be in control. What he wills, in accord with his own mental standards and limited by his native capacity, will determine the making, administration, and interpreting of the laws. So government will become, as it has become, a reflection of the Neolithic mind. This is a reversal of the process that has generally held from Zoser to Napoleon. So long as chosen and special men, singly or in groups, took the lead, organizing, directing and inspiring the mass of their fellows, history has seen a great sequence of cultural epochs wherein the standard was fixed by the few, and by them set high. None lasted very long, for such seems the law of life (the sun does not rise on an interminable day) but one succeeded another, and they were all of the same basic pattern.

Under democracy the standard is fixed by the basic mass and therefore it is set low. It would seem to be another law of life that if you "hitch your wagon to a star," ascent is for a time inevitable, whereas, if you hitch it to anything terrestrial, "*facilis descensus est avernus*."

Chapter Four

THE INCUBUS OF THE POLITICIAN

SO FIRMLY fixed has this new plan of life become, in Europe as well as in the Americas, so pervasive and so permanent (at least it seemed so until a few years back) it takes on an almost cosmic quality. Of late the skyscraper of modern civilization seems to show certain cracks and other signs, if not of unstability, at least of faulty construction. Experts and amateurs rush forward with their plans and projects for repair, but these apply only to the visible structure above the street level. A few of the salvaging devices have been applied, but in most cases with the result that the cracks grow wider and more menacing. Meanwhile the protagonists of a score of other panaceas fight furiously amongst themselves over the value of their respective nostrums, with the result that nothing in particular is done except to magnify the amount of talk in the world; a work of supererogation.

Quietly enough, and quite unofficially, a few men have dug down and examined the foundations. This is encouraging, for it is here that the structural weakness exists.

I already have spoken of the fast lengthening list of men who are conscientiously studying the facts in the case, men like Spengler, Belloc, Tawney, Chester-

ton, Penty, Ortega, Berdyaeff, Orton, Niebuhr, Peck, Agar, Coyle, Nock, Dawson.* There are many groups that have taken up the study, the National Catholic Alumni Federation for example. Undergraduates in many colleges are showing keen interest in trying to solve the problem of where we are, how we got that way, and how we are going to get out. And there are echoes in all the better sort of magazines. The newspapers are all so immersed in profitable partizanship, increase in circulation and extension of advertising space, that the whole matter passes them by, but that of course was to be expected.

The point is that there is actually greater and more constructive activity along the line of political and social action and philosophy than at any time during the last century, and it is not abstract or academic. Even the Communist, Fascist, and Nazi turmoil is a sign of new vitality. We may dislike one or all of these successors to a liquidated democracy but at least they all have come into being through a forced consciousness that the old parliamentary, democratic régime has long outlived whatever usefulness it may once have had and that something has got to be done about it. Very few today outside the interests vested in industry, trade and finance, the politicians who live by its operations, the Liberty League, the patriotic societies and the basic tabloid type of citizens, have retained their

* Since this chapter was written Señor Salvador de Madariaga has published his era-making volume "Anarchy or Hierarchy" which must take a high place in this list.

faith in the old system; which, after all, is not so old as systems go.

This new interest is most noticeable amongst the younger men; most of the authors I have noted above—excepting of course the path-breakers—come in this category. In many colleges the undergraduates are interested, the courses on civil government are growing in favour, and even such humorous activities as the "Veterans of Future Wars" are encouraging symptoms. Also in a way, so fantastic a thing as the recently founded "Monarchist Party" in Boston—of all places! There are stirrings in many countries, and all are to the good. At present however they are quite sporadic, without coordination or any very clear sense of direction. As always and everywhere today it is the same old condition of lack of leadership. Perhaps it is just as well that this uprising of new generations should have this general and sporadic quality, for out of the widely diffused and spontaneous activity the leaders may, and ultimately must, be engendered. The greater part of those who today have taken over the direction of civil societies and States have achieved their power by a sort of process of spontaneous generation. Forces that were working hiddenly threw them to the surface and they appeared almost as portents, at first quite without followers. It was for them, if they were to gain such, to evoke the latent and unconscious convictions, or rather instinctive and subconscious lines of tendency in the minds of the general, or specific public. What appears to be happening now is the reverse process,

whereby the people themselves are thinking things out, each one for himself. A certain coherency is in process of accomplishment, and as this precipitates itself in form it is bound to focalize in individual leaders who, when they come, will galvanize incoherency into coherency and make it operative.

However much it may be necessary that the now outworn forms and modes of action, the civil organ-ism, should be revised, reformed and revitalized, it is evident that nothing of this can take place until politicians have been eliminated as far as possible from the scene. The Constitution of 1787 was made by statesmen and gentlemen, the amendments after the XIIIth by politicians, hence the radical difference in nature and effect. When in the course of human events, it becomes necessary further to revise the Fundamental Law, and the necessity presses, the process will have to be effected by others than this last-named class of gentry. Otherwise our last state will be worse than the first—or rather than the second.

Probably the ninth century and the seventeenth matched our own in the line of superstition, but it is doubtful if any other has done this in the multitude of its objects and in general comprehensiveness. Superstitions are outwardly plausible but basically erroneous dogmas, implicitly held as axioms. They have a sort of mushroom growth, springing out of the carcass of dead wisdom. The general public (and frequently those others that ought to know better) accept these fungoid growths with avidity, partly as the result of automatic processes, partly

from inherent inertia, and once taken over they become a part of the mass-man consciousness—or of his sub-consciousness, which with him is more penetrating in its operation.

Amongst these current superstitions (and they are protean in form and character) there is none more implicitly held and more disastrous in its workings than that which assumes that civil government must, of cosmic necessity, be administered by politicians. It may be a reflection on human intelligence that this should be so, but so it has been, in modern times, for nearly four centuries. During this period the politician has pretty constantly mismanaged government in all its forms. What society has achieved meanwhile (no small thing in itself) has been in spite of its partizan managers and because of the salving intrusion into the political field of men from quite other classes. These have been students, philosophers, literary men, scientists, philanthropists, military men, scholars, country squires, gentlemen of birth, breeding and real property. Not forgetting a King now and then. Where these have avoided the worst pitfalls of the political jungle and have retained intact their personal integrity to the end, they are known to history as statesmen.*

In modern times (both Greece and Rome had known the politicians to their own undoing) he came into existence during the reigns of the Tudors, the Medici and the Bourbons, being, indeed, one of the shining marks of the Renaissance. Significant types

* See Appendix F.

would be Machiavelli, Thomas Cromwell, Cecil, Cranmer, the great French Cardinals and three or four of the Roman Pontiffs. Under the Stuarts—regarding only England as the land of our forbears and therefore in our own line of succession—it continued powerfully to develop, whereby King Charles lost his head and the English people such of their old liberties as the Tudors had left them. From then on to the present moment, the sovereign authority of the politicians has never been questioned.

Nothing could better show the calamitous results of government by politicians than the annals of the twentieth century to date, as these have been recorded in Europe. The decade leading on to the World War was sufficiently humiliating, but the political aftermath of the war itself, with the preposterous Treaty of Versailles and all its concomitants in England, France and the central and southern European States culminating in the incredible circumstances of the League of Nations in its dealings with Germany, Italy and the war against Ethiopia, are completely and finally revealing. If three centuries of cynicism, ineptitude and thimblerrigging had not proved the case against these gentry, then the last fifteen years have certainly done the trick. It was their complete futility that made possible the World War, the Russian Revolution, the supersession of constitutional government in Italy and Germany, the downfall of the Spanish monarchy, the farcical chaos in France and the deep humiliation of Great Britain. No sorer record

has survived in the annals of human history unless it were that of the time immediately preceding the French Revolution or that occurred in our own case for the half century, following the Surrender at Appomattox.

There is no question but that the World War, if it has not as yet quite opened our eyes, is in itself and through its sequences by way of doing so, while already it is improving our sense of perspective. Looking back now over the last four centuries we are coming to see that the strictly political accomplishment was pretty humiliating judged by any sound standards. There were, during that period, many and proud triumphs of man in his worldly estate, but political success, let alone civil and secular righteousness, was not one of them. In general, and in all countries, with occasional and brief exceptions (*e.g.*, the period of the Reform Bills in England and the framing of the Constitution for the United States) the record is one of individual self-interest, partizan chicanery, diplomatic duplicity. In almost every case the great issues that arose through the upheavals known as Renaissance, Reformation and Revolution were bungled and mishandled. There was no regard for or reference to the great moral principles that are supposed to underlie human life, or even to those of basic justice and the common good. It is very likely that no more than half the sorry count can be attributed to malice, double dealing or lack of moral sense; the rest came out of sheer stupidity on the part of the actors and the fact that they were not of the sort

that was by nature capable of handling problems of such moment.

How could it be otherwise? They were politicians, and by definition these are on the whole, the least capable and most myopic of men.

In a recently published essay Mr. Nock has assembled some notable comments on this singular type of man, adding certain pungent comments of his own. I take the liberty of lifting some of these and making them my own for the purpose of this inquiring into a dark matter.

"As soon as a party has gained its general point, each member becomes intent upon his particular interest.

"Few in public affairs act from a mere view of the good of their country.

"Fewer still in public affairs act with a view to the good of mankind."*

"Whenever a man casts a longing eye on offices, a rottenness begins in his character."[†]

"Politicians are a set of men who have interests aside from the interests of the people, and who, to say the most for them, are, taken as a mass, at least one long step removed from common honesty."[‡]

If it were necessary it would be easy to add unnumbered other testimonials, from Aristotle to Agar, to the nature and habits of the professional politician.

This, for example, from Edmund Burke. "The function of the politicians is 'still further to contract

the narrowness of men's ideas, to confine inveterate prejudices, to inflame vulgar passions, and to abet all sorts of popular absurdities.'" As a matter of fact all that is necessary is for each one interested only to review history with an open mind, undaunted by the prepossessions and prejudices of nineteenth century historians, and in addition to scrutinize his experiences and contacts with the politicians of his own time. The record is enough. In principle, however, there is actually no more reason why government should be administered by politicians than by as many chauffeurs, drug-store clerks, farmers or, for the matter of that, architects.

The same is true of the party system, which they themselves have fabricated, and carry on to their own ends. To quote Mr. Nock, "What is a party? It is an aggregation formed around a nucleus of individual politicians; that is to say, a nucleus of men who are interested in jobs. They are interested in so-called issues or principles only so far as these may be made contributory to their interest in jobs. The only actual differentiation among them is that one is a party of job-holders, and the others are parties of job-seekers."^{*}

Now we find ourselves involved in a situation that socially, politically and economically is embarrassing to a degree and is a direct result (there are minor contributory causes) of the dictatorship

* Benjamin Franklin. † Thomas Jefferson. ‡ Abraham Lincoln.

* The one pervading evil of democracy is the tyranny of the majority, or rather, of that party, not always the majority, that succeeds, by force or fraud, in carrying elections."—Lord Acton, "The History of Freedom."

of the politician during the last group of centuries. They that got us in this mess cannot possibly get us out, as has been proved by their activities during the last fifteen years. Super-politicians are trying their hand at the game in Italy and Germany, and they may possibly succeed, since their first action was to liquidate, by varied means, the politicians who had brought their several states to the edge of the abyss. Whether salvation is worth the price of personal liberty is a debatable question. In our own country the one supreme politician since Lincoln is trying to win out by the double process of putting the fear of God into one set of brother politicians and superseding another set by academic theorists, both being chained to the chariot wheels of his own supreme policy. He also may succeed, though hardly.

Meanwhile the spots of the leopard do not change nor the colour of the Ethiopian's skin. For once a politician, always that, and the race is self-perpetuating. Under this domination the future does not look particularly bright and clear. In the ordinary run of events in municipality, state, and nation, we can only count on the same mishandling as of old, but at least two new issues are emerging, which can hardly be escaped, where, if the politician enters, the results can only be disastrous in the extreme. Whether we like it or not, and approve or not, it is pretty clear that State power is coming in to assume wider and wider control of certain individual and corporate activities. Our destiny, like that of other peoples, is unescapable, and before long the major part of our natural resources are coming under gov-

ernment control and administration. Furthermore some of our basic industries will follow the same course. Railroads, coal mines and munition manufactures will probably come first, with others possibly to follow. This is the first of the new problems that are bound to force themselves on public attention, and the second is a revising of the Constitution to bring it into a relationship of reality with the new social, economic and industrial conditions that, in less than a century, have made a new world as diametrically different from that of 1787 as this, in its turn, diverged from the world of St. Louis and Innocent III.

Now both these events may result either in good or evil and the decision rests on the one question: by whom are they to be handled? If the practical, professional politicians make up the personnel of the coming Constitutional convention, or if the measures of amendment are the result of congressional action, then we know from experience what to expect. A comparison of the Constitution of 1787 and the Bill of Rights with the later Amendments gives the answer. The first was framed by statesmen, scholars, philosophers, gentlemen, and was good. The latter were the work of regular politicians, and were bad. To preserve, and in some cases to recover, the eternal truths of the original Constitution and yet to relate it to reality is a task demanding the profound consideration of men of high character, deep wisdom, philosophical bent of mind, fine idealism, complete unselfishness, and a dominating regard for high justice and the welfare of all the

people, whatever their class or status. Are these qualifications to be found in the type now, and for many years, in full control of the political affairs of the United States? Are they to be found anywhere today? Well, they once were discovered just a century and a half ago, and to admit that they are non-existent today is to admit condign defeat and the failure of what we have come to know as the American Idea.

And when it comes to the matter of governmental control of natural resources and basic industries, however far the inevitable process may extend, the case is the same. If we accept the estimate of the nature, character and attainments of the class of politicians recorded by Franklin, Jefferson, Lincoln and the major part of the members of the Constitutional Convention (all of which has been adequately verified by the experience of a century,) we shall see that political handling of these vast new powers could only mean a record of inefficiency, extravagance, speculation, and racketeering that would make the administrations of Grant and Harding seem amateurish by comparison.

Some substitute must be found for the old and dishonoured dispensation, but what? This, it seems to me, is the first problem that demands solution before we can go on to build a better society than what we have now, or even to lay down general principles as to what form the organism of society is to take and how it is to be put in force.

Chapter Five

THE HUMAN EQUATION

THUS FAR I have tried to uphold the thesis that Democracy, "High Democracy," as this was understood by the philosophers and statesmen of past ages, has lost its identity, giving place to a very different matter. Because of this transmutation it has failed as a working system, both social and political; the present declension of the world on imminent catastrophe being due to the operation of these novel theories and practices which have as little to do with the substantial principles of aforesaid modernist art with that which hitherto accompanied man from Imhotep to Turner, Wagner, and St. Gaudens. It is a long and noble sequence from Plato on through Seneca, Ulpian, Justinian, St. Augustine, Gratian, John of Salisbury, St. Thomas Aquinas, Dante, Marsilio of Padua, Burke, Adams, and Jefferson, and it is consistent throughout, without material divergence from definite fundamental principles. This, in the words of John of Salisbury, was "the perception of truth and the practice of virtue," to the end that justice should be established and the citizen guaranteed the right to life, liberty, and the pursuit of happiness. The form and organization of the social entity and of the political fabric varied in detail from century to century, though not radi-

cally, but the underlying principles were always pretty much the same. The controlling factors in the new democracy, now in its decline, nowhere appear, indeed they are always rejected either directly or by implication.

Going on from this I have indicated what were to me the obvious causes of this great transformation: the suppression of the free association of men in workable units—social, economic, craft and trade—which had a reality of existence in the eleventh and twelfth centuries and the first half of the thirteenth, and the relegation of the mass of men to an old slavery through the taking away of their property in land and tools of trade; the gradual degeneration in character and intelligence of this class of "mass men," and their final uprising in the early nineteenth century, when social and economic conditions under the dominance of coal, iron and steam, had become no longer tolerable, the result being the present dictatorship of the proletariat.

Back of these obvious causes and overt acts there lie biological and psychological reasons why this emergent, proletarian mass, implemented by eighteenth century democratic theory, has used its acquired power with such calamitous results. Centuries of oppression and a festering sense of outrage and injustice are not enough to explain the obvious failure in the direction, operation, and instrumentation of social, economic and political affairs that has followed the taking over of power by the emancipated proletariat, one hundred and forty years ago in France, one hundred years ago in England, and

seventy years ago in the United States. I wish now to ask *why* this particular type of man has made so condign a failure.

Some years ago I wrote a certain essay called "Why we do not Behave like Human Beings." It may be found in a volume entitled, "Convictions and Controversies." I still hold that its major premises are sound. The explanation of the more than bestial actions of individuals, groups, and mobs, from time to time, and of the fact that these exhibitions of brutal savagery have shown no lessening in point of frequency and vehemence during the period of human history, is that the basic mass of humanity never changes in character, intelligence and capacity. This is the mass man whose quality Señor Ortega has so completely analyzed.* Out of this matrix of raw material, in every place and age, men in their fullness rise and play their part on the social level, but the basic mass remains always the same. They that thus appear are *men* in the real sense of the word, not "supermen." It is the fecund but, as a whole, static mass that are, properly speaking, sub-men. The line that separates man and sub-man, as this is drawn by biologists and anthropologists, is

* "There was a god in man; an angel that played the fool! The millions that called themselves men were not yet men. They were half-engaged in the soil, pawing to get free, and they needed all the music that one could bring in order to disentangle them. They seemed to be on the verge of all that was great, and so they were, indeed, were they only aware of the faculties that slumbered within them. Emerson's own path lay clear before him. It was to look within himself and report his own perceptions and reveal the powers that lay in the soul of man."—Van Wyck Brooks, "The Flowering of New England."

drawn at the wrong place. It is not the knack of walking upright, developing a thumb and fabricating tools that transforms *pithecanthropus erectus* into *homo sapiens*, but the achievement (or bestowal) of certain factors of personality: power of reflection, conscience, the recognition and acceptance of moral sanctions, and a full and operative self-consciousness. If you are disposed to think in theological terms, you may say it is the acquisition of an immortal soul. Or you may say that *homo* becomes such through *sapientia*.

Now the cave dwellers of the Old Stone Age are not men in this sense, but sub-men, more closely allied to the quadrupeds than to the men who built up the great Mediterranean cultures from Menes to Justinian. Between the Blackfellows of Australia, the Pygmies of Africa, the jungle dwellers of the Amazon and the Orinoco, and the builders of the pyramids, the Athenian temples and the Mediaeval cathedrals; the creators of Classical and Elizabethan letters, the painters and sculptors of the Renaissance, the makers of Constantinople, Florence, Toledo, old Paris, Oxford and their like, there is a far greater interval in the case of all that counts in humanity than there is between the first named savages and the simian tribes of equatorial Africa. It is not dentition, the shape of a frontal bone or the cephalic index that separates man from the ape. It is the imponderable, spiritual factors of which your anthropologist takes small account.

As our knowledge of the historic past increases, as we come to know more, and to estimate with a

greater degree of accuracy, the cultures of the past from the Old Kingdom of Egypt onward, we are driven to the conclusion that there has been no *qualitative* advance in human cultures. Sakkarah, Crete, Sumeria, China, Peru, Yucatan, all have revealed the works of man, his potential and his achievements, in a wholly new light, and we know now that they represent human quality at a higher level than has been attained during certain ages that have come later in time. If we go on to other periods in the history of Greece, Rome, Byzantium, and the Middle Ages (not to mention specific Chinese dynasties), and mark the nature, the words, and the works of individual exponents of these cultures from Ptolemy and Akhnaton through the Athenian philosophers and artists of all sorts, the churchmen of the early Christian centuries, the heroes, schoolmen, philosophers, and again the artists, of the Middle Ages; and finally the exemplars of character, intellect and, even once again, the artists of all sorts of the Early Renaissance, we can see very clearly that the level of attainment is about the same in every period. Bernard Shaw is no greater than Shakespeare nor he than Euripides; St. Thomas Aquinas than Plato, Browning than Dante, Bramante and Richardson than the master-builders of the Parthenon, they of Hagia Sophia, or the creators of the Gothic cathedrals. Equals, yes; superiors, no.

In a word, then, there has been no absolute advance in human culture during the historic period, and the myth of *progressive* evolution, is without validity. As between one time and another the *ex-*

lent of a culture varies widely; sometimes it reaches far over wide human areas, sometimes it is narrowly confined, with only a few high lights here and there. The third millenium and the fifth century B.C., the third, twelfth and fifteenth centuries A.D. in western Europe are examples of a widespread culture; the second millenium and the first century B.C., the fifth, ninth and seventeenth centuries A.D. show the depressed valleys of civilization. Where the twentieth century will find its place is still a matter of conjecture.*

We may say then that the world of men is like a preparatory school. The character and intellectual attainment of its pupils vary from year to year, the personality, the scholarship and the pedagogical ability of its faculty from generation to generation. Sometimes it graduates a larger number, sometimes a minority of good students, but by its very nature it never proceeds to a higher scholastic level and becomes a university. It remains forever a preparatory school, and recognizes no humiliation or inferiority in so remaining. If some political administration, some "progressive" supervisor or school committee of the "booster" type insisted in imposing on the pupils a curriculum appropriate to a post-graduate college, or trying to force the boys to accept the responsibilities conditioned to their elders, the result for them would be a gross disservice. This is precisely what has happened to society under

* For one answer to this question see Stanley Casson's "Progress and Catastrophe," which appeared while this volume was in press.

the influence of the philosophical myth of progressive evolution and popular democracy.

The human social mass that is our preparatory school remains, therefore, substantially always the same. Year by year it is reinforced by new material, always, shall we say, of the normal fourteen-year old type. It is not the majority of these recruits that can gain their certificates of graduation; indeed it is very few. Nevertheless this same school is indispensable in the economy of life, for it is from its numbers alone that may be drawn the builders, creators, and directors of society. It is the matrix from which men are made.*

It has been estimated by various statistical authorities that the character potential and brain content of the majority of American citizens is about that of the fourteen-year old boy. Some place the proportion as high as seventy per cent. The value of their estimates lies in the authenticity of the method of test; which is by no means absolute. Nevertheless the validity of the general principle is sufficiently proved by a dispassionate survey of human society at any period of time. During the last hundred years it has rather forced itself on attention, and particularly in the last half of this period, when optimism has ruled, the idea of progress has been universally popular, and democracy has achieved its perfect work.

"Mass man" does not show himself in a very favourable light when he is so regarded as the ar-

* See Appendix G.

biter of culture and social evolution. He is of the type that joins the ranks of specious organizations of the get-rich-quick or get-power-quick variety, from Communism to the latest of the share-the-wealth societies. He furnishes the personnel of "Know-Nothing," Klu Klux, Black Legion and similar terrorist gangs. He elects a "Big Bill" Thompson as mayor, a "Jim" Curley as Governor, a Zioncheck as member of Congress, a Huey Long as Senator, a Harding as President; he invents or follows after uncouth religions and absurd philosophies, and he makes the newspapers and the pulp-magazines what they are—and steadily debases himself accordingly.*

Perhaps this matter of newspapers is the most searching test of his personality. Publishers are notoriously not in their trade for their health. Probably the major part of them are as much humiliated and disgusted by their output as are the better class of their readers, but they are "good business men," so they "give the public what it wants," and judging from the result what the public wants is something very bad indeed.

Fifty years ago, or even forty, there were a good many excellent newspapers in the United States. Mr. Hearst's "Yellow journalism" was a stroke of business genius. Hitherto newspapers had been produced very largely for the literate and more or less cultured sections of the community; they soared far above the heads of the general run of readers who sought their information from the *Police*

Gazette and *Town Topics*. At that time the large cities supported a few prints of the baser sort, but these, today, would be regarded as rather conservative and high-brow. In the evaluation of news importance, in choice of typographical emphasis, in the soft-pedaling of the more gory and lascivious crime stories, in editorial policy, moral and aesthetic sense, display advertising, and in general make-up, they actually stood higher than all but a few large-town newspapers today. I know something about this, for from 1886 to 1890 I was on the editorial staff of an important evening paper in Boston.

It is doubtful if there is any public agency today that does more than the daily newspaper to keep the mass man down at this natal plane, and even lowers this level still further. It is not the tabloids and the Hearst papers alone of which this can be said, but the generality of leading newspapers in the larger cities. The disposition, nature, and extent of the news stories are determined by the interest of the less intelligent ranks of society. The managerial policy (it would be incorrect to call it "editorial") is dictated by the business office and is calculated not to offend advertisers and party organizations. The "funnies" and spelling matches and prize competitions are all calculated to make the paper sell, while streamer headlines and wood type are used after a wildly prodigal fashion, and quite regardless of the value or importance of the stories so exploited.

Apart from the ethical and cultural considera-

* See Appendix H.

tions, it is the general vulgarity of the output that maybe does the most harm. You cannot daily come in contact with this sort of thing without danger. Pitch defiles regardless of the intent of the man besmeared. The greater part of the people read little but newspapers and the pulps; consult the public library records of books issued and the sales of book shops, and compare these data with the adult population, for proof of this. With a strictly secular system of public education and under the impact of all sorts of deleterious influences, including the general moral tone of society, shot through with gangsterism, racketeering, political chicanery and a wide-spread disregard of law, it is the popular agencies noted above that create the average ideal of society and personal character.

This estimate of the general quality of the great mass of human beings is not to be taken as an indictment. There is nothing vicious in the course followed. Mass man is just as susceptible to good influences as to bad. Indeed it is highly probable he answers more quickly to the former than do his betters. Like all normal men he is avid for leadership, but the trouble lies in the fact that he is prone to accept leaders on their own valuation, and take what is most obvious and plausible. His estimate of civics and social action is taken from politicians; he bases his standards of value on those of big money and big business. The prophets of new cults talk louder than the exponents of old faiths, and easily get his ear. Hollywood and the pulps mark out the line of high adventure while, as has been

indicated, the newspapers being big, ubiquitous and blatant are accepted as models of civilization and culture.

There is something rather pathetic in this eagerness of the great mass of humanity for potent leadership. They are unconscious of the desire, in fact would deny it existed, but in this very fact lies the proof that the hunger is there in their subconsciousness. Señor Ortega says, "But the man we are now analyzing [the mass man] accustoms himself not to appeal from his own to any authority outside him. He is satisfied with himself exactly as he is. Ingenuously, without any need of being vain, as the most natural thing in the world, he will tend to consider and affirm as good everything he finds within himself; opinions, appetites, preferences, tastes. Why not, if, as we have seen, nothing and nobody force him to realize that he is a second-class man. . . . The masses are incapable of submitting to direction of any kind. In the difficult times that are at hand for our continent it is possible that, under a sudden affliction, they may for a moment have the good will to accept, in certain specially urgent matters, the direction of the superior minorities. But even that good will result in failure. For the basic texture of their soul is wrought of hermetism and indocility; they are from birth deficient in the faculty of giving attention to what is outside themselves, be it fact or person. They will wish to follow someone, and they will be unable. They will want to listen, and will discover they are deaf."

All this may be true of the Continental mass

man, though the passionate and almost unanimous following of the new European dictators would seem to raise grave doubts. Not as to the essential nature of the lower levels of humanity but as to their desire for leadership. It certainly is not so nearly true of the same class in this country. The type is the same, granted; but our tradition and practice of partizan politics have had one good result at least and that is that we are prone to follow our leaders and very much desire to do so—if we can find them. The point is that great and safe leaders seldom offer themselves, only the second rate (or generally much lower grade than this) make themselves obvious. These are precisely the same type, emergent from the same stock as the mass man. They speak his language, formulate his own vague and low-grade ideas, and impose no undue strain on his intelligence. Naturally this particular sort of leadership is accepted, with results that have become conspicuously evident during the last generation.

This is by no means to say that nothing better would make its appeal. It definitely would if it were available. Hero worship is one of the fine qualities in man and it is just as implicit in the mass as it is in the *élite*—very likely more so. Huey Long had his easy following, but so did Governor Ritchie. Men voted enthusiastically for Harding but so they did for Cleveland and Woodrow Wilson. Al Capone was, secretly, a hero to many, but Lindbergh was a greater. Down underneath, the primitive grades of man (the basic majority) have a quick appreciation of high qualities in their fellow men and they will

accept their leadership when they can recognize it. It does not need the subtle mind, highly developed personality, or the tradition of long and high lineage to perceive the "hero" in any phase of life.

"Laws, not men" is the popular slogan of what, in some quarters, is known as "Americanism" and for reasons of their own it is particularly so today amongst high politicians. So it was during the earlier deliberations of the Constitutional Convention, but as the draft of the final form approached completion it became evident to the membership of this august body that always underneath there had been the consciousness that however sound the body of law its efficiency would be wholly dependent on the character and intelligence of the men who used it, construed it, and enforced it. Men, not laws, were the controlling factor. They did what they could, these law givers, to assure the preponderance of good and true men in the conduct of political affairs. They tried to eliminate the lower strata of society from any intimate association with high public business for they had a very clear conception of the nature of men in the large. They not only knew history (which is explicit on this point) but they had had and were having more than enough experience with the state governments of New England and with the Continental Congress itself.

Could they have foreseen the root and branch transformation shortly to be effected in American society they undoubtedly would have tried to establish greater safeguards against the taking over of power by the incompetent and the propertyless mass,

which hardly existed at the time. Of course they could not anticipate or even imagine, the coming influx of alien tribes, the transformation of a free, land-holding people and a free and independent body of tradesmen, craftsmen and artizans, into a propertyless proletariat through the operation of the coming industrialism and financial hegemony. They had, of course, no vision of the coming of a new democracy completely at variance with their own, the establishment of universal suffrage or the emasculating of their so carefully wrought Fundamental Law by process of amendment and judicial decisions working under the irresistible influence of a new time-spirit the nature of which was to them hidden in the darkness of the impossible.

So today the worst they could not foresee has happened, and we ourselves realize to our cost that the laws were good enough, but that man has failed, and therefore laws, and the Fundamental Law are no longer a protection against disaster; that they have ceased to guarantee to the people life, liberty, and the pursuit of happiness. Any government may be beneficial if administered by good men; the best system fails in the hands of the other sort. There are two factors that operate for the obtaining of high leadership: its acceptance and its exercise; men willing to be led, men capable of leading.* In the first instance, while, as I say, the

*"The fact that the progress of mankind in arts and sciences and letters and every form of thought has been due to the efforts of a comparatively small number of highly gifted minds rising out of the common mass speaks for itself."—Lord Bryce, "Modern Democracies."

majority of men, particularly those in the lower grades of society, crave leadership, they are disposed to take what is offered, particularly if it is of their own sort. This, especially at present, is what it is. The ward boss, the professional politician, the exponent of plausible social panaceas of a rudimentary sort, the preachers of blatant and uncouth new religions and philosophies, the cultural standards of the pulp magazines and the newspapers, these are what appeal and what gain acceptance and support. All of which is not surprising. Yet every now and then something happens to indicate that when a better quality of product is offered it will be accepted with equal or even greater willingness, at least by a moiety of the mass. It would seem that what is to be done is to discriminate between those with a natural capacity for the acceptance of high leading and those who, equally by nature, are joined incorrigibly to their idols of the lower brackets of character and intelligence. In a word we have got to invoke Jefferson's doctrine that the "equality" he envisaged for all men was before the Law, that it implied no equality in the matter of social and political rights and privileges, least of all that of the suffrage, and that "coöperating with nature in her ordinary economy we should dispose of and employ the geniuses of men according to their several orders and degrees." This means that the incubus of the tabloid type must be lifted from the shoulders of the common men amenable to high leadership, so that they may function normally, not only accepting such leadership but actually inciting it. This question

will be dealt with in discussing the problem of the electoral franchise.

In the matter of leadership itself, it may be admitted at once that it has not been adequately supplied either in quality or quantity. In the first place there has been little inducement to men of character and ability to offer themselves in this capacity. Dominated by the tabloid type the mass of men have produced a social and political condition where a potential statesman has got to degrade himself to the level of a professional politician if he is to get a following. Any sort of political gathering from a town meeting to a national party convention, from a legislative hearing or a caucus to a session of a State legislature or the National Congress, shows clearly what this is and why most men of capacity and ideals refuse to participate. In the second place big business and high finance offer such tempting inducements towards material gains and eminent success, that they have seduced the greater number of the "men of light and leading" to their service, and only the "second-raters," generally speaking, are left for the public service.*

* See Appendix I.

Chapter Six

THE FORGOTTEN CLASS

I

SINCE THE BEGINNING of the sixteenth century, so to speak, the basic Neolithic man has progressively taken over control of human affairs. At first this process assumed the form of armed rebellion; the Peasants' War in Germany, the Great Rebellion in England, the French Revolution. During the last century it was found more effective to work through social, industrial, and political channels. From the middle of the nineteenth century the advance has been a sort of geometrical progression incited, pushed forward, implanted and established through the facile and irresistible power of the new democracy. The result has been a quite new world where quantitative have taken the place of qualitative values and the tabloid type of man controls all things, saving only some stagnant backwaters of scholarship, self-contained *enclaves* of pure science, and a few forgotten groups of outworn and sterile aristocrats. The form of society that has so come into being has certain analogies with historic epochs, yet fundamentally it is unique. Let us estimate its nature.

Two millstones are grinding ponderously, steadily,

and with increasing momentum, as they already have ground for just an hundred years. The nether millstone is that of organized, proletarian labour, the upper is that of organized financial, industrial and commercial power. The energy that drives these grinding stones is organized greed, individual and corporate; the lubricant is organized power, financial, social, political; the brake that might act as control is an organized social sense that is now inoperative, its place being taken by an unorganized personal and social lethargy superinduced by that "rugged individualism" that has lost the sense of communal ideals, methods and basic values. The upper stone represents some thousands of individuals controlling, directly or indirectly, eighty per cent. of the wealth of the nation; the lower a few millions controlling nothing but an implicit power to throw the machinery out of gear, split the upper stone into fragments, and disrupt society by the threat, and ultimately by the use of force: physical, economic or political.

Between these two dynamic energies, as passive as those are active, lies the Forgotten Class, comprising, it may safely be assumed, a good working majority of all citizens. Their interests are not considered, the operations of Government do not take them into account; they are the victims of exploitation in the interest of the upper class or the lower. For the first time in half a century an attempt has been made (whether wise in conception and operation, or beneficent in its results, is not now the question) to consider the condition and needs of the agrarian section of this forgotten class; a fact that

is encouraging as far as it goes. It did not go very far, and progress has now been stopped by judicial decision. In any case, it was an emergency measure, applicable only temporarily and to a detail. It revealed a certain consciousness on the part of its instigators of the fact that a class existed, and an appreciation of some of its needs, if not of its rights, but this awareness did not extend farther than the boundaries of a group of administrative officials.

Now these two factors in society, minorities both, have for half a century, directed, controlled and determined all the affairs, social, industrial, financial and political of the Republic. This very comprehensive work has, of course, not been accomplished through coöperation, but by radical antagonism. Each has been a menace to the other. Fear and hate have operated together to bring about a condition of military strategy, compromise, expediency under which all questions of abstract right, concrete justice and the welfare and wishes of the public as a whole have been ignored. The policy adopted has been that of a General in command of an army in action, or of a District Attorney: to win the battle regardless of the merits of the case; to gain conviction of the accused whether he were guilty or not. The position of the majority class that lies between the contending forces is that of Reims, Louvain, Verdun in the latest war. The irrationality of our economic system and the ineptitude of our political organism, are in themselves responsible for this social conflict as they were for the World War, and the original responsibility rests with a system.

It is only a derivative responsibility that remains with the representatives of money-capitalism, big business, mass production, commercial greed on the one hand; on the representatives of labour (organized or unorganized), the veteran organizations and some of the new agrarian units on the other. In both cases the two minority groups are quite willing to accept responsibility and act on it regardless of consequences. When national power lies, as it did for sixty years, in the hands of the upper group, it is used ruthlessly and cynically; when it falls, as it occasionally did in minor and local instances, in the hands of the nether faction, it is used in just the same way. When legal authority cannot be acquired, the sabotage and guerrilla warfare that then are the mode of action, are just as unscrupulous as are the actions of the upper class.

Both groups, individually and collectively, are driven by one impulse; selfishness and self interest worked for without regard to the general welfare of the community, the nation, or the higher unity of the people as a whole.

It is easier to extenuate the policy and the procedure of the lower group than that of the higher. Both actions are anti-social and amoral, but the upper class was perfectly organized and held all the vast power of segregated wealth and the sole ability to hire the man-power that was for sale and had to be marketed to avoid starvation. It also had the hearty and potent support of Government. The lower class, which had been crushed and exploited under a century of progressive mechanization, cen-

tralization and power monopoly, had nothing with which to fight for a measure of justice except the not always potent threat of industrial sabotage, social dislocation and confusion through the strike, the sympathetic strike and the black but hollow bogey of the general strike.

However, it is not a question of grading the degrees of responsibility, indeed it is not in the end a matter of responsibility at all. Upper and lower groups are both products of a force that suddenly grew into dominating and directing power that was greater than the individual. Of this *zeitgeist* they are the automatic product. This time-spirit is the precipitation in a sort of Olympian unity of the most extraordinary combination of diverse factors history has as yet recorded. Focalized under concrete terms these were: the Renaissance, Reformation and Revolution. By definition these three catastrophic (in the sense of sudden, almost instantaneous appearance without antecedent stages of evolution) phenomena, occurring almost simultaneously, changed the historic method of social development as this had held for five thousand years. Mind, absolved from religious sanctions and the control of authority, assumed all power regardless of all social, dogmatic and philosophical mandates; power of one sort or another became the object of living and this was to be won by physical force or the exercise of craft and an amoral and cynical ingenuity. This combination of new powers was enough, in all conscience, to change the history of Europe, but to it were added three other factors which acted as

a precipitate; the discovery of the potential in coal, iron, steam, and, a little later, electricity; the unleashing of the capacity of the human mind for mechanical invention, the exploitation of the new potential for the furtherance of the inherent acquisitiveness of mankind, and the enormous increase in the population of Europe. From the birth of Zoser, Pharaoh of Egypt, to the birth of Napoleon, Europe never exceeded a population of 180,000,000. Between the last date and the birth of Henry Ford—just about a century—this had been magnified three times, to some 500,000,000, the greater part of whom were the progeny of those classes which, after the fall of the comparatively free society of Mediæval Europe, had been depressed, stunted, and mentally debased during the succeeding three centuries of Renaissance oppression and suppression.

This is that "mass man" whose genesis, character and present part in world affairs, Ortega y Gasset has so acutely specified in his "Revolt of the Masses," and it is this stock that is now represented by the terminal groups that, each after its own fashion, determines the social, economic and political conditions under which the impotent majority is forced to live.

For the international financiers, the great captains of industry, the trade monopolists, promoters and high political organizers and directors, are all brothers under the skin to the labour leaders and their cohorts, the veteran organizations and all other groups of the lower denomination. They stem from the same trunk; that is, the solid and numerous unit

of "mass men" that came into the light when the thick crust imposed by post-mediæval society suddenly broke and the imprisoned peasantry and proletariat regained what was to prove only a nominal and fictitious liberty.*

From the time when the substantially free society of the Middle Ages was liquidated, say about 1350, this class had been subjected to conditions which could only intensify, if they did not aggravate, those qualities of self-interest, cupidity, and craftiness together with resentment at an estate they neither brought upon themselves nor deserved, that instigated both a deep enmity towards society, a disregard of its claims, a contempt for law and a determination on the part of each individual to get for himself what he could. And under the circumstances you can hardly blame them. They had been under-dog long enough: now they proposed to come out on top.

Fate determined otherwise, so far as the major sector was concerned, but at the same time it offered opportunities beyond the wildest dreams for the few that saw their chance and were able to use it.

The exploitation of the unlimited power inherent in coal, iron and steam, the development of the banking and credit and joint-stock systems that already existed in an amateurish and fairly harmless form,

*"It is the standpoint of proletarians and parvenues, who are at bottom one and the same type, the same weed of a metropolitan pavement—from the thief and tub-thumping agitator to the speculator in stocks or party advantage"—Oswald Spengler, "The Hour of Decision."

the raising of monopoly to the position of a high science and industrial world-order demanded for its fulfillment precisely those qualities of mind and character engendered under Renaissance and Reformation dominion. The work was done to admiration.

It would be a matter of interesting but indeterminate speculation to consider what might have been the result in economic and social history if all these era-making events had not happened at the same time: if coal and iron with all their derivatives, had not had this particular class to make them operative: if the emergent mass-man had not found ready to his hand these potent implements of world-control. It was the—shall I say, providential—concurrency of the revelation of a new and unexampled potential and the sudden appearance of a type of man emancipated from the restraints of religion, tradition and the sense of ethical and social responsibility that changed the history of the world. Mass man implemented, exploited and established in power the new-found energy, hidden and inoperative in the depths of the earth for eons unnumbered. He generated, instigated and directed the discoverers, scientists and inventors who sprang to life at the call of Power, finally making them tributary to its methods and its great objective. This alliance of revealed potential, physical science, mechanical invention and the mass-man, resulted in a brief space of time in the greatest social and economic revolution ever recorded, as well as in one of the most stupendous and, in a sense, magnificent creations of the human mind and will. And the type of man who

created this astounding phenomenon, is still directing it today, whether he is the proletarian labourer at one end of the scale, or the millionaire magnate at the other. Financial-technological civilization is the proud product of the mass-man.

The technocratic, finance-capitalistic State which he produced has conditioned his own development. There was nothing in it, of its own, that would tend to give him a vision of higher values. Instead it fixed his original mental and character-content in a stereotyped form, at the same time intensifying it along the same lines. This is what gives its peculiarly selfish and anti-social character to the two minority extremes of our social fabric, between which lies what I call the Forgotten Class. What does this class comprise?

Broadly speaking, pretty much everyone not included in the upper stratum of owners and controllers of power: financial, industrial, commercial, and the several hundred thousand technical employers, satellites and subsidiaries whose interests are bound up with those of their employers and masters; this on the one hand; on the other proletarian organized labour, the several veteran organizations and an ill-defined number of similar units that represent special interests that are in conflict with the high sector in an indecisive effort to get for themselves what they want, regardless of all considerations.

With these must be included the generality of legislators, whether municipal, state or national, for they also belong in the category of "mass men"; certainly by right of similarity of character, motive

and method of action, probably also by virtue of descent. As in the case of organized labour and the veteran groups, there are amongst them, men of calibre, character and high social sense, but their paucity in numbers only serves to throw into high light the cupidity, self-seeking and cynicism of the majority. Made up as they are now, it is safe to say that there are very few legislative chambers that, when the issue is drawn between personal or partizan interests on the one hand, and an abstract question of social or ethical right or wrong on the other, would not promptly choose the former. Witness the recent action of Congress in the matter of the soldiers' bonus.

As I have used and shall use this phrase, "the mass-man" very frequently, it may be well to insert here a general description of his nature as this is supplied by the philosopher who, I think, has best analyzed him:

"[They [the mass men] are only concerned with their own well-being, and at the same time they remain alien to the cause of that well-being. . . . That man is intellectually of the mass who, in face of any problem, is satisfied with thinking the first thing he finds in his head. . . . As one advances in age, one realizes more and more that the majority of men—and of women—are incapable of any other effort than that strictly imposed on them as a reaction to external compulsion. . . . Ill-fitted to direct it is this average man who has learned to use much of the machinery of civilization but is characterized by root-ignorance of the very principles of that civilization.

. . . Once for all he accepts the stock of common-places, prejudices, fag-ends of ideas or simply empty words which chance has piled up within his mind, and with a boldness only explicable by his ingenuousness, is prepared to impose them everywhere. . . . The mass-man is simply without morality, which is always, in essence, a sentiment of submission to something, a consciousness of service and obligation."* Such, if we are to believe not only Señor Ortega, but some six or eight of the most acute minds of the time—as well as our own experience—is the general character of that mass-man who now is identified with the upper and lower strata of our common life. Between these positive and negative poles lies, as I have said, the Forgotten Class.

This is a very extensive category, probably a majority of the people of this Republic. It comprises farmers, small shop-keepers, tradesmen, craftsmen and artisans; members of most of the professional classes; teachers, followers of pure science, artists, literary men, clergy, small *rentiers*, college students, clerks, and finally the great mass of skilled and unskilled manual labourers who are not organized and have no way of exacting equity and justice from the dominant powers, except the purely theoretical and perfectly ineffective agency of the ballot.†

These are they that *are* the State, or rather the social entity we call the United States of America.

* Ortega y Gasset: "The Revolt of the Masses."

† See Appendix J.

The minority extremes are adventurous adjuncts. They have their place and their function to perform, but only in subordination to the major unit. When, as now, they assume the power, and through the political forms and agencies which they control, follow their own selfish ends regardless of the citizenry as a whole, then the State, the community and civilization itself are in danger.

This is the class whose interests call for recognition; who it may be should direct and administer the State. There is no valid reason why politicians, as the operative agency of the upper and lower sectors of society, should exercise these functions. In point of fact neither they nor their overlords have done any too well, as we know now to our cost. Europe is in the same case with ourselves and there already the major part of the sovereign units has rejected the dictatorships of finance and labour through the agency of political satraps, accepting instead the dictatorship of single individuals and their juntas of hand-picked lieutenants. Thus far the result is not wholly salutary, though this may possibly better itself in time. The prospect of a similar development in America is not one to be confronted with equanimity, but it is on the cards unless we can devise something better, and that without delay.

What shall we call this forgotten class that is, numerically and in absolute value the real America? Strictly speaking, it is the true "Middle-Class," but the term has a bad connotation. When, in the nineteenth century, the more able of the emergent mass-men saw and seized their opportunity to exploit

the miraculously revealed new powers inherent in the elements: coal, iron, and steam; credit, shares, monopoly, and a little later, mass production, standardization and advertising, it was they that were dominated the middle-class, though with the progress of this portentous phenomenon, the cleverest and less scrupulous of all soon became the "upper-class" while accomplishing, in their own persons, only minor and superficial changes in basic character.

Here in America the word acquired a different meaning. For the first two centuries there was no middle class of any sort. There was the great mass of citizens, farmers, craftsmen and small tradesmen, substantially an unit in intent and status, with a small class of large land-holders, squires, clergy, professional men and teachers, together with a few great merchants, mostly engaged in sea-borne trade. There was no proletariat to speak of, no class of industrial magnates and potent financiers, and very few practical politicians of the type of Sam. Adams and Patrick Henry. The statesmen, of whom there were many, were mostly squires, lawyers, scholars or merchants who were statesmen "on the side." While the racial stock was generally that of the European mass-man, it had not been subjected to the opportunities and temptations of the industrial era, which was then almost a century in the future, and conditions in the new country were in every way favourable to personal and social development along right and fruitful lines.

In England, from the death of Henry VIII to the middle years of the reign of Queen Victoria, and

particularly after the execution of Charles I, the husbandman, artizan and peasant classes had suffered a progressive oppression and degradation, but here conditions were quite the reverse. It was not until a point within memory that these salutary conditions began rapidly to change through the operation of the new financial, industrial and commercial factors imported from England.

Once firmly fixed, the new régime of two powerful minority units, at the two poles of the social entity, revealed the majority middle-class that lay between. This was essentially the old, original Americanism that had given so good an account of itself from Jamestown and Plymouth to Appomattox, and in character, capacity and personality it stood on a far higher plane than the similar class in Europe after its two centuries of oppression and consequent degradation.

During the years in which money-capitalism, technological development and industrial concentration were going strong, say from Grant to Hoover, the period of less than sixty years when the American social unity was being split up into inimical fragments, the central middle-class became subject to scorn and derision. As Herbert Agar has so conclusively shown in his very revealing "Land of the Free," this was in effect the body of men who represented the real Americanism, but they were looked on as mossbacks and hayseeds. Anyone who did not submit gracefully to being tied to the wheels of the new Juggernaut—and the middle-class Middle-West with its ilk at the four points of the

Continental compass refused to submit gracefully or otherwise—was just out of the running, and that was all there was about it. To be middle-class was about the most ignominious thing one could be. With the liquidation of the once dominant class of financiers and big business men, or at least with their dark discrediting, the once contemned class is emerging into a better light, but the connotation of the old phrase still hangs around it, though not like the scent of the roses around the shattered vase. There is much in a name and it would seem hardly wise to try to lift this particular one from the place assigned to it during the last century.

"Centre Party" is equally disqualified because of its clerical significance in Germany and the unsavoury implications of other parliamentary organisms; the record for compromise, juggling of principles and of partizan chicanery is not one to be suggested, yet it remains in fact the centre and the real core of the social organism. Perhaps after all "The Forgotten Class" is the best phrase to use.

For forgotten it is, in so far as government is concerned. That legislation which does not follow the interests of the social extremities, or is concerned for the welfare of the politicians and office-holders, is very generally carried through for the purpose of gaining the partizan support of some special group of citizens whose votes are wanted or whose voices are loudest, or under the brow-beating of fanatical extremists of the normal type of the mass-man.

Nevertheless, these are they that count, or from any reasonable point of view should count, in deter-

mining the pattern of a just and vital society and fixing it on durable lines. The extremes have their part to play, but only in proportion to that rendered by other forces, and these latter must be the controlling agency. A society, the quality of which is determined by what we call capitalism (for lack of a better word to express its protean nature) is, as we have found, unwholesome and self-destructive. A society conditioned by the temper and the ways of the mass-man, the so-called "dictatorship of the proletariat," would be as bad, or worse. Real values are reversed in either case; yet, at present, all we can find in contemporary social organism, is a condition imposed by one or the other or, which is probably worse, a sort of compromised, negative system built on political expediency as the quite futile result of the conflict between the two.

There is no sane reason why the social unit should be formed and the culture of a time determined by either one or by both in their very sordid and unhandsome warfare. Can we hope for better things from the Forgotten Class? The hope, I think, is good, but I have to admit that, with things as they are, the transfer of power seems hardly more than an academic proposition, unless one or the other of the agencies now responsible for our very silly sort of life, destroys itself through its very excesses, or the two together follow the precedent set by the Kilkenny cats.

I do not think we realize the numbers of this "saving remnant" which is yet the numerical majority, while its components have no idea whatever of

the substantial identity of their interests. The vicious process of fission has gone about to the limit. The small farmer cannot see that he is in the same box with college professors, teachers and students. The small tradesmen have no sense of common interests between themselves and the independent artisans and the artists of all sorts. The reverend clergy, the clerks and employees of the professions, and the members of the professions themselves cannot see that their interests are identical. Technicians, philosophers, scientists, shop assistants, naval and army officers with the men under them; governmental employees in city, state and nation, journalists, literary men and unorganized skilled labour, are all, so far as their fundamental interests are concerned, of one sort.* They don't know it, nor the power that could be exercised through unity, yet it is just here that we must look for the agency that has the inherent energy, character and ability that can redeem society and State and start them going again on decent lines.†

* See Señor de Madariaga's "Anarchy or Hierarchy" for the subdivision of this central body of citizens into "the Aristocracy, the Bourgeois, and the People."

† This chapter appeared originally in *The American Review*.

THE FORGOTTEN CLASS

II

IN THE LAST CHAPTER I emphasized at its ending the sound foundations for the building of a new social power, that are to be found in the once discredited "middle class." This is that, at present, "forgotten class" that lies between the minority groups that now determine social, economic and political action, not by right but by prescription. As I said, the use of the phrase, "middle class," has a more or less prejudicial connotation that has come down to us from the self-satisfied and supercilious nineteenth century, particularly from its later decades, but much water has run under the bridge since then. The shibboleths of fifty years ago now sound thin and hollow and have taken on only an anti-quarian interest. A very important task today is that of making "middle class" into a name of honour and of power rather than of disparagement.

At this point it is necessary, however, to enter a caveat. As the forgotten class comprises the majority of the people of this Republic, so it contains a wide diversity of types, from the small farmer on his rocky, mishandled, mostly worn-out New England acres, the small shop-keeper fighting for his life

against the chain-store and the mail-order house, the craftsman or artisan outside the ramports of organized labour, to the college professor, the artist and the parson. Equally great is the diversity of character-quality, inherent ideas and life-motivation. The middle class of the nineteenth century did have substantial unity and when, then, the noun was changed into an adjective, there was some ground for its use in an opprobrious sense. "Main Street," as a portrait, was not altogether inaccurate. Its vision was exceedingly circumscribed, its scheme of life earth-bound and pedestrian, its morals conspicuous but stodgy, its religion very largely compact of the bean-supper, a degenerate Protestant superstition, and ballyhoo. On the other hand, it had the real virtues of self-reliance, sturdy independence, social kindness and a true sense of communal and national patriotism. Above all, without quite knowing why, it was suspicious of the growing trend towards money-capitalism, big-business, and technocracy.

During the last generation the unlovely qualities of this old middle class have been intensified. The protagonists of progress had felt pretty sure that the new instruments of culture and civilization that had come into operation with the opening of the new century would, almost automatically, exert a very enlightening and progressive influence. Automobiles, electric refrigerators, mechanical washing machines; the victrola, radio and telephone; the mail-order catalogue, pulp magazines and the new journalism, let alone the broadening influence in general

of big-business and an expanding technocracy, could only result in a corresponding opening-out of hitherto somewhat circumscribed minds. Apparently this hope has been vain. From sea to sea and frontier to frontier, this middle class of the last century has firmly fixed itself in a recognizable identity; it is no longer associated with the Mississippi Valley and its hinterlands. From Minnesota to Arkansas, from the dreary plains of Kansas and the Dakotas to the mountains of Tennessee and Georgia; Maine and Oregon, Ohio and Louisiana, together with all between, now reveal the type that once, in legend, was assigned to the old "Bible-belt." Undoubtedly the old virtues of this class have remained, but they are now pretty well submerged under the drift and the detritus of current civilization. Radio and pulp-magazine, newspapers and public-school education, back-slapping societies consecrated to "service" and a deliquescent Protestantism have done their work. Evidences of this mental degeneration have multiplied in the last twenty-five years with depressing velocity. The second Ku Klux Klan set the pace. Since then we have such phenomena as national prohibition, the Scopes trial, the Townsend, Huey Long, and Father Divine manias, with the Hauptmann trial, its concomitants and implications, as a final manifestation of the essential quality and the pervasive extent of the new psychology. A depressing and even alarming phenomenon.

On the other hand, and by force of economic circumstances, a vast multitude of citizens of a very different type, now find themselves in the same boat

with that old middle class that is suffering a sort of fatty degeneration of intelligence and character. Here, now, united in the common brotherhood of basic necessities, with the social categories so rapidly reverting to type, we find all of Matthew Arnold's "saving remnant," the "élite" of Ortega and Berdyayeff, the exponents of all the vital culture and veritable civilization existent in society. Nothing could be better, or more promising for the future, than that these representatives of flourishing life should now be found in this connection, for not only are their interests identical, but each has much to give to the other. The fast-slipping "middle class," misunderstood and derided in the nineteenth century, can be arrested in its declension through association with the "élite," while they, in their turn, can be saved from that supercilious and sterile hedonism that always overtakes this phase of being when it is cut off from close association, in interest and actions, with those of a more primitive but equally, even more dynamic type. The old "middle class" must be won away from its present following of all the vulgarity and the crude, depressed mentality that is a by-product of "modern civilization," while the "saving remnant" must come to realize that their kinship is to be found, not with the money- and the power-aristocracy that, by force of its wealth and its bourgeois patronage, has assumed, and been tacitly granted, a leadership to which it can make no valid claim. Between the small farmer, the tradesman, the small artisan and the representative of all high culture, high, creative achievement and

high ideals, a certain conscious solidarity, based on a fundamental identity of necessities and interests, will have to be accomplished.

I do not know how this sense of solidarity, this "class consciousness," if you like, is to be achieved, but somehow it has to be brought about, for if salving and redemptive energy is to be applied to our pathological social condition, it may be found only here. It is useless to expect any aid from the politicians or through the political system they represent. Water cannot rise above its source, and the source of political energy is the mass-man, regardless of the class of society to which he belongs. Political action is conditioned by considerations of expediency, partizanship and self-interest. The horizon of its vision is that of an ophthalmic defective. To quote from Mr. Nock's salutary, "Our Enemy the State": "We are all aware that not only the vision of the ordinary man, but also his wisdom and sentiment, have a very short radius of operation; they cannot be stretched over an area of much more than township size." When it comes to the official political representation of this "common man" this radius of vision is not apt to reach beyond the four walls of his house—or office. As Guizot said, long ago, "A belief in the sovereign power of political machinery is a gross delusion."

For a century and a half it has been bred in the bone of the citizenry that *political* agencies and forms were the framework of society and automatically we accept this as a fact of some sort of revelation. It has become a dogma received without ques-

tion or demur. It never had any basis and we are coming now to realize this. In the countries that have had their eyes opened through the drastic experience of comprehensive calamity, substitutes are being tried; in Germany and what once was Russia, run brazen, brute force; in Italy, Poland, Austria, something much more plausible and less destructive of basic freedom and all else that differentiates man from the lower animals. With us the superstition still holds, though in the light of our experience, cumulative now for seventy years, it seems highly improbable that it should hold sway much longer.

How anything more lucid and plausible is to be put in its place is a problem that seems to defy solution, yet in some way an answer must be found. If the forgotten class could become conscious of itself and realize its substantial solidarity; if it could become aware of its latent power, and if it would engage, and submit to, competent, effective and constructive leadership, the answer would be found, for in itself it has both the power of intelligence and the weight of numbers. Leadership, and acceptance of leadership, next to the sense of common interest and a consciousness of the degree to which it has been exploited and ignored, is the essential necessity. To quote Ortega again: "Before long there will be heard throughout the planet a formidable cry, rising like the howling of innumerable dogs to the stars, asking for someone or something to take command, to impose an occupation, a duty."

An awakened "class consciousness" comes first, the discovery and acceptance of leadership follows:

granted those two factors something can be done. That "something" is, in simple words, the abolition of politics and politicians, and the substitution in their place of a *social* organism. We have lived so long under a political régime that, in plain fact, we accept it as the only law of social and governmental life. The whole fantastic scheme of primaries, party conventions, party committees, nominating conventions, platforms, electoral campaigns, whirlwind speaking tours, bands, blah, and ballyhoo, all arranged by small groups of realist (*i.e., cynical*) promoters in hotel back-rooms, seems as inevitable as the precession of the equinoxes or the law of gravitation. For a century this system has been in process. Not only has it become an integral part of the popular consciousness, but it has developed the political class, a type that is highly specialized, acute, cynical and with complete mastery of the tricks and methods of its trade. Drawn from the middle or lower grades of the mass-man, it is marked by all its mental and moral characterization. It is without ideals, vision or principles. It lives, moves and has its being in a world of expediency, compromise and the policy of "get results." It subsists on the exploitation of the dumbness and mob-psychology of the class from which it came.

Into its well-knit ranks it draws, from time to time, a few men of character and high principles, some because they naïvely believe that they may leaven the lump, or at least measurably offset the majority type, some because they like a life of active adventure—as big-game hunters haunt the jungles

of Africa to stack themselves up against other savage types of wild life. These, however, are exceptions, while their efforts at redemption or palliation amount to zero. I suppose that never, since the founding of the Republic, have the power and the efficiency of this political cabal been so pervasive, so omnipotent, and so cynically effective as now.* Ever since the Armistice it has been increasing in power and dominion, and particularly during the last three years. Municipal, state and national governments now express little except the mental character and the personality of the mass-man, regnant, and operating through the political class. A frank survey of civil government, as this shows itself at this time throughout the length and breadth of the land, is enough to demonstrate the truth of this statement.

There are, of course, as always, honourable exceptions. "You cannot bring an indictment against a whole people." There are here and there mayors, governors, members of state legislatures, senators and congressmen in Washington, individual heads of executive departments, who are fighting heroically against political self-seeking, chicanery and corruption. Chief amongst them I should put the President. He has demonstrated high principles, integrity of character, and a wider breadth of vision than most politicians—for he is this as well as a

* A revision, or modification of this statement would be in order as a result of the recent Presidential election, when for once a considerable number of citizens voted as they pleased and not as the politicians directed.

statesman. His career, and the conduct of his administration are, however, a convincing example of the dangers that threaten the patriotic Daniels in the dens of a primitive and voracious type of lions. Two powers work against him, the politicians and the collegiate schools of sociology and economics. Both stem from the same mass-man trunk, and I am not sure that the educated mass-man is not more dangerous than the uneducated. Without background, sense of tradition, or an inherited culture, he is apt to lack the saving sense of reality. With little knowledge of the past and less regard for it and cut off from all cultural continuity, he is fatally susceptible to "every wind of doctrine," and so lays hold with avidity on whatever calls itself new. Lacking sound standards of values, he accepts, or sometimes himself invents, this "new," and refuses to test it by any authority outside himself. As Ortega says, "The man we are now analyzing accustoms himself not to appeal from his own to any authority outside him. . . . The simple process of preserving our present civilization is supremely complex and demands incalculably subtle powers. Ill fitted to direct it is this average man who has learned to use much of the machinery of civilization, but who is characterized by root-ignorance of the very principles of that civilization."

A good example of the output of that particular type of mind is the ill-fated A.A.A. If ever there was a more curious list of empirical devices than was to be found here, history fails to record it, except, perhaps, in the annals of the Roman Empire just

before its fall and extinction. To slaughter animals, plough under crops, and pay farmers for not working their land and raising stock and crops, while some ten or fifteen millions of unemployed were suffering from lack of food and clothing and had to be supported from the levies on the general public, was a procedure so fantastic that it takes its place in the extensive records of human fallibility. The surrealist school of economics invented this fascinating device and the political oligarchy promptly accepted it and put it into practice. And that was that.*

Between these two schools of political ineptitude and cubist modernism, again we may fall to the ground. The first, to change the simile, was the cynical and effective use of the forgotten class as fuel for the fire by which the politicians warmed themselves; the second was the utilization of the same class as so many guinea pigs in an experimental laboratory. The resulting situation has been neither agreeable nor salutary, therefore the question that naturally suggests itself to the enquiring mind is: Is there a way out?

So far as I can see, and my field of vision is certainly as narrowly circumscribed as that of the other star-gazers or earth-bound intellects of the present time (therefore I speak under correction), there is only one way, and that is liquidation of the whole

* This is not to say that some measure of crop control has not been forced on Government by earlier un wisdom, but that in this case the punishment certainly did not fit the crime.

system of *political* organization, representation and control, and the substitution in its place of some sort of *functional* organization, representation and control.

There is no valid reason, as I have said above, why the affairs of human society should be directed by politicians anyway; they are by definition (and demonstration) the least competent to this arduous task and exalted duty, of all classes, with the possible exception of what are known as "business men" and "proletarians," this last nomenclature being used in the Bolshevik sense. Their present monopoly grew up naturally enough as the Constitution got into working order, though nothing of the sort had been envisaged by the Framers. General Jackson (the democratic Nemesis of Democracy) validated it and fixed it in (let us hope conditioned) perpetuity, and the long habit of dumb acceptance has made it seem to subsequent generations as something very like a cosmic law. It is nothing of the sort. It is not implied in the ambiguous word "Democracy" and it is no necessary implement of self-government. *Per contra*, it makes self-government, in any vital, social sense, quite impossible. The condition of partizan, political, parliamentary administration in every country of the factiously dominated "civilized world" where its uncouth performances have not already wrought its liquidation, settles the question once for all. To be specific, the "state of the Union" today, which is only a culmination of a century-long progress, is the worst in this respect that our history has

recorded. The character, quality and the intelligence quotient of our politicians, and the nature of their output find their parallel only in France. Mr. Nock says, in referring to "the almost incredible degradation . . . taking place progressively in the personnel of the State's service," "It is perhaps most conspicuous in the Presidency and Senate, though it goes on *pari passu* elsewhere and throughout. As for the federal House of Representatives, it must be seen to be believed." And again, "Our nominally Republican system is actually built on an imperial model, with our professional politicians standing in the place of the praetorian guards; they meet from time to time, decide what can be 'got away with,' and how, and who is to do it; and the electorate votes according to their prescriptions."

In his "Christianity and the Modern State," one of the latest and best of the great sequence of commentaries on contemporary civilization, Christopher Dawson, says: "Today the world is ripe for renewal. The liberal and humanitarian ideals that inspired the civilization of the last two centuries are dead or dying and there is nothing left to take their place. . . . Thus we may expect not merely the passing of the Liberal-capitalist order, but the End of the Age; a turning-point in world history which will alter the whole character of civilization by a change in its fundamental direction; a turning of the human mind from the circumference to the centre, from the emptiness of modern civilization and progress to the vision of spiritual reality which stands all the time looking down on our ephemeral activities like the

snow mountains above the jazz and gigolos of a jerry-built hotel."

Never losing sight of this primal necessity of a new spiritual vision on the part of the body politic, that alone can engender a new and vital philosophy of life, he, like so many other deep students of present conditions, finds in one feature of Italian Fascism, an indication of the first practical step that must be taken towards the reorganization of social and political society. Control by politicians, whether capitalist, proletarian or Communist, is an unmitigated evil and must be totally extirpated. So long as it continues, not only will the modern world continue on its down-grade, but the conditions it produces will inevitably maintain and intensify that mental atmosphere that makes impossible any real change for the better in the spiritual attitude of the people.

This is the Corporative State: that is, the substitution for professional politicians chosen on a partisan or territorial basis, of non-political, non-partisan delegates or representatives by corporations or syndicates made up of voluntary associations of the functional factors in society. This is not the place to enter into an analysis and description of just what this implies. Full information is readily available. The system is now in operation in Italy, Austria, Poland and other European States, in a more or less experimental stage. As the only sane and logical system now in process, it must of necessity closely relate itself to reality and so grow through change and development.

Mr. Dawson makes it quite clear that this is no patented invention of Signor Mussolini. It is explicit and implicit in the encyclicals of several of the more recent Roman Pontiffs, and is indeed a part of Christian doctrine and practice and has been so from time immemorial. As he says, "This organic conception of society involves, on the one hand, a mutual dependence and responsibility between its members, and, on the other, the principles of hierarchy and authority." More than fifty years ago, Leo XIII said: "God has established in Civil Society many orders of varying dignity, right and power, and this to the end that the State, like the Church, should form one body comprising many members, some excelling others in rank and importance, but all alike necessary to one another and solicitous for the common good." And the present Sovereign Pontiff, Pius XI, in his great proclamation, *Quadragesimo Anno*, states explicitly that the one way to achieve social justice and eliminate class war, is the re-creation of a corporative social order through "vocational groups which bind men together; not according to the position they occupy in the labour-market, but according to the diverse functions they exercise in society."

It is possible that in this idea of the substitution of the functional social organism for an arbitrary political machine, may lie the solution of the problem of the Forgotten Class, its emancipation and redemption, and its reestablishment in power and authority.*

* This chapter appeared in part in *The American Review*.

plish desirable ends, but as the actual and living body of an organic fundamental law. To take it as it stood when it was promulgated, would be much, but in addition it would, of course, have to be adapted to the new conditions that miraculously came into being during the last century, that the Framers could by no feat of constructive imagination have anticipated, while of course it will have to be more realistic in its relation to the amended estimates of the quality of human nature and its possibilities than those of the encyclopedists that then were a factor, let alone the even more erroneous dogmas of the nineteenth century evolutionists that in some sort influenced the more intelligent political philosophers and political economists of the days when the last six Amendments were adopted.

The political theory that governed the deliberations of the group of enthusiastic young men, gentlemen and scholars all, who forged this astonishing mechanism, is as sound today as it was then; it was only in matters of detail for effective operation and in the safeguards against the possible democratic degeneration and nullification they foresaw and feared, that they were not wholly successful.* With a daring that would have won the admiration of the last Congress, they calmly disregarded their mandates from the sovereign States under which they worked, and made a Constitution, so to speak, by quite unconstitutional means. They were wholly justified in this course, but for my own part I pro-

Chapter Eight

THE CONSTITUTION. 1787 vs. 1936

IF DEMOCRACY HAS FAILED, what has a better chance of success? I have already indicated that there seem to be sufficiently good reasons for assuming that the two alternatives now in an experimental stage in Europe, Communism and Fascism, give little promise, in their present form, of offering the solution, while certainly, the first in any case, the second unless its evolution follows pretty drastic lines, are both antagonistic to the "American Idea," and singularly repugnant to the American mind, whether this is of the mass type or that of the élite. Is there a sort of safe middle space between the very threatening horns of this dilemma?

If I suggest a sort of scenario of a possible (or if you like an impossible) scheme, it is not for the purpose of furnishing a blue-print and specifications, but rather for the tentative setting down of certain principles that seem to me plausible, and in the process, showing more in detail, and by the use of opposites, why the "lower democracy" of current practice has failed.

In doing this I propose to go back to the Constitution of 1787, plus the Bill of Rights, but minus, of course, the later Amendments, using this not only as a basis for a revision that might possibly accom-

* See Appendix K.

pose to take the Constitution as it stands and see if it is not possible to retain it in its original integrity, only suggesting such new Amendments, to be adopted by constitutional means, as will, in theory at least, achieve the aims indicated above.

In doing this however it is necessary first of all to scrutinize the unhappy fate of the great document as this developed during the years from 1865 to 1930, clearing away the accretions of an ill-advised period in order to get back to first principles and restore them as a firm foundation. To this end I use here an essay published in December, 1935, at a time when discussion over the nature and authority of the American Constitution had become peculiarly acrid.

* * * * *

Within the last year, the American public has, so to speak, become Constitution conscious. Some of the reasons for the appearance of this phenomenon are not unconnected with considerations of partizan expediency, but the repercussions are wider than this narrow circle. Probably more citizens have, of late, had the Constitution in mind—have even read it—than has been the case during the last fifty years. On the one hand arises the vociferous cry, "Back to the Constitution!" on the other, in substance, "Down with the Constitution!" The line of demarcation lies between those who support the "New Deal" both in its intent and in its operation, and those who, for one reason or another, oppose it in both respects.

"Back to the Constitution." This is a mouth-

filling and plausible phrase. It is an excellent campaign slogan, but what, exactly, does it mean? To what Constitution do those who use it refer: to the Fundamental Law promulgated in 1787, or to the same document as it stands today? This is a question that ought to be settled, for between the two documents there is very little relationship. We hear the most reverent testimonials to the wisdom, sagacity and philosophical acumen of the Framers, with consequent appeals to the electorate to forsake current leadership and return to that of the Fathers, but if this course were followed, those who advocate it would be considerably surprised by the result. So transformed, one might say distorted, has the great document become through amendment, judicial decision and accepted custom, these same Fathers would not know their own child. There is a good deal to be said for a return to the Constitution of 1787, but a careful scrutiny of the document, together with a comprehension of the social and political theories of those who were most instrumental in giving it its original form, affords ground for belief that a return to the Constitution of Washington, Hamilton, Madison, Gerry, Randolph, Morris, and the rest of the immortal galaxy, is the last thing they would desire. Evidently the bourne of their desires is the Constitution as it now stands, with all its Amendments, judicial interpretations and accepted precedents on its head. The wisdom of this course is a matter which is perhaps open to discussion. In any case, if those who are so ardent in advocacy of the Constitution mean that of today, they

have little justification in appealing to the Framers, individually and collectively, for support. What may be called "The Constitution of 1935" would undoubtedly have filled them with dismay. In several vital respects it runs counter to their measured convictions and does violence to what they held to be fundamental truths.*

The Framers had no illusions as to the nature of what they had produced. They realized that it was in many ways a compromise, but it was the best they could hope to have ratified by some of the recalcitrant small states. They expected it to be revised from time to time and provided easy methods of amendment. It is hardly probable, however, that any of them anticipated that this inevitable process of amendment would in so many cases run counter to their judgment as to what constituted the just basis of civil government.

This, however, is exactly what has happened. Every Amendment subsequent to the Bill of Rights, except the XIIIth, has done violence in varying degrees not only to the plain intent of the Constitution of 1787, but to what we know of the convictions of the Framers. This is not to say that the members of the Constitutional Convention were of one mind; on the contrary there was a wide diversity of opinion on many matters, but on certain points they were practically at one, while there was a majority so nearly of one mind that they fixed the character of

the document in substantial accordance with their convictions.

It is a mark of the great wisdom of the Framers that these basic principles still hold good and that after a century and a half we show some signs of returning to them. It is equally, indeed even more, an evidence of this wisdom that the Constitution of 1787, together with the twelve first Amendments, and minus those that have followed after the XIIIth would, with a few changes and additions, now fit our case to admiration. Primarily, it is some of these last eight Amendments that have so large a part in making the Constitution unworkable. Nearly all of them are the off-spring of political or partizan expediency or of an inflamed and uninformed mob psychology. They issued from a time when such statements as "The cure for democracy is more democracy," were considered good gospel; when books were written with such titles as "Triumphphant Democracy," and when it was considered good business to indulge in "noble experiments."

That the Framers could not have envisaged the world that was to come into being a century and a half after the end of their labours, is not surprising. No one could, not even a "seventh son of a seventh son." At that time gun-powder and the printing press were about the only things added to the social stock that had not existed in the time of Julius Caesar. Three million people predominantly of British stock, strung along the Eastern seaboard of a vast and unexplored continent, the great majority of whom lived on the land and with practically no proletarian class

* See Appendix I.

whatever was one thing; the present estate of the country covering two-thirds of the continent, a population of 130,000,000, sixty per cent. of whom belongs to the proletarian (landless) class, quite another. Nevertheless their basic principles as they then established them, are as sound today as then. These they held to be self-evident. That there would inevitably be changes in the methods of putting these principles in operation they foreknew, and welcomed, but they could hardly envisage a time when the whole cultural and social condition would have so changed that a new system of values and new circumstances would have negatived and reversed their own system of political philosophy.

In their individual opinions the members of the Convention covered the entire field from limited monarchy to limited democracy, but the discussions were always over the means to an end, never over the end in itself. This is not surprising, for this conclave of fifty-five men was probably the most patriotic, high-minded and statesman-like group gathered on the continent either before or since. It is questionable if today, with a population forty times as great, a group of such distinction and ability could be gathered together from amongst public men, comparable with that accomplished from a population of three millions. Twenty-six of their number were college-bred and all were broadly educated. All were well-versed in history, the classics and jurisprudence. Some had travelled or lived in England; some even had been educated there or had been students in the Temple. All were men of sub-

stance and standing in their communities. It is doubtful if more than two or three could qualify today as politicians. All were both statesmen and patriots, even the representatives of the smaller states who simply put their territorial loyalties above that due a unified nation at that time not in being. The general temper of the assemblage was well expressed by Washington who, at the very beginning, said with great solemnity:

"It is probable that no plan we propose will be adopted. Perhaps another dreadful conflict is to be sustained. If, to please the people, we offer what we ourselves disapprove, how can we afterwards defend our work? Let us raise a standard to which the wise and the honest can repair; the event is in the hand of God."

The Convention was as predominantly and continuously conservative as its members. The favourite model was the English government, and they tried to reproduce this as best they could under republican forms. They were afraid neither of a King nor of a House of Lords, but they were mightily afraid of democracy, even of that mild form in which it had, at that time, shown itself. Even Sherman of Connecticut, one of the self-made men, held that "the People should have as little to do as may be about the government; they want information and are constantly liable to be misled." Elbridge Gerry of Massachusetts endorsed this and said, "The People do not want virtue; but they are the dupes of pretended patriots." Hamilton was of course frankly outspoken: "Gentlemen say we need to be rescued

from the democracy, but what are the means proposed? A democratic assembly is to be checked by a democratic senate and both these by a democratic chief magistrate. . . . I despair that a republican form of government can remove the difficulties. I would hold it, however, unwise to change it. The best form of government, not attainable by us, but the model to which we should approach as near as possible, is the British Constitution. . . . Its House of Lords is a most noble institution. It forms a permanent barrier against every pernicious innovation, whether attempted on the part of the Crown or of the Commons." Said Dickinson, "I wish the Senate to bear as strong a likeness as possible to the British House of Lords, and to consist of men distinguished for their rank in life and their weight of property."

In the matter of the method of election and the tenure of office of the President, the Convention was divided as between election by Congress or by the State legislatures, while his term of office was to be either for life or for a period of years, with re-eligibility. This matter involved most complicated discussions with no less than seven plans before the Convention at the same time. The only scheme never seriously considered was that at present in force, *i.e.*, election by popular vote. Gouverneur Morris, supported by Dickinson, did indeed propose this, but on the basis of indirect voting; that is, by a system of electors substantially as provided for in the original form of the Constitution. It is to be remembered also that at that time the electoral fran-

chise was very closely restricted. Universal suffrage was not only unheard of, but unthought of.

The Constitution of 1787 was, then, what may be called an aristocratic-republican form of organic law with no salient democratic features. The Senate was an elective House of Lords the members of which were chosen by the legislatures of the several States. The House of Representatives was the House of Commons chosen, as in the England of that day, by a privileged electorate. The President was a replica of the British sovereign, except that he did not hold office by hereditary right, but was chosen by special electors: he was to hold office for four years, but it was assumed that he would be reelected indefinitely if he gave good service. The debates show that, had it been foreseen that custom would limit his tenure to two terms at most, he would undoubtedly have been given a life tenure. He could not dissolve the national legislature and order a new election, and he had only a suspensory veto over legislation, in place of the absolute veto, (a stiff fight was made to give him this), but by then this royal prerogative had practically become a dead letter in England. The grotesque Continental system whereby a Ministry is responsible to Parliament and must resign on an adverse vote, had then never been thought of, though had it been, so impractical a scheme would never have commended itself to the Convention. Incidentally, the American system has been the one saving factor in our plan of government which has saved the country from chaos and possible destruction in spite of the process

of short-sighted democratization that has been in unimpeded progress for the past seventy years.

II

Is this Constitution in the form in which it was submitted to the several States for ratification, plus the Bill of Rights and the XIIIth Amendment, the document to which widespread and admiring reference is now made? It seems highly improbable. Essentially it is anti-democratic, and markedly aristocratic—monarchical, even. It could hardly appeal to the politicians of the present day; there is nothing in it for them. If it is to be the Constitution as it now stands, the proponents thereof can hardly call on the memory and the just fame of its Framers for support, since it bears scant resemblance to the fruit of their labours and, as already said, runs counter to their most solemnly cherished convictions. To substantiate this statement, it is only necessary to consider separately the several Amendments, from the XIIIth to the XXXth, inclusive.

We may ignore the first of these. The passage of time and a changing world have wiped out chattel slavery (the form that has taken its place in the industrial world may be no very great improvement, but that is another question) and probably the makers of the Constitution would, in principle, have been only too glad to have incorporated this clause in their draft.

The XIVth Amendment comes in a different category. In the Convention the "right" of suffrage

was frequently referred to, but this was a case of mere carelessness in phraseology. What the members said and did shows very clearly that none of them looked on the electoral franchise as one of the rights of man, as such. Nothing of the sort was in existence then or ever had been, and the idea would have seemed to them irrational, had it been proposed. The giving or withholding of the vote was one of the points they held to be an attribute of State sovereignty and they carefully kept their hands off it. As the further provisions of this Amendment, which would have seemed equally if not more obnoxious, have never been enforced and never can be, it is unnecessary to consider it further at this point. It is referred to merely as another example of the violence done the Constitution itself and the convictions of the Framers during the seventy-five years following the close of the War Between the States.*

It was the first of the Amendments that issued from a combination of sinister political expediency and an inflamed mob-psychology. In order to perpetuate the domination of the country by the Republican party and to keep the conquered Southern States in continued subjection, it was conceived that

* "Now, all the historians of reconstruction except three Negro writers and one carpetbag ex-governor agree that these two amendments (XIII and XIV) were incorporated into the Federal Constitution by open fraud and violence supported by Federal troops in the South, and congressional legislation which even the Federalist Supreme Court would have thrown out had they not been intimidated by the Radical leaders."—Herbert Agar and Allen Tate, in "Who Owns America?"

the simplest plan would be to give the emancipated slaves the vote, so binding them forever to the party that had enfranchised them. There had in decency (the word is hardly opportune in this connection) to be some new political theory to give colour of reason to so revolutionary a procedure, so Charles Sumner, Thad. Stephens, Ben Wade and the others of the dominant oligarchy, proposed the idea of the electoral franchise as a natural and inalienable right of man by virtue of his humanity. The peculiar and unwholesome time was ripe for so anomalous a procedure and the revolution was speedily accomplished. The graves of the founders of the Republic and the Framers of the Constitution must have been much disturbed for a considerable time thereafter.

The XVth Amendment is supplementary to the XIVth and falls under the same condemnation.

The XVth Amendment negated Article I, Section 9, Paragraph 4 of the Constitution whereby direct taxation was denied the Federal Government. The old adage, "That State is best governed that is governed least," was pretty generally held to be correct. Sherman of Connecticut put the idea clearly when he said, "The objects of the Union are few: defence against foreign danger, internal disputes and a resort to force: treaties with foreign nations; the regeneration of foreign commerce and drawing revenue from it. These and perhaps a few lesser objects, rendered a confederation of the States necessary. All other matters, civil and criminal, will be much better in the hands of the States."

I do not raise here the question as to whether this

XVIIth Amendment was wise or otherwise. The only point is that it reverses the considered judgment of the Framers. Hamilton would probably have endorsed it for he advocated the strongest and most centralized government, something perhaps very like what we now have under the present Administration. Could the others, in vision, have had some preview of the America of 1900, they might also have provided for the levying of direct taxes by Government. On the other hand, a similar forecast of the infinite ramifications of Executive, Legislative, and Judicial power, its penetration into almost every sphere of personal interests and privileges, with a consequent expenditure of public funds raised by the most exigent scheme of taxation, that bests the Moguls of India at their most opulent estate—could they have realized all this they might well have been more zealous in their efforts forever to prevent such an issue.

In any case, the Amendment is in radical opposition to the belief and interests of the Framers, and is the Magna Carta of the new system of government that has now been in effect (and is going forward with ever-increasing momentum) for the past twenty years.

If there may be some doubt as to what, under certain mystical and occult (but quite impossible) circumstances might have been the attitude of the members of the Constitutional Convention as to the principle and intent of the XVIIth Amendment, there can be none in the case of the XVIIIth which gave the election of Senators into the hands of the elec-

torate as a whole. The Convention was firmly opposed to a single legislative chamber, but it knew perfectly well that the essence of a bicameral system is that each house must owe its mandate to a different constituency. This principle was as fundamental as that the choice of a President could not be left to popular vote. Neither, in their opinion, could the choice of members of the Senate. The best plan seemed to be to place the power of election in the State legislatures. Their estimate of the future estate of these local governments, was rather of the nature of what is known as "wishful-thinking" than of any intimations of what was to be. They were persuaded, and said so, that the State legislatures would prayerfully choose the most learned, upright and distinguished men as senators; representatives of property, of social status and of the cumulative wisdom of generations as opposed to the fluctuant and intemperate opinions of a lower house chosen by popular vote. This dignified conclave of hand-picked elder statesmen, was to serve as a check both on the President and on the House of Representatives, curbing the anticipated ambitions and strengthening by their individual and corporate wisdom the Chief Executive, curbing and counteracting the anticipated flightiness of the popular chamber.

James Bryce, in speaking of the Senate prior to the enactment of the XVIIth Amendment, said in "The American Commonwealth," "The Senate has succeeded in making itself eminent and respected. It has drawn the best talent of the nation, so far as that talent flows to politics, into its body, has estab-

lished an intellectual supremacy, has furnished a vantage ground from which men of ability may speak with authority to their fellow citizens." What Lord Bryce would say now, if he could, would hardly bear a very close resemblance to this high and well-deserved estimate of the Senate as it once was.

The inordinate growth of the party system and the complete transformation of the electorate, in time brought about a condition in the State governments that largely negated the intent of the Framers in this particular. This, together with the progressive democratization of society, argued for some new mode of choosing the upper house and, under circumstances such as they then were, no one could think of any panacea except election by the people. By this process the idea and value of a bicameral system of legislation has been destroyed; furthermore, the existence and operation of two legislative bodies chosen by process of universal suffrage means, and has meant, incessant bickering, irritating delays, log-rolling, compromises and, too often, and not to put too fine a point on it, bribery and corruption. The standard of character and intelligence of the Senate has steadily degenerated, keeping pace with, and even outdistancing the same process in the lower house. There has always been a small minority of able men in the Senate, such as were envisaged by the Framers of the Constitution, but their eminence only throws into deeper shadow the quality of the general run. Had the Convention envisaged, for example, the coming of a time when a free electorate would choose the late Huey Long as Governor of

one of the States, and then send him to Washington as Senator, it is highly probable it would have given up its task in despair, thinking the game hardly worth the candle. They had a lofty idea of the American people and of the American nation they were trying to make. There was no place in the minds of the Framers for the possibility of the actual event. If the people could elect and enthusiastically support a State government such as that of Louisiana during the last few years, they certainly could not be allowed to elect United States Senators, while a State government of this quality and calibre would be equally incapable of performing that particular function with any adequacy. There seemed no third alternative; therefore, the case would have seemed quite hopeless.

The XVIIIth Amendment not only violates the most cherished convictions of the Framers of the Constitution while it negates the whole idea of a bicameral legislative system, it has also been, in its effects, the most calamitous of all those inflicted on the Fundamental Law since the completion of the original Constitution by the Bill of Rights.*

The XVIIth Amendment promised to be about as bad and largely fulfilled this promise during its short life. As it has since been abrogated it needs no further consideration here except to note it as a horrible example of what might happen again.

The XIXth Amendment is without political significance. It is wholly a social matter; it might simply

be called one of taste. Giving the vote to women has had no effect one way or the other on government; it has simply increased the number of voters. If the electoral franchise were once more a privilege granted to those capable of using it intelligently, there seems no political reason why women should not exercise it. The only argument against it, if any, is, as I say, based on social—I might almost say domestic, considerations.

So, step by step and with increasing momentum, the original Constitution has been transformed and distorted. Each one of the Amendments has been enacted, as already said, as the result of political expediency, emotional excess, or the clamour of an electorate uninformed, ill advised and acting under exactly those influences that in the Convention were predicted if it were in any considerable degree permitted direct action. From the election of General Jackson to the Presidency the descent was facile to the Avernus of Democracy. The Republic of Washington, Hamilton, Gouverneur Morris, Elbridge Gerry, was one thing. The Democracy of 1932 was something of a very different order. To revolutionary Amendments the Supreme Court, from Marshall onward, has added equally revolutionary interpretations of Constitutional provisions, and as a result we are now labouring under what is to all intents and purposes, an entirely new Fundamental Law bearing only the remotest relationship to that of 1787. It is therefore quite fair to ask to which they refer who now are clamouring for a return to the Constitution.

* See Appendix M.

The appeal is not wholly disingenuous. Any stick will do to beat a dog with, and "Back to the Constitution!" is not only a very plausible instrument for this purpose but a resounding slogan as well. Dictatorship, openly avowed or discreetly veiled, is always the consequence of political democracy. What we have observed of late under the present administration is of the second sort. It has run true to type and has been, as a matter of fact, more consonant with the intent of the wiser minds in the Constitutional Convention, and less revolutionary than the process of amendment that has been in effect since the Surrender at Appomattox.

"Back to the Constitution" is a sound principle if it means a return to that admirable document as it stood prior to the nineteenth century amendments. Of course, it could not serve in all respects to meet a revolutionized society and State: the process of amendment would have to be begun over again, but with the later amendments out of the way, it might be possible to effect the desired purpose more sanely and successfully than has actually been the case.

But would it? If the attempt were made to call a Constitutional Convention, or new amendments were initiated by Congress, is there anything in the nature of present legislators, politicians or public opinion that would offer any reasonable hope of judicious results? For in either case the matter would be in the hands of politicians and the conclusions would be determined by partizan considerations. There was, as has already been said, hardly a member of the original Convention who could rank

as a politician; the Sam. Adams, Patrick Henry element was largely absent.

Yet drastic amendment is admittedly necessary. At present the Supreme Court possesses and exercises a more than regal absolute veto of legislation, which somehow seems inconsistent with the Framers' idea of the division of governmental powers. The XVIIth Amendment has given Congress such exorbitant, even extortionate powers over the personal property of individual citizens and corporations that there is no impediment to its becoming confiscatory. Recent experience would indicate that some curb should be effected at this point. The same experience would lead to a belief that the nullification of the XIIth Amendment (at least in intent) should also be rectified, with the election of the President removed from popular (*ie.*, partizan) control, while in the interests of democracy and sound principles the XVIIth Amendment should be abrogated and the choice of Senators either restored to the State legislatures or in some other way completely differentiated from the manner in which elections are carried out in the case of the House of Representatives. Finally, in one way or another, the electoral franchise must be measurably restricted and the fundamental principle reestablished that it is a privilege and a duty and not a right inherent in man by virtue of his inclusion in that debatable genus, *Homo Sapiens*.*

*This chapter appeared in *The American Mercury* under the title "Back to What Constitution?"

Chapter Nine

THE ELECTORAL FRANCHISE

WHEN universal suffrage came in, democracy went out as a practicable proposition. This formed no part of the original programme of the makers of the Constitution; if they had foreseen it they would have framed a very different sort of document. It cannot be too often reasserted that with hardly an exception they feared "the people" as a source of original action, did all they could to forestall any such activity on their part, and only under protest allowed them a small share in such action in the politic hope that this would help the necessary ratification. As a matter of fact, it was never a "People's Constitution" as has been so frequently claimed in Fourth of July celebrations, at Presidential elections, and on other similar occasions. They, the people, were never very much interested, either in the project itself or in the ratification of a form of national government. They did not particularly want anything of the sort and they did not like what came out of Philadelphia, but this distaste was not strong enough to overcome their natural lethargy, so only about five per cent. of the white male population voted as to whether the Constitution should be accepted or rejected. As it was, it only got by by the skin of its teeth and by some

clever management on the part of its proponents. As has already been said, the whole thing, in conception, formulation and realization, was the work of a small group of enthusiastic young men of property and position, with wiser heads on their shoulders than their years would argue as rationally possible, though they were not wise enough to foresee the unimaginable—but inevitable.

They did expect that the new Republic would vastly expand and its population increase immeasurably; also that in the very process of nature, conditions would change. They could not, however, foresee the revolution that coal, iron, steam and electricity, used under a system of free competition, would effect when complemented by that consummate invention of the lawyers and politicians, the limited liability or joint-stock company, nor that racial solidarity would ultimately be dislodged through the immigration of millions of alien stocks, nor that two factors then unknown, aggressive humanitarianism and medical science, would ultimately ensure the "survival of the unfittest" and that the very "democratic" theory they so gravely feared and against which they so earnestly strove, would one day negate all their pious efforts and place all power in the hands of a propertyless, unfree proletariat, organized, directed and exploited by a caste of professional politicians deriving directly from this same class of mass men.

It is possible that under the racial, social, economic and industrial conditions that existed in the last years of the eighteenth century, a representative

democracy could have functioned acceptably within the safeguards erected by the Constitution of 1787. One generation later a process began that developed by geometrical progression, that made this impossible. Had the old selective social system, with its materialization in a frame of government based on qualitative rather than quantitative standards of value, been able to maintain itself, the same might have been true. It is conceivable that an entirely new world, which had come into being by 1865, might have been administered on the lines of the old, at least so far as its major principles are concerned. Had the new-born industrial, commercial, financial organism been directed, curbed and controlled by able, scrupulous, high minded and honourable men of "light and leading" instead of by emancipated proletarians and self-seeking politicians, the incalculable potential inherent in the new forces might have been directed for good.*

This was not to be, and the Nemesis of order and value lay in universal manhood suffrage.

It all works out like a proposition in Euclid, if you accept the premise that the majority of human beings in Europe and the Americas (some sociologists and biologists rate the proportion as high as sixty or seventy per cent.) are possessed of the mentality of a fourteen-year-old child. There are optimistic humanitarians who are disposed to question this, but it seems to me that the fact is pretty well proved by the sort of leadership that is accepted, the motives

displayed in social and political action, and the conduct revealed under the influence of mob psychology. Another irrefutable evidence is the sort of thing provided for popular consumption by the newspapers, pulp magazines, the radio and Hollywood. Sometimes, as in this post-war period, popular action as displayed in French politics, the Spanish Revolution, and in our own social turmoil, combined with an average Presidential campaign, the depressed observer is inclined to accept the higher percentage of mental incapacity noted above, or even to posit a theory of sub-normality.

Now, with this basis to work on, we find a combination of depressive influences that play incessantly on the unfortunate class of tabloid personalities, not only working against their advancement in character and intelligence, but actually degrading it to lower depths. It would be superfluous to name these again, but to those already listed, may be added the self-made propagandists of social, political and religious fantasies, the current type of secular "modern" education, and the run of professional politicians. There is a wide-spread idea that formal school education will, or ought to, correct these deleterious influences, but apart from the well established axiom relating to the manufacture of silk purses, we confront the fact that, even were this educative system perfectly adapted to its necessary and beneficent purpose, it functions only some six hours a day for about half the days in the year, while the specified depressive agencies work all the time, and over-time. In all this there is no implied

* See Appendix N.

condemnation or scorn for the mass man, but rather a sympathetic pity for him in the way he has been betrayed, and this betrayal extends not only to the concrete forces that have been brought to bear on his defenselessness, but also to those who, through the operation of the misinterpreted doctrine of human equality, have placed on him a burden of civic responsibility he is, by nature, unfitted to bear.

In contemplating some new sort of socio-political organism, there is one prerequisite without which no scheme will function any better than the one we have now. If we are to retain any sort of free, representative government that guarantees liberty and justice with decency and effectiveness in operation, universal suffrage will have to be abandoned in favour of some restricted, selective scheme such as was in force and held to be a desideratum by the statesmen of 1787.* The totalitarian state, as it operates at present under some of the current dictatorships, particularly in Germany and the U.S.S.R., is repugnant to the American sense of liberty and justice and fair play, and some other way must be found for control of the electoral franchise than complete abolition.

Just what the answer is is none too easy to say. Of course, as has been said before, the first necessity

*"The true interest of a democracy may perhaps lie, not in forcing people to the polls, but, on the contrary, in carefully regulating entry to citizenship. There is no real reason why active citizenship should be considered *a priori* as the right of an inhabitant of a country. . . . The restriction of citizenship so as to gain in quality what is lost in quantity would contribute in great part to correct the drawbacks of current democracies."—Salvador de Madariaga, "Anarchy or Hierarchy."

is to get rid of the Reconstruction dogma that this is a natural right appertaining to all men (and women) by virtue of their humanity. It should be considered a solemn duty and high privilege granted for cause; something like a college degree, though not given for the same reasons. This is a council of perfection and probably as impossible of achievement as it would be "politically inexpedient." There are two things, however, that might, perhaps, be done, which would help not only in action, but in establishing a right judgment as to the nature of the franchise itself. These are: first, the withdrawal of the voting privilege from those convicted of any crime or misdemeanour involving "moral turpitude"; second, the ownership of property, real or functional, as a prerequisite to the exercise of the electoral franchise.*

Under the first heading, *permanent* disfranchisement would only follow conviction for the serious offenses where a fundamental moral obligation was clearly evident. Below this grade of crimes would come those of lesser moment (though also socially pernicious) where deprivation would run from a year upwards. To specify two or three of varying degrees, there would be adulteration of foods, libel, cruelty to man or beast, swindling of any sort, fraud, malicious mischief, *et cetera*. So to penalize anti-social action might prove to be the most effective protection of society.

Under the second heading, the vote would follow

* See Appendix O.

property. The statement in this form requires definition. "Property" does not mean money, goods, securities, shares in industrial or commercial ventures. There is no actual *reality* in any of these things; they are tokens of potential value, mostly certificates of indebtedness. Their *real* value is wholly dependent on confidence on the part of the members of the community, individually or in the group, and as Mr. Coyle, the wise and clever author of "Brass Tacks" has said, "'Confidence' [is] forgetfulness of what happened to us last time." "Property" is, as has already been said, the ownership in fee simple of land, tools of trade, or an individually owned business or individually practiced profession, sufficient to guarantee decent living conditions for an household. A wage or salary is not property and the recipient of such is, strictly speaking, a proletarian. A proletarian is not a free man and only free men can safely participate in government.

This is, of course, an extreme statement of the case, and must be safeguarded. There are salaried men, particularly in the upper brackets, who are free, if they wish to be: there are *rentiers* of whom the same may be said. Where, however, the holding of a place and the collection of a wage are dependent on doing a job in accordance with orders from "higher up," under penalty of being fired and joining the ranks of the unemployed or going on the dole, then the man so placed is not a free man. This holds good from the editor of a big newspaper, a college professor or a Protestant parson to a bank clerk, a brick mason or a mill hand. If any of these

owns a house and a parcel of land sufficient to provide, at need, for the maintenance of a family, or has on the side a business, craft or trade that would meet the same ends if his stipend or wages stopped, then he also is potentially free. So may be those who live on the interest of invested capital, though their position is more precarious and they may suddenly find, as did so many of their ilk four years ago, that they have become proletarians over night.

A century and a half ago the wisest minds, *e.g.*, the makers of the Constitution, held that only the holder of property or the payer of taxes to a certain amount, should have the right to vote. To establish such a system today would be another council of perfection and out of touch with reality. As a general law it could hardly be imposed on the electorate, nor, it must be confessed, would such a course be justifiable. Voting for candidates for political office is about the only action in liberty left for the proletarian. Of course, voting means little or nothing under circumstances as they are, and is not much more than a gesture in honour of a lost liberty, but even as such it is of value and must be preserved against a better time when it would mean something more than making an X after the names of hand-picked candidates handed out by one partizan junta with instructions to sign on the dotted line—democratic, republican, or something else, as the case may be.

The question is then: is there another way of obtaining substantially the same ends that Jefferson envisaged when he urged that the vote should follow property, but that this should be spread as widely

as possible? After all, in 1797 at least eight-five per cent. of the American citizenry were property holders in the sense in which the term is now used, while today it is probable that not more than thirty-five per cent. could qualify. This, obviously, makes a quite new situation, therefore demanding a new solution.

A process of purification and measurable restriction is possible. One measure, temporary disfranchisement for anti-social actions, has already been referred to. Naturalization laws could be more rigidly enforced, the period of residence prior to citizenship extended, and perhaps a term of probation instituted with permanent refusal of the voting privilege if the probationer was convicted of any offense during that period. Of course there should be a national law, binding on all the States, prohibiting the electoral franchise to anyone who could not speak, read, and understand the English language. Perhaps the solution lies in what is coming to be known as "functional representation." This is the plan that is tentatively being tried in Italy. The party system would be abolished and with it, presumably, the politicians. The former has already become meaningless, as is witnessed by the Presidential campaign of 1936; the latter have long since become a public nuisance. As George Bernard Shaw has said, "All politicians are amateurs in government, though when it comes to graft they are professional enough." In Italy and several other European states that had reached the end of the rope through a partizanship that had rotted into ten or

fifteen quarreling blocs each engineered by a political padrone or brigand chief, a sudden cry has gone up: "A plague on both—or all—your houses!"

Compulsory association of all citizens in professional, agrarian, commercial and other groups made up of those of common interests, some twenty-two in all, is being tried as a basis for legislative representation. The compulsory element is destructive of individual liberty and is neither desirable nor acceptable, but voluntary associations might work. In this case all educators, mine-workers, bankers, chauffeurs, architects, *et cetera* would come together in their own local or state units and choose each its own representative to municipal, State and national governments.

These same functional groups—guilds, syndicates, or what not, the name does not so much matter—might serve also in the choosing of a Governor or President, so getting back to the idea of the Framers without recourse to the plan of an Electoral College in which they took such pride but which, for once, proved to be quite abortive. One of the things to which they were opposed with almost complete unanimity was the choice of a Chief of State by popular vote, for they had no confidence whatever in the judgment of the mass-man. They slipped up badly in their device for avoiding this unhappy contingency, but experience has proved the validity of their fear and their contention.

With functional representation, or the alternative of "hundreds," as described in the next paragraph, these local representatives or "electors" would

choose their own delegates to State conventions, and these in turn would send theirs to a national convention where a few hundred hand-picked men, representing all geographical areas and functional interests would, in place of twenty or thirty thousand partizan zealots and camp-followers, incited by deafening music and inaudible oratory to ratify nominations already determined on in the proverbial "hotel back room," choose a President from some already existing panel of potential candidates. This might be the Governors for the time being of the several States, or the members of the Senate, though in either case the quality of the respective persons would have to be pretty drastically reformed above their present estate and made, again, more consonant with the lofty, but now lost, ideals of the members of the Constitutional Convention.

It must be pretty evident by this time that the worst possible way to choose a President is the one now in operation, * just as it must be equally evident that the worst man from the entire citizenry to serve as President is a politician—and as now a President so chosen is, of course, the supreme politician and the head of a party. If proof is needed to demonstrate this point, almost anyone, who is *not* a politician can marshal the phalanx of irrefutable arguments. The subject goes, however, beyond the purview of this chapter.

A possible variant of the plan of functional representation outlined above would be the formation

* My personal opinion is that the last Presidential election is the exception that proves the rule.

of the electorate into "hundreds," that is to say: any one hundred citizens with similar interests would voluntarily associate themselves in local groups, each group choosing a representative who would meet with the delegates of other groups and would exercise all electoral functions. For example, in a community containing 100,000 registered voters, there would be 1000 electors presumably representing all the varied interests of the body of citizens, and they would take the place of the 100,000 who now are entitled to cast their votes for all elective offices. In communities of 1000 voters or less, local affairs would be managed by the entire electorate in "town meeting," but delegates would be chosen by each hundred citizens to meet with the others in dealing with State and national affairs. In the case of great cities, the electors would meet in units of five hundred. These electors would be chosen for one year, but if they proved unsatisfactory to their constituents, these could remove them at any time, substituting another. All voting power in the States and the nation would be these "Electors" and they might very well coagulate into national guilds or syndicates similar to those now in process of evolution in Europe. Each hundred electors in any State would select its own representative to deal with local affairs, and so on upward until a final group would choose the members of the lower house of the national legislature.

There would be certain advantages in this plan. It would pretty well eliminate the class of professional politicians and would probably effect a con-

dion of functional representation, every one of the major interests in the nation being represented in the legislative body, whether this were State or national. Farmers, merchants, mechanics, financiers, miners, professional men, clergy, clerks, mill hands, teachers, all would have a spokesman to guard their own interests and express their views in all matters of government. It would form a true cross section of the American people instead of the political interests of party managers. Not only would the electors function on occasion at elections, they would also exist as a sort of body of guardians of society and leaders of the community. The office of elector would so become (in theory, at least) the most honourable position a citizen could hold.

As things are now, the electorate as a whole is not interested in elections or in political questions generally. Except on special occasions, only about half the registered voters go to the polls, and those who do are predominantly the active members of the various parties regimented by the partizan bosses. Even to get out fifty per cent. of the vote these managers have to resort to all sorts of ballyhoo, whipping up the indifferent, threatening the recalcitrant, bribing the needy or the covetous. It would seem to be a fact that the majority of citizens are interested in other matters. They know perfectly well that they do not understand the merits or demerits of most of the political measures put before them, or the character and capacity of the many candidates. Voting on State referenda is generally perfunctory and unintelligent, and if thirty per cent.

vote at all, it is a singular and a notable occurrence.

The point is that the majority of people do not know what they want, either in respect to measures or men. Those that vote at all rely on the arrogant and plausible politicians to tell them and on their nervous and emotional reactions to ballyhoo to stimulate them to register and go to the polls. Those that stay away—and some also that cast their ballots—know perfectly well that the political game is just another racket: that platforms, promises and speeches mean just nothing at all, and that whether they vote or not, government, municipal, State and national, will be run as the party managers and other higher-ups—political, financial, industrial or labour—may of their own motion decide.*

We are not a politically minded people like the French or the Irish, and except under unwholesome and even sinister stimulation, such as that of a Presidential election, we do not want to be bothered. If legislative and other political representation were established on a functional basis, it might well be otherwise and, following the lead of some of the Continental states, it might be well to make the experiment. Certainly the result could not be more depressing and discouraging than what has followed partizan government on a basis of universal suffrage.

*"Popular government has been usually sought and won and valued not as a good thing in itself, but as a means of getting rid of tangible grievances or securing tangible benefits, and when those objects have been attained, the interest in it has generally tended to decline."—Lord Bryce, "Modern Democracies."

THE LEGISLATIVE BODY

BELIEVE that the limitation of the electoral franchise and its reestablishment as a high privilege and a solemn duty, with the individual ownership of property as a prerequisite, would go far towards making the Constitution, even as it stands today, a possible organ of government. If to this were added a system of functional instead of political representation (not the unitary, totalitarian state under any circumstances) the chances would be better still. This would require, of course, the most liberal interpretation of many of its clauses in the light of what we now know the Framers intended (but did not get), the reversal of many judicial decisions, particularly of the Supreme Court, even the distortion of some of the Articles to bring them into a rational relationship to reality. With the right sort of men in power, this might be a safe thing to do, but such a course would be definitely lacking in frankness and open to a charge of dishonesty and even dishonesty. A better way would be freely to admit and accept existing conditions and by amendment try to bring the great Instrument into conformity with the facts.

Moreover, can anyone envisage the reasonable possibility of such a restriction of the franchise or

the establishment of functional representation except as the work of an omnipotent dictatorship or the result of revolution? Hardly, it must be confessed. Apparently we must try to get on under a system of universal male and female suffrage, unreasonable, unscientific and dangerous as this may be. Certain restrictions and measures of protection might be adopted, as indicated above, but these can only be palliatives; the system itself will probably remain in force for a generation at least—unless there is a new Revelation from on high.

This being so, all I aim to do is to suggest certain changes that conceivably may be made in the old Constitution in order to adapt it to the present state of things. Most of these have already been proposed by others or are gathered from the experience of the race. A few only are of my own invention and even for these I take no pride of authorship. History indicates their plausibility, and if it did not, they would be valueless.

* * * * *

The Constitution provides that *all* legislation shall be in the hands of a Congress made up of two chambers. There was no question in the Convention as to the desirability of a bicameral system, nor is there now outside ultra-radical circles. This was part of the system of "checks and balances" which obsessed the minds of the Framers, but it was argued for by all considerations of wisdom and policy. In spite of their grave and well-founded

doubts as to the wisdom and judgment of the people as a whole, it was realized that in legislation the electorate must have their forum for free discussion, where they were kept in touch with all that was going on, where they could have their part in enacting legislation, and exercise a definite influence on taxation and the framing of money bills. This lower, popular, and representative body was to represent the fluctuating, regional and even selfish ideas and wishes of an electorate, presumably restricted to property owners and taxpayers. That, even with a limited suffrage, the wisdom of its actions could by no means be counted on, and in order to provide a check on foolish, partizan or selfish legislation there was to be an upper house, owing its mandate, of course, to a wholly different constituency or power, and representing the highest type of character, status and intelligence to be found in the nation, and as well tradition and the cumulative wisdom of the body politic.

As was said at the time in *The Federalist*, "There are particular moments in public affairs when the people, stimulated by some irregular passion, or some illicit advantage, or misled by the artful misrepresentations of interested men, may call for measures which they themselves would afterwards be the most ready to lament and condemn. In these critical moments how salutary will be the interference of some temperate and respectable body of citizens in order to check the misguided career and to suspend the blow meditated by the people against themselves, until reason, justice and truth can regain

their authority over the public mind." (Madison). I pause to note parenthetically the diplomatic and disarming terms of this well-rounded statement as they apply to a social force for which its author had but a very slender regard, and in whose judgment no confidence whatever. Also the extreme infelicity of its estimate of the nature, function and personnel of the once admired Senate, as this has now come to be in process of time.

Two legislative houses there were then to be, wholly different in origin and make-up and partially different in function: the lower directly chosen by popular vote, the upper delegated by the governments of the sovereign States. At this point occurred two of the very unfortunate compromises which, as a matter of policy, and in order to get by with their revolutionary Constitution, the Framers had to make in deference to the small, jealous and recalcitrant States. Each was given, and guaranteed against Constitutional amendment, an equal representation in the Senate, Rhode Island standing on a par with Virginia, and the two Houses were given concurrent powers over legislation. The first of these bad mistakes, forced on the Convention by circumstances, bears no relationship to justice, equity or common sense; the second, which might perhaps have worked had the Senate been in fact what it was held to be in theory, has turned out to be a fruitful source of more log-rolling, trading, compromise, delay, stultification and the general chaos of legislation, than any device that could be imagined.

In the year 1787 the complete severance of the

three branches of government, one from another, was considered axiomatic, hence the provision that the law-making power should be vested solely in the two Houses of Congress. The principle seemed sound enough and was workable at the time. National legislation was supposed, and intended, to cover only such matters as the States could not deal with. Again it is to be borne in mind that the people were few in number, substantially of the same race, preponderantly agricultural, and not widely severed in their interests. The mechanical, scientific, industrial, technological and financial revolution that was to make a new society, even a new world, was half a century in the future and unthought of as well as unimaginable.

The severance of the executive from the legislative function is no longer feasible. For a long time it has resulted in an embarrassing, illogical and chaotic state of things. There has been no coordination or consistency of policy, with responsibility nowhere. A flood of bills has poured on each session of Congress each representing the errant fancy or the selfish interest of individual members or the dictates of party managers, factional interests of capital or labour, and the objectives of powerful lobbies. A conscientious President with a far view of the country as a whole and with ideas and aims that rose above partizan and political expediency, was helpless if a bill were passed over his veto. He could dicker with his opponents, trade favours, buy complaisance through appointments to office, but that was all. In a first term he could exercise some

control by these very questionable means, but in a second term much of his indirect influence had vanished. President Roosevelt, confronted by a great crisis, took the bull by the horns and by a naively liberal interpretation of the "State of the Union" clause in the Constitution, together with an anomalously accommodating Congress, took and thus far has held, the initiative in legislation, and there is every probability that his successors will follow his example.

This is as it should be, but it would be well to regularize these proceedings by Constitutional provisions. I venture to suggest what may be called a "Legislative Budget." Before each session of Congress, the Government, *i.e.*, the President and his Cabinet, after consultation with the heads of departments and, perhaps, a board made up of representatives of the "Interests," capital, labour, agrarian, etc., could prepare an agenda of such laws as, in their wisdom, they believed the exigencies of the situation demanded. These would be put in the form of bills, drawn by the law officers of the Government, and would be placed before the House of Representatives for action. These Government bills would take precedence of all private bills. They could not be referred to Committee (the graveyard of much good as well as bad legislation) but would have to be debated in open House (except in the case of executive sessions) and would have to be passed, amended and passed, or refused before any private bills were considered. The Government programme being disposed of, the House might sit

as long as it pleased to consider such further legislation as might commend itself to individual members.

There are other considerations connected with the relationship between the executive and legislative functions that will be referred to later. In the meantime, I return to the question of the make-up and powers of the legislative Houses as these now stand under the existing Constitution.

So far as the House of Representatives is concerned, there seems no reason for any change. It has been suggested that the term of office should be extended to four years, and something would be gained in the way of experience, and even sense of responsibility on the part of the members, if this were done. On the other hand it may be desirable that the lower House should represent the fluid and ever-changing condition of the country and the equally unstable ideas of the electorate. On the whole it might be best to leave things as they are.

This is not so in the case of the Senate. Here experience as well as more mature ideas of political philosophy, indicate that this House, as it now exists under the XVIIIth Amendment, should come in for total revision and reconstruction, and that its personnel and powers should be submitted to equally drastic reform.

The Framers envisaged the Senate as one thing, it has become another, and that the categorical reverse of what was intended.

The first necessity is the abrogation of the XVIIIth Amendment and a return to Article I Section 3 of the original Constitution as a basis on which to

work, and to the records of the Constitutional Convention in order to find out what the Framers had in mind. Having done this we may go on to test the value of their theories and principles in the light of history, experience, and the established truths (there are such) of political philosophy.

The XVIIIth Amendment, passed by Congress in 1912 and ratified by the States a year later, was a peculiarly vicious piece of legislation, quite expressive of the "triumphant democracy" period in recent history. All this is pretty well over now and it is time to go back and begin again. Like so many other things, the original idea was right, not only in the light of eighteenth century conditions, but right today. To elect the Senators by popular vote not only vitiates the whole bicameral principle, but it transforms the upper House into a second legislative chamber differing in no respect from the first except in tenure of office. In the eyes of the Framers, the Senate was seen to be rather a close replica of the British House of Lords only non-hereditary. It was urged that members should hold office for life, and serve without pay. Madison's "Journal" is very illuminating on this point. The members of the Convention were, however, realists. They knew they were up against it in the case of the small States and the political leaders of the lower classes who already were using the new democratic theory for their own ends. With grave misgivings they gave the States equal representation in the hope that so they might induce Rhode Island, Delaware and New York to ratify, but they held fast to indirect

election, for beyond a certain point they refused to stultify themselves. And they hoped for the best.

Of course it is as possible to abrogate the XVIIIth Amendment as it was in the case of the XVIIth—as possible, but probably a great deal harder, for it is a stronghold of the politicians, whereas the other was merely the treasure of humanitarian fanatics. Even if there fell within the realm of possibility a return to the original Constitutional form, it would not be enough. By the provisions they adopted they fell far short, in the event, of what they aimed at and had they the work to do over again, they would try something else. What they wanted and we need, is a body of men of high character, notable intelligence and wide vision; men of mature judgment, of scholarly attainments and of knowledge of the world.* Insofar as is humanly possible, they should be free from partizan interests and affiliations, seeing the nation as a whole and not as so many factions. Above all, perhaps, they should not be placed in a position where they were compelled to campaign for election or reelection, but should be able to act in accordance with their best judgment in all matters.

State government has for a long time been undergoing a steady process of degeneration and the

* "Whatever is the flower of the human race, the Senate ought to possess it; and as the citadel is the crown of the city, so should your order be the ornament of all other ranks.

"The dignity of the Senate makes it necessary to be unusually careful who is admitted into that body. Let other orders receive middling men: the Senate must receive none but those who are of proved excellence."—King Theodoric the Goth. (letter of Cassiodorus)

nature of State legislatures makes most of them quite impossible as electors of such a Senate as was intended or such as is argued for by every principle of political science, logic and common sense.

There is good contemporary precedent for a mixed tribunal, partly chosen by indirect election, partly filled by appointment. Suppose (it is harmless, if academic amusement) the Constitution could be so amended as to provide for this, each State might send one person who should be, in a sense, an ambassador or minister plenipotentiary, chosen by the Governor with the consent of the upper House of the legislature. An equal number of Senators would be delegated by various bodies representing the major interests of society, secular and religious. These would include not only business, financial, and labour organizations, but educational, philosophical, scientific and other cultural groups. It might be well, also, to have a number of these appointed by the Executive. In order that the members of a Senate so constituted might be free from all political restraints, they should hold office either for life, subject to impeachment or retirement after a certain age limit, or else for a very long term: ten years or more.

In his admirable book, "The Need for Constitutional Reform,"* Mr. W. Y. Elliott, Professor of

* I had practically finished the writing of this book before I read Professor Elliott's work. The fact that my own ideas, which are the result of some forty years' study of the governmental problem, have in so many instances been substantiated by such high authority, is most gratifying and gives me confidence to go forward with publication.

Government in Harvard University, says, in dealing with the Senate, "The present proposal is no more than a return to Franklin's original idea of a true Senate, that is, a body of elder statesmen whose duties would be those of revision and supervision, rather than of political direction. . . . It is essential especially to undo the great powers now given small minorities and pressure groups by reorganizing the Senate in line with the growth of the country. The utterly unreasonable power of a handful of 'silver senators' representing less than a million people, is a case in point. . . . [The Senate's] powers should be so limited as to enable it to delay and revise but not defeat, issues of major policy."

Following out this idea, the Senate should be deprived of all original jurisdiction in the making of laws. All bills should be introduced or originate in the House of Representatives. The Senate would have power to amend any bills submitted to it and to send them back to the House for reconsideration, but such Senate amendments could be refused by the House and the original bill enacted after a certain specified delay, say two weeks. The power now given the Senate under the "great compromise" in the Constitution "to propose or concur with amendments" in the case of money bills, would be abrogated.

There are certain other powers now exercised by the Senate which might very well be curtailed or done away with altogether. These will be considered in the next chapter dealing with the Executive.

Chapter Eleven

THE EXECUTIVE

WHILE the human brain, unimpeded by reflection, historical sense or the workings of the logical faculty, and incited to action by a psychological urge incident to a peculiar time, was busily engaged in defeating the Constitution by amendments, life itself was forcing, in one respect, a return to the principles of the Framers which, through motives of policy, had never found enactment in the Instrument itself. I refer, of course, to the Presidency.

As the legislative branch became increasingly unfortunate in its make-up and correspondingly unsatisfactory in its actions, a good many people began to wonder if, in this respect at least, democracy was working altogether well. Some even began to question whether responsibility (the need for which was coming to be widely felt) might not be better centered in one man than in several hundred, where, as a matter of fact, it could not, by any stretch of the imagination or device of ingenuity, be centered at all. Other nations had been going through the same experience and some had taken action of a rough-and-ready sort, whereby they had at least obtained a measure of order and consistency of action even if at the cost of certain imponderable

(but essential) values commonly known as "the liberties of the citizens."

Under a combination of disillusionment born of sad experience, a sudden crisis of alarming proportions, and a thoroughly frightened Congress that, aware of its own incompetence and quite ready to dodge a responsibility it was loth to meet, the President took action. The provisions of the Constitution were interpreted with startling liberality both by the executive and legislative branches of Government, and quite unconsciously a return was made to the *intent* of the Framers which for politic reasons they dared not formulate in the organic law. For the first time in history, except under war conditions, the government of the United States became a closely coordinated, working machine that functioned perfectly—for a time. The elements in this mechanism being "human, all too human," a lot of mistakes were made, some of them pretty bad ones, but it is safe to say that worse would have happened at the hands of a leaderless and go-as-you-please Congress. It was "a condition not a theory" that confronted the Executive, and very properly the condition demanded drastic action, even to something approaching a "suspension of Constitutional guarantees"—within clearly defined limits. As soon as the people began to recover from their scare, political and partizan leaders, together with some of the vested interests, discovered the Constitution, proclaimed themselves its guardians and defenders and, shocked by so many technical infractions, ran rapidly to the Supreme Court to save this great document

and, incidentally, their own personal and corporate skins. Their appeal was not in vain. In the eyes of this most august Tribunal it was now theory rather than conditions that counted, so by four to five and six to three decisions (except in one case of unanimity) theory was made to prevail and the Constitution (if not the social fabric) was saved.

The question of the proper function of the Supreme Court and the limits (if any) to its law-making powers, will be considered later. The point now is that the breaking-down of the barriers between the legislative and executive departments of Government, is a fact, and the advantages of joint action in the making of laws, *with initiative in the hands of the latter*, are so great that a return can hardly be made to the old ways. Also the power that has accrued to the President will in all probability never be taken away, and this power is probably destined to increase. We have come through our democratic-parliamentary-representative adolescence, and social and political maturity is the next stage of existence. Some countries have not survived the shock of change and have lapsed into the moribund state of dictatorial totalitarianism. Unless we recognize conditions as they have come to be, accept an aggrandized, directing, coordinating Executive as a political necessity, and give the Chief of State this new status through Constitutional modifications, we may find ourselves in the same box with Italy, Germany, the U.S.S.R. and the many other dictatorships in Europe, Asia and South America. Life is not to be denied; and it is not static but a

continuing process, in spite of the Supreme Court and the American Liberty League.

In the case of the civil order as a workable, functioning State, this vital process has gone on according to cosmic law, overriding the clever devices of men, and in the process throwing up to the top a Sovereign to take the place of a presiding officer. It is true some of these are rather make-shift substitutes (viceroys, so to speak) and they have got where they are by rough and ready means, generally quite questionable in their nature. Still, the thing had to be accomplished somehow. The amorphous and unhandy frame of government that had taken shape under a sort of visionary and doctrinaire empiricism had to be shaken into shape after some fashion or other and the informal methods of the dictators seemed to work as effectively as any. The question now seems to be, how to provide for a more orderly process of accomplishment of the implied and necessary ends, and just what form shall the coordinating agency in government take, how shall this Chief of State accede to power, and in what shall these powers consist. In a word, what, in the circumstances, shall we do about the President of the United States of America?

The Constitution, as usual, gives an excellent basis to work on. Article II is of course, like all the rest of the document, a compromise. Many features that commended themselves to most of the Framers were omitted for reasons of policy while a middle way was found between the extreme con-

servatism of men like Hamilton on the one hand and the partizans of Franklin and his ingenious and somewhat antiquarian democracy on the other. Theoretically a monarchical system met a good measure of support. There was no strong opposition to having a King of the British type (at the time the prerogatives of the Crown had not been curtailed, as happened shortly after) and there is little question that, had Washington been willing, he might have ascended the throne as King George I. Such action on his part would probably have been inexpedient and, in spite of his unique popularity amongst all classes, might have jeopardized acceptance of the Constitution itself. Besides he had no heir and could not have established a dynasty, while his modesty naturally made him shrink from the assumption of any such dignity.

What was done was to give him (there was no question as to his choice as the first Executive, the Constitution being accepted) practically all the powers pertaining to the British King, but with the disarming and non-committal title of President. There was in the Constitutional Convention a strong feeling that he should be appointed for life, but as it was the full understanding of the Framers that of course he would continue to be reelected term after term if he served well, his tenure was fixed at four years, again as a compromise. This was a pretty bad mistake as was afterwards proved, for the democratic tide had begun to rise by the time Washington's second term came to an end and, tired and in a measure disillusioned, he sought rest and retire-

ment. Probably had he realized that this action on his part would be seized upon by politicians as an august precedent for all time he would have been inclined to sacrifice himself for the good of his country.

The method of choice of the President was another mistake, and, as it proved, a bad one, though at the time it was held to be a stroke of genius. Hardly a voice was raised in favour of election by popular vote, even though at the time the electoral franchise was considerably restricted. Wilson, supported by Morris, advocated this, but it is to be remembered that "the people" was then taken to mean only freeholders. All sorts of plans were proposed, but the one adopted seemed the best safeguard against popular election, which was anathema. It was assumed, with an engaging *naïveté*, that each State would choose as its electors its wisest, noblest and most substantial men and that such would act more acceptably than the general electorate or any elected body or even the Senate. Of course none anticipated the lengths to which the party system would go and that the Electoral College would become no more than a tool in the hands of party managers, while the actual election went to the people, under universal suffrage (male and female) acting by direction and at the mandate of the party managers.

It would seem then that, following a policy of a return to the Intent of the Framers, the Constitution should be amended to provide that the President be chosen to serve for life, subject of course to im-

peachment for cause and to retirement on account of age or disability. Furthermore that it be further amended by the substitution of some scheme of election that would more nearly guarantee the choice of an Executive such as the Framers had in mind. Admittedly this is no easy task. The original problem engaged the attention of the Framers for days, and they were probably wiser men, by and large, than the present time could afford. Some way out, however, will have to be found, hence the following tentative suggestions which may serve at best as "a subject to reason about." Before going on to them I offer the following digression as to why popular election of the Chief Magistrate is no longer an opportune or rational method of choice.

As a result of the revolutionary change that has taken place in the body politic and all the circumstances of life, whereby society today bears no remote relationship to that of a century and a half ago, the people as a whole are quite incapable of judging who should be the head of the State. Unlike the politicians who have now become a sort of Prætorian Guard, with equal powers of persuasion and coercion, they do undoubtedly wish the State well, but so vast, complex and highly specialized have become the interests and functions of the nation, they simply cannot understand them, nor do they very much want to do so. They want "Life, Liberty and the pursuit of Happiness," as their right, together with a chance to work under conditions of social justice, but how to get these things they do not know. They rely on the party leaders, the newspapers and

radio broadcasting to give them information, and it is clear now just what that means.

Probably the weakest point in the whole Constitution, or rather in our system of government, (for the inevitable issue was not foreseen and therefore not provided against) is the fact that the President is now, theoretically, not only the representative of all the people and the guardian of their interests and liberties, but is in fact the head of a political party. These two things cancel out. Only very few men who have held the office since John Quincy Adams have been able to emancipate themselves from the bonds of partizanship. Most of the others have been quite willing, some of them even desirous, so to act, but party and politicians have been too much for them. Andrew Johnson tried it and was subject to articles of impeachment as a result, escaping a verdict of guilty by a single vote. As a matter of fact the function of a President as head of his party has for many years been tacitly accepted as his primary estate; his true position as head of the whole nation, raised above party and acting for all the people according to his honest convictions and in the fear of God, has been relegated to the background.

Now not only is this an exact reversal of the intents and the solemn convictions of the statesmen who framed the Constitution, but it does not make sense. It is just a part of the puerile democratic theory of the nineteenth century. The result has been that nearly one half (and on occasion more than one half) of the people of the United States,

have been under the dominion of one closely knit and often tyrannical party, with no one to speak for them with power. A Chief of State of another type and temper is a prerequisite to a just government. Lincoln's magnificent peroration to his Gettysburg Address was a noble aspiration, but it was also an eulogy on a system that already had perished from the earth. What we had then, and have now, was not "a government of the people, by the people, for the people," but a government of the people, by the politicians, for the party.

All wisdom is eternal, and in its basic essentials it has always existed since man *as man* has been seen on this planet—say for the space of some six thousand years. In point of these essentials it has neither changed nor been added to since the days of Zoser and Akhenaton of Egypt. For, say, five thousand five hundred years the ideal of Kingship has been implicit (and mostly explicit also) in human society, and Kingship simply means the supreme sovereignty of a Chief of State, representing and defending a whole people, exalted above faction and incarnating in his own person the symbol of a culture and a nation.* This sovereignty has from time to time been limited in various ways and to various degrees, which in principle is right and just.

* "While the organs of the State, what might be described as the framework and skeleton, grow in most cases from the central nucleus of royal authority, the organs of a nation in a healthy country grow spontaneously from local groups which, animated by a synthetic sense of the nation, coalesce and harmonize with each other until they gradually grow into a kind of muscular tissue of the whole nation covering the skeleton of the mere State."—Salvador de Madariaga, "Anarchy or Hierarchy."

Sometimes by usurpation and the use of force, or because of a bad temper in the time, it has cast off control and been exercised despotically; there is no infallible defense against human fallibility. Sometimes, and for the same reasons, there have been bad Kings, and quite enough of them, but in spite of failure or faithlessness, the *idea* has always remained valid. There is no subject on the calendar more completely misunderstood than this of kingship, and largely, perhaps unavoidably, because of the high estate and low character of the Renaissance monarchies and the faithlessness and betrayal of trust of the Kings of the time. Monarchy does not mean absolutism, irresponsibility, or the right to rule wrongly; it does not even mean the right to reign by hereditary descent; this latter just happened to be the simplest way for people to get a King without the risk (not always avoided) of dissention, riot and revolution. The elective Imperium of Rome was not a success, particularly in the last years of the Empire. The elective monarchy in Poland was a fruitful source of internecine warfare and family feuds. On the other hand, the Papacy has, except for brief periods, been a notable success. Whenever the elective system has failed, the cause can generally be traced to social or racial defects. Accession to the throne by virtue of heredity was a practical method and probably on the whole resulted in a larger number of good sovereigns than bad. In any case the general average would compare favourably with the list of Presidents of the United States if comparison is made for a period covering

the last hundred and fifty years. So far as the present situation is concerned, any consideration of an hereditary system of succession would be purely academic for the idea is quite foreign to American ideology. In the beginning a House of Washington or Adams might have been established, but even so it is doubtful if much good would have resulted. Some system of election will have to be devised, along the lines, and to the ends contemplated by the Founders. Almost anything would be better than the method now in vogue.

To repeat what has been said before: the Chief Magistrate must be independent of all party affiliations, both in the manner of his election and in his tenure of office, and his one care must be for the interests and the welfare of all the people, irrespective of party. Therefore he cannot be chosen by a popular vote divided between two or more regimented factions managed by professional politicians, but he must hold office for life.

How the Chief Magistrate could be chosen without recourse to the original provisions of the Constitution (which immediately proved to be neither water-tight nor fool-proof) or on the basis of a popular vote, is a matter none too easy of solution. When, some forty years ago, I began studying these Constitutional questions, I was inclined to believe that the best plan would be to have the two legislative chambers, sitting in joint and open session, choose a President from amongst the Governors of the several States. My idea was that there should be nominating speeches only, with no argu-

ment and debate to follow; that the voting should be by secret ballot, and that, if after a certain number of ballots no candidate had a clear majority, on succeeding ballots the name having the least number of votes should automatically be dropped. I had thought that not only would this method eliminate the prolonged, undignified and disruptive Presidential campaigns that are so offensive, and result in a choice probably better than under the old system, but that it might improve the quality of the State Executives, every one of whom would, *ipso facto*, be a possible President.

Since then the governorship has, in general, so steadily degenerated in character and capacity, it would seem that this method in which then I took considerable pride, would be, at the least, inopportune. Some other plan would have to be devised.

Perhaps, if (and only if) the Senate were reconstituted along the lines already indicated (one Ambassador, probably political, from each State and as many men appointed by the Executive and various non-political groups, on account of their wisdom, character, judgment and widely representative interests) then it might do to give the power of election into the hands of the House of Representatives, each Senator being potentially a candidate. Probably there are half a dozen other methods that might be devised. My object is not to specify a method but only to establish a principle.

Holding office for life, the Head of the State would, of course, exercise his prerogatives through,

by, and with a ministry appointed by him and responsible in the first instance to him. This ministry would be composed of the heads of departments, as now, with, perhaps, some additional members "without portfolio." The Secretary of State, or Prime Minister, would determine the personnel of the cabinet (except the "members without portfolio" who would be directly appointed by the Head of the State) and who would have, *ex officio*, seats in the lower House and who might be called before either legislative body for interpolation. If, as has been said, a Government bill held to be of vital importance were rejected, or a legislative bill passed over the Executive veto, the President could dissolve the lower house and call a new election; if the result were still unfavourable he would have to accept the popular verdict and, if he were so disposed, dismiss his Prime Minister and Cabinet and call another man who would be more in sympathy with the popular verdict. The lower house could, with the sanction of the Senate, force the forming of a new government or submit to dissolution and a new election, by a two-thirds vote of "lack of confidence."

In each department, of course, there would be a permanent under-secretary whose tenure of office would not be affected by a change in Government, and who could be removed only by Executive order.

The releasing of the Chief of State from all party affiliations would go far towards giving him status as the personification of the State in the consciousness of the people, and this is as important a consideration as his prerogatives. The most vital factor in

kingship is just this incarnation in one visible individual of the tradition of a people, their culture, their patriotism, their ideals and their aspirations. This is why Kings of today, like the late George V of England, or the Scandinavian sovereigns, though shorn of nearly all their just prerogatives, are still in the eyes of their people, the august and honoured personification of the State; a cohesive and inspiring force in secular society. This centralizing of a national idea in one personality is a basic factor in any well-ordered polity. There is no valid substitute. You cannot make a flag, a slogan or an anthem take its place. Efforts towards this end are always failures and with results that are frequently ridiculous.

Under normal circumstances a President chosen as suchlike are chosen today, cannot play this part. The candidate who is seen maneuvering for nomination, working to secure pledges and delegates, giving promises and negotiating deals with other politicians, rushing over the country in "whirlwind campaigns," broadcasting eloquent addresses to every known type of citizens, hedging diplomatically here, "viewing with alarm" there: the "little friend of all the world" (of his own party) until the votes are counted—such an one may give an entertaining show, arouse the facile admiration of the "go-getter" for his similar qualities, but he can never personify the State. Elected, he can hardly slough off the ignominious connotations of the political campaign. He is always the head of his party, not the head of his people in their inner consciousness.

Never; unless, on occasion, he achieves martyrdom, and then only posthumously—and then not always. Lincoln gained this sad honour, but only he; not even Wilson in the tragedy of his end. Once a politician, always a politician, and what the people, the community, the State need and should have, is *their* man, not the party's choice. This may be why, all unconsciously, they reject every President—sooner or later—as their head and their leader, accepting him only as just another politician who, for his party or for his adherents, can get results in the field of material benefits.

It is not enough, then, that the Chief of State should be given added powers and prerogatives of sovereignty and released from all partizan ties. He must assume that title and state which are consonant with his dignity and function as the State incarnate. A "President" is by title, the fellow of the president of a Chamber of Commerce, a railway system, a labour union, or a social club. Words are symbols and they are dynamic in their power of suggestion, therefore they are to be reckoned with. A president "presides"; a true Chief of State leads, directs and inspires. By association which has been part of human consciousness for at least four thousand years, the word King, or its linguistic equivalent, has meant just this, and, so long as the mind of man is what it is, you cannot make the word "president" or *its* equivalents, take its place. This, of course, is why, when a democracy goes to pieces, as in time it always does, the "strong man" who comes into power to redeem the consequent social loss and build

a new state, always takes the title not of President but of Emperor, Duce, Führer, or, most logically, King.

And with the fact, the title and the estate, must go the forms, ceremonies, ritual and vesture that show in visible form the quality of this kingship that is so much more than a faculty of government. All these things are symbols, as the flag or the other inanimate details are symbols, with the difference that they are more universal and at the same time personal in their significance and appeal. They are not employed for ostentation or for the magnifying of the individual any more than the sacerdotal vestments of the priests at the altar, the robes of the judges on the bench, the gowns of scholastics or the secular dress clothes for formal occasions. To resent them is snobbish and vulgar. We have our own ceremonial today: hat on the heart or a handkerchief fluttered in the air when the flag goes by; military salutes of rifle, sword, cannon, and bunting; the weird habiliments of secret societies; grips and pass-words. The old and splendid ceremonial of a royal progress, as at the recent Jubilee of the late King of England, is only more noble, significant, beautiful and spiritually stimulating.

And so, after this interlude of well-meant but futile democracy of the modern sort, we should do well to return to the old kingship. Not that of the Renaissance autocracies, which was the debasement of sovereignty, but to the elder sort under which a real democracy was not only possible but well assured. There may be liberty under a right mon-

archy: there has come a sort of slavery under the democracies of the modern form where a political oligarchy and a money-oligarchy, now in alliance, now in conflict, have brought about grave disorder, social chaos and the negation of the free and the good life, under the forms of a free commonwealth founded on assumptions that are baseless biologically, philosophically, historically, and from the standpoint of plain common sense.*

The question of the "title and estate" of the Chief Executive is one that seems to me of almost equal importance with the manner of his election and his powers and prerogatives, but it is one where whatever I have said and have to say will be received not only with general dissent but with a large measure of indignation and even ridicule—if indeed these sayings are taken seriously, which is a matter of grave doubt.

By natural growth and the force of circumstances the President now does more than preside, and some future political or partizan victory cannot change this fact. "The world do move," and while as the lamented Chesterton said, it is the easiest thing to set back the hands of the clock, the Civil State is a different organism altogether and it simply has to go on until it runs down. To attempt to reverse

* "To prevent the dissolution of the institutions of the state, a *Princeps* is needed. For us the word 'prince' has an almost opposite sense to what 'Princesps' had for a Roman. By it, he understood a citizen, precisely like the rest, but invested with high powers in order to regulate the functioning of republican institutions."

—Ortega y Gasset, in "The Revolt of the Masses."

the course of the mechanism stops the works. The redistribution of power not only amongst the people of a State but as between the several departments of Government is fast going forward. It seems to me that the current dictatorships are all wrong except as possibly unavoidable emergency measures consequent on the Bedlamite confusion superinduced by antecedent social and political follies. In spite of certain interested and partizan exhortations we have not as yet reached a stage either of dictatorship or anarchy. We are, on the whole, in a better condition than any other country except the Scandinavian Kingdoms. We are, however, at the crossroads, and all depends on which turn we take.

The right turn leads to a monarchy of the type I have tried to describe. There is something juvenile and immature in holding on to the outworn forms of the sort of democracy into which we have fallen during the last seventy-five years. It has been abandoned elsewhere in favour of what may prove to be, in the end, the fire that succeeds the frying-pan, and as we are not anxious to follow this questionable course, we had better, as a precautionary measure, adopt another that already has been well tested in history. Of course the chances are all against our doing this. We have an invariable propensity (like all other human aggregates) for locking the stable door after the event. Knowing the power of words and fearing them rather than what they stand for, we are as afraid of the word King as we are of Dictator. Conservative by nature, though infrequently by conduct, we incline to the old title, hal-

lowed in a sense by Washington, even when its bearer has, in fact, become a sovereign, exercising more of the truly royal prerogatives than any other constitutional Chief of State in Europe or the Americas. If we emancipate him, as in reason we must, from the old and poisonous partizan shackles, then we had best signalize this great reform, and make a good job complete, by giving him the title and estate commensurate with his dignity and his power.

"President" he cannot continue to be for reasons already stated. "Emperor" he may not be, for the title is military in its origin and connotation. "King" arouses old animosities and inherited prejudices. "Lord Protector" was Cromwell's choice and it is of unsavoury memory. "Regent" would do very well, if "King" is denied from motives of fear and superstition. As a matter of fact, the President of the United States *does* "reign" even now, and will, himself and his successors, and in the name of his people, who in the end are, and must continue to be, the sovereign power, as the court of last appeal and the wielders of the ultimate sanctions.

The nation would still remain a Republic; a fine designation, better and more descriptive than Empire or Kingdom, and under a non-political Head it would merit the title better than it does now. His Highness the Regent of the Republic of the United States: a good title and significant. Benjamin Franklin wanted the style of the Chief Magistrate to be "His High Mightiness." Redundant

and unduly presumptuous. "Majesty" goes with Renaissance kingships and this sort of thing must be avoided at all costs. "Excellency" is for the Governors of States. "Highness" is the old style of democratic sovereignty and fits the case as this has come to be under the pressure and direction of flourishing life.

Incidentally the carrying out of such a plan as is here indicated would be "good business." A "civil list" of adequate size would cost the country about a tenth of the amount now spent on a Presidential election, and the elimination of this absurd and humiliating performance might prove the first step towards the recovery of a true culture and a real civilization.

There is nothing more undignified and grossly humiliating than a Presidential election—unless it is a party convention. It is no wonder that a President commands little respect either for his person or his position. The ridicule and the insults heaped on him by his partizan opponents, newspaper editors, correspondents, and cartoonists, react on the whole body of law and have much to do with the lawlessness, anarchy and disloyalty that are now prevalent. "*Lèse majesté*" to the Chief of State is *lèse majesté* to the State itself, for the one follows from the other.

The United States is now a body without a head, for the President is simply a Prime Minister, the voice and embodiment of a party, and a Prime Minister cannot function without a sovereign who is the head and representative of an entire People.

Moreover, as Lord Bolingbroke said in "The Idea of a Patriot King":

"Among many reasons which determine me to prefer monarchy to every form of government, this is a principal one. When monarchy is the essential form, it may be more easily and more usefully tempered with aristocracy or democracy or both, than either of them, when they are the essential forms, can be tempered with monarchy."

Chapter Twelve

THE SUPREME COURT

FOR ANYONE NOT A JURIST to scrutinize the problem of the Supreme Court of the United States—what was the scope of its powers as intended by the Constitutional Convention, whether the powers granted were wise or otherwise, and whether these powers now exercised by this tribunal are salutary or not—exposes him to a charge of effrontery. So inconclusive are some of the terms employed in Article III of the Constitution and so patent of varied interpretation; so few the records of the Convention itself and so strained, contradictory and even disingenuous Hamilton's arguments in the *Federalist*; so opposed the opinions of commentators of equal authority, and so contradictory and inconsistent the formal opinions of the Court itself, it is probably true that only a lawyer, or a master of higher mathematics, is fitted to draw conclusions and pass judgments.

All the same, the question is now very much to the fore, and no wonder, for it comes close to the root of our whole scheme of social organization. If one can qualify neither in the field of jurisprudence nor Einsteinian mathematics, the only possible ground for comment is the exercise of common sense. Unfortunately there is, however, no accepted standard

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for this commodity; what is one man's sense is another man's nonsense. Accepting this condition as a fact, the following considerations are to be contemplated in the light of this proviso.

Since the time of Chief Justice Marshall, the Supreme Court has possessed and exercised an effective veto on any legislative act passed by Congress and approved by the President *provided* any interested party brings it formally to its attention. Two vital questions arise in this connection: Was this veto power intended by the Framers of the Constitution, and if not is it one of those things which, by reason of a century and a half of social and economic transformation, must be accepted as opportune and necessary?

If Madison's "Journal" is accepted as authoritative (the point, I think, has never been contested) then the answer to the first question is in the negative. The Framers did *not* intend that the Supreme Court should possess this power of absolute veto and nullification of acts passed by a coordinate branch of the Government.

The powers of the Supreme Court were under consideration on Monday, August 27, 1787. The draft of the clause defining the powers of the Court as then submitted, read, "The judicial power shall extend to all cases in law and equity, arising under laws of the United States" *et cetera*. I now quote from Madison's "Journal":

"Doctor Johnson moved to insert the words, 'this Constitution and the' before the word 'laws'.

"Mr. Madison doubted whether it was not going

too far to extend jurisdiction of the Court generally to cases arising under the Constitution, and whether it ought not to be limited to cases of a judiciary nature. The right of expounding the Constitution, in cases not of this nature, ought not to be given to that department.

"The motion of Doctor Johnson was agreed to, *nem. con.*, it being generally supposed that the jurisdiction given was *constructively limited to cases of a judiciary nature.*" (italics mine). This would seem to leave little doubt as to the intentions of the Framers of the Constitution.

The majority of the Convention feared democracy and its possible extension in the future. This was most to be dreaded in the legislative chambers, particularly in the lower House, and it would not have been surprising if they had established a measure of protection against this by giving the Supreme Court, constituted as it was, a power of veto over all legislative acts. Beveridge, however, says that while Gerry, King, Mason, Morris, Wilson and Martin favoured this power, Franklin, Madison (with reservations), Bedford, Mercer, Dickinson and Charles Pinckney were opposed. This division cuts across the line-up of the conservative and liberal groups (the difference was in any case not very definitely marked) and it indicates that feeling was not very strong on the point. If Hamilton's judgment, as expressed in *The Federalist*, is to be accepted, the explanation may lie in the fact that the Supreme Court was looked on as the least important and powerful branch of the Government, its powers hav-

ing been so explicitly stated and narrowly restricted.

Hamilton is very emphatic (perhaps for reasons of policy) on this point. "The judiciary is beyond comparison the weakest of the three departments of power." "It may truly be said to have neither *Force* nor *Will* but only judgment," *et cetera*. His whole argument speaks well for his patriotism, for if he had had his way in the Convention he would have given the National Government a veto over all State legislation, preferably by the Executive and Congress, or failing this by the Supreme Court. He is quite clear that "the interpretation of the laws is the proper and peculiar province of the Courts. The Constitution is, in fact, and must be regarded by the judges, as a fundamental law. It therefore belongs to them to ascertain its meaning, as well as the meaning of any particular act proceeding from the legislative body. If there should happen to be an irreconcilable variance between the two, that which has the superior obligation and validity ought, of course, to be preferred; or in other words, the Constitution ought to be preferred to the Statute, the intention of the people to the intention of their agents. Nor does the conclusion by any means suppose a superiority of the judicial over the legislative power. It only supposes that the power of the people is superior to both, and that where the will of the legislature, declared in its statutes, stands in opposition to that of the people, declared in the Constitution, the judges ought to be governed by the latter rather than the former."

The weakness in this argument lies in the identi-

fication of the Constitution of 1787 with the "will of the people," either then or at some future date. Probably the Constitution when it was enacted, was very far from representing the general will of the people of the Thirteen Colonies. As subsequently interpreted by judicial decisions, it does not, in certain respects, and with equal probability, represent the general will of the people today. The nullifying of the "Minimum Wage Act" is a case in point.

"The power of the people is superior to both" the judicial and legislative power; "the intention of the people to the intention of their agents." This would seem to be sound doctrine. The question then is: is the intention of the people today the same as that of the fifty-five men who framed the Constitution? If not, should this "general will," if it can be ascertained, be made superior to both the Constitution and the national legislature?

The force of the question lies simply in this: Should Article III of the Constitution, as interpreted by the Court itself (no matter how varied and contradictory the sequent interpretations may be) stand forever as a solid fact, never to be modified except by judicial action, or should it, by regular process of amendment, be brought into conformity with conditions as they now are?

It would be superfluous to rehearse the list of differences that now separate social, economic, industrial and political life from that of 1787 by a gulf, the width and depth of which are immeasurable. If the Framers had been able to forge a fundamental law that would fit all times as well as their own, they

would have been super-men. Indeed they would have participated in divine omniscience and prevision. Nothing of the sort happened and they were perfectly conscious of the fact. As has been said before, their fundamental principles (tacit as well as put down in good set terms in the Constitution) are as sound today as they were then, or for that matter in the Early Middle Ages or in the Greek States. The mechanisms they devised to implement their principles were well enough for the time, but there is no *a priori* reason why they should hold today or be considered to take on the sanctity of Revelation. Yet the self-starting "defenders of the Constitution" attribute this inviolability not only to the provisions of the original document, but to the five-to-four decisions of the Court, and even to the revolutionary and destructive amendments that have followed the enactment of the Bill of Rights.

It seems to me quite clear that the question of the extent of the powers, and the limits to the action, of the Supreme Court, must be decided on the merits of the case and not on precedent or the methods of antiquarians and archaeologists.

The Court has performed good service, from time to time in the past, as a good many of the Framers intended it should, by putting a curb on the half-baked measures of a militant democracy and a casual fanaticism, and some agency in the State will always have to do this. I think it is a question, however, whether the Supreme Court is the best place in which this power should reside. Without a radical recasting of the whole Constitution, it is, however, the

only organ of government where it can rest. If it does continue as the agency for review, revision, postponement of action and ultimate absolute veto, there should certainly be some reform of its modes of procedure and some limitation of its powers.

Thanks to Chief Justice Marshall and the compulsion of the forces of life itself, the Supreme Court now possesses and exercises the power of absolute veto on all legislative acts that come out of Congress and are approved by the President, and it is no more than an academic question whether it will ever surrender this sovereign power. This being so, should there be any safeguards against this great and final force being exercised against, not only the will, but the good estate of the people and their polity?

With diffidence I submit that there should. And the first is the prevention of the voiding of an Act of Congress, or the interpretation of any clause in the Constitution by a "five-to-four" decision, or indeed, by anything except unanimity. As Chief Justice Hughes once said, before his elevation to the Bench, "The Constitution is what the judges say it is," and this has meant in many cases that the Constitution is what one man says it is—the odd man in a five-to-four decision. This is a sort of Alice in Wonderland or Gilbert and Sullivan farcicality—or would be were the result not so calamitous as it sometimes has been. If four eminent jurists think one way, and four of equal eminence think the other, it does not make sense for this odd man to settle what is perhaps a major question that affects a great body

of citizens or even the welfare of society. And it is almost equally unreasonable that when there is disagreement, the majority should declare the law. This is the *reductio ad absurdum* of the superstition of the quantitative standard.

In Chapter VII of his admirable "The Need for Constitutional Reform," Professor William Yandell Elliott gives, it seems to me, a clear and convincing demonstration of the fact that, whatever the intent of the Framers of the Constitution, the Supreme Court must possess and continue to exercise the veto power over legislation as this was established by John Marshall in the Marbury Case. I am disposed to make his arguments my own and to refer any readers of this book to his chapter, "The Supreme Court as Censor." He makes very clear, also, the lack of reason, indeed the grave danger to the public welfare, that lies in the application of the majority rule to decisions affecting major questions of public policy. Secretary Wallace, in his very suggestive volume, "Whose Constitution?" states this case very clearly. He says:

"In the first 50 years of its existence, the Court handed down a decision invalidating an Act of Congress in only one case . . . In the 15 years between 1920 and 1935 the Court nullified more Acts of Congress than in the first 100 years of its existence." Parenthetically I posit the query as to whether this was due to an increasing conscientiousness (or aggressiveness) on the part of the Court, the abnormal development of the social and economic polity, or a progressive degeneration in the native

intelligence and capacity of the legislature, or to the joint and simultaneous action of these several forces.

The Secretary then continues:

"Thus the Supreme Court handed down unanimous decisions in 25 of the 69 cases referred to above as invalidating provisions of national law, but divided in 44 of these cases. Of the 25 cases, except for the Marbury case and the Schechter decision of 1935, and perhaps one or two others, few today seem historic. The 44 cases in which the Court divided, on the other hand, include the most controversial and the most historic cases ever decided by the Court. The Dred Scott case, the legal tender cases, the slaughter-house case, the income tax case, the child labor cases, the minimum wage case, the gold clause decision, Hoosac Mills—all these and others of the 44 were cases which involved great issues on which the people themselves had differed and to which the judges, in the rôle of statesmen, necessarily brought similar differences of opinion."

In the case of such "great issues," "who shall decide when judges disagree?" It does not seem to make sense that one man, in five-to-four decisions, should declare the law for 130,000,000 people. Professor Elliott suggests "that where the Supreme Court decides against the constitutionality of an act it should be by a majority of at least two-thirds of the Court. Issues that are so doubtful as to be decided by a single vote are probably policies that should be upheld. If we are to retain the Court as umpire and censor, we should have at least the protection of an extraordinary

majority of the Court in such controversial fields of economics as the cases now before it involve."

Quite so: but is a two-thirds majority enough to insure this protection? I revert to Hamilton's dictum already quoted, "the intention of the people ought to be preferred to that of their agents." In a sense Congress and the Court are both such agents, therefore the intention, or at least the interests of the people (if either can be determined) ought to take precedence of legislative acts and judicial decisions. Under correction, I submit that an unanimous decision handed down by the Supreme Court should be final and irreversible except by its own action or the Constitutional process of Amendment, but that in the case of a division of opinion, the question, by authority of the Executive, might be referred to the people through their State governments, without recourse to the long process of amendment. Should the verdict be counter to that of the Supreme Court it would be final, and the Act in question would stand.

Another point that is well brought out by Professor Elliott is that the consistent refusal of the Supreme Court to act in an advisory capacity works many hardships, confusion, embarrassment, and even injustice. He says, "It is a matter of grave inconvenience to have to wait, perhaps two years, for the Supreme Court to act upon a case that may alter the whole policy of government and undo much that has been accomplished during that time. It would have been valuable to know in advance whether the gold clause could constitutionally be set aside, whether the

N. I. R. A. and the A. A. A. programs went too far, etc. In Canada the Supreme Court renders advisory opinions on the request of the government and avoids this uncertainty. . . . There is a painful uncertainty in a system where the Court's intervention may occur years after the policy attacked was inaugurated. Over three decades elapsed before Taney's Court upset the Missouri Compromise by the Dred Scott decision."

Is it not possible that the Supreme Court, in its insistence on the "narrow interpretation" of the Constitution, to the exclusion of broader considerations of public policy and the "general welfare" is joining itself to the idols of archaology? Perhaps a little daring in the way of Marshall's "liberal interpretation" might better serve public ends.

Chapter Thirteen

SOME GENERAL CONSIDERATIONS

IN HIS "Reflections on the Revolution in France" Edmund Burke says, "A spirit of innovation is generally the result of a selfish temper and confined views. People will not look forward to posterity, who never look backward to their ancestors." This is as true today as it was in the year 1790. Instead of casting aside the whole framework of government as this was formulated only three years before, and venturing into the very dubious paths pursued by contemporary innovators, from Communist to Fascist, it would seem to me the part of prudence and patriotism to return to our own Constitution, making only such changes as may have become necessary through later unwise distortion or the radical transformation of our circumstances. I think that such amendments as are herein suggested come under one or the other of these provisos, but various other points suggest themselves as possibly desirable, though they are not properly a part of the Constitution itself.

Perhaps the most important is a revision of the territorial divisions of the country. This has lately been suggested by a considerable number of students of government, and the proposal is that the forty-eight States should be re-assembled into a certain

number of provinces or commonwealths, five or six in number, and that, in all relations with the central government, these should take the place of the present States. Such a course seems eminently wise, and is just one of those changes that is argued for by the vast growth, in area and population, and by the highly complex and wholly new type of life that happened since the Constitution was constructed. At that time of course there was nothing else to be done but to accept the thirteen separate colonies that differed as widely in area, population and resources as could possibly be imagined. Since then an anomalous and unwholesome condition has become even more intensified, with results that are embarrassing, frequently unjust, and generally subversive of good government.

Apart from the impracticality of a Texas and a Delaware, a New York and a Nevada in the same Union, the nation itself has become so enormous in area and population and its scheme of life so complicated under a technocratic, industrialized régime, its administration has, as we have seen of late, outstripped the administrative capacity of man with his limited powers and fallible intelligence. It has, in a word, got beyond the human scale.*

One result has been a bureaucracy already intolerable and apparently destined to unlimited further

* "Wherein lies the great objection to communism: not that it proposes to end the existing travesty of democracy, but that it intends a State so gigantic that no one can understand it. Things must be small if you are to grasp them."—Herbert Agar and Allen Tate, in "Who Owns America?"

expansion. It is a condition of the Roman Empire over again. There, intensive centralization brought about (in connection with other factors singularly resembling our own present estate) territorial breakup and political disintegration. In order to escape the same fate it would seem the part of prudence to take anticipatory action.

The present State lines represent nothing that has foundation in reality except custom, tradition, and very old history. These qualities are all of value and they might still be preserved if the States retained their names, as they should, but were assembled in several groups. Here also there is already a certain historicity of real value, equal in some cases to that of the States themselves, as, for instance, New England or the Seaboard States of the one-time Confederacy. The number and assemblage of the existing States in these "Commonwealths" as Professor Elliott would call them, would be of course a matter of careful study. Their delimitation would take into consideration history, tradition, social impulses, and economic interests. It would seem to be increasingly evident that what we now need is a large measure of administrative decentralization.* How far this could or should go is

* "We are all aware that not only the wisdom of the ordinary man, but also his interest and sentiment, have a very short radius of operation; they cannot be stretched over an area much more than town-ship size; and it is the acme of absurdity to suppose that any man or any body of men can arbitrarily exercise their wisdom, interest and sentiment over a state-wide or nation-wide area with any kind of success. Therefore the principle must hold that the larger the area of exercise, the fewer and more clearly defined should be the functions exercised."—Albert Jay Nock, "Our Enemy the State."

a question not lightly to be determined. Matters of strictly *national* import would of course have to be dealt with as now in Washington, such as national defence, foreign relations, inter-state commerce, postal communications, internal revenue, tariffs, *et cetera*. There are many matters that might be determined by the national legislative body and handed over to the "Commonwealths" to be put into practice. There are many others where authority could well be delegated to the State groups. These in turn might commit the execution and enforcement of "Commonwealth laws" to the several State governments comprised within their respective territories. And finally, though this is certainly a "counsel of perfection" the States themselves might well return to the individual citizens a large measure of the duties and privileges that were once theirs but have, perhaps unavoidably, been taken from them as a result of that centralization consequent on the abnormal development of technological society and the attempt to administer this as a geographical and social unit.

* * * * *

In this section I am dealing with some of those abstract theories that seem to me good and desirable, but that I have no hope of seeing put in practice; at all events during my own lifetime. The frank acceptance of constitutional monarchy already referred to, as the most logical and workable system, certainly comes under this heading. Another is the desirability of a *natural* aristocracy. The word is as

much of a red rag to Demos as is that other inflaming word "King." About the time when the Constitution was finally ratified, Edmund Burke said: "A true natural aristocracy is not a separate interest in the State, or separable from it. It is an essential, integral part of any large body rightly constituted The state of civil society which necessarily generates this aristocracy is a state of Nature—and much more truly so than a savage and incoherent mode of life." He goes on to give in detail the nature and qualifications of "natural aristocrats," quite one of the best descriptions I know, and then says, [Natural aristocracy] "is the soul to the body, without which man does not exist. To give therefore, no more importance, in the social order, to such description of men than that of so many units, is a horrible usurpation."

"When great multitudes act together under that discipline of Nature, I recognize the *People*. I acknowledge something that perhaps equals, and ought always to guide, the sovereignty of convention But when you disturb harmony—when you break up this beautiful order, this array of truth and Nature, as well as of habit and prejudice—when you separate the common sort of men from their proper chieftains so as to form them into an adverse army—I no longer know that venerable object called the People in such a disbanded race of deserters* and

* If this language seems exaggerated and its import ungenerous, it may be justified by consideration of the course of proletarian revolutions from that of France, through those of Russia and Mexico to their culmination in the Spanish horror of the current year.

vagabonds. For a while they may be terrible indeed as wild beasts are terrible. The mind owes to them no sort of submission. They are, as they have always been reputed, rebels."

At about the same time Lord Brougham said, "The notion of equality or anything approaching to equality, among the different members of any community, is altogether wild and fantastic But the diversities in human character and genius, the natural propensities of the human mind, the different actions performed by men, or which have been performed by their ancestors, lay the foundations of a natural aristocracy, far deeper and far more wide than any legislative provisions have ever even attempted to reach—because no such provisions can possibly obliterate the distinctions thus created by the essential nature of man." As Lord Bacon wisely said, "New nobility is but the act of power; ancient nobility is the act of time."

If it is objected that this is "old stuff," therefore not valid at the present day, the reply is that the contrary is the case. From the days of Ptahotep, Hammurabi, and Solon little or nothing was added to the basic truths of social and political organization, until with the Christian dispensation new qualities of gentleness, mercy and humanitarianism came in. Most important of all was the essentially Christian doctrine that all men are equal in the sight of God. That this spiritual equality, this identity in personality, involved the same equality in the civil and social order; that by virtue of the fact of manhood alone all human beings were entitled to

political parity; that by the same token there should be no discrimination in social status, rights, privilege and function; in a word that "*vox populi vox Dei*" was a statement of eternal and cosmic fact, was a *gross non sequitur* that lies pretty close to the roots of the troubles that have beset the body politic (and the social body as well) during the last five centuries.

It would be easy enough to quote chapter and verse from our own time to substantiate the dicta of the eighteenth and early nineteenth century worthies, but this seems unnecessary in view of the fact that their writings are so easily available. Moreover the count increases almost monthly, therefore any list would necessarily be incomplete. It is very significant that there should be so close a consensus of opinion amongst contemporary thinking men. It marks one of the great differences between the last century and this, the beginnings of change from a general mood of superstition (a quality that peculiarly marks a century that boastfully prided itself on its total emancipation from this mental pre-disposition and defect) to one of clearer sight and realistic apprehension. Of course this freer wind of rationality is blowing only gently and in scattered gusts, while in general the whirlwind is being reaped of the wind sown in earlier times, but there are plenty of signs that sooner or later it will prevail.

An example of what I mean is the appearance of Señor de Madariaga's "Anarchy or Hierarchy" just as the proofs of this particular chapter are being corrected. I deliberately hold up the process of printing in order to insert here the following de-

finitive portrait of the true aristocrat, in itself a complete corrective and refutation of the popular conception of aristocracy and the aristocrat.

"I mean by *aristocrat* the man who, in matters of collective life, sees by himself: who realizes what is going on in all its depth, and is able to detect the seeds of the future in the recesses of the present; who can conceive the image of what collective reality ought to become in a desirable future, actually wishes such a future to materialize, and devotes himself to the task of bringing it about, and of shaping his world to fit the image of his vision, animated by the highest of all passions—intellectual love.

"No one appoints, elects or chooses the aristocrat. He knows himself to be one because he hears himself called to his high and arduous endeavor by an internal voice—his vocation. . . The aristocrat obeys his vocation without any possible excuse or evasion. He is his own slave. . . The aristocrat asks nothing for himself—but all that is necessary for his work. . . The only privilege of the aristocrat is to have more duties than the rest of the citizens—duties which he cannot evade, for he is his own police, judge and executioner.

"The aristocrat fights on two fronts: that of outward reality, which he endeavors to model and shape so as to fit his own inner vision, and which revolts and bites his hands; and the front of inward reality, where he meets the weak and frail man within, the man of the people who in his own soul resists him because he wants to do as he pleases, and the bourgeois who in his own soul settles down and seeks

to enjoy in selfishness every available comfort and privilege. The life of the aristocrat knows no rest, taut as a sonorous string, the work pulls at him, he pulls at the work. . .

"He should not expect popularity. He may obtain it. He may not. There is no certain relation between good service and popularity. He should therefore put aside all fear of incurring unpopularity, or even the anger of the people. . . He serves, and that is all he is required to do. Both in and out of his work, he gives himself up to it without stint: but he is not troubled in his soul by the possibility of failure. Over the furrow which will cover his bones the same sun will ripen other harvests."

Normal society, as Berdyaeff so clearly demonstrates, is hierarchical in its organization. Status differs from caste which is only its form of degeneration. Every man and every human category has its place, determined by character and capacity, and while each has value, within its own limitations, that essential liberty which, rightly understood and the limits of which are marked out by Law, (not by laws) permits and even incites him to a progress upward. As, however, "heaven is not to be taken by storm," so the achievement of higher status may not be attained by force, either of arms or preponderance in numbers.

* * * * *

There is another consideration not wholly dissociated from this of status and the hierarchical organization of society, and that is the right recogni-

tion by the State of eminent achievement in service to the community. At present, Congressional medals, "the thanks of Congress" and all that sort of thing are well enough in their way, but while they accept a principle and establish a precedent, they do not go far enough. Any politician who serves on an official committee gets "Honourable" affixed to his name. The most venal and low-brow mayor becomes His Honour, while in some States the most execrating examples of ineptitude are dubbed "His Excellency." Charles Lindbergh is made a Colonel (just like some Kentucky civilian) for no good reason whatever except that there seemed nothing else to do to him in the way of public recognition and honour. Richard Byrd becomes an Admiral for the same reason, or lack of reason. Universities make scholars of financial benefactors, Doctors of Laws when they know no law, Masters of Arts if they know a little less or have not been quite so generous, or Doctors of Letters when nothing else seems to fit. Members of gubernatorial staffs become Majors, Colonels and Generals who do not even know the manual of arms, while the title "Professor" has become so ludicrously applied in general speech that real professors resent its use in their own case. In a word, the whole matter of titles, honours and distinctions has become a rather complete mess. What, if anything, should be done about this?

The principle is already well established of officially honouring distinction and service so there need be no argument about this. It is simply a question of propriety and nomenclature. There seems to me

one thing that obviously might be done, and that without any violation of the Constitution or by any enabling amendment. This is the establishing of a number of Orders of Knighthood, membership in which would carry the proper and official title of "Sir." This does not imply "nobility" in the accepted sense. The honour is not heritable and pertains only to the individual on whom it is originally conferred. It means, actually, nothing different, except perhaps, in degree, from Doctor, Colonel or Admiral; it is only more apposite and significant, and it makes better sense. Sir Richard Byrd makes a far better picture of reality than "Admiral" Byrd; Sir Charles Lindbergh than "Colonel" Lindbergh, though the military or naval title might perfectly well be added if there were cause.

Without being invidious and going further with contemporary figures of high deserts, how well it would have been in the last century if men like Edison, Alexander Bell, Wilbur Wright, Edwin Booth, John Sargent, Augustus St. Gaudens, Longfellow, Lowell and Mark Twain could have been so honoured. And there are many others, now as well as then.

There should, of course, be several Orders covering the various fields of human activity, from the intellectual, spiritual and artistic life, to civics, industry and labour, science, statesmanship and the professions. With the political system as it is now constituted and administered, it would not be possible to rest the choice or selection in Congress or any other political agency. By tradition and in fact

the Chief of State is the "fountain of honour," and in him should rest the "power of investiture," but he might be advised and guided in his choice by certain "private bodies" such as the American Academy of Arts and Sciences, the medical, law and other professional associations, *et cetera*, who would nominate a certain number of those held to be deserving of recognition, and from these the choice would be made.

"But this is aristocracy!"

Well, what about it? Gouverneur Morris, in the Convention, said his creed was that "there never was, nor ever will be, a civilized society without an aristocracy." He was, of course, right. A natural aristocracy is an integral part of any social fabric that has reached a moderately high state of integration. The word, however, like the other that denotes logical sovereignty, is a fighting word in democratic ears. Fear of the word is superstition: fear of the thing snobbishness. The word "aristocrat" and the word "King" arouse a certain inherited and sub-rational reaction just as do the words "Catholic" and "Jew" when they impinge on similar auditory nerves.

Now it is historically true that if any people rejects its natural aristocracy, it will get an artificial one, for Nature abhors a social vacuum. When the English (or rather the King and his cabal) killed off the better part of the feudal aristocracy, the void was filled by a sorry lot of receivers of stolen (monastic) goods and hangers-on of the contemporary sovereign dictator. It was a distinct declension in

quality, but the heirs and assigns of the Henrician aristocracy lived down their unhandsome genesis, after a time, only, when they had become respectable and able, to be discredited in their turn, their prerogatives abolished, and themselves almost submerged (from the time of Gladstone) by newspaper magnates, opulent brewers of excellent ale and beer, party politicians, and commercial contributors of large sums to the party funds.

Here in the United States the sequence is somewhat similar. Down to the middle of the nineteenth century we were by way of developing a sound natural aristocracy, in the South the great planters and statesmen, men quite aware of their position as leaders of human society; in the North the proud and affluent traders with the Orient, the land-holders of New York, the scholars, men of letters and devotees of culture in Massachusetts. Statesmen, also, as in the South, and with a high idea of public service. Of course there was narrowness and, on occasion, fanaticism, for all aristocracies, being human, are marked by narrowness, like all the other social groups, but this very un-aristocratic quality of fanaticism is bound to wear off if life is allowed to follow a normal course.

Normality was not a characteristic of the years following the turn of the century. The Southern aristocracy, shattered by war, was destroyed by Reconstruction, while that of the North was submerged and made inoperative by alien immigrants and the victorious materialism that followed the abnormal expansion of manufacture, trade, and high

finance which followed the War Between the States. Natural aristocracy simply went out like an extinguished candle. In its place came something quite new; the descendants in the first and the second generation of the sort of robber barons who wrecked railroads as well as built them (if they could make money by the wrecking); who rigged the stock market, did in their friends and associates in financial deals, and altogether made a very great nuisance of themselves. They bought recognition by wide and generous philanthropy and a patronage of the arts (frequently appreciative and intelligent) but they did not make an aristocracy in any real sense of the word, though they may in time achieve this quality, as happened in some cases where the new creations of Henry VIII were concerned.

Now of course you can't evoke a natural aristocracy by fiat, but you can cultivate it if the desire for it exists, and this is the first thing: to create a consciousness that it is not the fifth wheel to a coach—but the fourth, and that the social vehicle will not travel comfortably, if at all, with only three wheels. So long as the standard of value remains quantitative rather than qualitative, of course nothing can be done, but there are some signs that this change is about to be effected. Meanwhile, awaiting events, it is possible that official recognition of distinction in character, moral quality, and accomplishment that would be given by the Orders of Knighthood I have suggested, would be a step in the right direction.

Here is another matter, again not wholly uncon-

nected with the last. One of the uncouth phenomena of nineteenth century "democracy" was the implicit belief that one man was as good as another when it came to office-holding of any sort, particularly in any branch of the civil service. Appointment to anything, from a diplomatic mission to a fourth-class postmastership went by political favour. All that was necessary was to be a "deserving democrat" or a republican of the same stripe, depending on the designation of the party in power. This was about as bad as it could be, for the service, the party, and for the country at large. It was, however, a demonstration of democratic equality, and as it accrued to the benefit of the politicians, it was in high favour with them and was maintained in power regardless of the inefficient, and frequently ludicrous, results. Finally the scandal became rather too obvious, even to a normally indifferent electorate, and a certain measure of civil service reform went through and was embalmèd in the statute books.

This was another "experiment noble in purpose" and while it was grudgingly permitted to go half way, it did result in something vastly more decent and effective than the old Jacksonian spoils system. It was far from bullet-proof and was (and is) frequently pretty well shot to pieces, but its greatest weakness lay in the fact that ability to pass a written examination is only one of the proofs of ability, and probably not the most important at that. There are personal and character qualifications, fundamental in themselves, that can in no way be determined by any such mechanistic method. The civil

service, from a departmental clerkship to a bureau head or a consulship, forms the skeletal framework of the country even if the brain, blood, nerves, and sinews arise from other sources. It is the unique and admirable British civil service that has kept the Kingdom and the Empire afloat in spite of the more or less normal ineptitude of the statesmen and politicians.

Civil service laws, even if they were enlarged and extended in scope, cannot get for us anything similar, for the method itself is defective. Unlike England we have no custom or tradition (except a bad one) governing the case, and a change in partizan control of government means a pretty clean sweep of office-holders, particularly in the higher brackets of the service. This means that the civil service is no assured career for able and ambitious young men and women, and the government has to fall back on the second rate or the casualties of the industrial conflict. If the present process of the extension of governmental power over all the fields of national life continues, or even rests where it is now, the bureaucratic organization will continue to need vast numbers for its administration, and these should be both capable and highly trained rather than miscellaneous recruits drafted into the service from all sorts of sources. Moreover they should be assured of permanent positions with the prospect, not of sudden dismissal, but of reasonable promotion.

What we need in every executive department in Washington is a solid body of permanent under-secretaries, clerks and other employees, well and

broadly trained and irremovable except for cause—and a change in administration is not an adequate cause. We want "career men" not alone in the diplomatic and consular service, but in every department of government. The political heads of those Departments will, and must, change from time to time. They are administrators, "liaison officers," advisers to the Chief of State. Under them, and preserving continuity, efficiency and consistency of operation must be what I have called the skeletal frame of the governmental organism.

In England the universities are the effective training schools for the permanent civil service. They recognize this function as one of their major duties and they perform it well. Only within the last few years have our own colleges shown any evidence of a consciousness of this preëminent duty. They have maintained every known sort of commercial and professional schools, including even schools of business administration, dentistry and journalism, but training for the diplomatic and civil services have not come within their purview—until, as I say, within the last few years, and then only sporadically. Probably this has been due very largely to their consciousness that thus far these branches of government have been so wholly hag-ridden by partizanship and politics, they would have been tempting unwary students into unpleasant and unprofitable fields under false pretenses. If these unhappy qualities could be eliminated they would probably be very glad to establish and maintain agencies for the proper training of such men as the country needs.

Of course, until the present perverse and irrational system is done away with it is of no use talking about a system of consistent training. Assuming however that sooner or later this reform will be effected, it seems to me that then a better plan might be the founding of what might be called a "Civilian West Point." What I mean is a central college where the discipline and curriculum would be nicely calculated to build up the sort of character, personality and ability that is needed in all the diplomatic, executive and administrative departments of the government. Admission would be, not of course by a Congressman's appointment or by competitive examination, but on voluntary application, the number of students accepted being governed by the absorptive capacity of the government. Tuition and maintenance should be free, but graduates would be bound to serve in the civil service a certain number of years after receiving their degrees. Employment would be guaranteed all graduates, with a definite system of promotion and a fixed gradation of salaries, while they would have the preference over all other applicants in the filling of vacancies.

As in the case of West Point and Annapolis, where the results are so notably good, the training received would fit the men not only for the functions they were prepared to perform but also for private or public life generally, after they had finished their "tour of duty" should they decide to resign from government service.

Chapter Fourteen

THE LIMITATIONS OF LIBERTY

THERE is little doubt in my own mind that the possible few who may take this essay seriously (there is no doubt whatever as to the others) will find in much that has been said, overt or implicit attacks on Liberty as a principle as well as on the freedom of the individual. The word is as vague and unstable in its meaning as are those others: Democracy, Monarchy, Aristocracy. At the present moment we have in the United States numerous organizations founded and maintained, by avowal, for the defence of liberty. They range from the Civil Liberties Union at one end of the scale to the American Liberty League at the other. There are those who hold that the "liberty" envisaged by one group is the liberty to advance the cause of Communism and to further the "class war." There are those who hold that the other defines liberty as a franchise to guarantee to money-capitalism and other vested interests, a continuation of their long established privilege of making pecuniary profits without let or hindrance. Whether these contentions are right or wrong, the fact remains that there is no common ground between their respective conceptions of liberty.

As has been said in the past, many crimes have

been committed in the name of liberty: also as many errors and indiscretions.* Since there can be no question that liberty, rightly understood and applied, is one of the marks that distinguish man from sub-man and his other anthropoid kinfolk, and as I am persuaded that nothing herein written is intended to jeopardize this liberty, or does so as a matter of fact, this concluding chapter is given over to a brief study of this basic human attribute in what seems to me its relation to man in his social and political aspect. The points I wish to make are: first, that liberty cannot exist without corresponding and definite limitations to its action; second, that liberty in action is the result of and follows after an interior and spiritual liberty that must be achieved by each individual for himself; third, that liberty is relative to each man and each action in which he may be involved.

His limitations, instead of being an obstacle to man, are the greatest gift that has been implanted in him by Divine Providence. Not only are they tests of quality and opportunities for growth and development, they are also, and primarily, the sufficient form within which he works. Without them he would be an amoeba, the "barthybious ooze" so much spoken of by the scientists of the last century, or impalpable gas diffused in interstellar space. Chess is perhaps the best game in the world, but it would be less than nothing without the rigid limitations of its unbreakable laws. Napoleon used

to insist on transcending the rules of the game and making up his own—which may perhaps explain the failure that overtook his most cherished and, in principle, beneficent schemes. It is not safe to contend against cosmic law.

Man, as an integral part of the life of this planet, is conditioned by innumerable and irresistible laws and limitations—and therein lies his potential freedom, for conversely he is granted free will, freedom of choice, freedom of the spirit. He is hounded by hunger, sleep, the sexual urge; he can exist only within a narrow range of bodily and climatic temperatures; he is subject to the compulsion of inheritance and environment; he is the bond-slave of gravitational forces; beating on him incessantly are the influences of custom, mass psychology, and the social, ethical, and political laws he has made for himself or that have been imposed upon him.

The fishes of the sea and the birds of the air are, from a physical point of view, more free than he is but—he has the redeeming and liberating gift of Free Will. Dr. Calvin taught otherwise, and his doctrine, which Chesterton with perspicacity said "wise men call devil-worship," was really the progenitor of all the destructive forms of modern thought: determinism, behaviourism, *Freudism*. The Nemesis of human freedom inheres more solidly in these corrupting heresies than in the restrictive laws of a Hitler or a Mussolini or of a democratic parliament. These are but external attacks on liberty of *action*, and they pass, but Calvinism and its progeny assail the very citadel of spiritual free-

* See Appendix P.

dom and integrity. To quote Berdyaeff: "Self-determination is precisely that which proceeds from the inmost depths of the spirit where spiritual forces are at work, and not from some exterior natural impulse, nor from man's own nature. In a state of freedom man is not determined from without under the compulsion of a nature alien to himself, but he is self-determined in the depths of his spiritual life, and out of his own spiritual energies he finds himself in his own spiritual world."

Liberty is an interior thing and may be achieved under slavery, tyranny or "triumphant democracy," but freedom of the spirit demands and deserves a corresponding freedom of action. It is this need and this consciousness of a certain "divine right" that periodically, throughout all human history, has lifted society out of its recurrent periods of depression or constructive barbarism and that, conversely, through disregard of the necessary limitations of the scope of liberty, and a complete disregard of the importance of self-restraint, has thrown society back again into decline and disintegration. There is no social, political, or religious revolution in history, from the Athenian and Roman Republics to the Reformation and the modern industrialism, where virtue has not gone out of it in the end just because, to use a current phrase, "the sky was the limit," and all sense of restraint, of protecting boundaries, of rational limitation has been thrown aside. The French Revolution is the classical example of this immutable truth, (the Russian, Mexican and Spanish Revolutions, possibly also those in

Italy and Germany, may take their place with France) and Lord Acton, amongst many others, has shown very clearly just why it failed through excess and reversal. He says: "... The intelligent men of France, shuddering at the awful recollections of their own experience, struggled to shut out the past, that they might deliver their children from the prince of the world and rescue the living from the clutch of the dead, until the finest opportunity ever given to the world was thrown away, because the passion for equality made vain the hope of freedom."

And getting at the same thing from a different point of view, Berdyaeff says, "The historic destiny of nations tells the same story: destructive revolutions, born of man's irrational liberty, precipitate us into anarchy which in turn brings slavery and tyranny. . . The danger of anarchy, that is to say, of definite disintegration, is always lurking in the background when our initial freedom is centered upon itself."*

* * * * *

I see no necessity for arguing here that liberty, in itself, is a good thing. As well put in a plea for the virtue of sunlight or the sanctity of the beautiful thing. "Ye shall know the truth and the truth shall

* Liberty is therefore the motive force in that cosmic process of rhythmical rise and fall in cultures and civilizations the old Chinese philosophers denominated "yin and yang"; the eternal alternation of periods of activity and rest. Liberty creates a culture; in doing so it ends by running into excess and destroys its own creation. In the depths of degeneration, liberty again is born in protest and revolt, again, in its quality of "yang," building a new culture.

make you free'; yes, and conversely, ye shall be free and freedom shall show you the truth. If we have not freedom of thought and liberty of action we are no longer men. As has already been said, however, liberty without limitation is anarchy; it is diffusive action without its necessary containing framework. Man has generally looked on liberty as a definite, concrete thing, absolute in itself, unchangeable and unconditioned. Instead of this it is a known but protean quantity, varying from time to time, under changing circumstances, and between peoples and individuals. In Señor de Madariaga's "Anarchy or Hierarchy," which has become available just as this chapter is being written, may be found the most succinct and conclusive demonstration of the nature of liberty and of its limitations that, I believe, has ever been put forward. I offer no apology for making the following quotation: "These disquisitions . . . aim at conveying the relative and movable character of the ideas of liberty and authority, which, handled by theoretical and legalistic minds, may have acquired a somewhat rigid and dogmatic aspect. We should envisage liberty not as a goddess, not as a figure of law, not as an abstract idea to be represented by a stone or bronze lady with a torch of the same material emitting a dark radiation of nothingness into the void; but as a living tendency, fluid, undetermined, unharnessed and unshaped, waiting in our living soul to shoot off in a definite form, direction and intensity whenever a concrete stimulus is forthcoming."

Accepting then the fact that liberty is in a sense

the "main-spring" of life while restraint (authority) is the "governor" that keeps the operations of the driving force within bounds and prevents it from running wild and smashing the machine, how shall these forces, antagonistic but identified in unity, be employed in the workings of the State? Both Doctor Berdyaeff and Señor de Madariaga have dealt sufficiently with liberty in its relation to the individual, and the latter also in the relation of personal liberty to the State. His conclusions, however, are general and apply in principle to any social entity ("unanimous, organic democracy") whether in Europe or the Americas. I shall try to use them in connection with the particular case of our own Republic.

* * * * *

Señor de Madariaga has given a most excellent text as a basis for this inquiry. "In all that concerns functions the individual must serve the State, while in all that concerns values the State must serve the individual." The State, as he convincingly shows, is not an end in itself but a means to an end. "The State, which as we have seen, cannot thrive without individual liberty, is nevertheless entitled to set limits to it in order to guarantee, first, its own existence, then its proper mechanical working, finally the fulfillment of its ends. At the outset it is evident that this discussion cannot lead to any denial of essential liberty to the individual, since we have already come to the conclusion that the State has no finality, and that therefore in the last resort the

individual is not for the State but the State for the individual."

Even though the State has no finality and is merely a variable means to an end, it is the precipitation in material and active form of man as a social animal. It is therefore invaluable and indispensable. It possesses sovereign right to protect itself and insure continuity in its operations, while conversely, individuals who together form, so to speak, a pre-existing *spiritual* unity of which the State is the materialization in time and space, possess an original jurisdiction over all the acts of the State, with a duty and obligation to see that it does not take advantage of its position and powers to the injury of the individuals themselves. *A priori* these two forces need not of necessity be in conflict though they almost invariably are. A sane and well-managed State would be one where the two powers were working harmoniously and as countervailing balances. Under conditions as they exist on this planet the individual is always fighting to preserve and increase his primitive freedom of action, the State to set bounds to this and to establish its confining framework ever more rigidly and narrowly. The problem with which we are concerned is just how far this limitation of liberty should be permitted to go.

* * * * *

The individual, both by himself and acting in the mass, demands, struggles to obtain, and, indeed needs, liberty of thought, liberty of conscience, liberty of speech, liberty of the Press, liberty of

action. These are guaranteed to him by Article I of the "Bill of Rights," which also specifies in detail many other rights comprehended within this general statement. It is a wide open franchise, promulgated without reservations, conditions or limitations. The hand of Benjamin Franklin is here clearly seen: Franklin the idealist, not Franklin the shrewd and practical man-of-affairs. The *idea* of Liberty had been smitten into the general consciousness with a force that had not obtained to such a degree at the time of the Constitutional Convention, and largely on account of events in France. The actual operation of these Gallic libertarian ideas when put into practice had not as yet acted as a deterrent to the workings of this particular ideology. Between 1787 and 1793 (the date of the XIth Amendment) a considerable change had taken place in the public consciousness. Perhaps it would be truer to say that this was due rather to a difference between the personnel of the Convention and that of the Third Congress. The former was searching for safeguards, the latter for liberty, in the process taking no particular account of the fact that liberty is not this unless it acts within its definite frame and under a protective restraint.*

*"But it may be urged that liberty is not the sum or the substitute of all the things men ought to live for: that to be real it must be circumscribed, and that the limits of circumscription vary; that advancing civilization invests the State with increased rights and duties, and imposes increased burdens and constraint on the subject [and] that a highly instructed and intelligent community may perceive the benefit of compulsory obligations which, at a lower stage, would be thought unbearable."—Lord Acton, "The History of Freedom."

I submit that the question now is: in how far may the "liberties" quoted above be guarded by measures of restraint, given added force and validity by defining their legitimate boundaries, and society itself in the forms of the community and the State, acquire a larger measure of justice and equity in its operation. As a basis for argument I quote again Señor de Madariaga's dictum: "In all that concerns functions the individual must serve the State, while in all that concerns values the State must serve the individual."

How does this apply to the several categories of human action within the framework of the State?

The highest human value is liberty of thought. Without this there can be no liberty at all. Any social power that intervenes to curb or control this fundamental human right by inquisitorial methods as they once were administered in Spain or now are administered under Nazis, Soviets or Fundamentalists, is a savage power that can claim no right to recognition. But freedom of thought, without a corresponding freedom of expression, is generally held to be inoperative and vain. I am not sure that this conviction is well founded. Thought, in itself and unvoiced, has a certain dynamic force. Every definite concept engendered in the human mind impinges on other minds, just as the waves of wireless find their goal wherever the receiver is rightly attuned. From mob-psychology to the recurrent waves of spiritual exaltation or the mental predispositions that mysteriously determine the character of a culture or a civilization, this unspoken thought has its way with man. This is why, though the

State may take no cognizance of this energy that may make or mar it, the individual is himself bound to establish and enforce his own limitations to the primal freedom that is his by the divine act of creation.

This, however, is no part of this particular inquiry. It is when freedom of thought becomes overt in speech or act that the community, through the State or any other organic form, has the right to consider whether or no it will take restrictive or controlling action. I say to *consider* whether it shall do this or not, for the dangers of such restrictive measures are as great as the dangers arising from the license of unrestricted liberty. Unwise repression may be as bad as unrestricted license. *Quis custodiet ipsos custodes?* The one sure thing about man is that he is fallible. However, all society is based (or should be based) on this truism; so, without looking for perfection or perfectibility, we have to go on and make the best of it, but the fact argues for a measure of caution.

Already the Law recognizes certain limitations on freedom of speech. Neither slander nor obscenity nor false witness is looked upon as a legitimate exercise of the right of freedom of speech. These are regarded as offenses against the better interests of society. Is the State justified in defending itself, as the precipitation of society in organic form, against a similar license in the matter of the spoken word if it holds that such is inimical to its interests or dangerous to its stability?

I think the answer to this question is to be found

through recognition of the fact that liberty is not an *absolute* quality. As has already been said, it varies in respect to its limitations in accordance with time, place, and the character-quality of the individuals who make up society. The same is true of the persons or powers who are responsible for imposing the limitations that may be necessary to insure the just and wholesome operation and continuance of society. If at times the limitations of liberty may be few and simple, while at other times they must be drastic and comprehensive, so the imposition of sanctions must depend in large measure on the character-quality of authority. One man or one government might safely be entrusted with power of determination as to the scope of these saving restrictions, while another man or government might be of a temper that would use this power towards the accomplishment of slavery or even of social destruction.

As Señor de Madariaga says: "Liberty is the individual end of a force which must have as its counterpart a social end. This social counterpart of liberty is authority. . . . Order may be defined as the stable equilibrium between liberty and authority. If liberty prevails over authority, society falls into anarchy; if authority prevails over liberty the individual falls into slavery. . . . A society enjoys order if and when a sufficient number of its citizens achieve the balance of liberty and authority in their minds. . . . No society can work without order, hierarchy, continuity, and discipline. The State must see to it that these conditions prevail and no theory of in-

dividual liberty may be valid against such a duty, because no essential individual liberty is involved."

This is conclusive. That social life may go on and individual lives flourish, limitations on liberty must be imposed, but the responsibility is great and authority can only be safely exercised by the personality or the power that is driven by high social aspirations inspired by a sense of justice and implemented by profound intelligence. Here we come back again to the basic idea of this essay, which is that the *form* of a social polity is second to the *quality* of the men who control and administer it. The form is important because if the right form it tends to breed high character; the quality of the individuals who make up the social organism determine its nature, and may even bring good out of a defective form.

The allied question of the liberty of the Press is similar to that of liberty of speech, and must be determined by the same principles and by the same standards of action. In one respect, however, it is of even greater importance and almost comes in a category by itself. Speech is today just what it was in 1787 A.D. or in 3087 B.C. Nothing has been added to it and nothing taken away during that period—with one exception, and that a thing of vast magnitude: the radio. With the advent and perfecting of the science of broadcasting, the field of operation of the human voice has been widened from a distance of a few hundred feet to half the circumference of the globe, while the size of an audience has grown from a few thousand to any

number of millions. This is a new thing altogether, and with this agency of immense potential privately or corporately controlled, its possibilities are limitless. Anyone with enough money and influence can "buy time" and say what he pleases so long as he avoids profanity, obscenity, and slander. Very few citizens are outside the radius of sound-waves, and their repercussions on popular ears cannot be negatived by any known prophylactic. The dangers inherent in this new device are obvious. For one thing it can be, and has been made, the most powerful agency for arousing mass-hysteria and developing mob-psychology that has ever been known in human society. If anywhere it would seem that here is a case where "values" as well as the continuance of society itself are concerned, and that "the State must serve the individual" by entering in to put a curb on personal liberty. England is not a country where this liberty is considered a negligible quantity, indeed it is probably more jealous of this commodity even than we are, yet there broadcasting is under Government control. There are, of course, dangers to be apprehended under any such system, though they have not as yet been experienced in Great Britain. Apparently here, as elsewhere, it is simply what *kind* of government exercises the power and handles the administration.

The matter of the printed word is in different case. In 1787 the printing-press and the Newspaper Press, while they performed much the same office they do today, were hardly more than precocious infants. Today the whole situation has changed.

The two things have become giants and their incipient energy has become commensurate with that which was released through the advent of coal, steam and electricity. In the "horse and buggy" days of the hand-press, with no telegraph, telephone or rapid transit; when a newspaper was the personal property of one man, expressing only his own opinions, completely localized and backed by no large amount of capital, it was one thing, and its circulation and influence were narrowly circumscribed. Now it is quite another thing. The point need not be stressed; it is quite obvious.

Under the circumstances that obtained in 1787 it could, and did, perform good service, as well, sometimes, as bad—which was to be expected. It made possible free discussion of public affairs—one of the basic necessities of communal and civic life—and that measure of publicity which is one of the protections of the just liberty of the citizen and the welfare of the State. It was held, and then justly, to be "The Palladium of Our Liberties," even though this function was sometimes malignantly overdone. Such is now hardly the case. So far as the major "organs of opinion" are concerned, particularly in the larger cities, and in both the United States and Great Britain, newspapers are now generally combined in large trusts, or in groups under the control of some powerful magnate. They are private industries run solely for private profit. Their object is to make money—like any other commercial venture. Editorially they represent either the dictatorship of the business office or that of the

millionaire proprietor. In the first case the policy of the paper is determined by the wishes of the advertisers or the interests of those who supply the money backing. In the second, it is what the owner says it shall be, and in accordance with his personal predispositions. "Whatever you do, *sell the paper!*" is the golden rule of newspaper management. In the interests of the advertising and buying public, or those of the owner or backers, there is a general policy of suppression, distortion and colouring of the news. There are honourable exceptions to this general rule, but the rule stands.*

The Press fools itself if it thinks it is still a powerful agency in influencing public opinion through its editorial pronouncements. It could do this once, but not now. Editorial animus is too obvious; moreover not many people read newspaper leaders, anyhow. On the other hand journalistic power and its influence on public opinion have considerably increased through the editing of news and it is here that it becomes a force comparable and probably superior to the spoken word.

In an earlier chapter I have spoken of the degenerative influence of the popular Press—daily, weekly and monthly—on the culture, intelligence, and even morals of the literate public. This is probably more injurious than the lucubrations of kept editorial writers and the falsifications and misrepresentations of the make-up man and the headline mechanic, both of whom are also acting under orders. The wide result is the distortion and even rotting of

the public mind so that it is increasingly incapable of estimating the quality of what it takes in through eye and ear, or of resisting its appeal.

Is anything to be done about it? That it is an assault on real "values" and in the end their negation, is obvious. "In all matters of values the State must serve the individual," which would seem to mean that this power has the right and the duty to enter in and take action. This would involve some limitation of the "liberty of the Press," and apart from the fact that the Constitution explicitly prohibits this, public reactions to any such move would probably result in a more hysterical opposition than that at present being aroused over the projects for a reform of the Supreme Court.

In any case, ought anything of the kind to be attempted? The old saying in which a rope of sufficient length is involved leaps to the mind. The notorious abuse of the Editorial column has negated its former power, and it is quite possible that the same thing will come to pass in the case of the news columns, headlines and make-up. I have a shrewd suspicion that the public is not quite so dumb as Messrs. Hearst, Beaverbrook, Rothermere, *et al.* assume, though I am forced to admit that the present circulation figures of this sort of thing argue the contrary. People, even those that have lain so long under the surf-beat of yellow journalism, will, I expect, stand just so much; if this "much" goes on to become more (present indications are that this may happen) it is quite within the range of possibility that they will show signs of revolt.

* See Appendix Q.

Here again, as in the case of free speech, it seems to come to a question of human personality; that is to say: the sort of individuals that are to be permitted to administer a power such as this of the Press. The mass-man type has got hold of it just as the same type has got hold of political administration, and here, as there, it is the public that is to blame through its lethargy and its American propensity to take things as they come. Some like this sort of journalism, just as they like the political racket. Others tolerate it, partly from a sort of cynical good nature, partly because they cannot get anything else. There are good newspapers to be found here and there in the United States, as well as in England, and I have never heard that they were threatened with bankruptcy. There are some large cities where not one of this sort is to be found. I am strongly of the opinion that if some of the money that is now bequeathed to art museums that already have so much they cannot spend it except in buying at exorbitant prices, doubtful "old masters" and forged sculpture, or to universities in order that they may push still further their process of rapidly becoming schools of technology or vocational institutes—if, I say, some of these funds could be used for the publication of newspapers under independent, non-partizan, dignified and self-respecting management, a greater blow would be struck for civilization, culture and human welfare than through any other means whatever.

One thing, in any case, is sure. With the State constituted, manned and administered as it is at pres-

ent, its intrusion to curb or control either freedom of speech or freedom of the Press is out of the question. If human values are endangered by either, and the question does not seem debatable, then it is a matter of personal regeneration and the placing of men of character, capacity, and intelligence in all positions, social, economic, political; where human interests and values are concerned.

A generation ago it would have seemed an act of supererogation to argue that liberty of conscience, in so far as this applies to freedom in the exercise of religious worship, was one of the inalienable rights of man. It was assumed that this matter had been settled long ago when Catholics and Protestants, Christians and Jews ceased fighting one another. Apart from a lot of back-talk which harmed nobody except the participants, something approaching a "Truce of God" had been in operation for more than a century. The recent recurrence of "persecution for conscience's sake" is one of the most revealing events of modern times, and is in itself an irrefutable evidence of social degeneration and deliquescence. Whether it is aimed at Catholics in Mexico and Spain; at Orthodox in the U.S.S.R. or at Protestants in Germany, this renewal of sixteenth century obscurantism and primeval savagery is the most deadly blow that could be struck at the principle of human liberty. In the end those that take up the sword (of religious persecution) may very well perish by the sword, and the very measures adopted to assure the power and continuance of the State may prove its undoing.

In the United States the clause in the Constitution guaranteeing the free exercise of religion has never been nullified except sporadically by a few groups of the baser sort of Protestants in their hatred of Catholicism, and the same thing is true of the British Empire and the model Scandinavian kingdoms. On the other hand similar dangers and abuses hold as in the case of free speech, free Press and liberty of action. There are phases of religious activity in America which are just as deleterious and depressive of human character as are the "comic strips" in the newspapers to which they so frequently bear a close resemblance. The grossness of their offense reacts on all normal religion and is, therefore, not only individually corruptive but broadly injurious to society. The same sort of thing happened towards the end of the Middle Ages and during the inception of the Protestant Revolution, but the measures then taken to put down these vagaries of "liberty of conscience" did not have issue in results that encouraged contemporary emulation. It is safe to say, therefore, that however uncouth may be these curious manifestations of the mental workings of the mass-man, and however deleterious they may be from a social point of view, the right to act as they please must be defended as stoutly as any other personal liberty guaranteed by the Constitution or substantiated by divine law. Here as elsewhere, the dangers of suppression are greater than the dangers of license.

* * * * *

And it all comes down to this in the end. The State, as at present implemented and administered, is, as Mr. Nock has said, "Our Enemy." In the beginning of this essay I drew a contrast between "High Democracy" and "Low Democracy," deploring the fact that the latter has taken the place of the former. The same contrast may be drawn between what we may call the "High State" and the "Low State," and here, today, the same transfer has been effected. Not only this but the declension is progressive. Machiavelli is by way of coming into his own. It was he, in modern times, who proclaimed that the State was not only first, but *all*. This is the negation of liberty itself, for the State is not only less than all, it is not even the major part.*

If any have noted an apparent inconsistency between the primary thesis of this chapter, that is, that liberty is not this unless it is conditioned, and that it is not absolute but relative to persons, times, and places, and the conclusion that the State can safely do little or nothing about it, the solution lies here. Power of this nature and degree cannot be entrusted to the State *as this is now constituted and administered under democratic auspices*. This is why I have confined this inquiringly solely to a study of the American political scene operating under a Constitution altered and deformed under the influence of a false democratic ideology. "Liberty is not a means to a higher political end. It is itself

* See Appendix R.

the highest political end. It is not for the sake of a good political administration that it is required, but for security in the pursuit of the highest object of civil society and of private life.** But liberty, uncontrolled and unconditioned, runs amok and destroys itself. Society in the operating form of the State is the only power (now that the Universal Church is no longer allowed to act universally) that can curb and limit its activities, and the State is not at present so constituted that it can safely act along these lines.

The Organic Law of this Republic must then be recast in order that it may accomplish the following end: *First*, set salutary bounds to the exercise of personal liberty by the individual; *second*, guarantee more perfectly life, liberty and the pursuit of happiness to the citizens; *third*, make more possible the development of men of character, capacity, and intelligence through the establishment of a creative form of social, economic and political life; *fourth*, the placing of such men, *and such men only*, in all positions of power and responsibility. Ever since the modern democratic theory began to work, just one hundred years ago, the character-quotient in public life has been steadily lessening, and increasingly the lower types of men have been taking over power and control. Unless this process is reversed we can look forward to a repetition of the historic sequence: Democracy—Degeneration—Anarchy—Dictatorship—Slavery—Revolution. Then life has

come full circle and all is to be begun over again.

I do not know that the suggestions I have made towards a reconstituting of the civil framework to the end that it may be entrusted with this duty of redeeming and reinforcing Liberty and so make possible, not only the pursuit but the achievement of life, liberty, and happiness, would work out successfully or not. I do know that they are pretty well substantiated by history, experience and the testimony of great political philosophers from Menes to Madariaga, and therefore I venture to make them with no pride in authorship but with considerable confidence in their backing.

And as the whole question of the right working of the mechanism of human society comes in the end to that of the *kind* of men who manage it, so does this resolve itself into that of the individual himself. For, in a new sense, "man is the measure of all things." What he is himself determines what his civil polity will be, and his civilization, and his culture. He can achieve spiritual liberty for himself even if he is a victim of industrial slavery, while no charter of liberties, nor Constitution nor political organism can give him this reality. This is the only basis for social and political regeneration; the freedom and the integrity of the individual man. It does not need many of these who have emancipated themselves from the bondage of mass-ideology, the tyranny of material achievements, the lethargy and the indifference that are imposed on him both by worldly success or worldly failure. The great things man has achieved have issued from one individual

*Lord Acton, "History of Freedom."

or from a small minority. The product of little places—Jerusalem, Athens, Venice, Oxford—lasts forever, but Babylon, and Carthage have left only vestiges of their greatness. A stream cannot rise above its source, and the source of the river of human life is the individual man.

APPENDICES

APPENDIX A

"What we recognize as 'order' today, and express in 'Liberal' constitutions, is nothing but *anarchy become a habit*. We call it democracy, parliamentarism, national self-government, but in fact it is the mere non-existence of a conscious responsible authority, a government—that is, a true State.

"A modern republic is nothing but the ruin of a monarchy that has given *itself* up.

"But political Rationalism understands by a 'nation' freedom from and struggle against any sort of order. 'Nation' is for Rationalism analogous to *mass*, a formless, structureless thing, rulerless and aimless. This it calls 'the sovereignty of the people'.

"This condition of things is the anarchic intermezzo known today as democracy, which leads from the destruction of monarchial State supremacy by way of political, plebeian Rationalism to the Caesarism of the future."—OSWALD SPENGLER, "The Hour of Decision."

APPENDIX B

"The manifest, the avowed difficulty is that democracy, no less than monarchy or aristocracy,

sacrifices everything to maintain itself, and strives, with an energy and a plausibility that kings and nobles cannot attain, to override representation, to annul all the forces of resistance and deviation, and to secure, by plebiscite, referendum, or caucus, free play for the will of the majority. The true democratic principle, that none shall have power over the people, is taken to mean that none shall be able to restrain or to elude its power. The true democratic principle, that the people shall not be made to do what it does not like, is taken to mean that it shall never be required to tolerate what it does not like. The true democratic principle that every man's free will shall be as unfettered as possible, is taken to mean that the free will of the collective people shall be fettered in nothing. Religious toleration, judicial independence, dread of centralization, jealousy of State interference, become obstacles to freedom instead of safeguards, when the centralized force of the State is welded by the hand of the people."—LORD ACRON, "The History of Freedom."

APPENDIX C

Discussing the modern movement toward complete democracy in secondary education, Sir Michael Sadler, British educator, asserted that the first aim of education is to produce a ruling class.

Sir Michael attacked the popular theory that education is to be judged by what it is able to do with the average man, and pointed out that government, business and administration demand an "elite." Culture, though it may be "incessantly reinforced by un-

expected genius," must be guarded by this elite, he said.

"The older forms of secondary education in all countries were designed, or if not designed destined, to produce an elite," the educator declared. "They were to train the governing class; to prepare ministers for the sacred office; to equip the professions; to recruit the administration and, in their recent developments, to furnish industry and commerce with men of leadership and authority.

"Admission to these training grounds of the elite was fenced in by barriers of birth, class and wealth, though in all countries there were by-passes for boys of humble birth and of outstanding talent.

"Medieval and modern European history is full of instances of the rise of boys from humble station through educational opportunity to posts of eminence in the State. The older civilization had its safety-valve and did not forget to recruit itself from regions which lay outside the charmed circle of its privilege.

"What most concerns humanity in the long run is the illumination of genius, not the mediocrity of the crowd. A thousand poetsasters might well have been left to carry on their shoulders heavy burdens up the Italian hillsides rather than lose one Dante. Better that all the students in the mid-Victorian Mechanics' Institutes should never have heard of science than lose one Darwin.

"If the modern movement in secondary education means the decapitation of the eminent in the interests of the average, it will stand condemned at the bar of future history. Education must produce an elite. The elite must emerge from the whole range of

human society. How can these two functions of education—the furtherance of the common interest and the fostering of an elite—be effectively combined?"

APPENDIX D

"Nevertheless, although democracy has spread, and although no country that has tried it shows any signs of forsaking it, we are not yet entitled to hold with the men of 1789 that it is the natural and therefore in the long run the inevitable form of government. Much has happened since the rising sun of liberty dazzled the eyes of the States-General at Versailles. Popular government has not yet been proved to guarantee, always and everywhere, good government. If it be improbable, yet it is not unthinkable, that as in many countries impatience with tangible evils substituted democracy for monarchy or oligarchy, a like impatience might some day reverse the process."—LORD BRYCE, "Modern Democracies."

The briefness of the time allowed for action is well indicated by this statement of what was then a fact. Ten years ago there was indeed evidence that "no country that has tried [democracy] shows any signs of forsaking it." The present state of things shows very clearly that Lord Bryce was quite justified in his cautious statement that "if it be improbable, yet it is not unthinkable" that the time *might* come when the nations would be forced to substitute monarchy or oligarchy for democracy. He erred only in positing this revolution in a probably distant future.—R. A. C.

APPENDIX E

"Laws derive their authority from the nation, and are invalid without its assent. As the whole is greater than any part, it is wrong that any part should legislate for the whole: and as men are equal, it is wrong that one should be bound by laws made by another. But in obeying laws to which all men have agreed, all men, in reality, govern themselves. The monarch who is instituted by the legislature to execute its will, ought to be armed with a force sufficient to coerce individuals but not sufficient to control the majority of the people. He is responsible to the nation, and subject to the law; and the nation that appoints him, and assigns him his duties, has to see that he obeys the Constitution, and has to dismiss him if he breaks it. The rights of citizens are independent of the faith they profess; and no man may be punished for his religion."—MARSILIUS OF PADUA.

"A King who is unfaithful to his duty forfeits his claim to obedience. It is not rebellion to depose him, for he is himself a rebel whom the nation has a right to put down. But it is better to abridge his power, that he may be unable to abuse it. For this purpose, the whole nation ought to have a share in governing itself; the Constitution ought to comprise a limited and elective monarchy, with an aristocracy of merit, and such an admixture of democracy as shall admit all classes to office by popular election."

—ST. THOMAS AQUINAS.

APPENDIX F

"The statesman is a sculptor of peoples. He must above all possess a vision of what he wants to sculpt, in order to model the mass of his nation into this ideal shape which he wishes it to take, transfiguring it, so to speak, into its real self. The statesman, therefore, belongs less to the species of the politician than to a higher species into which are blended and transmuted that of the politician and that of the creative artist. The statesman is to the politician what the artist is to the craftsman.

"The statesman may be allowed a certain subjectivity as befits an artist. A synthesis of people and bourgeoisie, he is rich in spontaneity, though able to control and canalize it with competence and objectivity; but his supreme virtues are creative power, vision of the future, intuition of the present. . . . Above all the statesman is naturally free from the small passions—selfishness, egotism, jealousy, vanity."—SALVADOR DE MADARIAGA, "Anarchy or Hierarchy."

APPENDIX G

"A live society renews itself perpetually by previous blood which pours into it from below and from outside.

"In every society degenerate elements sink constantly to the bottom: exhausted families, down-fallen members of generations of high breed; spiritual and physical failures and inferiors. One has only to glance at the figures in meetings, public-houses,

processions, and riots; one way or another they are all abortions, men who, instead of having healthy instincts in their body, have only heads full of disputatiousness and revenge for their wasted life, and mouths, as their most important organ."—OSWALD SPENGLER, "The Hour of Decision."

APPENDIX H

"Ingenuously, without any need of being vain, as the most natural thing in the world, he [the mass man] will tend to consider and affirm as good everything he finds within himself; opinions, appetites, preferences, tastes. Why not, if, as we have seen, nothing and nobody forced him to realize that he is a second class man, subject to many limitations, incapable of creating or conserving that very organization which gives his life the fullness and contentedness on which he bases this assertion of his personality?

"On the contrary, the select man, the excellent man is urged by interior necessity to appeal from himself to some standard beyond himself, superior to himself, whose service he freely accepts.

"Nobility is defined by the demand it makes on us—by obligation not by right. Noblesse oblige 'to live as one likes is plebeian; the noble man aspires to order and law'—(Goethe).

"That man is intellectually of the mass who, in face of any problem, is satisfied with thinking the first thing he finds in his head. On the contrary, the excellent man is he who contemplates what he finds in his mind without previous effort, and only accepts as worthy of him what is still far above him and

what requires a further effort in order to be reached."—ORTEGA Y GASSER, "The Revolt of the Masses."

APPENDIX I

"In the last third of the century [the nineteenth] there began—though hidden from sight—that in-revolution, that retrogression toward barbarism, that is, toward the ingenuousness and primitivism of the man who has no past or who has forgotten it, hence Bolshevism and Fascism, the two 'new' attempts in politics that are being made in Europe and on its borders, are two clear examples of essential retrogression . . . Typical movements of mass men directed, as all such are, by men who are mediocrities, improvised. Devoid of a long memory and a 'historic conscience' they behave from the start as if they already belonged to the past, as if, though occurring at the present hour, they were really fauna of a past age."—ORTEGA Y GASSER, "The Revolt of the Masses."

APPENDIX J

"It is difficult to see how the middle classes can be saved from destruction if they do not believe in themselves. They have submitted to constant abuse for nearly a century. They have reacted in the poorest possible way by creating middle-class unions and what not. But the point is that practically the whole of Western civilization is due to them. Civilization means mostly the life of Western middle classes, and the arts, sciences, and amenities of the

West are practically all the creations of middle-class men. . . . That there are aristocratic values in Western civilization . . . no one doubts. That there are popular values in civilization . . . no one denies; but the fact remains that the centre of civilization, the store of it and the style of it are essentially bourgeois, and that it is to the bourgeoisie that we owe nearly all, if not all, the great human heights which have reflected the light of inspiration and genius. How can the middle classes be so dull as to allow in silence the vituperation and abuse of a class to which all that there is is due, all including socialism?"—SALVADOR DE MADARIAGA, "Anarchy or Hierarchy."

APPENDIX K

"It was equally desirable, that the immediate election should be made by men most capable of analyzing the qualities adapted to the station, and acting under circumstances favourable to deliberation, and to a judicious combination of all the reasons and inducements which were proper to govern their choice.

"It was also peculiarly desirable to afford as little opportunity as possible to tumult and disorder. This evil was not least to be dreaded in the election of a magistrate, who was to have so important an agency in the administration of the government as the President of the United States.

"Another and no less important desideratum was, that the Executive should be independent for his continuance in office on all but the people themselves. He might otherwise be tempted to sacrifice his duty

to his complaisance for those whose favour was necessary to the duration of his official consequence.

"The Republican principle demands that the de-liberate sense of the community should govern the conduct of those to whom they entrust the management of their affairs; but it does not require every transient impulse which the people may receive from the arts of men who flatter their prejudices to betray their interests.

"It is a just observation, that the people commonly *intend* the PUBLIC GOOD. This often applies to their very error. But their good sense would despise the adjurator who should pretend that they always *reason right* about the *means* of promoting it. They know from experience that they sometimes err; and the wonder is that they so seldom err as they do, beset, as they continually are, by the wiles of parasites and sycophants, by the snares of the ambitious, the avaricious, the desperate, by the artifices of men who possess their confidence more than they deserve it, and of those who seek to possess rather than to deserve it."—*The Federalist*.

APPENDIX I.

Describing the Constitution of the United States as "a living organism, susceptible of adaptation and, therefore, of infinite growth," Representative James M. Beck of Philadelphia declared tonight that the document was "in process of deterioration and not of growth."

Enumerating a few of the "portentous changes" to which the Constitution had been subjected, he

terminated the list with the words, "and, finally, the crowning atrocity of the Eighteenth Amendment, which invades individual liberty in a manner at which Washington and Franklin would have stood aghast and which, in this respect, relegates the once proudly conscious States to the ignominious position of being mere police provinces."

Declaring that "some of the profound changes may be advantageous, but certainly not all of them," Mr. Beck went on to describe the difference between the American people when they framed the Constitution, and the American people today.

"Our forebears," he said, "thought in terms of abstract political rights, but we today think in terms of concrete economics. Moreover, the gospel of the American people today is efficiency and to secure such efficiency they are apparently willing to sacrifice any principle that makes for the greater consideration of security."

This could be measured "in the contempt of the people for Congress and their confidence in the Executive, whoever he may temporarily be."

He referred to the famous Webster Hayne debate in Congress 100 years ago last January 25-27 which followed the rise of "the baleful spirit of sectionalism" after the American people in 1826 had "seemed united as they had never been before and, I might add, since."

His purpose, he said, was to point out that neither Hayne, Webster nor other speakers of the time "had any conception of the Constitution as a living organism." All regarded it as a static instrument, whose letter was unchangeable and comprehensively defined the nature of our government for all time.

Mr. Beck said that to judges and lawyers today, "the Constitution is as the Bible to the devout—it is infallible and omnipotent," but "even if legal conceptions could be accepted as final truths, yet it is impossible to define them in the imperfect medium of language with any finality, for the very meaning of words, even the words of the Constitution, changes from generation to generation and often the definition survives the text.

"This sacerdotal conception of law has led to much foolish expression about the sanctity of laws, whether they be wise or unwise, and we forget the elemental fact that we cannot ask a people to respect a law that is not intrinsically worthy of respect."
—*The New York Times*.

APPENDIX M

"I will barely remark, that, as the improbability of sinister combinations will be in proportion to the dissimilarity in the genius of the two bodies, it must be politic to distinguish them from each other by every circumstance which will consist with a due harmony in all proper measures, and with the genuine principles of Republican government.

"What indeed, are all the repealing, explaining, and amending laws, which fill and disgrace our voluminous code, but so many monuments of deficient wisdom; so many impeachments exhibited by each succeeding against each preceding session; so many admonitions to the people, of the value of those aids which may be expected from a well constituted Senate?"

"As the cool and deliberate sense of the com-

munity ought, in all government, and actually will, in all free government, ultimately prevail over the views of its rulers; so there are particular moments in public affairs when the people, stimulated by some irregular passion, or some illicit advantage, or misled by the artful misrepresentations of interested men, may call for measures which they themselves would afterwards be the most ready to lament and condemn. In these critical moments, how salutary will be the interference of some temperate and respectable body of citizens in order to check the misguided career, and to suspend the blow meditated by the people against themselves, until reason, justice, and truth can regain their authority over the public mind?"

"To this general answer, the general reply ought to be sufficient, that liberty may be endangered by the abuses of liberty as well as by the abuses of power; that there are numerous instances of the former as well as of the latter; and that the former, rather than the latter, are apparently most to be apprehended by the United States."—*The Federalist*.

APPENDIX N

"For we know that the masses are, of themselves, by their very nature, incapable of constituting a State. Their victory would mean, therefore, either a victory for chaos, destructive of civilization, or a passing phase of disorder giving way to a new body of leaders. . . .

"The *organic unanimous democracy* is the natural form which a civilized nation that has come of age must adopt. But this form can only be the last

phase of a political evolution towards wisdom through liberty. The totalitarian State reached through authority and force is no more than a caricature of it. The relation to be sought between the individual and the State is one not of obedience but of perfect adaptation, and our faith consists precisely in believing that this perfect adaptation is possible if the leading classes *are* an aristocracy and if, by the virtue inherent in an aristocracy, they succeed in transforming the State into a true republic. In a State so constituted, liberty and authority will be natural functions and the political body will enjoy order, which is the collective form of health.”

—SALVADOR DE MADARIAGA, “Anarchy or Hierarchy.”

APPENDIX O

“It is characteristic, however, of the course of democracy, that the authors of popular constitutions have never had any idea of the actual workings of their schemes—neither the authors of the ‘Servian’ Constitution in Rome nor the National Assembly in Paris. Since these forms of theirs are not, like feudalism, the result of growth, but of thought (and based, moreover, not on deep knowledge of men and things, but on abstract ideas of right and justice), a gulf opens between the intellectual side of the laws and the practical habits that silently form under the pressure of them, and either adapt them to, or fend them off from, the rhythm of actual life. Only experience has ever taught the lesson, and only at the end of the whole development has it been assimilated, that the rights of the people and the

influence of the people are two different things. The more nearly universal a franchise is, the *less* becomes the power of the electorate.”—OSWALD SPENGLER, “The Decline of the West.”

APPENDIX P

“Liberty, next to religion, has been the motive of good deeds and the common pretext of crime, from the sowing of the seed at Athens, two thousand four hundred and sixty years ago, until the ripened harvest was gathered by men of our race. It is the delicate fruit of a mature civilization; and scarcely a century has passed since nations, that knew the meaning of the term, resolved to be free. . . . At all times sincere friends of freedom have been rare, and its triumphs have been due to minorities that have prevailed by associating themselves with auxiliaries whose object often differed from their own; and this association, which is always dangerous, has been sometimes disastrous, by giving to opponents just grounds for opposition, and by kindling dispute over the spoils in the hour of success. No obstacle has been so constant, or so difficult to overcome, as uncertainty and confusion touching the nature of true liberty. If hostile interests have wrought much injury, false ideas have wrought still more.”—LORD ACTON, “The History of Freedom.”

APPENDIX Q

“Nothing but the gradual character of the evolution which has brought the Press to the position

which it occupies in contemporary society can explain the amazing fact that the most important organ of public life should be left to the vagaries and hazards of private ownership. Yet an explanation is not a justification. What should we think of a nation which allowed its Parliament to be appointed by a few private individuals and run for profit? . . . No doubt cases have been seen in all nations where elections have turned out exactly contrary to the opinions advocated by the most powerful organs of the Press. But the minimum that can be said against the present system is formidable enough. . . . There are countries in which organizations of news and publicity based on the Press have more power than governments and parliaments, and in all liberal democracies the Press is a substantially constitutional problem which would not have remained beyond the boundaries of the Constitution if it had not been made taboo precisely because of the power of the Press and of the fear it puts in the hearts of politicians."—SALVADOR DE MADARIAGA, in "Anarchy of Hierarchy."

APPENDIX R

Dr. Etienne Gilson, one of the world's most distinguished Catholic scholars, told the Harvard Tercentenary Conference of Arts and Sciences that the remedy for our present-day intellectual, moral and social disorders was a return to the fundamental principles of Christian rationalism.

Speaking on "Medieval Universalism and Its Present Value," opening paper of the program in the humanities, the French philosopher asserted that the medieval conviction of universal truth based on

human reason has "such lasting value for the world that everything should be done to revive it under some form suitable for our own times."

Dr. Gilson sketched a picture for his audience of the medieval intellectual temper. The best of the medieval scholars, he said, were firmly convinced that there existed an order of absolute religious truth, of absolute ethical goodness, of absolute political and social justice, to which differences had to submit and by which they had to be judged. These concepts rested on a belief in the universal character of rational truth in the philosophic, moral and scientific sphere, from which the Christian religion itself drew its rational validity.

Dr. Gilson declared that the world is paying dearly for its repudiation of the universal character of truth based on reason. Speaking forcefully and earnestly and with deep conviction the eminent philosopher said:

"This is indeed a point in which each and every one of us should feel vitally interested. Culture and learning themselves are at stake, and with them the very freedom of the mind which is their only conceivable source. Whether we like it or not, the sad fact is that after losing our common faith, our common philosophy and our common art, we are in great danger of losing even our common science and of exchanging it for State-controlled dogma."

As soon as men refuse to be directly ruled by God, Dr. Gilson continued, they condemn themselves to be directly ruled by man; and if they decline to receive from God the leading principles of their moral and social conduct, they are bound to accept

them from the State, from their nation, or from their own social class.

"In all cases," he said, "there will be a State-decreed philosophical, moral, historical, and even scientific truth, just as tyrannical in its pretensions, and much more effective in its oppression of individual conscience than any State religion may ever have been in the past."

Creeping like a shadow across the world, said Dr. Gilson, have come the encroachments of the totalitarian State, denying the universality of truth and reason and substituting for it a variety of class and national dogmas based on emotions and prejudices. Millions of people are held in mental slavery today, he asserted, led by a minority of uninformed idealists who are in power, using the press and other mediums of propaganda to spread false doctrines of racial religion and narrow-minded nationalism.

"Against this threat of the totalitarian State in its various forms," said Dr. Gilson, "our only conceivable protection is in a powerful revival of the medieval feeling for the universal character of truth."

He believes this revival can come about only through the universities, which must first set their own houses in order by establishing a true "intellectual unity" in the higher fields of endeavor as a philosophical preparation for the battle with State authority.

Dr. Gilson believes the function of education should not be the mere accumulation of facts, but rather it should give the student a thorough training in the rules of right reason, from which he can later acquire the rules of right conduct. The student

should first think about fundamental subjects before studying the arts and sciences.

"In most universities today," said Dr. Gilson, "the individual is allowed to make any conclusion he wishes on any fundamental problem in spite of the fact that adolescents from eighteen to twenty need certitude, positive ideals. The educational situation is what makes the positive, though mistaken dogmas of the totalitarian State such a real threat in the United States and in every other country where intellectual freedom still reigns."

"It is high time for the moralists and philosophers to return to the medieval concept that truth is universal in its own right," Dr. Gilson concluded. "Only thus can the threat be forestalled and true learning saved."—*The Boston Transcript*.