

CHAPTER VII.

THE SCIENTIFIC METHOD APPLICABLE TO THE SOLUTION OF ALL POLITICAL PROBLEMS.—THE TARIFF.—WOMAN SUFFRAGE, ET CETERA.

The method pursued in examining the foregoing subjects and laws is equally applicable and necessary to the solution of every question the citizen has to answer, of every problem the State is called upon to solve. Patent laws, tariff laws, criminal laws, the questions of marriage and divorce, of woman suffrage, of popular education and of social progress should all be considered in the light of axiomatic principles and with reference to the legitimate functions of government.

Profitable attention might, doubtless, be given to patent laws which exert a potent influence upon industrial conditions. They are laws declaratory and preservative of certain real or fictitious property rights. If there be any natural property right in a discovery or an invention, it is proper that the State in the discharge of its third, or right-preserving function should provide for its protection. If

on the other hand there be no such natural right, the creation of an artificial one is foreign to any legitimate function of government and an unwarranted and injurious interference with the equal enjoyment of natural rights. It is clear that any man has a natural right to make and utilize whatever discoveries or inventions he can, but not so clear that other men have not a right to repeat the particular discovery or invention or even to utilize it, although not made by them. The importance of this subject is suggested by frequent complaints of the injurious effects of labor saving machinery upon the market for manual labor and the rate of wages. Thousands of men are engaged in some branch of industry; a machine is invented, the introduction of which into general use will throw them out of employment. Such a change, if occurring naturally, that is, without the interference or aid of government, would be one to which men should accommodate themselves as best they could. In the natural order of things the machine would be gradually brought into general but not monopolistic use, the laborers, some of them becoming manufacturers, owners and operators of it, while others would with less precipitation and greater success seek other and different employment. The government steps in, however, and makes it possible

and profitable for particularly favored capital to at once monopolize the use of the machine and with it the particular industry. The evil results are of course aggravated by reason of the fact that the patents generally come to be controlled by private corporations, but it is a serious question whether the issue of the patent is not itself an abuse of civil power. It may be argued that patents encourage inventions of great benefit to society, which may be true, and yet few will contend that the State could justly appropriate the millions of a Vanderbilt or Astor to the promotion of discovery and invention, no matter how beneficial such appropriation might be, nor can it with greater justice interfere for such purpose with any natural right or opportunity of any man. There was a time when men stood upon the shores of lake and stream angling for fish. At length one invented a boat, finding thereby deeper water and better fishing. Had he or the community any right to prevent other men from using, making or selling boats? Another thought of the mast and sail. Could he by right prevent others from making use of the same contrivance? And so with every invention that man may make, what natural right has he to prevent another from using it? The latter might have produced it a week or a day later, although

the former had never been born. That the so-called rights protected by patent are not natural is admitted in that the government assumes to secure them for only a limited term. Why should the life of a patent be fourteen rather than forty or four hundred years if its object is to secure a natural right? Patent rights are privileges which the State has no legitimate authority to grant. Of the thousands that spend their lives in efforts at discovery and invention how few succeed, and of those succeeding how few themselves reap the reward that government assumes to provide. The inventor will invent as the poet sings or the painter paints, because impelled by his genius. If he is to receive other than his natural reward, let it be given to him directly by the State, by the people, and let all the people share equally and at once in the benefit of his discovery.

The question of the tariff is to be considered with reference to the particular object for which it is to be imposed. If for revenue, its collection falls within the first or self-preserving function of the government. But as already seen the fund arising from the rental value of land or valuable natural opportunities should be applied to the payment of public expenses, nor should resort be had to any other mode of taxation until such fund is so

applied and exhausted. Discussion of prevailing methods of taxation is but a paradoxical attempt to discover the right way of doing a wrong thing. In considering a protective tariff inquiry should be made as to whether the protection is intended for the State or for individuals. If for the State, the imposition of the tariff will fall under the first governmental function, but if for individuals, under the third function. It is possible that the safety of the State may at times require the development of certain industries, for instance, the production of something necessary to defensive warfare for the supply of which it would not do to depend upon possible enemies. It is clear, however, that provision for such emergency should be made by the State itself directly in the discharge of its fourth or public serving function; that is, if individuals could not profitably carry on the particular industry and its conduct was necessary to the public safety, the State would be interfering with no individual right, but rather performing a legitimate and necessary public function by itself conducting the industry. Such method would certainly be more equitable than the indirect one of tariff protection. There are comparatively few instances of such necessity. If the object be to protect individuals by making particular branches of industry profitable to manufacturers, the action of the State in that

regard is not only foreign to any legitimate function but contrary to every correct principle of government, since it is impossible to aid or benefit particular persons or classes except at the expense and injury of others. No less unwarranted by fundamental principle is any attempt to provide employment for labor through the imposition of a tariff, since the State has no right to do more for either labor or capital than to secure for each the enjoyment of natural opportunities and conditions for their employment. If by reason its neglect to secure such enjoyment the State has placed itself under any special obligation to labor, its duty is to restore such opportunities and conditions rather than to attempt to make compensation by further abuse of its power, still further interfering with the inalienable right of natural competition and aggravating the evils it seeks to remedy.

The problem of crime involves the question as to what acts should be prohibited by the State, the answer to which is to be found by reference to the the functions of government. Acts directed to overthrow of the government must be prevented by it in the discharge of its first or self-preserving function. They constitute the crime of treason. Those destructive of the peace are forbidden by virtue of the second, or peace preserving function,

while those interfering enjoyment of natural rights should be prohibited in the discharge of the third, or right-preserving function. The object in each instance should be to prevent or deter men from committing the prohibited offense, and the penalties attached should be directed solely to that end. Any punishment that needlessly adds to the disgrace necessarily incident to the commission of an offense tends to increase rather than to diminish crime. Every effort should be made not only in justice to the offender but also in the interest of the public that his punishment may tend to render him less likely to offend again. He should be punished not to gratify the revenge of any whom he may have injured but to preserve the peace both now and hereafter. The right of self-defense does not include the gratification of revenge, nor has any man the right to demand that the State, in assuming to defend, shall also avenge him. Superintendents and overseers of jails and penitentiaries should be selected with as much care as those placed in charge of schools and colleges, and with no less for their intelligence and humane integrity. A crying evil is that of too frequently treating those merely charged with crime as if already proved to be guilty, and often in a manner too shameful for the deserts even of the most

guilty, The State has no right and can not afford to be unjust. When it shall have corrected its own abuses it will have greatly reduced the number of its criminals. It is too often responsible for the crime it is called upon to punish to warrant any arrogant, self-righteous exhibition of its sovereign power.

The problem of marriage and divorce, so far at least as the government is concerned, is to be solved by determining what, if any, natural rights the problem involves, the enforcement of what may be the purely religious or moral obligations involved being wholly foreign to any legitimate function of the State.

The question of woman suffrage is to be viewed in connection with the first and third functions of government. The preservation of the State depends upon the manner in which its power is exercised. There can be no real wisdom not founded in justice. Since the State assumes to control the conduct of all persons within its jurisdiction, and since no individual nor set of individuals has greater right than another to direct the use of its power, and since the rights of each and all are reasonably presumed to be better protected when all have a voice in providing for such protection than when it is left to a part to provide it, it

would seem but just that all whose rights may be concerned should have an equal voice in matters of government, women no less than men, Government is but the incorporation of all persons into a body politic, warranted by the right of self-defense against disturbance of the peace. The right to effect such incorporation is peculiar to neither man nor woman, but arises from the right of self-defense which belongs to them both alike, and it would seem that the State in the discharge of its third, or right-preserving function should at least not deny to woman the right to take part in the formation and conduct of such incorporation. The formation of an intelligent public opinion upon matters of government demands the most earnest and continued attention of the whole people, male and female, and it is not unlikely that if called upon to take a more active part in civic deliberations woman might do more towards promoting such an opinion.

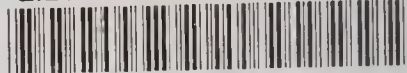
The question of public education involves the inquiry whether it be necessary to the preservation of the State for it to provide for the education of its citizens. If not, then there can be no just warrant for such education, since no man is by nature entitled to demand greater knowledge or better training than he can himself acquire through the

enjoyment and exercise of the rights of life, liberty, property and contract. The primary object of public education, that is, at the expense of the public, should be to prepare all persons for the duties of intelligent citizenship; not to teach any particular theory of government, of politics, political economy or theology, but to develop the ability for and the habit of independent and thorough investigation of all questions, especially those calling for political action. Graduates of public institutions of learning should be too well educated to accept the conclusions of any teacher, school or party as final. No public school teacher, however learned, can be justified in presenting his own opinion on disputed questions without at the same time calling the student's respectful attention to whatever opposite opinions may be held by others, and encouraging independent examination of all opinions and theories. Nor should any such teacher be criticised, much less discharged, for presenting for what they may be worth, the results of his own or other men's original investigations in political or social science, no matter how contradictory of generally accepted theories. It is but a barbarous continuation of the tyranny that has characterized government from the beginning and greatly retarded its progress and that of the race, for it to encourage discoveries in the labora-

tories of physical science, but to persecute whoever shall presume to make them in the domain of social science.

Whatever instruction the State may provide further than that necessary to intelligent citizenship, in manual training, for instance, is warranted only when the State assumes such control of the child's time as to prevent the parent from providing such instruction. One fault of the public school system has been that pupils completing the prescribed course of study are deprived of the opportunity to learn trades and business habits by exclusive attendance upon school at the very time when they should also be acquiring the knowledge and habit of manual industry. Although it is not the duty of the State to teach trades or professions, it should do nothing to prevent or discourage their being learned. Whenever there shall be a science of government, instruction in public schools should be limited as far as practicable to the teaching of whatever would be necessary to the mastery of that science, their legitimate aim being to send forth graduates proficient in the theory and practice of the art of government.

With the promotion of social progress government has properly nothing to do. It should reform itself by ceasing its attempts to reform society.



It is responsible for only such social ills as are caused by the misuse of its power. Instead of prescribing corrective medicines for the ills of society, it should preserve natural conditions always the most favorable to social as well as individual health, both physical and moral.

The office of the State is not that of physician or teacher but rather that of policeman. When it shall efficiently discharge all its legitimate functions, the individual and society will enjoy the the liberty to make whatever advancement is to be reasonably expected from compliance with the immutable laws of God and nature. No government can improve upon those laws, nor should any attempt be made to do more than to secure to every individual the freedom to learn and obey them. Whenever that freedom shall be permanently enjoyed the healthful, natural progress of society will be assured, for every man will then be free to make use of all the opportunities provided by God and and nature for his own improvement and to utilize every worthy means and influence for the advancement of his fellow men.

Almighty wisdom has not provided nor can government devise conditions more favorable to both the tem oral and the spiritual welfare of mankind than those that will exist when the use of civil power shall be limited strictly to the efficient discharge of the four legitimate and only proper functions of government.