

PREFACE

DOWN to the beginning of the nineteenth century government was merely the will of a class. Politics mirrored the wish of the privileged orders. And the motive which inspired the governing classes was primarily an economic one. This interpretation of politics has only begun to influence the writing of history. Yet in this motive is to be found the cause of wars and of peace, of intrigue and of diplomacy, of force and of fraud, of practically all legislation relating to religion, taxation, industry, and the relation of classes. The struggles of kings and parliaments, of burghers and peasants, of cities and overlords had their origin in the desire to use the agencies of government for the advantage of one or the other of the contending orders. We have only to study the Parliamentary struggle which has just closed in Great Britain, to see a confirmation of this fact. In this instance the conflict was carried on by peaceful means. But the motive of the struggle was the same. It was a warfare of classes, organized through parties instead of with armed retainers, but bent on the control of the government for economic advantage.

During these centuries religion was the handmaiden of the class which ruled. It aided in the creation of a moral code which kept the masses of the people in subjection, and contented with their lot. It taught the paralyzing ethics of obedience, of reverence, of humility, of duty. All of the relations of society were created by the class which ruled. And the class which ruled was the class which owned. Its constant aim was to control the distribution of wealth.

When society emerged from the anarchy of the Middle Ages, law was substituted for the reign of force, which the ruling classes had employed in an earlier age. And by means of law humanity was made to obey. By law the feudal lord reared himself above the serf just as the patrician had reared himself above the pleb. And through the aid of religion, education, and the administration of justice, law was given a solemn and religious sanction. Through these agencies the economic framework of society, as well as the relations of classes, was adjusted to suit the will of the ascendant class.

“The holders of riches always appropriate to themselves political authority,” says Achille Loria, the eminent Italian economist. This “is common to the various historical phases of capitalistic property. It is the class that predominates economically that holds the political power in each historical period. Thus in the Græco-Italian world it was

the slave-owning class, in the Middle Ages it was the feudal lords, and at the present epoch it is the bourgeois proprietors who are politically supreme."¹

To what extent has democracy shifted this ascendancy? How far do the laws of America reflect the popular will and the economic relations of men correspond to the new distribution of power? Has the political revolution of the nineteenth century carried with it a revolution in the economic environment, which, in the last analysis, controls the life, the liberty, the morals, and the well-being of humanity? For man's whole life is moulded by his economic environment. And this is made by law. Not by natural law, not by moral law, not alone by the common law, but by the laws enacted by Congress at Washington, by the legislatures of our states, and by the councils in our cities. More than anything else, statute law determines the well-being of the people. More than anything else, it controls the distribution of wealth.

In the past, at least, law has been the fountain of servitude as well as of liberty, of injustice as well as of justice, of poverty as well as prosperity, of crime as well as of the punishment which it sought to prevent. And many are asking to-day whether conditions have really changed. Do not the few still elevate themselves upon the backs of the many by means of law, by means of the control of

¹ *The Economic Foundations of Society*, p. 28.

government and the agencies of justice and public opinion? Is there not truth in the suggestion that society itself is responsible for the wreckage which industry has cast upon our shores? Are not poverty and the attendant evils of ignorance, disease, vice, and crime the children of our own flesh and blood? Have not the liberties, which represent centuries of sacrifice and suffering, only conferred upon humanity the shadow of power, while the substance is still in the hands of an ascendant class, which has made use of the new machinery as readily as it did the old? These are questions which underlie all others in the unrest which is expressing itself in city, state, and nation. These are the questions which are challenging authority in every country in the world. And it is these questions that this book aims to consider.

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