

THE DIFFICULTIES OF DEMOCRACY.

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“Of all forms of government democracy is the most difficult.”—Sir Henry Sumner Maine.

“The difficulties of popular government which arise from the modern military spirit and from the modern growth of irreconcilable parties could not perhaps have been determined without actual experience. But there are other difficulties which might have been divined because they proceed from the inherent nature of democracy.”—Sir Henry Sumner Maine.

DEMOCRACY contemplates no more than other forms of government—all seek to justify themselves as serving best the happiness of the people. Democracy claims for itself no other *raison d'être* than a tempered monarchy or an honest despotism. We have learned that it is best that power should proceed from below rather than from above, and that it is not safe to vest large powers in any branch of government or any group of persons. And we trust that the practical application of this theory of government will give us all greater happiness, and that civilization and progress are indissolubly connected with it.

Yet what we have termed the difficulties of democracy remain. We have assumed that what stands in its path are obstacles placed there by its foes, when in fact the chief difficulties are inherent in democracy itself. We have assumed that all that it was necessary to do was to place power in the hands of the people, and liberty would be an accomplished fact. We have assumed that democracy would be attained by smashing institutions that impeded it, and that all the rest was a triumphant march.

But democracy is not so much a system of people's power as *a state of social consciousness*. But even with this all is not attained, since the practical difficulties that remain, defects of knowledge, unconscious bias, failure of governmental machinery, or the natural propensity of men to grasp power and of others to yield power to those

who authoritatively assert it, are appalling to whoever will think of the possibility of a pure democracy.

It is seldom we reflect how young democracy really is. We look in vain for any satisfactory democratic teachings among the most eminent of the philosophers and thinkers. Democratic tendencies in their writings we may discern readily enough, with suggestions for more liberal laws, but of democracy, as we of to-day understand it as a fundamental concept, hardly a trace. It might be thought that here and there some thinker philosophically detached from his times would have announced the discovery of democratic tenets. But no. Aristotle, who discovered more than one important law of human association, could never get away from the institution of slavery, founding the argument for its necessity upon the deceptive analogy of the subordination of body to soul, of appetite to intellect, of the lower animals to man, and—save the mark!—of females to males. We search the often illuminating but always confused pages of Aristotle's "Politics" for what we of to-day know as democracy. Even Milton's ideal republic was an aristocracy. The real teachers of democracy have only been rescued from obscurity within a time to which the memory of men now living may travel back. Even great democrats like Mazzini have not yet come into their own.

Democracy is thus without a body of doctrine to which it may successfully appeal. Nor has it anything but the most imperfect historic examples at which to point. The democracy of Athens was a rather exclusive government of intellectuals based on slavery; the republican cities of the Adriatic and even the Swiss cantons were administered in accordance with aristocratic principles; even Cromwell's commonwealth was a modified dictatorship. The French Revolution alone at its inception provided the world with an example of democracy, but it was more an aspiration than an experience.

It has been said that "the remedy for the ills of democracy is more democracy." There is truth in this, but not

the whole truth. Those who are perplexed or disappointed at the results of democracy should realize that the course of development through which civilizations and peoples must pass is analogous to that which confronts the infant learning to walk. Democracy will stumble and lean upon rotten pillars long before it learns to walk alone. Like the Israelites it will return every now and then to its idols, and set up brazen images of demagogues before which it will prostrate itself, so that the very friends of democracy will despair of its future.

The ills of democracy, then, are not all to be remedied by more democracy. For they are inherent in democracy. The methods by which it seeks to express itself will be found to be halting, inarticulate, stammering. Universal suffrage will not of itself bring democracy any nearer, nor will the Initiative, Referendum and Recall. For these offer no guaranty that the rights of minorities will be any safer. Indeed there seems to be some reason for believing that the rights of minorities have been established and secured in fundamental law, by constitutional and court decisions in the making of which majorities have had little or nothing to do.

Until democracy shall agree as to what democracy is we shall not move any nearer to its attainment. We have certain democratic shibboleths such as "All men are born equal," "Governments derive their just powers from the consent of the governed," and "No taxation without representation." We have of course never lived up to any of them. We denied the first by the institution of slavery, the second by our policy in the Philippines, the third by the denial to women of the suffrage. Democracy is like religion; men seldom live up to its professions.

If we have learned to believe whole-heartedly in democracy, wherefore our distrust of her? Is it that our doubts speak more strongly than our faith? We hear that China has become a republic, or that the Persians have established a parliamentary form of government. We sympathize, but we do so with caution. We say: It may be

well to wait. Maybe they are not yet ready for democracy. "Not ready for democracy?" says someone, indignantly; "are not the ills of democracy to be cured by more democracy?" Maybe; but then again it may be best to wait. There was Mexico with her Madero—the history is too recent to need more than just its mention. Perhaps democracy is a lesson to be learned—learned through suffering and travail—reached through long and tortuous journeying.¹ Maybe it is not something that springs full-armed and perfected like Minerva from the head of Jupiter. Maybe the cure for the ills of democracy is not only more democracy, but more knowledge and more love.

Why not recognize that democracy grows only as public opinion grows in intelligence and toleration? Public opinion as a governing force was born hardly more than a hundred years ago. Its advent was heralded in France by the ferment of revolution, in America by the Declaration of Independence, in England by the Reform Bills. But none, even among the more intelligent and well-meaning statesmen of the time anterior to this, reckoned with public opinion as a governing force. For there was no such thing. Government to the masses of men merely personified itself in the ruling power, and all but the very few were gathered under the personal standards now of one leader, and now of another.

Perhaps conservatives and democrats do not differ so much as to the right of public opinion to govern in the modern constitutional state. Where they differ is rather on the question of the distribution of power, one side holding that the interests of the state are best conserved by powers lodged with the possessors of a moderate amount of property. The argument is that the stability of the state is thus more fully assured. It must not be forgotten that even the ideals of an aristocracy really contemplate the

¹ "There is nothing more arduous than the apprenticeship of liberty," says DeToqueville, in one of those sentences with which his great work, despite its minor deficiencies, is replete.

public welfare, however inimical to such ideals may be the practical administration of the aristocratic state.

Let it be remembered that no *a priori* justification of democracy can be entertained. Let us dismiss from our minds all such predilection founded upon early education, frothy sentiment, or the rhodomontade of the mere demagogue. Aristocracy and democracy seeking the same goal urge different paths to its attainment. Let us test each working method by its results. We shall find that aristocracy has failed to justify itself. But we shall not therefore conclude that democracy is not without its grave difficulties. We shall find that these are many, that it has not fulfilled its promises, and that of all governments it is the one most prone to respond to the weaknesses of humanity and to fall below the highest tests of intellectual worth.

The friends of democracy have failed in not always clearly formulating the relations of democracy to the individual. So they have been compelled to face the sneers of their opponents at "the sacred fifty-one per cent," and the more serious arguments cited from the known tyrannies of majorities. There have been real friends of liberty who have distrusted democracy because they have contemplated it from only one side, having favorable eyes only for those forms of liberty that have been imposed upon the masses by the gifted individuals of the race. They have not duly considered those forms of liberty which have developed from below—the most lasting ones indeed—rising from the barely articulate aspirations of the masses and resistlessly impelling the living currents of our progress. From this partial view of the advance of the race has arisen the age-long controversy between the friends of democracy and those of its opponents who have loved liberty quite as sincerely.

Even majority rule itself is not a principle; it is a working method only. It is better that the majority should rule even when wrong. For the minority, "the saving remnant," may not hope to control a corrupt or ignorant majority any more than that same majority may hope to

rise at once out of its ignorance and corruption. But it will rise out of it in time. Time is the important element. As Matthew Arnold has said in that wonderful essay entitled "Numbers": "Immanuel and His reign, for the eighth century before Christ, were fantastic. Immanuel and the remnant could not come to reign under the conditions there and then offered them; the thing was impossible."

For, of course, though we accept majority rule as a working method, it is no more true than it ever was that the majority really govern. For "the saving remnant," the active, enlightened, progressive spirits of a community, are under majority rule its real governors if they are numerically powerful enough. Society presents itself somewhat in this light as regards its governing elements. Two dominant forces confront each other, one with the lust of self-aggrandizement fortified by shrewd intellectual purpose and the possession of special privilege, the other armed chiefly with moral power seeking a better state. Between these two battling elements, which are the real forces of social government, are the majority under universal suffrage, sitting as arbiters or jury, animated by passions and impulses noble or the reverse and swayed now by one side and now by the other.

Consider the course of elections. We imagine the issues are fairly and clearly drawn. These may be the tariff, anti-imperialism, the currency—what you will. The campaign draws to a close; we are on the very eve of the day when these questions are to be decided by vote. What can be clearer than that they are to be determined in accordance with democratic methods and procedure—by the vote of all the people? The final decision may not be a wise one, but we are at least to have an authoritative vote on great questions of party policy which the people have gravely weighed and considered.

But to what degree are these questions so decided? We have all heard of "the psychology of the crowd." Some "Burchardism" or Morey Letter Forgery, some

belated or scandalous rumor affecting the private life of the candidate sprung at the last moment in the campaign, too late to be successfully refuted, decides the issue, and a great party is swept from power and great and momentous policies deferred. These frequently, and not the issues, are the explanation of the recurring swing of the political pendulum.

It is impossible even to indicate the infinite number of considerations consisting of prejudices, friendships, traditions, sudden apprehensions, et al, that determine elections. We think the issues determine them. But to the extent to which these considerations tend to obscure the "issues" are we face to face with what I have called "the difficulties of democracy."

What are the motives which chiefly animate the voters at election time? Men do not vote because of questions of small gains for themselves. This is why the democratic party appeal for the remission of tariff taxes was so long unavailing. Voters even when they had lost faith in protection, were not greatly concerned if sugar cost a penny more per pound, or cloth a few cents more per yard. Nor had they the patience to follow the argument for increased production and commerce through the remission of these taxes. But what seems a hopeless view of the possibilities of democracy in considering the apathy of the citizens in the mass on questions such as these is in reality its chief hope. For men in the mass are mainly influenced by their considerations of right and wrong. Only in this way can they be strongly moved; and it is this ground that is the practical justification of a working democracy.

The friends of the Initiative and Referendum think to solve these difficulties by a system of direct voting upon measures. But they have borrowed new difficulties for those discarded. For as Austin has pointed out in his "Jurisprudence," while the people are good judges of the moral principles involved in legislation they are poor judges of the practical results of law-making.

That the trend of the age is toward democracy seems too

obvious to be denied. And democracy is interpreted as government by the will of the majority. The expression of that will is the law as enacted by the representatives of the people. It is found in practice that representatives, often through ignorance, corruption, or misinterpretation of the meaning of the mandate of the people, retard the doing of the popular will instead of expressing it. Hence the general movement toward direct legislation. Here again a serious difficulty presents itself. Laws can only be enacted through language, and language often as poorly represents the thought it is employed to express as do representatives the will of their constituents.

The proceedings of a legislature involve the consideration of thousands of bills, on only a small percentage of which can representatives be said to have expressed an opinion. Not infrequently it happens that legislatures are called upon to pass upon questions which were not at all questions in preceding elections. In such cases legislators must pass upon matters in relation to which they have received no instructions.

But the difficulty does not end here. Social relations have become so complex that highly technical statutes have to be framed to regulate them, and the ordinary legislature in the nature of things is made up of men who are only partially educated in the meaning of legal phraseology. They are therefore compelled to accept the interpretations furnished by people who are not disinterested. This state of affairs gives the "lobby" its power. Sometimes the "lobby" is made up of agents of special interests and sometimes of men employed by more or less public spirited bodies seeking their ends for what they believe to be the public welfare. These are the men who try to have legislators accept their interpretation of the laws they are called upon to enact. And it is upon such representation that laws are passed, for it may well be doubted whether any laws are fully understood by even a small minority of the men who enact them.

The difficulty is not diminished but rather increased by

referring such matters to referendum. For there will be lobbyists for the people as well as for the legislators. The great mass of the people can no more comprehend the language of proposed laws than can their representatives. They must take the explanation of those who set themselves up as guides of public opinion. And very often such men are as untrustworthy as any other.

Theoretically we conceive of democracy as a system in which all men shall have a voice in determining the character of the laws under which we live. But how shall we exercise this power—directly or indirectly? If indirectly there is danger that the reins of government will slip into the hands of privilege, and the laws become in reality government by the few. Perceiving this the friends of the Initiative and Referendum would resort to direct legislation. But the difficulty of obtaining an expression of their will from democracies composed of widely differing social elements must be recognized. The numbers to be reckoned with are one difficulty; local interests are another; unreasoning party traditions another; the failure of all but a few minds to grasp the essentials of legislative proposals is another. These difficulties are increased rather than diminished by the method of submitting such measures to popular vote.

One of the gravest objections to the continuous direct appeal to the people on legislative matters, in addition to the unnecessary strain it puts upon democracy, is the fact that men in the mass are not influenced by reason, but by emotion and sentiment. This is not a fact upon which we need to commiserate humanity, but one indeed over which to exult, since it enables mankind more clearly to apprehend the abstract principles of Justice, Freedom and Right, before which the unaided reason is apt to falter. But the concrete matters of legislation that need for their proper consideration the colder calculations of precedent and incidence, are not so easily resolvable by men acting through the ballot. Deliberate analysis is not possible to the many acting in this way. Plebiscites will be much

nearer to the moral truth of a great principle than to its concrete application.¹

Another of the difficulties of democracy is the selection of the right men to direct affairs. The honesty and efficiency of official functionaries are as important as the laws. Even good laws may be administered by incapable officials in a way to nullify them, and if laws are bad it is really better that we have honest men to enforce them, since the baneful effects of such laws will then be more clearly shown. This is a phase of democracy which our too enthusiastic friends of the Initiative and Referendum too often ignore. As important as our legislation therefore is the character of our nominating system.

Largely because of prevailing nominating systems political power tends to gravitate into the hands of groups of men at the head of which we find the "boss," that phenomenon of democracy who is yet its antithesis. It is the few—the more gifted—who must lead in science and literature. Correspondingly, a few must lead in the politics of a democracy, but owing to the immaturity of political thought, these are not the highly gifted nor even the highly moral.

Another danger is the tendency of large industrial, especially of semi-public, corporations, to assert a power independent of the state. This is peculiarly the case with those corporations which possess powers to exclude competition, either by the nature of the functions they perform, or by the direct conferring upon them of such powers by the state. Democracies are less vigilant in detecting such forms of infringement which stronger governments, being jealous of their prerogatives, are quick to suppress. Until democracy shall perceive the nature and use of public functions, and the degree of ownership or control it may safely and legitimately exercise over them, they must

¹ Disraeli was right when he said: "We are not indebted to the reason of man for any of the great achievements which are the landmarks of human action and human progress. Man is only truly great when he acts from the passions; never irresistible but when he appeals to the imagination."—Coningsby.

remain a constant menace to the stability and continuance of democracy.

It is useless to deny, too, that the checks and balances which from the very beginnings of government have been urged as essential, were not intended to guard democracies from a danger that is very real—the *power that tends to further increase of power*—and because of this that one branch of government tends constantly to usurp functions which belong to other branches.

If it be the tendency of power to aggrandize power, then it must be no less true of majorities than minorities. Democracies with universal suffrage, unenlightened by the severest knowledge, are likely to encroach upon the liberties of minorities. Indeed this is one of the chief difficulties to be guarded against. Though liberty is always to be preferred, liberty without knowledge must degenerate into license, and hence the inevitable reactions and loss of liberty. The remedy is not in those self-imposed restraints upon democracy, but in the enlightenment without which democracy is no more to be preferred than any other form of government.

Party spirit is another of the difficulties of democracy. It is a melancholy history, that of the United States in the more than fifty years of domination by the superstition of party loyalty. It is no exaggeration to say that the long life of both the Federals and Whigs, as well as that of the Republican and Democratic parties in later years, was due neither to the merits of the arguments advanced, nor to any far-seeing leadership of party statesmen.

It is well that we learn in the consideration of this subject that forms of government have not the importance they seem to have. Democratic forms do not of themselves insure democracy. That is, unconsciously, the very grounds of the objection on which the opponents of universal suffrage rest their case, and the friends of universal suffrage, in combating the arguments of their opponents, miss the point in the same way. For universal

suffrage is not democracy, but only one of the modes to its attainment.

And now we come to the most serious of all the difficulties that democracy must face. Given an electorate with a large proportion of its members steeped in poverty, and thus open to the temptation of bribery, neither universal suffrage, direct legislation, nor any perfection of purely political forms in the direction of democracy, will avail. Where opportunities for employment are a boon for which men must struggle and sue, and are thus the easy prey of vote-buyers on election day, or demagogues with their insidious appeal at all times, the forms of democracy may indeed exist, but the spirit has long since fled.

Despite some appearances to the contrary we have not yet passed this danger. Our friends of the Direct Legislation movement tell us that "You can buy the legislature, but you cannot buy the people." But unfortunately we have more than one example of purchasable electorates—notably in the somewhat recent happenings in Adams County, Ohio. Then, too, electorates are open to certain insidious forms of appeal even when not directly purchasable, to which legislatures are immune. This is obviously true when the balance of power is in the hands of those whose bitter necessities make a few dollars on election day, or some little job with the city government a great temptation. It is not necessary that the entire community should be corrupt; a small number may often be sufficient to decide the issue between democracy on the one hand, and demagoguery or plutocracy on the other. These elements in a democracy constitute its constant menace.

Until society is composed of men and women who have sufficient leisure to study and digest public questions the will of the majority can be little more than the cry of the demagogue. Most people, as society is now constituted, cannot pass intelligently upon general legislative questions. Nor can these questions be safely left to any class in the community, as history abundantly testifies. Power so

lodged has always been used for the selfish interest of the ruling class.

Hence the hope of a true democracy must consist in struggling toward a society in which the masses of men will have such living conditions as will permit them to devote much of the energy now directed to making a livelihood to the determination of public questions.

It may be objected that men who have abundant leisure do not now so occupy their minds. But this objection holds good only as leisure is a limited and not a general possession. Poverty and wealth are alike temptations to dissipation, in one case to woo forgetfulness, in the other to occupy idleness.

It may be safely affirmed that democracy is only possible under conditions where inequalities of fortune are not greater than inequality of human intelligence and character. A system which tends to accentuate human inequality by giving to him that hath while robbing him who is poorly endowed makes democratic government impossible or impotent to work out its true destiny.

In conclusion, reasoners for or against democracy know nothing of its true genesis, its actual life, or its real significance who know not the Economic Man. Political democracy is conditioned upon economic independence, is influenced by the flux of social forces more than by governmental forms. A portion of the people deprived of the opportunity of making a livelihood—the unemployed—have more power to determine whether democracies shall live or die than the most perfectly framed hypothesis of your political reformer. For not on forms does democracy so much depend as on the relation of Man to his Job. Those who would establish democracy must found it on the equality of economic opportunity.

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NEW YORK.