

## II

### IDEALS OF GOVERNMENT

CONTROVERSY has raged over man's natural rights, but in America they have been recognized from the inception of government. The Declaration proclaims: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness."

This broad statement is worthy of study. "Created equal"—just what does that mean? Certainly not an absolute equality in endowments, for we know how men differ. But here we deal with mutual relations and not with theories of heredity. We mean equality in rights, liberties and impartial protection, with all equal in the eye of the law. Note, too, that it is not happiness which is our right but only its pursuit. The word "unalienable" also calls for explanation: it means that of these rights we are not to be defrauded, although no one questions that we ourselves may forfeit them by failure to respect the rights of others. "To secure these rights governments are instituted among men," and it is declared that "whenever any form of government becomes destructive of these ends, it is the right of the people to abolish it."

The Preamble to the Constitution states the purposes of government with equal clarity—"to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare

and secure the blessings of liberty to ourselves and our posterity." However departed from in practice, one cannot ask for a sharper definition, and it justifies no governmental function for the benefit of only a few.

Again and again, these principles are reiterated in the framework of the nation and of the states, and to prevent overreaching by the Union was the object of the Bill of Rights. Article nine reads: "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people," and article ten explicitly declares: "The powers not delegated to the United States by the Constitution nor prohibited by it to the states, are reserved to the states respectively or to the people." Article one safeguards freedom of speech, press, assembly, petition, and religion, and article five, more honored in the breach than in the observance, provides that "private property shall not be taken for public use without just compensation." It is difficult to reconcile this with much that the government does—the enforced surrender of gold, for example. With this limitation on taking private property for public use must go the prohibition of seizure not for public use but to give brazenly to others.

It is sometimes said that democracy has failed in America, as pure and extreme democracy has so often failed before. But the word "democracy" occurs nowhere in our Constitution. Our government was framed as a republic, and the dangers of pure democracy were ever present in the minds of the founders of our nation and against it they took every precaution. Our failure lies in a refusal to adhere to republican principles, in slipping into a pattern of government which the great men who created our state feared and from which they strove to protect us. How these degenerative changes crept in we shall attempt to

show, but first contrast our conception of the place of the state with that which prevails in other lands.

Ours is, or was, "a government of the people, by the people, for the people." "We the people of the United States" established it and to it we delegated specific and limited powers, government existing only "by consent of the governed." Contrast this ideal with that of countries where the state is regarded as a superhuman thing, existing not for the people but for which they exist, and where they have no rights whatever save as granted by the state. Marshal Petain puts it tersely when he says: "Authority no longer comes from below. It properly is that which I give or which I delegate." Instead of the people granting rights to government, the state permits them to the people, and only so long and in whatever degree suits its purpose, leaving no room for natural rights which conflict in the slightest with the will of government. Education, church and moral standards exist only so long as they can be warped to serve political authority, and must bow before the autocratic will, of a monarch as in Japan, of a personal dictator as in Germany and Italy, or of the mob, which always comes under the domination of a tyrant.

Repugnant as are such philosophies, they have a certain consistency if we accept the premise of the supremacy of the state, for there can then be no toleration of any forces which run counter to its absolutism. Sometimes these principles are embraced all at once, but more often they make insidious growth as each successive step becomes necessary to buttress despotism. The things which stand for liberty are gradually destroyed by a process of attrition. Parties, parliaments and courts are shorn of their powers and shackled; rulers and administrators perpetuate themselves and their henchmen in office; a prostituted electorate is bought with patronage, privilege and threat, and elections are a mockery

until finally abolished. Censorship and seizure play their part; enterprise and industry come under the thumb of the state, property is confiscated and self-government is ended. Finally, the Church must go, and then common morality, as evidenced by the unbridled sexual license openly encouraged to breed "cannon food" for an all-inclusive state.

A very real danger lies in the nature of these trends, already making rapid progress in our own land. Committed to programs which deny respect for individual life and liberty, which is the heart of independence and Christianity, it is easy to drift along until what has been a matter of thoughtless indifference becomes a matter of creed and there is no turning back. Submerging the sanctity of personal life in an overwhelming political machine, initiative, self-reliance and self-respect give way, until the voice of conscience is stilled by the mandates of rulers. Can any ethically minded man do anything but resist such philosophies with all the force that in him lies?

As long ago as the last war President Wilson assumed the right to make moral decisions for us when he enjoined the people to be neutral in mind, saying, in effect, that we were no longer free to exercise our moral judgment. The drift has long been evident and for our plunge along the path to destruction there are many reasons. The lust for power and the mad scramble for advantage and loot are to be reckoned with, but a potent cause is indifference and refusal to think. "Eternal vigilance is the price of liberty," and unless we remain on constant guard, the freedom which has cost us so dearly will be lost. Possibly Goebbels is right when he says, "We will conquer America by internal forces."

A digression, perhaps not entirely germane to present discussion, may clarify our thinking: there is no desire to in-

dulge in a hair-splitting which obscures fundamentals, and the reader may do a little skipping, or he may delve deeper into the works of such authors as Locke, Rousseau, and Spencer. Here we touch only on broad principles. Our government is based on the rights of man, axiomatic and self-evident, and it exists only to safeguard these rights. When it transcends these limits, it violates its contract and forfeits allegiance. These premises settle once and for all any question of the invasion of natural rights by the state, or the violation of the rights of a minority however small by a majority however great.

Clearly, then, the old catch phrase of "the greatest good of the greatest number" can never be interpreted as meaning that mere numbers justify overriding the rights of the few. Without limitation, this principle would justify the enslavement of a minority, as of the Jews by the Nazis, or the subjection of any group however arbitrarily selected by a majority of their fellows. Majority rule is the only workable plan of government, but application must be restricted to the proper field of government.

But even in the proper field of government sometimes the rule of the majority may bring disaster. Blackstone says: "No laws are binding . . . which violate the conscience," and it is not always easy to accept majority rule without going against principles of morality. Emerson denounced the fugitive slave law as one which no one could enforce without the loss of self-respect, saying: "Good men must not obey the laws too well." In slavery we had an instance of the support of supposed property rights of some to the exclusion of liberty of others, and we have a parallel case in military resistance, to some always morally wrong. Some things are Caesar's and some are God's, and when a dilemma arises the only course is to obey the higher law and take the consequences.

Akin but different was the issue of prohibition, felt by some to trespass on natural rights, but only if we hold the extreme position that to fight for nebulous rights justifies a semi-anarchy threatening all authority is there excuse for violation of such enactments. Few would maintain that the making, sale or consumption of alcoholic beverages is a duty. Such statutes should be obeyed, for they require no infraction of moral law but only the sacrifice of very doubtful rights not universally accepted. There is force in Paul's warning: "If meat make my brother to offend, I will eat no flesh," and our own Declaration says: "Prudence will dictate that governments long established should not be changed for light and transient causes and . . . Mankind are more inclined to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed." Defiance of laws positively immoral is one thing and disobedience to laws which tax our patience or which we do not happen to approve is quite another.

In following the principle of majority rule we must be sure that what we call majority will is calm and deliberate opinion and not passing whim. As the *Federalist* puts it, steps are "sometimes necessary as a defense to the people against their own temporary errors and delusions," and "there are particular moments in public affairs when the people, stimulated by some irregular passion, or some illicit advantage, or misled by the artful misrepresentation of interested men, may call for measures which they themselves will afterwards be the most ready to lament and condemn"—and again we are reminded of our experiment in prohibition.

Not to hamper the will of the people but to provide "a safeguard against the tyranny of their own passions" wise provisions were introduced into the Constitution. Our greatest safeguard is government through representation

rather than by direct action. This, the essential difference between a republic and a democracy, allows time for deliberation by those who, supposedly at least, give more time and study to political affairs than does the average citizen. Amendment to our basic charter is slowed down and the double check on legislation, first, by concurrent action of two Houses and, second, by executive approval, is another precaution. In the electoral college is another device, which could not be made to work as planned, and the indirect election of senators was a sound expedient unhappily abandoned. The broadest protection is in the threefold distribution of powers among legislative, executive and judicial branches, the courts especially guarding against violation of the considered will of the people, as expressed in the Constitution, by conflicting day-by-day legislation.

As Godwin expresses it: "Society and government are different in themselves and have different origins. Society is produced by our wants, and government by our wickedness. Society is in every state a blessing; government even in its best state but a necessary evil." In a perfect world men would need no protection, for all would co-operate for the common good. But men are not perfect, and today's world is no place for anarchy. Government we must have and it must be strong, but it must be confined to its proper sphere. The long and weary struggle for freedom is little more than an attempt to prevent our governors, be they aliens, those of our own choosing, or the mob, from usurping powers that are not theirs. To overthrow erstwhile standards is the aim of some, who, in Tugwell's words, proclaim, "We shall roll up our sleeves and make America over." Yes, we must remake it but not in the mold of Marx, Hitler and Company. We must revert to the sounder pattern of former days, eliminating the very weaknesses upon which Mr. Tugwell would strive to build.

We must choose between a government which respects the liberty of its people, leaving free the exercise of moral judgment, and a totalitarian state. The first step is to draw a sharp line between the powers of government and the liberties of its citizenry, and there is no better line of demarcation than that which separates the justice which may be properly compelled and the obligations of conscience.

All privilege must be ended and a halt called to the practice of spending the money of all for the benefit of a few. Let men stand upon their own feet and carry their own responsibilities, giving to all an equal opportunity, in free life and liberty, to pursue happiness as they see it and not as dictated by others. Wipe out all discrimination; abolish the monopoly of markets through tariffs, favors to the farm bloc and to the silver states and to countless other classes; restore freedom of contract, permitting men to hire and to seek employment as they will, regardless of membership in favored organizations, and permit them to buy and to sell as they will, in open markets. Freedom of speech must be re-established, with all permitted to express their opinions, and employers must no longer be denied freedom to speak as they will, while favored groups are allowed the utmost liberty.

All expenditures of public funds must be for the good of all, or allocated justly in proportion to the amounts contributed. Our "social security" might better be termed social injustice, for we collect from all to give benefits to a few. Today the burden is imposed on all our people, through indirect taxation and increased living costs, while benefits are paid only to favored classes—those who have enjoyed regular employment and who need it far less than does the casual worker, often long without any employment, and no benefits whatever are held out to the lowest grade of labor, to the farmer, or to the little fellow in business for

himself or practicing a craft or a profession. If we must have such schemes, they should be on a sound actuarial basis, with returns commensurate to payments made, giving no advantage to the idle and the improvident. Today our old-age pensions, doles, "made work," and a hundred other devices are so framed that they give the incentive and advantage to the profligate, the idle and the waster, for only when one is reduced to absolute pauperism are benefits paid. It is as unjust as it would be for a life insurance company to pay death benefits only on the basis of need and destitution, regardless of premiums collected. Is there any way more calculated to undermine thrift and self-respect?

If it be said that today it is totally impossible for many to make provision for the future, the answer is to abolish those evils which make it impossible. How this may be done will be shown in subsequent pages. Our land is a rich land, and the Creator has provided abundantly for all. Correct basic evils and injustices and do not rely on half-way measures and sops of charity, which undermine character. Even though charity will long be necessary, leave to our people the moral duties which go beyond justice, never seeking by political action to supplant obligations which are wholly personal. Before trying to make government an eleemosynary institution, we must restore to the dispossessed the natural rights guaranteed by our great Charters, of which they have long been defrauded. Then, if charity fails, it is time enough to make the state over into a charity organization society which forgets justice.

Temptation must be resisted to discuss in detail the many efforts to substitute the planning of bureaucrats for the planning of the Creator. Can we not trust our own instincts and put our reliance in the laws which have been established to guide our lives and to shape the action of our wills? Are office holders so immeasurably superior in wis-

dom that, while the individual man is unable to plan his own life, they can plan for a hundred and thirty-five million people? The acceptance of such belief is the repudiation of democracy and liberty: it is the way of totalitarianism, and if that be our creed, let us have done with cant and hypocrisy and cease talking about the ideals for which we say we fight. Ask yourself whether you will plan your own life and make your own moral decisions or look to others to do your thinking for you. If our choice is the abnegation of our own moral judgment and if we admit our inability to live our own lives and govern ourselves, then go the way of autocracy; but if we would stand upon our own feet and control our own destinies, we must reject that planning of others which destroys American ideals.

As every step in "planning" fails, we go further and further, seeking the correction of each folly by another iniquity. We prosecute manufacturers for making trade agreements, and then, under the NRA, we compelled such agreements, going to the point of regulating the occupations in which our people might engage. We close the doors of international trade to give monopoly of markets to some, and when agriculture suffers, we strive to establish a "parity" to counterbalance the injustice which a tariff works on the farmer. Then the next step is to undertake a far-reaching management of the farms of the nation, telling each farmer what crops he shall sow, how much he shall harvest, how it shall be sold and at what prices. Are even those at Washington omniscient and can they take into account every man's needs and desires, or can they make prompt and exact allowance for the hourly changes which result from rainfall, drought, insect ravages, and frost? We set price ceilings in fields which it is safe for politicians to attack, but not if they disgruntle powerful political interests and groups, blocs and sections which refuse to submit to controls which they

would impose on others. Can all prices be set and every detail be controlled? In a complex economy such as ours, all prices—and wages are the price of labor, the cost of production and therefore ultimately the basis of all prices—are so inextricably locked together that setting some prices affects all. Has any man or any group of men the wisdom to regulate every detail of our lives, especially as relations change every hour? In abysmal ignorance of the nature of true capital, we limit its earnings, and this holds down wages, for interest rates and wage levels rise and fall together in the run of time. What happens to those employed in capital industries when capital can no longer earn a fair return? And we have a moratorium on debts, giving no thought to the man who must collect what is justly his if he is to live. What does such a policy do to the widow dependent upon life insurance, when the company suffers, and what happens to the still more unfortunate dependent upon a charitable endowment built on mortgages?

Men seek to attain their ends with a minimum of labor: our desires and the cost of meeting them are measured in prices of goods and of labor, and only by leaving natural forces to act unimpeded can we adjust production to our needs. If demand is not met, we pay more: prices rise and attract labor from less profitable to more profitable fields, and artificial barriers only check this adjustment and aggravate our troubles. Fiske, in his story of the famines in Bengal, shows what ensues. In one famine food prices were blocked and producers no longer made fair profits and production was checked, and then, in the next famine, there was greater scarcity and countless thousands starved. But Bengal is far away and that was long ago, when they did not have the blessings of a brain trust, so let us look at conditions nearer home. To support higher prices in a time of overproduction, when a natural decline would have resulted

if left alone, calves and pigs were slaughtered, crops plowed under, and vast stocks of commodities, wheat, corn and cotton, for example, accumulated at ruinously inflated prices, and today all must suffer. Of some foods there is threatening scarcity, while of others there is a surplus, which, if released, will break prices in a way far more disastrous than would have resulted from a natural and self-correcting decline in past years. Of course, in extremities like those of today, it is necessary to prevent the more fortunate from obtaining an excess while others suffer. The remedy lies in rationing to provide a fair distribution, and not in price control, and to insure the necessary supply of all that is required for the defense of our nation and our liberties priorities are the answer.

If these arguments are interpreted as betokening little sympathy for the unfortunate they are misunderstood, for of the cruel injustices of society there can be no question. Contenting ourselves with unsound and makeshift expedients and picayune charity will never end fundamental evils which, uncorrected, will wreck the nation. Oppressed people will not always submit, and, great as is the danger from foreign aggression, it is no greater than the danger from within, which saps our strength both at home and abroad. Remember Macaulay's prophecy: "Either some Cæsar or Napoleon will seize the reins of government with a strong hand or your republic will be as fearfully plundered and laid waste by barbarians in the twentieth century as the Roman was in the sixth; with this difference, that the Huns and Vandals who ravaged the Roman Empire came from without and that your Huns and Vandals will have been engendered within your own country by your own institutions."

Some see in the lives of nations a parallel to individual life—birth, growth, maturity, decay and death. It is an intriguing analogy seemingly supported by history, but it may

be questioned if nations follow the law of individual life. That our civilization may go the way of others is not denied, and collapse may be upon us, as in the days of Rome, when few realized that their empire was already crumbling. The verbose Spengler is probably right in his conclusions but not in his reasoning, for nations are not homogeneous, self-contained, self-perpetuating units: they undergo rejuvenescence by introduction of new blood and new ways of thought, and this differentiates them from the individual.

The explanation of the decay of nations is found, not in biological laws, but in the laws of human association. Fiske has shown the varied aspects of the struggle for life. In first stages evolution is the product of competition purely physical, of strength, endurance, fighting spirit and adaptation to environment. As intelligence develops, the physical plays a smaller part, and advantage lies with those of keener wit and stronger will. In the next, and perhaps final stage, survival may be conditioned on neither strength nor mental ability alone but on qualities which, although we may not see them as such, are essentially ethical. Whatever remains of selfishness will be tempered by an enlightened vision, which sees that we gain by the happiness of our fellows and that injustice and brutality to some bring suffering to all. Co-operating in mutual helpfulness, we may then rear an enduring structure of happiness, peace and harmony. Read the chapters on the law of human progress and how civilization may decline in *Progress and Poverty*, even if you must skip George's economics. One cannot dogmatize on these things, for we still feel our way in ignorance, but it is reasonable to suppose that the nations which will prosper and survive will be those which first learn the lesson of co-operation for the common good in right and justice.

There is not one of us who, if honest, will not admit that he daily comes in contact with many who deserve quite as

much as he enjoys but who, through no fault of their own, attain far less. To rationalize selfishness and say that others are getting just what is coming to them, reaping as they have sown, is not a healthy thing, for "in the course of justice none of us would see salvation." We are not yet wise enough to sit in judgment on others or to gauge their deserts. What chance has a child, born in the squalor of the slums of a great city, in an environment of poverty of both body and soul and with a warped inheritance, to make anything of life? That some, even with such a start, attain nobility of character and achievement does not contradict the fact that the vast majority so circumstanced can look forward only to hardship and suffering. These wrongs cry to heaven, and it is your duty and mine to end the injustices in which they are rooted. We must give thought, time and, incidentally, material things, but we can give in true charity only that which is rightfully ours. To restore to some a small part of that of which they have been robbed, or to give in the guise of charity what belongs to others, is no atonement, nor can our moral obligations be transferred to other shoulders or to the state.

To prevent evil is a better thing than to correct a few of its results. Giving is good, but there is no virtue in a charity which denies justice, and it is better to enable men to earn than to force them to beg. For the drift toward these soul-destroying policies, so sharply accelerated in recent years, the blame falls on all and on both political parties, for distinctions in the policies advocated are little more than the quibbles of partisanship. It is your fault and mine if we turn government into a grab-bag of privilege, and scramble for spoils like greedy swine and sell our birthright of freedom for a mess of pottage. We must turn back to principles, established for our guidance, making our own moral decisions. "Put not your faith in princes."