

# Some Considerations Relative to Our Times

*If the old gray mare of individualism is no longer up to scratch, what critic is to replace her? Quo vadimos?*

In viewing the United States under the influence of the sweeping reform legislation of the Roosevelt administration it is essential to bear in mind that Roosevelt's advent into the White House ended one régime and began another, that the old régime of *laissez faire* and individualism can never be resuscitated and will never again muster the good opinion, or support, of the American people. Roosevelt's nomination at Chicago was a public demand, it killed the old régime in his own party. His subsequent election was equally a public demand, and it killed the old régime in the opposing party. At nomination and at election he was committed to nothing, save, in the most general terms, to radical reform. He was not bound by patronage. In the legislation that ensued upon his assumption of office, party and partisan government of the United States ended. This paper will try to show how and why this is so.

Note that patronage plays no significant part in the new deal, on patronage old-line politics wholly subsisted. Note that the president's cabinet (a body, by the way, not contemplated in the constitution) is practically non-partisan and embraces but one old-line party man, Postmaster General James Farley, who sits below the salt and whose function has evolved into telling old-line politicians what they may not have, not what they may have; who takes, instead of giving, orders from his colleagues, who distinctly are running and manning their own departments. Note finally, that keymen throughout the administration are coming, not from the ranks of politics, but from the universities. Learning, not mere cunning, is at the president's disposition.

In the Philippines, happily, we have an illustration of what this signifies. Our governor general is distinctly the new type of man that is being called into public service. Shibboleths mean nothing to these men, the intelligent and upright handling of all questions means everything; and not seeking office, they lend their services to the public, which are demanded elsewhere. For precedents to such a situation in American politics it is necessary to turn back a hundred years; to the time prior to the first election of Andrew Jackson president, and to 1848, when a presidential candidate, General Cass of Michigan, for the Democrats, at Baltimore, was nominated by a formal convention of party delegates, for the first time; and President James K. Polk, though of the same party, wrote a deprecating account of it into his diary, predicting therein the debasement of politics which it most certainly brought about.

In the Roosevelt administration is exemplified such an administration as that, say, of James Monroe, who had John Quincy Adams as his secretary of state. The hold that machine politics has had on the country, with its crooked ways and artificial issues, is broken and will remain so. It is essential to see this fact clearly, for what it imports and for the comment that follows. Having ruined every department of government with patronage, debauched and pauperized the cities, made taxes confiscatory, state administration mostly disgraceful, and the presidency an agency of self-seeking

machinations, machine politics had nothing to do but to abdicate in favor of decency. It is a tribute to the American people that the politicians were let escape without broken necks—that the revolution was lawful and peaceful.

Now let us proceed.

The arch and keystone of the reforms is the industrial recovery act. The aim of all the legislation is planned industry and managed production and credit, so even all banks come under federal license and farming comes under control. The industrial codes are charters. They affect all industries, under them only may any industry function. Members under the codes may be expelled for cause, and a code may be withheld from an industry if it is drawn up in terms inimicable to the public welfare. In the law itself, labor is assured the right of collective bargaining. In the drafting and adoption of codes, labor and capital are both heard and both vote, with the government the final arbiter. The president exercises this vast power independently of congress; the new laws carefully stipulate they are enacted because an emergency exists, and so they are immune from nullification by the supreme court. Granting, as they do, labor's right of collective bargaining, they antiquate a curious grist of jurisprudence that has been based upon Thaddeus Stevens's 14th constitutional amendment. This jurisprudence may now be sent to the basement and catalogued for the use of antiquarians, for of the social progress of the country it is out of the way.

The laborer's right to sell his labor for what it would bring, a strained application of the theory that a man is not to be deprived of his property without due process of law, how quaint this was—in practice putting honest wage-payers at the mercy of crooks, of the racketeers in industry, and provoking child labor and sweat-shops, 12-hour days and the horrifying 24-hour shift in the steel industry of just the other day. Industry itself must applaud, as happily it seems to do, the demise of such willful inventions of the courts. Only vestigial remains of them persist in the new codes, and these will soon disappear.

Now the codes, being really charters, have the effect of erecting the industries of the United States into guilds, like the guilds of the middle ages. Though the guilds of the middle ages were chartered in smaller communities, usually only in cities or in city states, the facilities of modern communication destroy this apparent contrast. Guilds we have. Such being the fact, it is perhaps well to reflect on what the oldtime guilds were and why they went out of use. They were trade organizations of the arts and crafts that advanced these activities farther in excellency than they have ever, on the whole, been advanced since. To this general rule there are some exceptions, printing being a notable one. The guilds had fast rules, controlled their membership, and in politics voted for their own interests. They never attracted to them more men than could find employment in them, they never produced more than their markets consumed. They served their communities, did not constrain their communities to serve them.

## From The Literary Digest

"Regardless of the temporary nature of the legislation, it would be difficult, in *The Nation's* (leading London financial weekly) opinion, to avoid writing the new rules of industry into permanent statutes."

"While the Industrial Recovery Act is limited to two years, its framers believe there will never be a return to the old order. . . . Individualism in America will come to an end if legislation of this type and character is placed upon our statute books and kept there." (Senator James W. Wadsworth.)

"The end of the *laissez-faire* doctrine of uncontrolled industrial and commercial competition is at hand."

All the quotations above are from the *Digest's* leader of September 2, by Arthur Crawford, its Washington correspondent. They were picked up after the *Journal's* paper was written.

They guided politics toward democracy, made Italy the birthplace of parliaments, brought public matters to settlement before conferences of representative men. Their decline was not decadence within themselves. It was brought about by the discovery and settlement of the Americas and the conquest of the Far East that inaugurated the era of foreign trade. A return of society to the guilds—it has been done in Italy already, and is taking place in England too, while it will possibly be the final outcome in Russia—is merely a return to natural growth after a long chaotic period of unengaged and belligerent strife affected by transitory factors, such as abundance of free virgin land, that in our own time have been, or are at least rapidly being, eliminated from the problem of gregarious life and how best to live it.

To cite other factors than land, many have noted with the philosopher Spengler how little stable can be a foreign commerce in the product of machines, when the machines themselves are exported and hinterlanders quickly learn their use; and how vain the exploitation of democratic rights, since constitutions themselves get carried hither and yon in ships and dependent peoples tend to learn, interpret and adopt them—setting up against your right to trade their own, and their laws against your own.

While a man incorrigibly addicted to belief in a policy of *laissez faire*, or faith in gods of things as they are, may not at once sense it, in truth the world has filled up and learning and knowledge are well dispersed—the trend must be to intranationalism again, the return of industry to administration by guilds is logical and no doubt beneficent. But the adjustments that will come about in all this are interesting, the political adjustments particularly. Industry functioning under national charters, the industrial codes, men working together in guilds, soon all employed men will be guild-conscious and think and act for their welfare in contradistinction to the way spellbinding partisans try to teach them to think and act.

In Iowa, then, men will vote corn and hogs; they will neglect the Republicans and high tariff unless a high tariff really suits them. In Pennsylvania they will vote coal, iron and steel; in Texas and Oklahoma, cotton, corn and cattle, not necessarily Democratic and what have you. Old-line politicians have no place in such politics.

This is plainly evident in the conferences that made the codes. Not an old-line politician was in these conferences, but more university men, thinking liberally, nobodies and even contemned in public affairs heretofore, made such pleas to them as must have tempted the shades of the Founders to start from their frames—as if another convention “to form a more perfect union” were deliberating in Philadelphia. Ignorant bosses who have hag-ridden the country for a century, city, state and nation, have no place in such a scheme of things. They would be unable even to understand the proceedings. The country, on the contrary, does understand. For instance, the myth that everything must be written down in the newspapers for the public's consumption is being exploded. The papers, and the magazines too, such as *Harper's*, begin having things to say that they really want their readers to hear; more and more editorials shine forth on front pages, the *Literary Digest* takes form under new management with signed and specially written articles and a weekly Washington letter from *Diogenes*.

John Quincy Adams could be at home in such an awakened America, his brilliantly musing grandson Henry Adams could pursue his never-completed education there. In a word, America is in the capable hands of her forgotten men and they

are organized, in these code-charters of industry, never to be cheated again of their heritage and all to which their children have a right.

There are now 48 states. But there are not so many essential divisions as that. There could be fewer states with resultant advantage to the country, and there is much talk of making fewer. Done now or later, it will eventually be done; mere thought of it shows that people are not thinking so much of state bosses and the advantages of the crimes they committed in the name of their parties and partisans. No movement of industries from the cities to freer domicile in villages and towns is noted, though little but the artificial stands in the way of this for many industries. An investigator reports that the movement doesn't start because employers like the cities' larger labor supplies.

Industries functioning under charters will not long concern themselves with larger labor supplies than they require. They must soon concern themselves with every man's right to a wholesome life, which is entirely possible and in all ways desirable under a policy of intranationalism. Such will

be the great questions, real and vital questions, presented and threshed out by society as it is newly reorganized in the old-fashioned guilds. In a society that has the question of patents to resolve, for example, how could a boss peddling mere cheap offices and sickly jobs be heard? For this question must soon come up, of patents and inventions and who is to have them. For who is? In the automobile industry, or the radio industry, is a new and perhaps revolutionary idea to be patented and exploited by a lucky company, or to be shared with all? If you have a job under a guild it can hardly become the prey of fanged competition. So too if you have a store or an export-import business, or a wholesale shop handling groceries. There may be giants in your guild, you a pygmy beside them, but if there is meaning in the slogan *new deal* it must be supposed that these giants will adhere to the rule that—

“It is not the part of strength to crush, But to shelter and protect.”

The potentialities of all such questions call for the nicest adjustment, demand the most capable leadership—a demand, for instance, such as the railroads present—and challenge the country's

intelligence. Note that they are all, as they arise, submitted to conferences that are already, in effect, compelling everyone interested in them to think and act as a man would who thought and acted for a guild. It has been Italy's experience, in the return to guilds, that these grouped themselves into thirteen natural associations, the divergent entities in each association having some paramount mutual interests; and Italy is now so made up politically.

No doubt something similar will come about in the new United States. Men will not remain artificially divorced from their own interests by the vain and confused doctrines of sectional parties with selfish eyes only on the public offices and the resources of the treasury. The Founders and their sons saw the dangers of artificial partisanship threatening early America, denounced but could not arrest them. Now, by as happy a revolt of public opinion as the annals of mankind record, they are definitely repelled. The supreme law, the welfare of the people, finds means in the constitution to dethrone the slyster.

Timely that mention, the constitution's resources against charity and slysterism. Let us see:

“Each state shall appoint, in such manner as the legislature thereof shall direct, a number of electors (for choosing the

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“With the (National Industrial Recovery) Act before us, it is easy to see what it is not. Thus it is emphatically not an effort by government to ‘spoon-feed’ and ‘coddle’ business, to pamper it back to health by artificial governmental stimulation. At every point the Act throws initiative on industry itself or on industry and labor. It relies, up to the limit, for accomplishment of its objectives on voluntary private effort and cooperation. . . . Governmental action is relegated to the position of a reserve, to be brought into play only after industrial initiative and voluntary cooperation have failed to materialize. Obviously, such a reserve power in the hands of the government is essential if the Act is to be more than hortatory.”

The quotation above is from John Dickinson's article, *Controlled Recovery*, in the September *Atlantic* that came to hand after the *Journal's* article was written. Dickinson is assistant secretary of commerce. He himself illustrates the new type of men the Roosevelt administration is calling into the public service. From Harvard Law School, he is professor of public law at the Law School of the University of Pennsylvania; his work on *Administrative Justice and the Supremacy of Law* is standard, and he helped draft the national industrial recovery act.

