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2. The New Liberalism

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2. The New Liberalism

Abstract

The same people who, in the years 1871-1914, were remodeling their constitutions and introducing more and more of the institutions of democracy were also enlarging the tasks for their government to perform. In the laissez-faire state advocated by political economists in the preceding generation, the government had been almost a mere policeman, a night watchman. Now, in the beginnings of what a later age would call the welfare state, the government was tending to assume new roles: benevolent parent, social engineer, landlord, philanthropist, master mind, and even - or so its critics alleged - Santa Claus. Armed with new powers of compulsion exercised in the name of the general welfare, the state now entered areas where hitherto it had acted only exceptionally, or not at all. [*excerpt*]

Keywords

Contemporary Civilization, Liberalism, Democracy, Welfare State, Laissez-Faire

Disciplines

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Comments

This is a part of [Section XVII: The Transformation of Liberalism and Nationalism, 1871-1914](#). The [Contemporary Civilization](#) page lists all additional sections of *Ideas and Institutions of Western Man*, as well as the [Table of Contents](#) for both volumes.

More About Contemporary Civilization:

From 1947 through 1969, all first-year Gettysburg College students took a two-semester course called Contemporary Civilization. The course was developed at President Henry W.A. Hanson's request with the goal of "introducing the student to the backgrounds of contemporary social problems through the major concepts, ideals, hopes and motivations of western culture since the Middle Ages."

Gettysburg College professors from the history, philosophy, and religion departments developed a textbook for the course. The first edition, published in 1955, was called *An Introduction to Contemporary Civilization and Its Problems*. A second edition, retitled *Ideas and Institutions of Western Man*, was published in 1958 and 1960. It is this second edition that we include here. The copy we digitized is from the Gary T. Hawbaker '66 Collection and the marginalia are his.

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2. The New Liberalism

The same people who, in the years 1871-1914, were remodeling their constitutions and introducing more and more of the institutions of democracy were also enlarging the tasks for their government to perform. In the laissez-faire state advocated by political economists in the preceding generation, the government had been almost a mere policeman, a night watchman. Now, in the beginnings of what a later age would call the welfare state, the government was tending to assume new roles: benevolent parent, social engineer, landlord, philanthropist, master mind, and even -- or so its critics alleged -- Santa Claus. Armed with new powers of compulsion exercised in the name of the general welfare, the state now entered areas where hitherto it had acted only exceptionally, or not at all.

One new type of state activity was avowedly designed to protect society and the consumer where they were being victimized by big business. Here several alternatives were open to legislators, and were often tried simultaneously. One solution was for the state to buy up the business and run it. This had long been the practice with the postal service and it was now widely adopted in Europe for such public utilities as the telephone, telegraph, and railway systems. Another solution was to regulate the manner in which private enterprise operated. The Interstate Commerce Commission in the United States, for example, was established in 1887 to set railway rates and conditions of service. Similar regulation was applied in Britain to her privately-owned transportation system. State-owned or state-controlled central banks, and the Federal Reserve System in the United States, regulated banking. A variant type of control of private enterprise was the establishment of standards of "fair" competition which, it was hoped, would prevent abuse of the competitive system. Pure food and drug laws required that products be labeled with an accurate description of their contents so that the buyer might make an intelligent choice. An American experiment, almost unique, was begun by the Sherman Anti-Trust Act (1890) and extended by subsequent legislation, whereby trusts, monopolies, and other combinations which

* James Bryce, The American Commonwealth, 2nd edition revised (London: Macmillan and Company, 1891), pp. 463, 465-473.

restrained trade were outlawed in order that free competition might flourish. *We must force free competition. Break up the trust.*

Another type of social legislation which assumed new importance attempted to cushion the impact of industrial capitalism on the employee. In this as in the Industrial Revolution itself Great Britain was the leader. Her promising Factory Acts (1833 and 1844), Mines Act (1842), and Ten Hours Law (1847) were extended by later enactments regulating conditions of employment. Germany lagged behind in this type of legislation, but her own laws on health insurance (1883), workmen's compensation for industrial accidents (1884), and old age insurance (1889), financed by contributions from employee, employer, and the state, set a pattern which Britain was just beginning to copy in 1914. The first reasonably successful scheme of public insurance against unemployment was introduced on a voluntary basis in the Belgian city of Ghent in 1901. Britain adopted a compulsory system of unemployment insurance in 1909. Similar social legislation was eventually introduced in France, the United States, and elsewhere, but only after a time lag.

It was by no means always the central government which initiated and administered such social legislation. In Britain, slum clearance on a significant scale was first undertaken by forward-looking city officials in such urban centers as Birmingham. There and elsewhere local management of public utilities gave rise to the term "gas and water socialism" to cover such municipal activities. In Vienna, Christian Democratic city fathers provided for both the quick and the dead, with municipal housing developments and a municipal crematorium. Whether on the local or on the national level, the implementation of such social legislation placed a growing power in the hands of the civil service, thereby evoking an alarming picture of a type of government not accurately envisaged by Aristotle, a bureaucracy.

How the public treasury was to finance these services was a problem intimately connected with their success. By 1914 the problem had been rendered more acute by the added expense of the international armament race. It had been early recognized that the way social legislation was financed would itself have a marked social effect. To Britain belongs the honor, seldom claimed enthusiastically, of inventing the income tax, first in 1799-1815, and then of reimposing it permanently in 1842. Prussia in 1851, Germany and the United States in 1913, and France in 1917 followed suit. Everywhere a special cause of this tax's unpopularity was the investigation of private finances which it introduced. To fiscal officials it was a godsend, the more welcome because it could be easily adjusted to produce the amount of revenue needed. The leveling characteristic of a progressive income tax, introduced on the ground that taxation should be related to ability to pay, was enhanced by granting exemptions to low-income families and by the imposition of surtaxes on rich people. A similar graduated principle was introduced widely in inheritance taxes, thereby attacking accumulations

of capital in private hands.

The mounting burden of direct taxes on income and inheritance helps explain why some people advocated tapping alternative sources of revenue through higher indirect taxes, such as customs duties. Increasing foreign competition, and the ambition of nation-states to find security in a troubled world through encouragement of domestic industries, were also major considerations. The bright hopes of midnineteenth century liberals that the world was moving toward a period of international free trade were tarnished after 1871 as one by one the world's governments erected protective tariff walls and then raised them. By 1914, Britain was the only major state still faithful to the dream of Cobden and Bright, and even there the protectionist heresy was preached.

As the foregoing paragraphs have indicated, it was not only in tariff policy that the state was assuming greater responsibility in the social and economic order. Along with the local factors which give a unique twist to the events in each country, certain general factors help explain this development. That the state should promote the general welfare through some action is a concept as old as the state itself. Even in the heyday of laissez-faire the state had been something more than a mere night watchman. A certain amount of paternalism in the ruling class, buttressed by secular humanitarianism and Christian charity, had induced governments to act on occasion to alleviate some of the more obvious forms of suffering. That suffering existed was apparent to all but the blindest and most insensitive observer, and the reaction to this fact was often a feeling that "something ought to be done." Now that the vote had been given to the common man, who had never given wholehearted allegiance to laissez-faire anyway, he could express his wants effectively at the polls. On a more theoretical level, many democrats argued that democracy was more than mere political machinery; it was, they claimed, a way of life strongly colored by equality, and consequently the state had the obligation to guarantee minimum standards of living in order to insure effective citizenship. Thanks to technological advances, sanitation and other such equipment for urban living was now available, while from the experience of the business world came administrative techniques for dealing with social problems. In some cases, the requirements of national defense led nationalists to advocate state welfare activity to win the loyalty of the lower classes and halt the waste of human resources. Many conservatives supported such reforms in the hope of preserving the social order from the onslaughts of Marxism. Germany's Bismarck had this very much in mind in the 1880's when he introduced his trail-blazing social legislation mentioned above.

Even within the citadel of liberalism itself the pressure of events, of needs and demands, stimulated a reevaluation of political economy, leading to what is often called the New Liberalism. At the core of this doctrine was a reexamination

of the concept of liberty which resulted in a shift from "negative" liberty to "positive" liberty. Emphasis was now placed on "freedom for" something, rather than on "freedom from" something. Put another way, the new attitude is implicit in the question: "Is a man free if he is free to starve to death?" Here the old utilitarian theories could be given a new twist, with "the greatest happiness of the greatest number" justifying the welfare state. We have already seen how in the later editions of his Principles of Political Economy John Stuart Mill retreated from the classical position, and how Alfred Marshall justified a more active role for the state in society.

From philosophy came additional support for the new liberalism on the initiative of a group of disciples of German idealism. In England the most notable was Thomas Hill Green (1836-1882), an influential Oxford don who enjoined his students: "Shut up your Mill and Spencer, and open your Kant and Hegel." Adopting the view that the relation between the individual and society was an organic one, Green argued that the well-being of society as a whole was essential for the well-being of the individual. Freedom in this context is not "doing what one will with one's own;" rather, "true" freedom is "the liberation of the powers of all men equally for contribution to the common good." The practical implications drawn from this position cause most of those who call themselves liberals today to advocate economic and social controls diametrically opposed to the platform of midnineteenth century liberals.

In the United States, similar attacks on laissez-faire were widely successful in undermining its prestige with theorists in the generation before the first World War. The translation of these new ideas into practical politics was facilitated by the persistent strand of American humanitarianism and by the economic difficulties of farmers, urban workers, and small businessmen. Most of the specific issues involved the role of big business which, in the period of laissez-faire, had dictated tariff policy, controlled credit, and shaped labor legislation to such an extent that, its critics alleged, free enterprise itself no longer existed. This problem of big business was at the heart of the Populist movement of the 1890's, Theodore Roosevelt's administration (1901-1909) and his "New Nationalism" in the 1912 presidential campaign, and, in the same election, Woodrow Wilson's "New Freedom." Although the battlefields were not identical with those of contemporary New Liberalism in Europe, they were all parts of the same war.

Woodrow Wilson (1856-1924) is one of the only two American college presidents to move from the campus to the White House. While a professor of political science, he was best known for his study of Congressional government. Later, as president of Princeton University, he was a vigorous and controversial educational reformer. Next, he entered politics to become a reforming governor of New Jersey (1911-1913). In 1912, a wave of progressive sentiment, and some skillful negotiations, gave him the Democratic nomination for the presidency and, in the ensuing

election, victory. During his first term in office (1913-1917), the high protective tariffs favored by special interests were lowered, the Federal Reserve Act took over supervision of the banking system, the antitrust laws were strengthened, and the Federal Trade Commission was established to enforce fair competition. In this legislation Wilson's earlier conservative individualism was blended with the concepts of the New Liberalism. The spirit of this New Freedom as he called it, can be seen in the following selection from one of his 1912 campaign speeches, to which the title "The old order changeth" was later given:

There is one great basic fact which underlies all the questions that are discussed on the political platform at the present moment. That singular fact is that nothing is done in this country as it was done twenty years ago.

We are in the presence of a new organization of society. Our life has broken away from the past. The life of America is not the life that it was twenty years ago; it is not the life that it was ten years ago. We have changed our economic conditions, absolutely, from top to bottom; and, with our economic society, the organization of our life. The old political formulas do not fit the present problems; they read now like documents taken out of a forgotten age. The older cries sound as if they belonged to a past age which men have almost forgotten. Things which used to be put into the party platforms of ten years ago would sound antiquated if put into a platform now. We are facing the necessity of fitting a new social organization, as we did once fit the old organization, to the happiness and prosperity of the great body of citizens; for we are conscious that the new order of society has not been made to fit and provide the convenience or prosperity of the average man. The life of the nation has grown infinitely varied. It does not centre now upon questions of governmental structure or of the distribution of governmental powers. It centres upon questions of the very structure and operation of society itself, of which government is only the instrument. Our development has run so fast and so far along the lines sketched in the earlier day of constitutional definition, has so crossed and interlaced those lines, has piled upon them such novel structures of trust and combination, has elaborated within them a life so manifold, so full of forces which transcend the boundaries of the country itself and fill the eyes of the world, that a new nation seems to have been created which the old formulas do not fit or afford a vital interpretation of.

We have come upon a very different age from any that preceded us. We have come upon an age when we do not do business in the way in which we used to do business, -- when we do not carry on any of the operations of manufacture, sale, transportation, or communication as men used to carry them on. There is a sense in which in our day the individual has been submerged. In most parts of our country men work, not for themselves, not as partners in

the old way in which they used to work, but generally as employees, -- in a higher or lower grade, -- of great corporations. There was a time when corporations played a very minor part in our business affairs, but now they play the chief part, and most men are the servants of corporations.

You know what happens when you are the servant of a corporation. You have in no instance access to the men who are really determining the policy of the corporation. If the corporation is doing the things that it ought not to do, you really have no voice in the matter and must obey the orders, and you have oftentimes with deep mortification to co-operate in the doing of things which you know are against the public interest. Your individuality is swallowed up in the individuality and purpose of a great organization.

It is true that, while most men are thus submerged in the corporation, a few, a very few, are exalted to a power which as individuals they could never have wielded. Through the great organizations of which they are heads, a few are enabled to play a part unprecedented by anything in history in the control of the business operations of the country and in the determination of the happiness of great numbers of people.

Yesterday, and ever since history began, men were related to one another as individuals. To be sure there were the family, the Church, and the State, institutions which associated men in certain wide circles of relationship. But in the ordinary concerns of life, in the ordinary work, in the daily round, men dealt freely and directly with one another. To-day, the everyday relationships of men are largely with great impersonal concerns, with organizations, not with other individual men.

Now this is nothing short of a new social age, a new era of human relationships, a new stage-setting for the drama of life.

In this new age we find, for instance, that our laws with regard to the relations of employer and employee are in many respects wholly antiquated and impossible. They were framed for another age, which nobody now living remembers, which is, indeed, so remote from our life that it would be difficult for many of us to understand it if it were described to us. The employer is now generally a corporation or a huge company of some kind; the employee is one of hundreds or of thousands brought together, not by individual masters whom they know and with whom they have personal relations, but by agents of one sort or another. Workingmen are marshaled in great numbers for the performance of a multitude of particular tasks under a common discipline. They generally use dangerous and powerful machinery, over whose repair and renewal they have no control. New rules must be devised with regard to their obligations and their rights, their obligations to their employers and their responsibilities to one another. Rules must be devised for their protection, for

their compensation when injured, for their support when disabled.

There is something very new and very big and very complex about these new relations of capital and labor. A new economic society has sprung up, and we must effect a new set of adjustments. We must not pit power against weakness. The employer is generally, in our day, as I have said, not an individual, but a powerful group; and yet the workingman when dealing with his employer is still, under our existing law, an individual.

Why is it that we have a labor question at all? It is for the simple and very sufficient reason that the laboring man and the employer are not intimate associates now as they used to be in time past. Most of our laws were formed in the age when employer and employees knew each other, knew each other's characters, were associates with each other, dealt with each other as man with man. That is no longer the case. You not only do not come into personal contact with the men who have the supreme command in those corporations, but it would be out of the question for you to do it. Our modern corporations employ thousands, and in some instances hundreds of thousands, of men. The only persons whom you see or deal with are local superintendents or local representatives of a vast organization, which is not like anything that the workingmen of the time in which our laws were framed knew anything about. A little group of workingmen, seeing their employer every day, dealing with him in a personal way, is one thing, and the modern body of labor engaged as employees of the huge enterprises that spread all over the country, dealing with men of whom they can form no personal conception, is another thing. A very different thing. You never saw a corporation, any more than you ever saw a government. Many a workingman to-day never saw the body of men who are conducting the industry in which he is employed. And they never saw him. What they know about him is written in ledgers and books and letters, in the correspondence of the office, in the reports of the superintendents. He is a long way off from them.

So what we have to discuss is, not wrongs which individuals intentionally do, -- I do not believe there are a great many of those, -- but the wrongs of a system. I want to record my protest against any discussion of this matter which would seem to indicate that there are bodies of our fellow-citizens who are trying to grind us down and do us injustice. There are some men of that sort. I don't know how they sleep o' nights, but there are men of that kind. Thank God, they are not numerous. The truth is, we are all caught in a great economic system which is heartless. The modern corporation is not engaged in business as an individual. When we deal with it, we deal with an impersonal element, an immaterial piece of society. A modern corporation is a means of co-operation in the conduct of an enterprise which is so big that no one man can conduct it, and which the resources of no one man are

sufficient to finance. A company is formed; that company puts out a prospectus; the promoters expect to raise a certain fund as capital stock. Well, how are they going to raise it? They are going to raise it from the public in general, some of whom will buy their stock. ~~The moment that begins, there is formed -- what? A joint stock corporation.~~ Men begin to pool their earnings, little piles, big piles. A certain number of men are elected by the stockholders to be directors, and these directors elect a president. This president is the head of the undertaking, and the directors are its managers.

Now, do the workmen employed by that stock corporation deal with that president and those directors? Not at all. Does the public deal with that president and that board of directors? It does not. Can anybody bring them to account? It is next to impossible to do so. If you undertake it you will find it a game of hide and seek, with the objects of your search taking refuge now behind the tree of their individual personality, now behind that of their corporate irresponsibility.

And do our laws take note of this curious state of things? Do they even attempt to distinguish between a man's act as a corporation director and as an individual? They do not. Our laws still deal with us on the basis of the old system. The law is still living in the dead past which we have left behind. This is evident, for instance, with regard to the matter of employers' liability for workmen's injuries. Suppose that a superintendent wants a workman to use a certain piece of machinery which it is not safe for him to use, and that the workman is injured by that piece of machinery. Some of our courts have held that the superintendent is a fellow-servant, or, as the law states it, a fellow-employee, and that, therefore, the man cannot recover damages for his injury. The superintendent who probably engaged the man is not his employer. Who is his employer? And whose negligence could conceivably come in there? The board of directors did not tell the employee to use that piece of machinery; and the president of the corporation did not tell him to use that piece of machinery. And so forth. Don't you see by that theory that a man never can get redress for negligence on the part of the employer? When I hear judges reason upon the analogy of the relationships that used to exist between workmen and their employers a generation ago, I wonder if they have not opened their eyes to the modern world. You know, we have a right to expect that judges will have their eyes open, even though the law which they administer hasn't awakened.

Yet that is but a single small detail illustrative of the difficulties we are in because we have not adjusted the law to the facts of the new order.

Since I entered politics, I have chiefly had men's views confided to me privately. Some of the biggest men in the United States, in the field of commerce and manufacture, are afraid of somebody, are afraid of something.

They know that there is a power somewhere so organized, so subtle, so watchful, so interlocked, so complete, so pervasive, that they had better not speak above their breath when they speak in condemnation of it.

They know that America is not a place of which it can be said, as it used to be, that a man may choose his own calling and pursue it just as far as his abilities enable him to pursue it; because to-day, if he enters certain fields, there are organizations which will use means against him that will prevent his building up a business which they do not want to have built up; organizations that will see to it that the ground is cut from under him and the markets shut against him. For if he begins to sell to certain retail dealers, to any retail dealers, the monopoly will refuse to sell to those dealers, and those dealers, afraid, will not buy the new man's wares.

And this is the country which has lifted to the admiration of the world its ideals of absolutely free opportunity, where no man is supposed to be under any limitation except the limitations of his character and of his mind; where there is supposed to be no distinction of class, no distinction of blood, no distinction of social status, but where men win or lose on their merits.

I lay it very close to my own conscience as a public man whether we can any longer stand at our doors and welcome all newcomers upon those terms. American industry is not free, as once it was free; American enterprise is not free; the man with only a little capital is finding it harder to get into the field, more and more impossible to compete with the big fellow. Why? Because the laws of this country do not prevent the strong from crushing the weak. That is the reason, and because the strong have crushed the weak the strong dominate the industry and the economic life of this country. No man can deny that the lines of endeavor have more and more narrowed and stiffened; no man who knows anything about the development of industry in this country can have failed to observe that the larger kinds of credit are more and more difficult to obtain, unless you obtain them upon the terms of uniting your efforts with those who already control the industries of the country; and nobody can fail to observe that any man who tries to set himself up in competition with any process of manufacture which has been taken under the control of large combinations of capital will presently find himself either squeezed out or obliged to sell and allow himself to be absorbed.

There is a great deal that needs reconstruction in the United States. I should like to take a census of the business men, -- I mean the rank and file of the business men, -- as to whether they think that business conditions in this country, or rather whether the organization of business in this country, is satisfactory or not. I know what they would say if they dared. If they could vote secretly they would vote overwhelmingly that the present organization of business was meant for the big fellows

and was not meant for the little fellows; that it was meant for those who are at the top and was meant to exclude those who are at the bottom; that it was meant to shut out beginners, to prevent new entries in the race, to prevent the building up of competitive enterprises that would interfere with the monopolies which the great trusts have built up.

What this country needs above everything else is a body of laws which will look after the men who are on the make rather than the men who are already made. Because the men who are already made are not going to live indefinitely, and they are not always kind enough to leave sons as able and as honest as they are.

The originative part of America, the part of America that makes new enterprises, the part into which the ambitious and gifted workingman makes his way up, the class that saves, that plans, that organizes, that presently spreads its enterprises until they have a national scope and character, -- that middle class is being more and more squeezed out by the processes which we have been taught to call processes of prosperity. Its members are sharing prosperity, no doubt; but what alarms me is that they are not originating prosperity. No country can afford to have its prosperity originated by a small controlling class. The treasury of America does not lie in the brains of the small body of men now in control of the great enterprises that have been concentrated under the direction of a very small number of persons. The treasury of America lies in those ambitions, those energies, that cannot be restricted to a special favored class. It depends upon the inventions of unknown men, upon the originations of unknown men, upon the ambitions of unknown men. Every country is renewed out of the ranks of the unknown, not out of the ranks of those already famous and powerful and in control.

There has come over the land that un-American set of conditions which enables a small number of men who control the government to get favors from the government; by those favors to exclude their fellows from equal business opportunity; by those favors to extend a network of control that will presently dominate every industry in the country, and so make men forget the ancient time when America lay in every hamlet, when America was to be seen in every fair valley, when America displayed her great forces on the broad prairies, ran her fine fires of enterprise up over the mountainsides and down into the bowels of the earth, and eager men were everywhere captains of industry, not employees; not looking to a distant city to find out what they might do, but looking about among their neighbors, finding credit according to their character, not according to their connections, finding credit in proportion to what was known to be in them and behind them, not in proportion to the securities they held that were approved where they were not known. In order to start an enterprise now, you have to be authenticated, in a perfectly impersonal way,

not according to yourself, but according to what you own that somebody else approves of your owning. You cannot begin such an enterprise as those that have made America until you are so authenticated, until you have succeeded in obtaining the good-will of large allied capitalists. Is that freedom? That is dependence, not freedom.

We used to think in the old-fashioned days when life was very simple that all that government had to do was to put on a policeman's uniform, and say, "Now don't anybody hurt anybody else." We used to say that the ideal of government was for every man to be left alone and not interfered with, except when he interfered with somebody else; and that the best government was the government that did as little governing as possible. That was the idea that obtained in Jefferson's time. But we are coming now to realize that life is so complicated that we are not dealing with the old conditions, and that the law has to step in and create new conditions under which we may live, the conditions which will make it tolerable for us to live.

Let me illustrate what I mean: It used to be true in our cities that every family occupied a separate house of its own, that every family had its own little premises, that every family was separated in its life from every other family. That is no longer the case in our great cities. Families live in tenements, they live in flats, they live on floors; they are piled layer upon layer in the great tenement houses of our crowded districts, and not only are they piled layer upon layer, but they are associated room by room, so that there is in every room, sometimes, in our congested districts, a separate family. In some foreign countries they have made much more progress than we in handling these things. In the city of Glasgow, for example (Glasgow is one of the model cities of the world), they have made up their minds that the entries and the hallways of great tenements are public streets. Therefore, the policeman goes up the stairway, and patrols the corridors; the lighting department of the city sees to it that the halls are abundantly lighted. The city does not deceive itself into supposing that that great building is a unit from which the police are to keep out and the civic authority to be excluded, but it says: "These are public highways, and light is needed in them, and control by the authority of the city."

I liken that to our great modern industrial enterprises. A corporation is very like a large tenement house: it isn't the premises of a single commercial family; it is just as much a public affair as a tenement house is a network of public highways.

When you offer the securities of a great corporation to anybody who wishes to purchase them, you must open that corporation to the inspection of everybody who wants to purchase. There must, to follow out the figure of the tenement house, be lights along the corridors, there must be police patrolling the openings, there must be inspection

wherever it is known that men may be deceived with regard to the contents of the premises. If we believe that fraud lies in wait for us, we must have the means of determining whether our suspicions are well founded or not. Similarly, the treatment of labor by the great corporations is not what it was in Jefferson's time. Whenever bodies of men employ bodies of men, it ceases to be a private relationship. So that when courts hold that workingmen cannot peaceably dissuade other workingmen from taking employment, as was held in a notable case in New Jersey, they simply show that their minds and understandings are lingering in an age which has passed away. This dealing of great bodies of men with other bodies of men is a matter of public scrutiny, and should be a matter of public regulation.

Similarly, it was no business of the law in the time of Jefferson to come into my house and see how I kept house. But when my house, when my so-called private property, became a great mine, and men went along dark corridors amidst every kind of danger in order to dig out of the bowels of the earth things necessary for the industries of a whole nation, and when it came about that no individual owned these mines, that they were owned by great stock companies, then all the old analogies absolutely collapsed and it became the right of the government to go down into these mines to see whether human beings were properly treated in them or not; to see whether accidents were properly safeguarded against; to see whether modern economical methods of using these inestimable riches of the earth were followed or were not followed. If somebody puts a derrick improperly secured on top of a building or overtopping the street, then the government of the city has the right to see that that derrick is so secured that you and I can walk under it and not be afraid that the heavens are going to fall on us. Likewise, in these great beehives where in every corridor swarm men of flesh and blood, it is the privilege of the government, whether of the State or of the United States, as the case may be, to see that human life is protected, that human lungs have something to breathe.

These, again, are merely illustrations of conditions. We are in a new world, struggling under old laws. As we go inspecting our lives to-day, surveying this new scene of centralized and complex society, we shall find many more things out of joint. *

* Woodrow Wilson, The New Freedom (New York: Doubleday, Page and Company, 1913), pp. 3-24. Used with permission of Mrs. Edith Bolling Wilson.