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1958
FREEDOM AND POWER IN A MULTIGROUP SOCIETY AS RELATED TO THE CONTROL OF EDUCATION

DISSERTATION

Presented in Partial Fulfillment of the Requirements for
the Doctor of Philosophy Degree in the
Graduate School of The Ohio State University

By

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1957

Approved by:

Adviser
Department of Education
To Rosemary

and the children

who may some day

understand both her trials and contributions.
ACKNOWLEDGMENTS

My appreciation goes to all those whose contributions made this study possible. Foremost among those directly concerned is Dr. H. Gordon Hullfish whose gentle guidance and technical assistance were unstintingly given and gratefully received. Dr. Robert E. Jewett, Dr. John F. Cuber and Dr. E. Allen Helms have read this document in various unfinished stages and have made helpful criticisms and suggestions. Dr. Alan Griffin made many useful suggestions in the early stages of the study.

The written contributions of many students of education and society, have been frequently used and are gratefully acknowledged. Special acknowledgment must go to the many friends and students who helped provide the context of controversy in which thought goes on.

Finally the writer wishes to acknowledge his intellectual debt to his father, Dr. Ernest E. Bayles whose clear and forthright thinking regarding democracy and education provided the foundation upon which this study tries to build.
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CHAPTER I

DEMOCRACY AND EDUCATIONAL CONTROL

INTRODUCTION

Who shall control the education of the child is at present alive, if not an explicit issue, in American education. Even though we affirm the fact of public control there is wide disagreement regarding the proper weighting of the claims of the variety of groups which demand support from the operations of the schools. Along with this conflict there is a feeling that a knowledge of the nature of democracy should provide some guidance within it. Each group, however, can base its claim upon some interpretation of the meaning of democracy. Each of these seems plausible initially but variation in interpretation results in conflicting claims. Yet a thorough study of the operation of democracy in America, in relation to the problem of the control of education, should result in some clarification of issues. Certainly the American experience has been hospitable to difference but this should not be taken to mean that it is equally hospitable to all differences or that it has not evolved institutions adapted to the particular forms of difference it has expressed.

The purpose of this dissertation is to analyze the problem of educational control for the following purposes: (1) to discover its fundamental characteristics; (2) to isolate those aspects of the
problem which result from recent fundamental changes in social
structure; (3) to examine the present state of knowledge in the social
sciences in relation to these fundamental changes; and (4) to examine
the modern issue of educational control in the light gained from this
examination. This analysis will be carried forward by an examination
of the literature in the relevant social sciences. The problem, so
stated, is a vast one. The purpose of this study will have been
achieved if the field involved is opened for more effective specula-
tion upon, and exploration of, the major issues involved.

The Problem of the Public

No one of course believes that teachers in public schools are
laws unto themselves. Teachers are possibly the first to admit to
controls outside themselves, though they may be in doubt regarding
the advisability of a particular scheme of control. The most obvious
source of this control is the authority which provides the physical
surroundings and enforces the attendance of the students. It is almost
a truism to state that the public should control public education.

That there is in America a free, tax supported public school
armed with the legal authority to enforce attendance is a fact. Yet
this fact is too often allowed to obscure the equally hard fact that
American society includes a multitude of "publics." The "public"
affected by what goes on in the school is illimitable. American
society is made up of a multitude of publics with conflicting interests which are so interrelated that no school can help but assist or hinder the interests of a variety of publics far beyond its direct concerns. This "public" is so amorphous and diffuse, however, as to be inconsequential in the actual control of school affairs.¹

Nearly everyone is agreed that in a democracy "public opinion" should have the ultimate authority over what should go on in public schools. If the opinion of any aggregation of persons is to be felt in public affairs, however, it must be organized. A mere aggregation has no expressed common opinion nor any means of carrying one out. Public opinion becomes a directive force in public affairs only as a group of people can speak and act as one over some period of time. This requires organization, delegation of authority, and some degree of group discipline. Though the affected public may be amorphous, the effective public is that number of publics which are organized into decision-making bodies. To fail to recognize this distinction is to hold to that sentimental ideal of "public relations" that uses the mass media to effect a simulated popular ratification of decisions already made by some organized, active, and effective group.

The fact that the term "public control" has not been carefully used in connection with public education should not obscure the fact that it has a specific meaning. This meaning is that legal authority

over the public school (and indirectly, private schools) is in the hands of the state governments. The people express their sovereignty through their legally elected representatives in established governmental institutions by means of law.

It must be recognized that the general term control designates several different kinds of phenomena. There are those most apparent, the legal controls, the terms of which are written in laws administered by government and the courts and enforced by the sanctions of the state. Most of the routine behavior of men is not regulated by formal law, however. The controls uppermost in the behavior of most men are those imposed by lesser groups, the church, family, occupational group, or neighborhood. These groups and those who dominate them wield vast powers which have no specific legal sanction and which may in fact controvert the legal distribution of power. Often the effects of these powers are so habitual and so encrusted with custom that they are accepted without question or even awareness.²

The legal structure then is comparable to the part of an iceberg that is visible above the surface of the water. Below it lies the much greater expanse of the power structure which, though unrecognized by the law, is a part of it, supporting and using its forms. It is clear that the ideal of public control of education allows for a multitude of interpretations and considerable confusion. The ideal

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² Cf. John Dewey. The Public and Its Problems, and the "sociological" school of jurisprudence of whom Roscoe Pound is the best known. The concept mores is not unrelated.
becomes meaningful only as all of the channels of expression of public control are specified. Emphasis upon the legal channels of expression seems appropriate and yet it ignores the fact that legal arrangements are not the most important determinants of human behavior.3

Changes in the Public

Taking into account these extra-legal instruments of control we find that control by the local community seems particularly appropriate in a democracy. Despite the fact that the legal authority of the state government over education is virtually unlimited,4 the development of public education in a society of isolated communities and in an era of restricted government ensured that educational control was in fact exercised by a multitude of small social units. This virtual autonomy is felt by most persons to be adapted to the diversity of American culture and by many to be a necessary part of democratic life.

The school in America has been an integral part of local society both as controller and as controlled. The rural district school, the "little red schoolhouse," was the outstanding public educational

3 The terms "social structure," "power structure," etc. are used at times almost interchangeably. Their use will be clarified in Chapter II.

4 Education Policies Commission, The Structure and Administration of Education in American Democracy, 1938, p. 43. M. H. Willing, et al. Schools and our Democratic Society, p. 33. The latter volume contains a clear discussion of the "official" and the "unofficial" controls of the school in Chapters II and III.
institutions for a large part of our history. It still exists in many places. The rural district school constituted to some extent a "separate culture" but in general it was closely related to its local context. The teaching of reading, of writing, and of arithmetic, together with "moral exhortation of high regard but dubious application," for a few months out of a busy year did not threaten and rarely questioned the propriety of local customs and beliefs. Life was the educator, school but a pale reflection. To insure that no deviation took place the teacher was made the subject of sometimes inhuman community surveillance. It is unnecessary to go far into our past to discover the multitudes of restrictions upon teachers which characterized not only school laws but also those unpublished rules by which communities assure their sovereignty. In this situation the teacher could be nothing but a surrogate of the local community or of its dominant part. The specific agent of control might technically be "religious," in that a minister examined the schoolteacher or acted as a supervisor; or familial, in that there were no legal means for enforcing attendance; or "the state," in that certain political agencies had a part in supervision and examination. Few schools could rise much above or drop much below

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5 Willard Waller. *The Sociology of Teaching*, Chapter IX.
6 This phrasing is from Waller.
7 For examples see Howard K. Beale. *Are American Teachers Free?*
the expectations of the community immediately surrounding it. The common beliefs and values of the primary community prevented conflict or confusion with the school. At the same time, the restricted scope of the school's task in relation to extra-school influence made sure that minor differences would be of little importance. No certification laws or tenure requirements protected the teacher. They were not then conceivable.

When and where the small homogeneous local community has been the dominant mode of common life the term public control has denoted a real phenomenon, even though its character has varied according to time and place. Each school was the creature of a community having interests sufficiently in common to create a shared "opinion" and to establish thereby clear and effective means of social control that were understood well enough that each member had a feeling of participation. These community restrictions were potent, yet they created so little feeling of restriction among the members of the community that they were noticed only by strangers.

Local control of public education is one thing in the context of a fairly homogeneous local "public" of the typical rural or small town school. It is something quite different in the context of the large city school system which has as its public a multitude of groups, each organized and equipped to express and enforce a distinct opinion. At this late date it is unnecessary to point out that the local

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We are indebted primarily to foreign writers such as De Toqueville for identification of "the tyranny of the local community." Certainly the iniquities of Sinclair Lewis' Sauk Center did not arouse the typical resident of "Main Street."
community cannot and does not act as it did in a dominantly agricultural society. Not even the surviving rural schools can escape the pressures of group interests remote in space but immediate in effect. The consequences of "the disappearance of primary communities" have been examined in many areas of life. Its effect upon the ideology of local control of education has yet to be thoroughly explored.

Increased population mobility, improved transportation, and mass communication have greatly altered the character of the publics of all schools. The fact that the school children of one area may be the citizens of another has increased the range of effect of even the small town school. Those concerned with what goes on in a small Southern school may include a New York politician, a New England labor leader and a California Legionnaire. The ends of such diverse interests are so interrelated, moreover, that their group interests are hindered or helped by what goes on in every classroom in the land.

Physical remoteness is no longer a barrier to the powers of these interests. Around divergent interests have grown powerful and determined organizations that touch directly upon the lives of all. The typical community of today is a congeries of conflicting interest groups, each seeking to use the school as a means toward its ends. The larger urban school is representative of the modern school whose

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The best, if brief, discussion of its effects upon schools is by Alan Griffin, "Community Pressures and Education" in H. Gordon Hullfish (editor) Educational Freedom in An Age of Anxiety. See also Campbell and Ramseyer, The Dynamics of School Community Relationships, Chapter 2.
"public" is made up of individuals who are committed to the interests of such power groups, as well as to the common interests of the local community.

The public school then becomes a battleground for the conflicting claims of a multitude of groups of diverse interests, each of which possesses the power to make its voice heard as, in some sense, the voice of the people. The proposition that "the local public" should control the schools is inadequate, in the light of these developments, without further explanation of who constitutes the public and how their decisions are made known and executed.¹⁰

This, of course, is but one result of a multitude of changes in communities and in schools as well as within the teaching profession itself. Of basic importance is the change from rural to urban life. In 1870, 71 per cent of the population of America was rural; in 1950, only 36 per cent was rural. The public of the urban school is larger and more varied and the groups within it are more likely to be organized. This shows only a small part of the change, however, since many persons living in rural areas today work in the great cities and, further, radio, telephone, television and automobiles bring the rural family into the circle of urban influence.¹¹ Along with this change has come increasing mobility. Between 1940 and

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¹⁰ M. F. Willing, et al., op. cit. Offers a careful analysis of the situation without the old biases against "pressure groups."

¹¹ The consequences of this change are explored by Joseph K. Hart in A Social Interpretation of Education, and Education in the Humane Community.
1950, 50,000,000 Americans, over one-third of the population, changed their counties of residence, some to move to entirely different states and sections. Thus community identification is greatly reduced, the sanctions of locality weaken, and the sense of common interest among those of the same geographical area is dissipated.

It is necessary to note an important effect of the tradition of local control upon the current dispute regarding the control of education. The practice of local control of educational matters has operated to alleviate, rather than to solve, matters of social conflict over the purposes of formal education. In a society which permits a large degree of local autonomy, whatever group dominates within each community will dominate the school within it. In some communities the public school is still a sectarian institution dominated by representatives of a local sect. In others, the right of parents to determine what shall and shall not be taught is so widely accepted that no one would ever think of a private school as a more logical answer to educational needs. One school may be dominated by local business leaders. In another, farmers may use their preponderant power to bend education to their purposes. In each community a particular group or set of groups may dominate local institutions, such as government, social life, and the school. As long as this type of control is informal, spontaneous, and accepted by all, no issue regarding the control of the school can arise. Thus, the fact of local control has created an illusion of a single system of a single system of control in a situation which reveals a multitude of
The Issue of Professional Control

Along with changes in social structure, changes in the nature of formal education are necessarily involved in any discussion of the control of education. Great changes have taken place within the teaching profession. Fundamental to these is the increasing body of knowledge the school uses. This includes that which we name "subject matter" and, also, the swiftly increasing knowledge concerning the techniques and methods of improving and organizing the learning endeavor. This means, first of all, that teachers both before and after entering service receive a more extensive and specialized training than ever before. They go to school longer in schools more devoted to a single purpose and they return again and again to these schools. For the continuing control of the knowledge they require they must turn to those more specialized in a particular area or to the immediate group of supervisors, consultants and colleagues.

Teaching is a complex and technical process, the results of which cannot be readily judged by the teacher himself let alone an untutored layman. Even the best trained administrator hesitates to generalize about the results of a specific bit of technique. The development of professional competence requires the freedom to try a new idea without having to render it to immediate a priori judgment.
Increasing autonomy is a development characteristic of every functional group in a society. It is only by specialization that informed decisions can be made. The layman is dependent upon expert opinion and his means for separating one competency from others are not great. Although it is a matter of dispute how far schoolmen have moved on the road to professionalization, teachers organizations seem to be on a path similar to that followed by other groups which now claim the status of profession.

If we look at a sociologist's definition, it is apparent that teaching is closer to the condition of a profession than it has ever been before.

The professions...represent high degrees of specialized rules which give a common training, discipline standpoint, and value system to a group. As an organized body such specialists as doctors, lawyers, and engineers become a differentiated guild with many of the characteristics of a distinct class.\(^{13}\)

The development of a professional point of view operates in two theoretically distinct ways: (1) within the formal administrative structure and (2) through the development of group activities outside it.\(^{14}\)

\(^{13}\) Kimball Young, Sociology, p. 908.

\(^{14}\) These ways are legally quite distinct. The school is a "public" corporation, and teachers organizations are "private." For legal purposes the distinction should be drawn carefully. That "public" and "private" do not have practically this clear separation is one of the reasons legal distinction is largely ignored in the study of interest group politics. This fact, however, is one issue in the light of which the accepted view of "legal" requires reconstruction.
The breakdown of the homogeneous local community has left the teacher without day to day community direction. Tenure laws and the strengthening of administrative control over school affairs have protected the teacher in a considerable measure from immediate social pressures. On the community level the superintendent often able to defend the interest of the "schools" against the most outrageous demands of the school board and of protesting citizens. Since the inspection and control necessary to assure the carrying out of school board policies in a large and complex school system is in the hands of the superintendent, the board is as dependent upon him as he is upon the board. In fact, a teacher or superintendent even though he possesses, as he may, strong local ties, is likely to show his loyalty as much to his fellow teachers and to whatever he considers appropriate professional behavior as to the whims of a community.\footnote{This is a part of a new role of the public school administrator as seen by, say, Campbell and Ramseyer, \textit{op. cit.}}

On the state level the influence of schoolmen upon school legislation has become more important as the increasing complexity of school operations makes their details less accessible to the average legislator. Professional educators man the staffs of state boards and bureaus of public instruction. They advise the elected representatives as much as they receive the "mandate" of the community represented.
Teacher training institutions form a semi-official link with
the administrative machinery through consultation, performance of
special services, and the bearing of certificate requirements upon
college courses. The teacher's colleges take on many public functions
independent of the direct political control of the state.

An intimate part of this growing structure is the multitude of
organizations, from such general ones as the National Education
Association to such special ones as the subject matter groups (i.e.,
teachers of English) within which teachers meet, exchange ideas, and
gain support for their plans and procedures. This influence is
further extended through professional journals which supplement the
contacts of conventions and meetings. What is exchanged in all of
these ways is not limited to technique. Attitudes and values, which
form the basis for an "ideology," are equally shared. The latter is
not by any means monolithic (as some critics suggest) but it is,
and must be, distinct in many ways from the attitudes of laymen.

These organizations, moreover, take upon themselves the expres­
sion of this point of view to the general public. Thus, through
"public relations" at the local level and lobbying in legislatures,
a professional point of view is thrown into the arena of public
opinion for the specific purpose of affecting the formulation of
educational policy at its source. 15

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It is at this point where teachers themselves form a pressure
group that the role of professional organization is least clear. The
"traditional" view is that groups in politics should be "disinterested"
but the simple fact is that they are not.
It is obvious that as the complexity of the educational task increases, society becomes more and more dependent on the knowledge and skill of the members of the teaching profession. This knowledge and skill are not separable, however, from those values and ideals which separate the teacher from the layman and tie him to his fellow teachers. Where once the status of a teacher was completely established by his acceptance in the local community, it seems that professional status, that is, acceptance by other members of the profession, is becoming more important in affecting the practices of the individual teacher. The result is the rising importance of educators and their professional organizations in the determination of educational policy. Griffin has observed:

To an astonishing degree, teachers from all parts of the country have found in one another...sustaining sympathy and understanding... Through a host of local, regional, state and national organizations...through professional journals at many different levels of specialization, through the marked similarities of emphasis that can be found among institutions preparing teachers, through immeasurable face-to-face encounters at conventions and national meetings, teachers have been drawn together in the same process that has drawn other interest-communities together and thus helped pull local communities apart.

To an increasing extent, teachers identify themselves with their profession. They actively seek the advice, support, and approval of fellow professionals, meanwhile recognizing the approval of fellow townspeople as something that unfortunately has to be cultivated.17

Griffin, op. cit., p. 160.
As the homogeneous community gives way to the multigroup community and local pressures tend to cancel each other out, the teacher has a freer hand in the classroom and is guided to some extent by distinctively professional ideals.

There seems no likelihood that this situation will change. It is inherent in the social effects of specialization and division of labor. There is, rather, considerable likelihood that professional influence will increase.

Nearly all suggestions from the profession with regard to consideration of control have in mind the increase of the autonomy of the teaching profession and an enlargement of the area of professional decision. Though some proposals for local control or state control have in mind the encouragement of special forms of control for special interests, (this is particularly true of the South in protecting racial segregation) few educators wish to decrease the influence of professional competency upon school policy, even though they honestly aim for a wider participation by the local community in its formation. If educators wish to return to the local control of the past, they must give up these protections, such as contracts, certification and tenure, which they have evolved in the concern to develop a profession. Either this or they must reach the millennium some seem to reach for when all citizens believe as they do about education.

Federal control is also projected with the same end in view.
In a book supporting such control Dawson Hales says:

If the federal government is to increase its control over the services dispensed by the nation's schools, it is imperative that such control be in the best interests of the public and the educational profession... What is needed is a representative and unified professional organization... Such a national organization should have as its primary objective the maintenance of that measure of educational autonomy and freedom which is essential to the discharge of the educational function in a democratic society... Unless statutes, executive orders and regulations contain worthy provisions, and unless they are phrased... to provide the requisite freedom for the educational profession, the quality of public education will suffer.18

There have been very few studies of the relative effect of the many channels of influence that play upon the classroom.19 But by contrasting a modern city school system with the school of a homogeneous rural community, a wider variety of influence, and within that a clearer influence of a point of view that approaches the "professional," may be observed. It is a fact that those responsible for the operation of the legal channels that exert pressure upon any single school—the administrative superstructure of principal, superintendent, state supervisor, teacher colleges, and so on—are to a large degree men and women who share a common interest and a tradition in many ways distinct from that of any other group in society, including that mystical entity, "the public."

18 Dawson Hales, Federal Control of Public Education, pp. 120-121.

19 The recent book by Floyd Hunter, Community Power Structure, suggests some of the tools and understandings necessary. The knowledge is that of the "smart" politician. Waller suggests that that knowledge was a part of the stock in trade of the old principal or teacher, op cit.
To describe, as some critics have, the slowly emerging influence of a professional group as an attempt to take over the schools is to make a mountain out of a molehill. The emergence of groups and of group ideals does not indicate subversiveness. No comparable opinion is expressed that doctors are taking over the public health services, or that lawyers are taking over the courts, or that the civil service is taking over the government. Some seem to believe that labor unions are taking over the economy. They are few, however. The school, in contrast, is beset by a multitude of pressures which appear to require mollification and concession and which interfere with the proper aims of education.

On the other hand, it is accurate to say that within the school an area of freedom from external restraint has expanded almost continuously during the life of public education in America. To compare a large city school system to a small town school is to dispel the myth that teachers are the mere tools of outside pressures. The very diversity of pressures obviates this. Multiplicity and diversity, moreover, give a knowledgeable administrator leeway in which to play off one pressure against another in order to widen the school's area of decision. School-community studies underway have as a major aim the education of school administrators in techniques and understandings that will increase their ability to

20 It is here that the professional educator, centering too hard on the ends he sees as good, is often insensitive to other elements in the culture (i.e., his colleagues in the liberal arts) who are equally interested in the advancement of public education.

21 Others are very confused about the place of labor in the control of economic processes. These include many of those who in the 1930's insisted that teachers had to join labor unions.
deal with the social cross-currents of the modern multigroup society.\textsuperscript{22}

The rise of professional influence in education has almost inevitably given rise to the charge of professional control of the schools. This charge has been made explicitly by several writers of whom Mortimer Smith, Albert Lynd, Bernard Iddings Bell, and Arthur E. Bestor have been the most publicized. In the writings of men such as Robert M. Hutchins, and much "popular" writing the charge stands as an implicit major premise requiring only assertion to claim validity.\textsuperscript{23} Teachers have been charged often with subservience to the whims of churches, business, labor interests, and the Communist Party; they are now taken to task for giving serious attention to the leaders of the educational profession. Those groups that have in the past been considered to be the leaders of education—superintendents, principals, department of education officials, and professors of education—are now charged with direct responsibility whenever the public school is said to have failed, whatever the nature of the so-called failure. This criticism implies not only that teachers are doing the wrong thing but that they are being indoctrinated and bullied into doing the wrong thing by a hierarchy of professional bureaucrats bent upon the indefinite extension of their private interests. It challenges not only the influence of

\textsuperscript{22} See the work of the School Community Development Study, The Ohio State University.

\textsuperscript{23} See, for example, the remarks by John Fischer in "The Editor's Easy Chair" Harper's Magazine, August, 1957, p. 16.
this group but, more basically, it decries what it describes as unchecked and irresponsible power over what goes on in the school.

The problem to these highly vocal critics becomes not only one of peaceful persuasion but of power and of political manipulation. These men and others, implying, if not expressly stating, the basic charge, have chosen highly regarded popular magazines, such as the Atlantic Monthly and the Scientific Monthly, in which to press their case, and have suggested the use of public power, as well as persuasion, as necessary for correction of the abused. These charges cannot and should not be brushed off casually.

The individuals who form the group that is said to control the public schools

... are drawn almost exclusively from three interrelated professional groups. First of all, there are professors of education in universities, colleges, and normal schools. Second, there are superintendents, principals and other local public school administrators and supervisors. Third, there are officials, 'experts' and other bureaucrats in the state departments of public instruction and the Federal Office of Education. These groups, collectively known as professional educationists, have drawn together in recent years into what now amounts to an interlocking public school directorate.24

These groups, and more particularly the professors of education, "have copperriveted one of the neatest bureaucratic machines ever created by any professional group in any country anywhere since the priesthood of ancient Egypt."25 With this organization the "professional practitioners,"26 including "theorists from schools of

24 Arthur E. Bestor, Educational Wastelands, p. 1012.
25 Albert Lynd, Quackery in the Public Schools, p. 37.
26 This phrase belongs to Bernard Iddings Bell, Crisis in Education.
education who are put into posts of authority over classroom teachers and who, though they have had small teaching experience themselves, continually want to change procedures to fit in with new ideas thought up in a study somewhere, use their professional positions to "bully the colleges, dominate conventions and journals, impart their ideas to larger and larger numbers of young men and women who are being trained for teaching." The poor classroom teacher,

Forced to undergo the humiliation of piling up credits in sterile courses in pedagogy, virtually forbidden to align himself with scholars and scientists in his chosen field, ceaselessly indoctrinated in an 'official' educational philosophy, subjected to minute control and supervision by a professional educational hierarchy... cannot hope to resist administrative dictation or to secure a real voice in the formulation of educational policy.

Montimer Smith, author of one of the earliest attacks upon professional educators, entitled And Madly Teach, has placed the charge thus:

The schools of education and the teachers' colleges, aided and abetted by the NEA, constitute a closed union in public school education. They have lobbied their point of view in every state legislature in the country so that now it is almost impossible for a teacher to be certified who has not been through their educational mill.

27 Ibid., p. 219.
28 Ibid., p. 141.
29 Bestor, op. cit., p. 120.
State departments of education (manned exclusively by these brethren) have persuaded and coerced local boards into basing advancement in the system on further study in the schools of education. These people put out by far the greatest number of textbooks used in the schools. Thus is the educational bureaucracy established "in perpetuum." The sad truth is that in most cities and towns in the United States the philosophy of education is determined not by the citizens who own and support the schools but by a close-knit union of superprofessionals over whom the citizens have not even indirect control.30

The conclusion is that these self-appointed leaders "have more and more assumed control of the secondary schools"31 and have "relieved the public of all basic decisions about the aims and methods of the schooling in " the public's town."32

These direct charges are but a small part of the recent general criticism of the public schools. They have been exploited by those whose only concern for schools is that they be run more cheaply. They have been assumed and too often exploited by those whose main point of criticism has been "poor teaching of fundamentals," "the lack of moral and religious instruction," or the "teaching of internationalism." The charges are implied in the fact that criticism is always directed to the teaching profession and not to the local communities which, theoretically, control what goes on in the school.

In times of public concern over education it is necessary not only to defend the school from malicious criticism but also to re-adjust it in the light of that criticism which is seriously

31 Bell, op. cit., p. 144.
32 Lynd, op. cit., p. 37.
concerned with the improvement of public education. Such self-
examination should be based not upon the intent of the critic but
upon the content of the criticism. The charges that the schools
are run badly, whatever particular form they have taken, have
brought forth thousands of words of defense and attack in which
educators have acquitted themselves well at times, badly at others.
The school's defenders have demonstrated (to those, at least, who
are concerned with demonstration) that the schools are no less
patriotic and moral and no more communist or internationalist than
the rest of society. They have demonstrated that "the fundamentals"
are not only being taught better than in the past but that the
ways of teaching them are being continuously studied with a view
toward their improvement.

Educators have not, for the most part, concerned themselves
with the charge that is logically prior to these, that professional
educators control the schools and what goes on in them. The ends
for which control has been used have been soundly argued but control
itself has hardly been discussed. Yet this must become the deeper
concern. The uses of power may be decided by peaceful persuasion.
Power, however, can be checked and made responsible only by counter-
vailing power. The charges should be of concern to the public
generally. The "professional bureaucracy" which is charged with
monopolizing control is not a band of conspirators with masks and
bombs. Its members are acknowledged leaders of the profession.

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33 For a notable exception see Myron J. Lieberman, Education as
a Profession.
experts in the field of public education, men for the most part of sound motives who have devoted years to the study of the purposes and procedures of public education. To them, to relinquish whatever minor power they may hold is to deny the public the proper weight of expert knowledge and research. By far the majority of professional educators wish to increase the autonomy of the teaching profession. They have fought long and hard for the few protections against external manipulation they have and are far from resting upon their present status, let alone giving up their few gains.

If completely accurate, these charges would be serious, indeed. Neither public nor private schools are the exclusive domain of any single group, professional or otherwise. That the charges are extensively exaggerated, sometimes cynically manipulated for private purposes, and often plainly in error needs to be pointed out. The schools must be defended from irresponsible attacks, yet it is difficult to answer at one and the same time the irresponsible trouble maker and the serious critic. On the other hand, the immediate needs of defense cannot justify ignoring those elements of truth upon which certain charges are based.

The success of some campaigns against public education cannot be explained without recognizing a widespread public confusion regarding both the function of the school and its control. It is a

This term will be used hereafter as a descriptive not an evaluative term or a swearword. It shall hereafter include all those who work full time in schools—teachers, administrators and college professors—including those who don't like teachers colleges. Otherwise we might for purely scientific purposes have to coin some terms like "academicist," "liberal artist" or possibly "liberal artisans."
mistake to charge all of the recent criticisms of the schools to the machinations of a few "enemies of the public school." While there is no precise indication of the degree to which teachers and their professional leaders affect the determination of educational policies, this, along with the increasing fragmentation of community control, is a part of public apprehension and confusion regarding the public schools. The attacks would never have reached serious proportions if a large part of the public, in fact, participated actively in the control and direction of the schools and understood clearly an established role of the professional educator. Griffin has said of these attacks:

> It is all too easy to identify these attacks with the general hysteria and obscurantism engendered by the critical state of world affairs, and to assume that, since the frenzy whipped up by Zollites and their like is artificial and unwarranted, there is probably nothing basically wrong with school-community relations. But the signs of friction and misunderstanding had become unmistakable all over the country long before the recent outbreaks. It is not surprising that irresponsible mountebanks have come to fish in the troubled waters; the point is that the waters were troubled before they came.

> Misunderstandings between the schools and various segments of the public have been piling up for at least two or three decades.\(^{35}\)

These misunderstandings that poison the relations of school and community seem to be at least partly a result of the novel role which the profession now plays in the control of education. An infrequent Parent Teachers Association meeting is no substitute for

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Griffin, op. cit., p. 149.
the daily contact and understanding that was inevitable in the communities that supported the small district school.

The fundamental change in school community relationships has already been revealed to be a change in the typical school's "public" from a small homogeneous community to a large multigroup society. In consequence, the school is no longer under the exclusive control of any single group. It is rather a center of conflict for a multitude of groups. There are unfortunate consequences of this situation, to be sure, but there is an opportunity quite unprecedented in the elimination of a single power over the public school. The charges of Bestor, Smith and Lynd are true to this extent—educators are becoming more aware of themselves as a group that, possessing certain powers of its own, can for the first time exert to some extent independent power in the name of independent (i.e., educative) interests. That teachers are mere tools of powers outside the school has been denied in the interest of a high level of professional competence and professional responsibility. Even to answer the minimum demands of the society has required the development of specialized preparation, selective admission and advancement, internal self-regulation, continuing interstimulation, and as high a degree of unity of purpose, ideals, and organization as possible. Professional competence leads to professional organization and these lead to the demand for a voice in the making of school decisions. These changes, however, characterize every organized group and not merely the teaching profession.
The present problem of educational control is not one of assigning to some single authority absolute control over the schools in America. Divided and shared control is the situation in many areas of modern life. In modern society new and powerful groups are continually emerging to contend for the control of the school. Though the justification for business groups, farm organizations, and labor unions may be less ancient than that of parents, churches, government or the community of scholars their needs are no less apparent and their power is often more real than apparent. Such groups may not be likely to claim authority over all educational matters; they seem most inclined to demand the right to censor those matters of particular interest to them. This suggests no solution, however, for if each group were to apply its own criteria regarding what should and should not be taught, even assuming wrongly that their claims did not conflict, no educator would consider the meager remains worthy of the name "education."

It is within this maze of shared control that conflict over the control of education goes on. It goes on, moreover, at least partly under some of the many names for democracy. Though few groups deny the final authority of the public and most Americans feel an affinity for the institutions of local control, a legal analysis gives no answer. It is not clearly established in the law
to what extent education is a public or a private responsibility. The problem of religion in education concerns not so much the use of religious materials as teaching instruments as the degree of influence religious groups should have upon the schools. The degree of influence of local, state, and national governmental bodies is at issue; should local control give way to state regulations?; what controls should the federal government assume? The role of private interest groups is in doubt, as is the appropriate area for professional decision. Specific issues in fact deal primarily with the relative influence of the various authorities and pressures that play upon any particular school system.

Legal forms, however, provide only a framework through which a multitude of social pressures operate. For conflict exists; it is merely carried on within an accepted legal authority. It has taken the form of manuvering for political control of the school through school board or legislature and demanding that the school perform certain functions. Thus, the public school is asked to obey the dictates of parents, a function logically served by private schools. It is asked to accept the obligation of providing religious instruction—the function presumably of a parochial school. It is asked to train patriots for the state, skilled workers and good spellers for industry, and scholars for the academic world.

As the form of these conflicts is determined by the existence of public education, so their violence has been mitigated by the
tradition of local control. Issues which in the past have been avoidable in the social context of relatively isolated homogeneous groups lie now on the doorsteps of many communities.

A purely legalistic analysis is not sufficient. It ignores the fact that law is not in itself a control but, rather, one of many channels existing in the culture through which social pressures operate to control the behavior of man. Such an analysis would compel the recognition that local control of schools exists at the sufferance of state legislation and is under the regulation of state departments of education and, also, that the national government exerts certain controls through its various aid programs, as well as through decisions of the Supreme Court.

For all the values in legal analyses, there come times when legal structure and the ideology that underlies it become so badly disarranged from the developing power structure as to interfere with an adequate analysis of the process of control. When concepts of control diverge most directly from the facts of control the opportunities are greatest for a private group to identify its purposes with the public interest and rebuild social institutions in its image.

Confusion within the school cannot help but increase the power of those who have special interests and wish to use the school to maintain them. It is incumbent upon educators, therefore, to clarify the principles and techniques by which education can go on
within the multitude of cross-currents of propaganda for special interests. It is a sign of danger, however, when there exists in the general public a widespread anxiety which is unrelated to an analysis of the problem. Apart from this analytical endeavor it is impossible to bring about an intelligent reconstruction of either ideology or fact. Anxiety which is general, which cannot be directed toward a clear problem, constitutes a pool of undirected emotion which demagogues and charlatans can dip into for their own selfish purposes.

The clarification of this series of problems will occur only in some relation to an understanding of the nature of democracy and of the American tradition. To state a specific relation of these areas of human endeavor would be to decide the problem by definition. Yet it seems but to note the obvious just to declare that they are related, even as we leave their precise relations to later analysis.
INTRODUCTION

Large corporate structures of different kinds have existed at various times in history; their size, strength, and variety is what marks them in the present day as of importance.

The concentration of power in a multitude of large and powerful and semi-autonomous groups places unique strains upon the democratic ideology and this, in turn, confuses the already complex problems of the "free society." Free society has often been threatened by the excessive power possessed by a single institution (i.e., church, state, business) but this is not the greatest danger of the present day. In America, at least, the problem is not so much the dominance of a single group, such as the state or a business oligarchy (though a case for this has strong backing), as it is the variety and numbers of such groups.

The advent of industrialism has radically altered the manner and the extent of the participation of men in the decisions that affect them.¹

¹ It is pointless to argue recent social trends in terms of any absolute change from "freedom" to "control" or vice-versa. There was no golden age nor will there be one. There are no public questions that entail any choice between absolute freedom and absolute control. Time and social change bring about alterations in the structure of society but probably change little the absolute "amount" of either freedom or control. Social change results in movement, not from states of no law to states of law, but among a multitude of various forms and structures of law. Change in the nature of specific groups is not nearly so important as is the change in the total structure of groups.
Modern industrial society marks a new era in social structure only in relation to the speed and the complexity of change. The vast transformation of the isolated, relatively homogeneous local community is commonplace in both social science and in public discourse. Many significant aspects of the changes involved have been only partially recognized.

Groups in Modern Democracy

Viewed microscopically modern industrial society shows two fundamental changes: namely (1) increasing complexity based upon specialization and division of labor and (2) increasing interdependence. This is most obvious in the case of economic institutions but it is apparent also in churches, schools, government, and every other institution. The development has been toward new forms of diversity, with a resulting need for wider areas of coordination.

The increasing complexity of modern life results everywhere in expanding organizational structure and the increase of the powers of interest or secondary groups at the expense of groups based upon physical contiguity or primary groups. It results, further, in greater emphasis upon formal and external means of control as opposed to the internal and spontaneous means of the face-to-face

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See the writings of Peter Drucker. Many Fortune articles are good but they must be taken with a grain of salt. See also Karl Polanyi, The Great Transformation, Frederick Lewis Allen, The Big Change and Kenneth Galbraith, American Capitalism.
group. MacIver has pointed out the nature of the latter change.

...The modern world has developed a multitude of expansive associations. Many social activities that formerly were conducted through direct personal relationships have been assigned to these impersonal agencies with their remote controls... The institutionalization of human relationships is the counterpart of the mechanization of the process of production.3

The informal groups, of course, still function but their structure and their relation to the whole of society has changed.

The industrial revolution began its career under the aegis of individual enterprise. But the competitive advantages of mass production ushered in the age of standardization, division of labor, and larger and larger productive units. It has been pointed out that

Modern industrial technology requires some form of big-business organization—that is, large, integrated plants using mass production methods—for its operation... The large industrial unit has become our representative social activity; and its social organization, the large corporation in this country, our representative social institution.4

The basic productive units are loosely organized into national associations which at times exert considerable power. Labor has adopted organization patterns of the same type in order to cope with employer groups which initially were organized to combat the growth of labor. Professional associations have expanded and


4 Peter F. Drucker, Concept of the Corporation, p. 5.
integrated in parallel developments, as have associations pursuing the most diverse aims. Their fundamental condition is a consciousness of common interest; their effectiveness depends upon their resources and the strength of their organizational structure. Such associations have always existed but their present extent and power is a social fact of major importance in industrial society. Big business, big labor, big government, big education are all fundamental facts of modern social organization.

These organizations expand far beyond the small communities in which social approval and personal relationships check the tendency to separatism. The final reach of nearly every organization is national. In industry, the trade associations, the National Association of Manufacturers, and the Chamber of Commerce provide organizational superstructures that at times can challenge the authority of any who control the government. The mass of farm organizations, labor unions, professional groups, ethnic, racial, and religious groups, each with its "Legislative representative," is well known to every student of politics. As most problems become national in extent, such organizations expand to encompass the larger area of effect.

Since the state has tremendous power to affect the interests

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5 In 1949 the Department of Commerce estimated there were 150 national organizations in the field of labor, 150 in the field of agriculture, as well as 3000 trade associations. These national organizations are made up of, or are closely associated with, some 40,000 local labor organizations, 15,000 local agricultural organizations, and about 20,000 local trade associations.
of groups, the latter attempt to bend its action to their will. The result of this in America is the process which has come to be called "pressure politics" or "interest group" politics.

Although many social scientists still consider his views extreme, A. F. Bentley's book, The Process of Government, published in 1908, has received, recently, an increase in richly deserved interest. His fundamental proposition was:

As for political questions under any society in which we are called upon to study them, we shall never find a group interest of the society as a whole. We shall always find that the political interest and activities of any given group—and there are no political phenomena except group phenomena—are directed against other activities of men, who appear in other groups, political or other. The phenomena of political life which we study will always divide the society in which they occur, along lines which are very real, though of varying degrees of definiteness. The society itself is nothing other than the complex of the groups that compose it. 

Many students of the subject may not go quite so far as Bentley but all will recognize the truth of James Madison's statement that: "The regulation of these various and interfering interests forms the principle task of modern legislation, and involves the spirit of party and faction in the necessary and ordinary operation of the government." MacIver, though sharply disagreeing with Bentley on how these pressures should be mediated, nevertheless states:


7 James Madison, The Federalist, No. 10.
The central problem of modern government springs from two facts, both of which are the result of the processes of specialization. One is the diversity of groups, and thus of interests, that exists within the framework of government. The other is the patchwork distribution of power that develops as these diverse groups organize to further their particular interests.8

So far those associations which have been mentioned are what are generally called economic. This may appear to fall into the Marxist error of making a single form of association determinative of all the rest.9

In all ages, perceptive social thinkers have considered property and power to be closely related. They have not, for the most part, however, subordinated all types of economic power into the one of ownership as did Marx. They have recognized a variety of economic interests, not restricting them to only two. The interest group theory recognizes the conflicts among owner groups and among different types of labor. It, furthermore, makes no claim that other interests may not often override economic interests. Corporate structure gives power to many groups other than business corporations.10

8 Robert MacIver, The Ramparts We Guard, p. 78.

9 It is true that for the last several centuries, economic factors have loomed large in the motivation of men. In a society in which economic motives dominate, economic groups obviously will be powerful. Having ultimately the power to withhold its services, each such group can cause tremendous disruption of the social order. Strikes in telephone exchanges or by trucking unions demonstrate this. Such groups have tremendous power short of the strike, which is at best a clumsy weapon. (The strike should not suggest that only labor is disruptive).

10 For some factors changing the nature of "property" see Charles Beard, Economic Bases of Politics, 1945 edition, Chapter V; also Adolph A. Berle and Gardiner C. Means, The Modern Corporation and Private Property.
It is a mistake to assume that the recognition of the present importance of economic groups reflects an emphasis on "economic" factors alone. Other interests have become important. The important fact is that power lies not in ownership of the means of production but in organization to control important social needs. Power lies in groups and their organization. It does not belong to either the leaders or the led.  

In the first place, a convinced and resolute organized minority is always powerful in a democracy. It can usually depend upon indifference among the great mass of men. Anyone who has worked in small groups knows that a small organized group can easily control a much larger indifferent or divided group. The history of the Anti-Saloon League also demonstrates the power inherent in a group resolutely agreed upon specified ends against groups working for larger and less definite ends. This effect is increased as decisions become more technical and harder for the layman to understand. Only the specialized group has a very clear awareness of the meaning of a specific decision and usually it must hire a specialist to follow the long and complex process through which public opinion becomes, through legislation, public policy. The group, furthermore, can back up its interest and knowledge with resources of money and voting strength. Of course, blatant abuses

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11 See Bentley, op. cit., p. 231.

12 Peter H. Odegard, Pressure Politics: The Study of The Anti-Saloon League.
of this power can be exposed and punished by the mobilization of a larger group but those with the special interest are the most vigilant and usually the most aware of what they can "get by with."

If the consequences of more complex organization affected only each group's own membership, then presumably they would not create public problems. Such is not the case, however. All the many groups of modern society act in a vast and delicate web of interdependent relationships. It is notable that these rising powers are not greatly amenable to that institution, the state, which is supposed at least to represent all the people. For it is fundamental in the democratic creed that men should participate in the decisions that affect them, if not directly, then through their elected representatives. Yet the singular fact of modern corporate structure in all its forms is its relative freedom from government control.

In modern society, each of us is affected by decisions made in corporation board rooms, labor union headquarters, party caucuses, and the sectional headquarters of a variety of groups. Everywhere in modern society there is a strong sense of being pushed and pulled by forces which one does not understand and does not help create.

Expansion of group structure has altered, almost without any awareness of this fact on the part of many people, not only the participation of men in the decisions that affect their lives but

The question of the laws of power is one of considerable debate. Compare, for example, the positions of James Beerman, The Managerial Revolution, C. Wright Mills, The Power Elite, and David Riesman, The Lonely Crowd.
also the fundamental democratic maxims of liberty, equality, and fraternity. Economic freedom has meant for a long time the right of every man to work at his own calling and to move from one to another at will. With the growth of specialized education, licensing requirements, etc. entry into many professions is barred to all except to those who choose them at an early age. Workers of all kinds have an investment in their specialized skills which restricts their ability to change jobs. To change from, say, law to medicine is virtually impossible and mobility among other functional groups is reduced because of the inability of men skilled in one specialty to command a similar position in another. Vertical mobility seems rather high within a particular social structure but low among the various ones.

In the field of politics, in which the situation should be different according to our ideals, the problems must necessarily be left largely to the "professional." The techniques of "the engineering of consent" are skills requiring long tutelage. Furthermore, as Odegard and Helms point out, it is the pressure groups that create political policy, the party dealing mostly with personnel. In general, political effectiveness is enhanced largely through identification with some "pressure" groups, rather than with a party.

Equality is characteristic of democracy yet oddly it is in

Peter H. Odegard and E. Allen Helms, American Politics.
their status as members of associations that men are last equal. Much has been said regarding the "common man" and Carl J. Fredericks\textsuperscript{15} has cleansed the term of some of its sentimentalism by pointing out that men are common outside of their specialized interests. It is in their roles as individuals which express specialized interests that separate men and mark their inequalities. MacIver points out that "the maintenance of democracy... requires... that every person be publicly treated as a person not as a member of a class, group, or race.\textsuperscript{16} Fraternity, too, is affected by the rise of specialization and its attendant organization. The ideal of brotherhood requires that the boundaries of groups be transcended and distinctions between men be disregarded or at least minimized. The rise of specialized interest groups accentuates these inequalities, even as the group strives for internal homogeneity.

Group structure affects unity upon the ideological level. It is true that regard for "freedom and democracy" is nearly universal among Americans and, if the level of abstraction is raised a few levels, these semantic umbrellas will shelter the largest part of the Western world. In the United States specifically there are wide disagreements in vast numbers of "rights" that verbally evoke wide approbation. Everyone has a right to work and everyone has a right

\textsuperscript{15} Carl J. Fredericks, \textit{The New Image of the Common Man}, Chapter III.

\textsuperscript{16} Robert MacIver, \textit{The Ramparts We Guard}, p. 9.
to work and everyone has a right to choose his associates. This in itself is nothing novel; American political argument is noted for its appearance of unanimity; everyone has always been against sin and argued violently about the sinfulness of the specific case. In the past, however, major differences have been primarily sectional, most "ideological" divisions corresponding in general with territorial divisions. The great ideological conflicts have been East and West, North and South, tide-water and Piedmont, country and city. At the present time, however, these ideological divisions split every territorial unit.

The divisions have moved, aided by group propaganda and educational activities, in a direction to correspond with the divisions between organizations. This is particularly true on those issues which directly affect the rise or fall of group fortunes. A group member is almost sure to have a higher conception of the relative importance of his group function than the mass of non-members do. If he didn't, he presumably would not be a member, certainly not an active one. A scholar holds academic freedom as much more important to society than does the businessman or the churchman. The politician is bound to go beyond perfect objectivity as to the importance of his skills. The basic divergences are then generated into alternative views of the meaning of "freedom" or the "right to work" and so forth. This is not to say that these divisions are equivalent to the sects.

17 Education is a special case—the views of teachers and laymen as to function are usually so diverse as to make agreement meaningless.
of the religious wars; yet an idea may come to be held as dogma.\textsuperscript{18} The group structure, furthermore, tends to encourage this through propaganda activities. It seems likely that as more functions require longer periods of specialization and separate schooling, this type of division will become more deeply ingrained. MacIver points out that:

This specialization of function works significantly on the outlook of men. They see things more and more from one aspect, the aspect of the function they respectively fulfil. This is true alike of scholars and of artists, of professional men and of businessmen.\textsuperscript{19}

Lindeman contends that this "perversion" is the almost inevitable result of organization itself, whatever the interests involved.

All organized bodies brought into existence for the purpose of meeting specific human needs seem to fall prey to the same 'disease.' They ultimately regard their institution's survival as being more important than the need which brought the institution into existence.... This happens to churches, schools, courts, hospitals, social agencies, settlement houses—in short, all organized instruments designed to enhance human welfare.\textsuperscript{20}

The result is that diversity in organization is a much more difficult problem than merely diversity in ideals.

Diversity 'gone wild,' unco-ordinated and divisive, leads to chaos. Difference carries value only when viewed in the light of probable unity. Where there is no prospect

\underline{18} Cf. Eric Hoffer, The True Believer and note the relation with Mannheim's concept of "Chiliasm." See also the quotation from Madison below.

\underline{19} Robert M. MacIver, The Ramparts We Guard, p. 79.

\underline{20} T. V. Smith and Eduard Lindeman, The Democratic Way of Life, pp. 143-144.
of functional unity, diversity becomes a liability, not an asset. The freedom that results from this unrelated type of diversity is a sham and a delusion... In short, institutions, no matter how worthy their goals, become enemies of democracy to the extent that they impeded the processes of unity. Thus they create the eventual probability of imposed uniformity.22

Modern functional autonomy seems particularly dangerous. The organizational units are highly integral parts of a highly complex social system. The various parts of this system are geared together so closely that even a small interference at one point causes a disturbance of the whole structure and, if prolonged, may threaten its very existence. This is most obvious with regard to economic organization; it is less apparent, however, though just as real, in the recent Supreme Court desegregation ruling. Whatever the virtue of this decision, it is surprising that what, in fact, is but a change in a minor point of law has so affected the delicate balance of interests that constitute the "Southern Way of Life" as to create what amounts to hysteria.

Is There a Role for Groups

Since the present growth of groups is an inevitable consequence of freedom of association, which is highly valued in America, it would appear that they have a part to play in American democracy. This is

21 The term is previously equated to "all organizational bodies" by Lindeman.

22 Smith and Lindeman, op. cit., pp. 144-145.
admitted on every hand yet, conversely, we find throughout American history an animus expressed against the operation of private interest groups and corporate power. Time and again the ancient bogy of "faction," that "dangerous vice" to which popular government seems particularly prone, has arisen to haunt the halls of American political dispute. Madison, in his classic study in The Federalist, No. 10, states the normal meaning of the world in his time:

By a faction, I understand a number of citizens whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest adverse to the rights of other citizens, or to the permanent and aggregate interests of the community...

As long as the reason of man continues fallible and he is at liberty to exercise it, different opinions will be formed...

The latent causes of faction are thus sown in the nature of men and we see them everywhere wrought into different degrees of activity, according to the different circumstances of civil society. A zeal for different opinions concerning religion, concerning government and many other points, as well of speculation as of practice; an attachment to different leaders ambitiously contending for preeminence and power... have in turn divided mankind into parties, inflamed them with mutual animosity, and rendered them more disposed to vex and oppress each other than to co-operate for their common good. So strong is this propensity of mankind to fall into mutual animosities, that where no substantial occasion presents itself, the most frivolous and fanciful distinctions have been sufficient to kindle their unfriendly passions and excite their most violent conflicts.23

Apparently the Constitution did not serve as Madison suggested it would to "break and control the violence of faction."24 For every

24 It is fact increased the sensitivity of government to "pressure." Cf. David Truman, The Governmental Process for a look at the literature.
age since has had its factions, cliques, monopolies, and conspiracies that constitute organized expressions of private interest and power. Jefferson and John Taylor culminated against "stock jobbers and money lenders." Jackson fought the United States Bank. In the decades between the Civil War and World War I the enemy was the "trusts" or "Wall Street." Of course, the other side came up with equally distasteful epithets to apply to labor organizations or farm groups.

To be sure, a major chapter of any dictionary of American political invective would be made up of distasteful terms which have been applied to accumulation of power in non-public groups. The generous use of terms such as faction, caucus, pressure group, lobby, "the interests," and monopoly, with their connotations of evil, demonstrate widespread suspicion of the usefulness of organization around private interests or even private conceptions of the public interest.

Although at the present time the lobbyist, or legislative representative, to use a more neutral term, seems to be accepted as a necessary part of democratic government, this distrust is still in evidence. (Examples of this attitude are legion.) The Supreme Court in the case of Trist vs. Coffin refused to uphold the claim for payment of a lobbyist against the firm which had hired him. Charging that such a policy was contrary to "sound policy and good morals" the court held:

If any of the great corporations of the country were to hire adventurers who make market of themselves in this way, to procure passage of a general law with a view to promotion of their private interests the moral sense of every right minded man would instinctively denounce the employer and the employed as steeped in corruption and the employment as infamous. If the instances became numerous, open and tolerated they would be regarded as a measure of decay of public morals and degeneracy of the time. No prophetic spirit would be needed to foretell the consequences near at hand.26

The literature is full of declarations of the dangers of "pressure politics." Such a theme runs through an impressive number of books and articles. Thus it is said that "there is no escape from the pressure of organized power...," that the pitiful plight of American government is that "there is nothing it can do to protect itself from pressures," and that unless these groups "face the kind of a world we are living in" it will only be a matter of time "until somebody comes riding in on a white horse."27

This variety of attitudes toward the place of organized groups in America does not lie within a variety of schools of thought. It is perfectly possible, normal, and often necessary, for the same individual to hold attitudes toward one group which contradict those he holds toward other groups. Thus, a person may simultaneously plead for a higher degree of freedom for business corporations, while


while at the same time calling for the destruction of labor unions. Another may demand autonomy for the school and deny it to other similar organizations. The easy ambiguity of American attitudes is registered by the behavior that is nearly mandatory in a political gathering, to decry the evil influence of "pressure groups" and then firmly resolve to organize more cohesively.

That this ambiguity is not restricted to the "untutored" public is demonstrated by Max Lerner in a discussion of pressure groups in which he first points out the conflict and then falls into it himself. He says:

I consider pressure groups an unrelieved evil... All pressure groups shiver the governmental structure into a thousand fragments in a world where only unified organisms can survive. They debase the policy by seeking to make of it the sum of the cancellation of its parts. When they are not wholly pecuniary, they are a part of the pragmatic drive toward action for action's sake that strips our culture of meaning and direction.28

He develops this point through several following paragraphs but then introduces another category which he labels, "appeal groups," with which "democracy cannot and should not dispense."29 He is then able to place the groups he approves in his new category on the basis of rather obscure criteria.

Examples could be needlessly multiplied of what Robert Lynd called our "national naïveté" regarding group organization. He pointed out in 1942 that:

28 Max Lerner, It Is Later Than You Think, p. 113.
29 Ibid., p. 116.
We are called a 'nation of joiners' but the individual still holds the focus of our national imagination. With all the flotsam and jetsam of our 'joining' we have little popular belief in, or experience of the hard bitten type of relentless organization for power ends; and where we see it, for instance, in the Tammany type of politics, we deplore it even as we condone it as a special case and a somehow necessary evil.30

Such "naivete," he states, "is disastrous in the present crisis."

One might well dispute Lynd's estimate of the danger of this ambiguity regarding groups. We have evolved a political system in which the complexity of checks and balances appears to give to a convinced and resolute minority the power to veto any proposed change. This has in many societies led to deadlock and eventual stagnation or civil war. But, except for the Civil War, this has not happened in the United States in spite of the cries of protest. Jefferson learned to live with the "stock jobbers and moneylenders" and Taney, the greatest of states' rights justices, made several of the decisions upon which the business corporation flourished. There seem to be processes operating which induce group self-control when external controls are not readily apparent. The system, if it can be called that, does work. It is not highly efficient by formal standards but it has at least preserved itself and provided unity in the society which has accommodated the widest variety of distinct interests and cultures.

30 Robert S. Lynd, Foreword to Robert A. Brady, Business as a System of Power, p. xv.
The Desirability of Organization

There are great possibilities in the prospects of a society in which a multitude of interests and skills find their expression in a multitude of organizations. It is a prospect whose desirability seems rooted in the human personality. No one can deny on the face of it that,

Many men have many minds. They need different cultural sustenance. They seek it through the diversity of faiths and styles and schools and moral codes. The intolerance of dogma and the blindness of power have eternally been suppressive of human nature, have thwarted its potentialities and fought against the primary law of organic life, that the higher the capacity the more variant are the modes of its fulfillment.31

Diversity in mind cannot exist apart from diversity in action and action in modern society is achievable only through organization. Diversity in mind, then, must be reflected in a diversity of centers of power and of groups having claims upon the allegiances of men. Free political institutions—democracy, in other words, are based, not upon any one freedom, political, economic, or social, but upon the existence of a free culture in a modern society. No society can remain free that ignores or deprecates the influence, both for good and ill, of the plurality of organizations and the plurality of belief, loyalty, authority, and power such organizations entail.

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Every form of freedom, economic, cultural, or mental, depends ultimately upon the power of a group to demand its freedom and not merely request it from an infinitely superior power. It is no service to art to ignore the fact that artists eat and no service to politics to imagine that it can go on without the economic resources needed to print posters or buy T. V. time. Every conception of freedom that sees it as mere lack of control is bound to find itself denying one control merely to find the field invaded by new ones. That is obvious in both the Lockeian liberal position, which hobbled the state merely to find new tyrannies taking the field, and in the Marxist which, in hobbling economic oppression, let loose the Lockeian monster with renewed vigor.  

As the interest group gains power it becomes increasingly valuable to the individual as his means of expressing himself in the large society. As primary relationships lose intimacy, the individual gains more of his sense of belonging and participating through the interest group. This again contributes to the power of the organization, both over the individual and toward other groups. Each of these groups constitutes a concentration of power that is autonomous to some degree. As such, together they are the

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33 The implications of this fact have not received in modern political theory the attention they deserve. For a correction of this and a detailed review of the literature see Morton Grodzins, The Loyal and the Disloyal.

34 Cf. David Truman, The Governmental Process, Part Two. For the variety and complexity of forces which affect this autonomy the factors which counteract the "evils of faction" are becoming a matter more of serious study. There is more to be done than merely "view with alarms."
main channels through which individuals share in a common life and gain their common interests. The relationship is a two-way relationship. Individuals gain their interests and at the same time must pay in unified action for the influence they exert.

The power of a group, and thereby its effectiveness in gaining its ends, depends upon its ability to cause its members to act as one. In order that the organization may gain power, however, the individual must meet its demands. Thus, as the importance of the group in protecting the interests of its members grows, its customs, rules, and codes become more authoritative. They thus come to constitute a government within a government. In return for conformity the individual receives not only that psychic equipment that makes him human but also group defense and support in his relationships with the rest of society. As the family mediates between the infant and the neighborhood, so the pressure group mediates between the individual and the society.

These changes in social structure are attendant upon technological advance in whatever country the latter is found. Every advanced country has seen an upsurge in the power of interest groups and decline in loyalty to locality. This trend varies, of course, in accordance with many factors. One important factor is, however, the viability of the political system toward minority

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For a brief discussion of the issues involved see Charles A. Merriam, Public and Private Government.
pressure. For patterns of voluntary association to grow they must be successful in gratifying the needs of their members. The American political system is the one among the large democracies most hospitable to pressure politics. The separation of powers, division of powers, and a system of checks and balances, provide a multitude of pressure points through which groups can find governmental support for their purposes, just as the doctrine of limited government leaves wide areas of life open for regulation by autonomous groups.36

America has often been called a "nation of joiners." The facts, however, so natural and normal that they are noticed only when groups clash (and this, obviously, is not a good time for critical analysis). Foreigners, notably deTocqueville and Bryce, have been the ones to notice the variety and activity of non-governmental groups and to attempt to clarify their function in the American "way of life." Of students of the American social system, deTocqueville was the first to point out this particular characteristic of American life.

In no country in the world has the principle of association been more successfully used, or more unsparingly applied to a multitude of different objects, than in America. Besides the permanent associations which are established by law under the names of townships, cities, and counties, a vast number of others are formed and maintained by the agency of private individuals.37

36 The vast literature on this point has been collected a number of times but David Truman is one of the few to attempt to organize it in a theoretical scheme. See Also E. Pendleton Herring, The Politics of Democracy.

He later states that:

States are only a single feature on the midst of the immense assemblage of associations in that country. Americans of all ages, all conditions and all dispositions, constantly form associations. They have not only commercial and manufacturing companies, in which all take part, but associations of a thousand other kinds—religious, moral, serious, futile, extensive or restricted, enormous or diminutive...38

Comparing America with England and France with regard to this characteristic he said:

Wherever at the head of some new undertaking, you see the government in France, or a man of rank in England, in the United States you will be sure to find an association. The English often perform great things singly, whereas the Americans form associations for the smallest undertakings.39

DeToqueville found in the variety and vigor of private associations, and in their amalgamation "with the customs and manners of the people,"40 that check upon the tyranny of majorities which he, a conservative, believed democracy to threaten and "There are no countries in which associations are more needed, to prevent the despotism of faction or the arbitrary power of a prince, than those which are democratically constituted....41 I am therefore led to conclude that the right of association is almost as inalienable as the right of personal liberty."42 Similar points of view

38 Ibid., pp. 376-77.
39 Ibid., p. 128.
40 Ibid., p. 129.
41 Ibid., p. 130.
42 Ibid., p. 130.
have been formulated by many students of modern democracy. A. D.
Lindsay said, for instance, that "A free democratic society demands
the existence of free, voluntary association."\(^43\) Charles E.
Merriam agrees:

In a government of the many... these associations
are the bases of liberty, order, justice, democratic
habit and practice, bulwarks of the republic. Out of
the energies, the enterprise, the rivalries, the
adjustments of these associations arises what we call
public opinion, the final stabilizer and judge of
liberty, justice, order.\(^44\)

More recently Sidney Hook stated:

Despite reports to the contrary abroad, the United
States is still a country in which public opinion is
largely molded by voluntary associations of private
citizens. These associations also perform invaluable
public services on a national, and especially local
levels.... No program to safeguard American democracy
can be anything but self-defeating which discourages the
existence and multiplication of such voluntary associations.\(^45\)

Such statements could be multiplied considerably; a particularly
strong statement from a recent book of Henry Steel Commager should
be cited, however. He said:

No one familiar with American history can doubt that
the voluntary association is the most basic of American
institutions, for it is the institution that underlies
almost all others.\(^46\)

\(^{43}\) A. D. Lindsay, *I Believe in Democracy*, p. 8.


\(^{46}\) Henry Steele Commager, *Freedom, Loyalty, a Dissent*, p. 112.
How if we strike at the principle and the practice of voluntary association... we endanger the working machinery of democracy... We endanger the working machinery of nationalism. We endanger the working machinery of equalitarianism of the classless society. We open wide the gates to the entry of Big Government in to the control of those social, intellectual and moral activities that have always been thought to be private or local in character and which have flourished best when kept private and local.47

The Problem Restated

It would appear to be fairly clear by this time that we do not understand the operation of the American political "system." It fits no categories of reputable theory. In formal terms it ought to fall apart. It lacks a clear sovereign authority. The single source of political unity lies in the exertion of presidential leadership which is a fuzzy and ill-defined area. One could spend many pages showing why the American political system should not work. The point is that it does. The theory of why it should not work is, however, far older than the knowledge of why it does. It is necessary to point out the areas in which the modern social sciences are contributing to our knowledge of the operation of a multigroup society and its apparently hidden grounds of unity.

The answers seem hidden somewhere in the dynamics of group structure. The problem is how to find them. The theories of the group so far

47 Ibid., pp. 117-118. The discussions of the values of organization often make too much of the "voluntary" nature of groups when the facts often indicate that "joining" is often not an act of "choice." This writer believes that this is an aspect of the subject which has not properly been taken into account. Grodzins' discussion shows some of the complexity of the problem.
presented seem to do little to avoid repetition of the errors of the theory of mixed government and the check and balance of power. What appears to be at hand is a major reconstruction of the theory of democracy which requires concerted effort from many areas in the social sciences.⁴⁸

Society cannot grant every demand for group autonomy without granting powers which can be used to destroy the very system of accommodation which admits the possibility of autonomy. Not all groups are good. Some must be encouraged and others inhibited or even destroyed, if a multigroup society is to preserve itself. To ignore the problems of groups because of a sentimental regard for the peculiarities of the American political scheme is to risk the destruction of free institutions at the behest of self-willed minorities. Too often the optimistic view appropriate at one time, hides ignorance of the means available to meet the possible dangers of the future.

On the alarmist side there are some critics, of course, to whom diversity itself is so painful that unity must be gained at any price. Barring this form of hysteria there is a possibility of allowing a progressive deterioration of the right of association by appealing to arbitrary distinctions between heresy and conspiracy.⁴⁹ There is also a danger in placing upon the schools


⁴⁹ Sidney Hook for example might recognize that nearly every group is by one definition or another a "conspiracy" and be more careful in his use of a highly technical legal concept. Washington considered Jefferson's "Democratic Clubs" to be conspiratorial.
an unbearable burden of providing an "agreement on fundamentals" within which conflict may go on.

It must be kept in mind, however, that the avoidance of immediate dangers is only one of many concerns in the formulation of a general theory. It is well to demonstrate to the fearful that the ship of state is still sound but it is better to show them the soundness of the hull and the strength of the timbers, as well as to show them how to use the fire extinguishers and life preservers available. If, as Fisher Ames is reputed to have said, "democracy is like a raft. It never sinks but, damn it, your feet are always in the water," this should be recognized so that wet feet do not lead to panic. Freedom and democracy have always been risky and they presumably always will be. Risk cannot be avoided or minimized, but the knowledge of it should inform and actuate present practices. To do otherwise is to subordinate ends to means and to lose freedom in a cowardly attachment to peace, security, and overall "consensus."

Whatever one's view with regard to the nearness of such dangers, it is necessary to examine the ideological and practical resources of the American heritage to see how well it can cope with the problems of modern society. This responsibility is particularly heavy upon Americans. America has always stood out among nations

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50 This particular version of a widely known statement is quoted in D. W. Brogan in *The Free State*, p. 1.
for the vigor and freedom of its group life, yet Americans, strangely,
have been blind to those characteristics that have been noted widely, 
especially by such observers as DeToqueville and Bryce. Although 
its record for individual freedom might not be up to the standard 
set by, say, England, the capacity of the American system to 
accommodate a multitude of group freedoms has stood out above all 
other modern nations.

The American political system of all in the world has been 
most congenial to the autonomy of groups. The political lessons 
which American democracy has taught the world, have dealt with the 
advantages of a rich and varied group life and some of the political 
innovations required for their peaceful accommodation.

When considered in the light of nearly every theory of the 
appropriate roles of individual, group and state (including those 
of the founding fathers), American freedom should long since have 
dissolved into either anarchy or totalitarianism. By the most 
generous of the theories, America walks a swaying tight rope above 
both of these. The "evils of faction" is a subject, as we noted 
with Madison, to which nearly every social theorist has devoted 
himself. There has been wide disagreement concerning the degree 
of danger, the nature of the danger, and the means of avoiding the 
danger. But there is a nearly unanimous agreement that there is 
danger. This is so great that the burden of proof is placed upon 
those who minimize it. We have accumulated little organized knowl-
edge, if great experience, with regard to the behavior and structure of the groups that together form American society. The questioning of the basic structure of American society beyond the level of fourth of July oratory, however, is often taken as a form of subversion, as if American society were built upon some "big lie," the exposure of which would cause the society to crumble.

Whatever the reason, the lack of a theory of the proper role of groups in a democracy is especially serious at the present time. An ill-informed "solution" on the basis of immediate interest may ultimately be the end of the multigroup society. No simple rule of thumb is adequate. Every group is different. It has different structures, different sources of power, and different functions in the totality of groups. Judgments regarding the role of groups in present-day America must be made, therefore, in terms of their consequences for social life. The prediction of what consequences they have must be informed, however, with a knowledge of the previous experience of man within groups, as well as with an understanding of the novelty of the present situation. This requires an examination of both institutions and ideals.
Summary

The rise of professionalism in education and the widespread, if disguised, concern regarding it is not an isolated phenomenon. This is a peculiarly complicated special case of the rise in power of functional groups in every area of modern life. Changes in the organizational structure of the school are but one aspect of far reaching changes which increase on every side the powers of corporate structure.

A large degree of group autonomy seems necessarily connected with the advance in specialization of knowledge. Lacking an authoritative distribution of function, America has depended to a large extent on its little understood system of checks and balances which, aside from the failure which resulted in the Civil War, has seemed to achieve some degree of accommodation among a multitude of powerful groups. There are, on the other hand, certain dangers seemingly inherent in a pluralistic society. There are many who see a growing threat to democracy in excessive diversity, particularly when it corresponds with a plurality of powerful organized groups. The realization is growing that what is required is a major reconstruction of our conceptions of democracy. Confusion in the schools, then, is part and parcel of a general confusion regarding the operation of a multigroup society.
CHAPTER III

THE ATTEMPT TO TRANSCEND CONFLICT

INTRODUCTION

At the present time Americans appear to be searching for common values to give us unity. We seem to strive for an escape from conflict not for new ways in which to deal with it. This is the source of the attempts in so many fields to find a consensus to which we may conform. We seem to have enough of conflict for the moment. This is reflected in the reach for "togetherness," or a vague desire to be "co-operative," in many social movements. This feeling of release from that kind of sharp political and social conflict illustrated by the depression, seems to have neither social base nor object. The "group" is something all seek but, unfortunately, they find not one group but many. And many groups lead to no curcease of conflict. The mood of the day, in short, is not fear but anxiety. When we search for this unity, however, we continually uncover an even greater degree of conflict than that from which our previous vague unanimity emerged.

At the present time the social sciences offer few answers to this anxiety. The fact is that with some significant exceptions the social sciences act to increase the feeling of need for unanimity. Prominent social scientists often lead the research for "consensus."
Those who question the trend are considered "rebels" and innovators. At the present moment the decision seems almost unanimous that our existence in a multigroup society depends upon the existence of widely shared common interests and common agreements. "Democracy" which was once a fighting word, is often but a symbol of the mystic entity for which too many seek and too many seem to have found. The fact that there appear to be distinct ideas of what democracy means is unpleasant to those who incline to this view. No one is likely to try to specify very clearly the content of this vague belief. We have no official interpreter and each man's interpretation seems different and each group's interpretation a new source of conflict.

If we take national, religious, sectional, and social differences at face value, the idea of American unanimity falls apart, particularly in comparison with the other large democracies. America has not only allowed the existence of cultural diversities no European nation has been able to deal with other than by war and suppression; it has allowed, also, what every instinct of the nation-state denies, a considerable degree of group autonomy, even to the acceptance of a large degree of group representation in national councils. Neither France nor England has had to deal with the race problem on a political, as opposed to an individual, level; no other predominantly Protestant country has allowed Catholics and Jews the freedom not only to worship but, also, to organize; no other country has attempted to assimilate national groups peacefully when its own nationality was still in
process of developing. The concern of the present day is that conflicts which in the past could be ignored are today on every doorstep.

Along with this variety, and too often obscuring it, there is a strong central strain in American thought which, at the public level, gives a distressing impression of unanimity. We do hold many symbols in common. It does not seem outlandish to speak of an American "mind" or "spirit." One of the prices America has had to pay for unity, as Herbert Agar points out, has been a political system based not upon sharply defined principles but upon loose coalitions among multitudes of divergent groups. The function of American political oratory has not been to clarify issues in order to draw sharp lines between parties but to obscure them and in the reach for votes, to deal in broad generalities. To examine merely the language of the American tradition is to find certain definite strands that run through all thought.\(^1\)

Regarding content most American political thought is characterized by the debt it owes to the theories of natural rights and government by consent characteristic of the 17th and 18th century. Specifically it owes much, then, to the ideas that supported the Whigs in their struggles against the Stuart despotism, as they were expressed in the writings of Milton, Sydney, Harrington, and above all by John Locke. The climate of opinion of 17th and 18th century England has been

\(^1\) Herbert Agar, The Price of Unity.

\(^2\) See Richard Hafstadter, The American Political Tradition, Introduction, for a most perceptive analysis of widely held opinion.
preserved for the present day in the Declaration of Independence
(exegesis upon which still passes for "examination of the American
Tradition"; in the thought and personality of the "founding fathers,"
particularly Thomas Jefferson; and in the institutions of the land
through a multitude of Constitutions, legislative enactments, political
speeches, and legal decisions. Even when quite distinct theories have
been imported they have not only to be reconstructed with regard to
American practice but also converted into the language of inherent
and inalienable individual rights. Montesquieu and Rousseau have
been influential even though their presumed influence is often best
accounted for in terms of particular emphases applied to Locke. European socialism has had some influence, though it had to be converted
into individualistic terms to be politically significant. The tradi-
tion of the European conservatives has appeared at various moments.
At the present time there is considerable interest, pro and con, in
a "New Conservatism." This is not a unique phenomenon. Americans
have drawn nearly at random from the vast reservoir of western thought.
Americans have searched the European tradition for categories
with which to interpret their experience. But that experience, un-
affected for the most part by the attempts to close it, consistently
escapes the European categories. As Mannheim has pointed out

3 Cf. Appendix. Supporting arguments have, for the convenience
of the reader, been collected in an appendix in a slightly different
context.

4 See Louis Hartz, The Liberal Tradition in America, though
Hartz's interpretation of Locke at this point is in this writer's view,
in error. See also William H. White, Jr., The Organization Man, pp. 4-6
and of course DeToqueville.

5 Karl Mannheim, Ideology and Utopia, Bentley's analysis is more
sound.
the structure of social conflict accounts for the character of
governmental beliefs. Ideas are forged in the heat of social conflict.
The conflict that most profoundly affects European politics and thereby
its political theory is that between established corporate nationalism
and emerging liberations, nationalism, and democracy. From this
conflict European thought derives an anti corporate bias that endures
today. American ideals draw upon a period when those issues were
most sharp and when fundamental views of society were at sharp issue.
The rise and eclave of state absolutism, and the destruction of
ancient group rights is the factor that so profoundly affects Europe
and which has left America curiously untouched. Yet American thought
preserves to the present day the issues and concerns and also the
confusions of the height of the conflict in which emerging nationalism
and democracy destroyed the last remnants of corporate privilege.

American thought has drawn upon the sentiments of individualism
and nationalism but has done so in terms of its own peculiar forms
of conflict. No other country has held so long to the myths of
economic individualism; but no other country has been able so blithly
to ignore them and, finally, to transform them so greatly without
blinking when further affirming them. No other country has special
legislative committees to protect its "way of life" like a fragile
greenhouse plant; but then no other country has even attempted to
allow national minorities to form separate communities and to grant
them the "inalienable right" to set up their own foreign language
schools, to maintain their own churches, to publish their own papers, and the like.

American verbal "unanimity," however, is meaningless in terms of demonstrating practical agreement regarding the solution of the problems we have faced. John Locke has been quoted, not always unfairly, on all sides of American political disputes, since Locke's compromises hold open those doors to corporatism which Hobbes closed so tightly. American political thought emphasized his individualist "bourgeois" tendencies and thereby his incipient nationalism which Rousseau clarified. American political practice, on the other hand, retained his corporatist, check-and-balance tendencies which were destroyed by the further advance of European thought. Above all was the intense belief in a "higher law" that, since it never was clearly defined, aided the confusion. It is this tension between theory and practice which accounts for the vacillation of American thought in the face of modern corporatism. It must be reduced if we are to bring intelligence to bear upon the problems of modern social structure.

This study is an attempt to clarify the significance of the democratic tradition by means of group analysis of some historical issues. It does not claim that its analysis necessarily reveals "the true situation"; it does hope for sufficient acceptance, however, to prove suggestive for further study. The interpretation here may be

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See George H. Sabine, The History of Political Theory, p. 519, and the discussion in the Appendix of this study, pp. 179-204.
called "sociological." It attempts to describe group structure rather than to draw sharp lines between politics, economics, or religion. Its view regarding groups may be called that of "naive realism." The effort is made to try to avoid the temptation to decide arbitrarily what a group's "true" interests are. A religious group is assumed to be interested in religion, not in profits. This may lead to many distortions but the distortions will be those of the facts, not those of the political theory of the observer.

If we view the growth of America in relation to the whole development of Europe from early medieval time, equating the American frontier and the feudal Europe of strictly local law, then the fact is obvious that what is missing is the rise of either a monolithic church or an absolute state. American group life has passed in many places in a generation from a primitive condition to the most advanced stage. At the same time, its political ideas have reflected many changes comparable to changes in European thought. How did it happen that the very situations which in Europe resulted in civil war or suppression emerged here without having these consequences? The conflicts show up, however, in theory. In fact, some conflicts have reached the stage of violence, yet they have been solved without precipitating Civil War. These cases cannot be ignored as they would be in those theories that emphasize unanimity. On the other hand, our inquiry would not be furthered by calling one of the social issues "democratic"

See Arthur F. Bentley, The Process of Government, Chapter VII.
and the other "aristocratic" or "liberal" and "conservative; if these were honorific terms. If democracy is the solution to our present ills it must refer to the process of settling such controversies and not to one side of an issue or the other. We are searching for the character of the settlements and the social context within which they were made. It is far too easy merely to call one side right and the other wrong. We must recognize that whether a country is democratic or not depends on the consequences of a series of supplements and not on an a priori decision as to the proper way of making decisions.

America has seemed to avoid many of the crises of liberalism in the Western Tradition. The most important ones have been those in which society has been closed, not in terms of any special interest but in terms of some special interpretation of "the Good" or "the fundamentals" or "consensus." It is the points where America has approached these crises that need special attention, the situations in which we have not only avoided conflict but by subtle theoretical changes have in some sense added important insights to the problem of society and the state. The basic question is this: What provisions have been made to support a vigorous group life and to guard against its supposed evils?

In terms of group analysis early feudalism is seen as a social system in which authority and social control is almost exclusively local, and based primarily upon the customary acceptance of personal power and authority. The basic fact of the social structure of

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8 Cf. Ruston Culburn, ed. Feudalism in History, p. 45. The major difference is that formal feudalism is the result of the "disintegration" of a previous "empire."
early feudalism is the lack of central power and the almost exclusive
dominion of personal and customary deference. The exercise of personal
and customary authority is the social system typical of the frontier
and the small rural village throughout American history. Since most
Americans until the most recent times were born and raised on a farm
or in a fairly small town that social structure often operates as an
unconscious ideal of democracy and freedom.

It is a nearly unanimous implicit assumption of American thought
that the frontier in America is the apotheosis of individualism. The
close identity of the individual and the primary group, however, tends
to obscure the operation of a very tight system of control. Family
and small group controls are so much a part of the personality of the
member constituting in fact his "self" that they go for the most part
unnoticed. The trapper, the frontier trader, the hunters, the mountain
teen, the Jim Bridgers and the Kit Carsons; these are the symbols of
the ideal of frontier individualism. Those men, however, who were
free from social control as well as from governmental control were
rare. (And even they had among themselves a code or social system).

The typical social system of any but the farthest advance of the
frontier was one in which as in feudal Europe, personal obligation
provided the basic techniques of social control. For just behind the
frontier sprang up the rural America of the family farm and the small
village. American ideals have assumed so long that this is freedom
that it is only in literature and biography that one will find American
rural society treated as a social system.  

Boyd H. Bode has pointed out how these local restrictions operated without conflicting with the frontier idea of freedom.

As a rule... the restrictions they ... /Local communities/... placed upon the individual, even though they might be arbitrary or accidental, were accepted in the same unquestioning way that one accepts the weather or the contour of the landscape. One reason for this, presumably, was that these controls were generated within the community itself and did not represent an authority reaching in from the outside. The restrictions were accepted with tolerably good grace because the individual felt himself to be a part of the community by which he was controlled... In a sense, therefore, he was a free citizen in a free community. As long as the controls were exercised by the community and did not come from the outside, it was possible to maintain the fiction that personal freedom had suffered no infringement at all. This was possible, not because of any extraordinary talent for self-deception, but because of an inarticulate feeling that personal freedom, when it collided too openly with community sentiment, was not really freedom but just plain "ornorneriness" and subversiveness.  

Interpretations of the American ideal of freedom have not emphasized the operation of the homogeneous local community as an ordering factor in frontier individualism. Local autonomy, however, has formed an effective if not a sufficiently recognized, aspect of American democracy. The diversity of America has profited from the large degree of local autonomy possible in an agricultural society. It is

9 This oversight is in process of being corrected. See Oscar Handin, *The American People*.

10 Boyd H. Bode, *Democracy as a Way of Life*, pp. 21-22. The comparison with Greek political assumptions is fairly obvious. Our theory, however, deals indirectly with the Greeks, i.e., through medieval and Renaissance thought.

11 David Riesman's concept of "inner direction" points a way to further examination of this fact.
the basis of American federalism which, in turn, is as characteristic of the American form of government as is democracy and is, in fact, intimately related to it. For certainly the diversity of the ways of life that have existed in America could not have existed without the diversity of social structures which is an accompaniment of federalism. It is fundamental to any understanding of our past and present policy that this fact be grasped.

Bode pointed out that "... freedom of the community, together with equality of status, expresses fairly accurately the historical meaning of American democracy." Roscoe Pound has said, also:

Our polity has been based on a conception of a country of local political organizations which historically and economically have each a certain unity, which internally have a large degree of peculiar interest, and geographically have conditions of their own, quite diverse even from those of their neighbors. Jefferson is usually quoted for his insistence upon the identity of agriculture and individual freedom but, as evidenced by his work in the Virginia legislature, his regard for the virtues of local autonomy was just as important. A letter he wrote to Joseph C. Cabell provides an example of his thinking on this score.

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Ibid., p. 23.

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Where every man is a sharer in the direction of his ward-republic, or of some of the higher ones, and feels that he is a participant in the government of affairs, not merely at an election one day in the year, but every day; when there shall not be a man in the State who will not be a member of some one of the councils, great or small, he will let the heart be torn out of his body sooner than his power be wrested from him by a Caesar or a Bonaparte. 15

It was in the local community which has nourished these values of fair play, independence, co-operation, respect for others that formed the social substructure of our democratic polity. Jefferson's emphasis upon agriculture and education as the foundations of democracy recognized in some sense this function of the local community in providing the attitudinal foundation for state and national politics. The community provided the direct experience of self rule essential for the training of both democratic citizenship and democratic leadership. Community patterns provided a structure of the general interest by which to measure private interests and they made possible experience in democratic choice in situations in which at least local consequences were quite clear. The importance of co-operation in the general interest of the various specific interests of farmer, clothier, retailer, churchman, was demonstrated in immediate experience. 16 It provided for its leaders, furthermore, training in the responsible use of power.

15 ibid., p. 109.

16 This function of the local community has been carefully considered in the writings of Joseph K. Hart, particularly A Social Interpretation of Education. The problem of the disappearance of such communities is discussed (rather pessimistically we believe) in Education in the Humane Community.
The retort is expected that it is outlandish to compare two such different social systems as the American rural neighborhood and the medieval commune. But if we look at the facts of social structure and the configuration of human relationships we believe the comparison is sound as an aid to understanding the later development of the American political system. Administratively and organizationally the problems of 18th and much of 19th century America are those of 15th or even 16th century Europe. To explain it, however, we have used the language and law of 18th century Europe. The comparison is not at all outlandish if one looks below the surface applied by those such as Sir Walter Scott and recognizes that centralized legal systems and a centralized church were late developments. Even they had no continuing authority beyond the local level until the development of the administrative organization of the church in the 12th and 13th centuries and of the state at even later periods. The fact is that the social pattern of a predominantly rural society is structurally quite similar wherever one finds it. It strives to preserve itself with greater or lesser success even when immigrants from a rural environment are placed in an urban environment.

17 Charles H. Cooley did not think so. See Human Nature and The Social Order, Chapter I.

18 See Appendix, pp. 142-145.

19 It also evolves, to replace old forms of customary co-operative endeavors, new social forms—the barn raising, the quilting bee, the urban mutual aid society and to some extent the public school which in the new environment appear to be "voluntary." See Oscar Handlin, op. cit. Foreword and Chapters II, III and IV particularly.
This comparison helps to clarify some significant contrasts with Europe. For the agrarian interest in general and agrarian parties specifically have in Europe been conservative or reactionary in politics. One of the crucial battles of liberal politics which give rise to its "anticorporatism" is that against the localism and conservatism of a traditional rural social structure. In America on the other hand the agricultural interest has often been radical, individualistic and at times rabidly nationalistic. Certainly the problem of an expanding social structure being required to destroy a particularistic agrarianism has rarely presented itself theoretically. This comparison suggests a multitude of studies which may lead to a better understanding of the relations of our agrarian part and modern American democracy. Some of the most evident further suggestions can be suggested.

Another factor this may help clarify is the influence of the frontier. The availability of open land (which, of course, was not to be had for the taking as some have said) contributed to the solution of some problems of intergroup relations. A great point is often made regarding the importance of social mobility in America. This has too often been interpreted in peculiarly economic terms as the ability to rise in a economic continuum. Much less is made of an actually far more significant form of social mobility, horizontal

20 See Frederick, The Political Tradition of the West, Chapter 7.

21 See, for examples, John D. Hicks, The Populist Revolt and Elisha P. Douglass, Rebels and Democrats, Chapters 1, 2, 15, 16. for a historical review see Grant McConnell, The Decline of Agrarian Democracy, Chapter 1.
mobility. Actually differences in wealth have not been very great and not nearly as important relatively as some religious or ethnic differences. Far more important in preserving these differences has been mobility in its physical sense. While agricultural society has in most parts of the world been stable, one family living in the same place for sometimes centuries, in America it has been quite unstable. Freedom in America has meant more often than is realized the freedom to choose one’s religious or cultural surroundings. The misfit in one community could move or on the misfit group could move on to set up its own society in some isolated area. 22

The effectiveness of the frontier in relieving economic tensions has been discussed rather thoroughly but we have little reflection regarding its effectiveness in relieving social, cultural and racial tensions. It is doubtful if the Mormons could have sustained themselves anywhere in America except in the vastness of the desert. It has certainly aided in the success of the “assimilation” of the Germans and Scandinavians who have tended to settle in more or less homogeneous rural communities. The group hypothesis suggests further study in this process and in the comparable processes of “Americanizing” urban minorities such as the Irish, Jews, Poles, etc. It might be instructive to inquire if the

22 There was for many years a highly libertine community right in the middle of Kansas of all places. For a suggestive illustration see Bernard DeVoto's discussion of the Mormons in The Year of Decision: 1886.

23 In which “the boss” may have played an important part.
existence of Brook Farm contributed in some way to the relative unimportance of a detached intellectual class. We have tried Utopias and they have failed. This has a dual effect: it cuts down the "inventiveness" of the intellectual critique from a Utopian ground and decreases variety of criticism but it seems a not unwise restriction of the field of inquiry to the possible. The American intellectual learned early that he had to live in society. The French intellectual from Rousseau Sartre has found this hard to take.

American "Feudalism"

Having recognized the significance of social structure in political thought this confusion in relating American and European social structures is increased by the loose use of the concepts of "feudalism" or "aristocracy." What is significant in European political theory is not the presence of "feudalism" in legal terms but the legal protection of privilege which is the heritage of the period of corporate nationalism. What is important is not the presence of group organization but the fact that in gaining legal status through its alliance with monarchy, group organization became frozen, with group rights and group representation based not on active social interests but upon the single interest of the preservation of functionless legal privilege. In America what is significant is not the absence of group organization (i. e., the
presence of individualism) but the fact that in the American context (the frontier, etc.) social structure was sufficiently open that it had continuously to gain its support from its services to a multitude of active social interests. American groups made no more concession to individualism per se than did European orders. (It was no more free within groups) The important difference, and the one which must be made clear, is that by remaining extra-legal they escaped being frozen into a single structure which, lacking intragroup democracy, means the formation of distinct classes and rulers and ruled. No group structure can become frozen if the possibility of forming and sustaining new groups is open. This means that the right of association is not excessively restricted either by government or by social pressure or physical circumstance. It means also the new groups formed are not arbitrarily limited. This is provided by a system of government which in David Truman's phrase, provides "multiplicity of co-ordinate or nearly co-ordinate points of access to governmental decisions."\textsuperscript{24} The idea of the personality of groups which presumes to alleviate the tension set up by the Hobbesian destruction of group rights falls into the same error both in the legal form it takes when, in American constitutional interpretation, the business corporation has conferred upon it the absolute rights of individuals and in the philosophical form given it in the French and German corporate theories. In each case

\textsuperscript{24} David Truman, \textit{op. cit.}, p. 519.
the structure of the status quo is frozen and the necessarily continuous process of group birth, growth, decline, and death is stopped.\textsuperscript{25} This hypothesis may aid in understanding the differences between the growth and nature of French and English democracy which relate very closely with the differences between French Revolution and the Napoleonic dictatorship and the long series of violent episodes which mark the development of English society.\textsuperscript{26} At the time of the revolution the French governmental system had lost nearly every connection with active group interests and it fell like a house of cards to be supplanted by a new absolutism. The history of the English polity is one of the continuous but erratic destruction of functionless privilege. (The nobility, clergy, and big bourgeoisie were successively rather than simultaneously deprived of excessive power.) If feudalism is reified, as it too often is, these extremely important differences are ignored.

The bias against corporatism that is so deeply rooted in modern political theory is quite legitimate when directed against a group structure that is frozen, as it was in the continental monarchies of the 17th century. It approaches absurdity when it is carried over to an active and adaptable group structure which may be

\textsuperscript{25} It may be stopped theoretically or legally but it cannot be stopped actually without closing the entire society. This is the reason such theories are either authoritarian or conservative. If they are not, it proves that there is a gap between theory and practice, the ideal and the real, which sooner or later will cause trouble.

\textsuperscript{26} It at least seems more fruitful than essential arbitrary discussions about "national spirit." It cannot be denied that a nation has a spirit, yet it also has a socio-political structure and how the two interact is the truly significant problem.
illustrated, by the American "system" of interest group politics. The latter is far from perfect but the careful and persistent study of its successes and failures and the social conditions of both seems to be the best hope we have of solving at least some of the problems of the modern institutionalization of social life.

It is necessary to recognize that Americans in dealing with groups have persecuted and killed and even set up organized instruments of permanent oppression. We are still a long way from living up to our ideals. The fact is that our ideals have in some way set for us problems which no other nation dared attempt. Many Americans, disillusioned with our treatment of Catholics or Negroes or even next door neighbors, have pointed to the vaunted English tradition of civil liberty without remembering the long years of, first, bloody suppression and then political exclusion from the years of Henry the Eighth to the final repeal of the test oaths. Others, objecting to our tendencies to identify even the smallest deviation from the current orthodoxy as heresy, point to France as an example for the expression of a variety of opinions without noting also the highly centralized state bureaucracy (the legacy, by the way, of that first great Rousseauian democrat, The Emperor Napoleon which effectively prevents that variety of opinion from being reflected in a corresponding variety of organizations.

The point is not whether we have done well or badly; this verdict must be left to future historians who may be able to separate
themselves better than we can from our immediate biases. The potentially tragic fact is that we know so little about how we have done what we have done. Our single factor analyses have suggested some of the factors involved—such as, the frontier, the dominance of a particular cultural tradition over large areas of life, the peculiarities of a government of divided sovereignty in a world of sovereign states, the system of public schools, our vague and remote agreement on ethical first principles (an agreement, it should be noted, that at its extremes includes the entire Western tradition, wars and all, and not simply the "bourgeois" segment of it).

The tragedy is involved in the fact that each of these single factor analyses carry with them biases which close doors, intellectually, to most of the other factors involved. We may note that there are fundamental moral issues involved in the denial to Negroes in the South of their elementary rights as American citizens. But the danger is always present that if we consider this to be strictly a moral issue we will ignore the tremendous social problems involved which the North has not yet solved amicably.26 A century ago we threw the Mormons into the desert. A half a century ago we drove one out of the Senate. But at the moment we have a Mormon as

27 They might in a century or two pass a judgment on the battle that is not in itself a weapon in the battle.

28 The Southern reaction to this that makes the social problem so overwhelming as to place the moral ideal in some future limbo is equally wrong. The extreme Southern position is probably more wrong. Most Northerners have learned something from the Civil War and if not as much as they could.
Secretary of Agriculture representing (in a way peculiar to the American system) those very farmers whose grandfathers fought his forebears across the prairies of Illinois and Missouri. The fact is that America has been in an open society, not in individualistic terms, but in the sense of never having been totally closed either by force or by blind acceptance of tradition.

Summary

As American political practice has engaged the problems of the whole Western Tradition, so American political theory has in it elements gathered from many lands and many times. One can find traces of all the major political traditions in American political thought. The Greek and Roman beginnings are there, of course. Americans have known Aquinas, Machiavelli, Bodin and Hobbes as well as Rousseau, Marx, Hegel, Bentham, Mill, and Harold Laski. American theorists have drawn upon many of these strands of thought; yet they have neither settled upon one single theory nor created any of their own. Theoretical clarity has not been outstanding among public men. The academic men have, for the most part, been noted for their mistakes. In elaborating ideas fundamentally European, they have missed the spirit of American institutions.

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29 Some might say this fact suggests some virtue in bad teaching of history. There are things to be said for a short memory so long as education and memory are identical.

A political tradition, however, is not a matter of "pure ideas." It is a combination of ideal and real—idea and institutions. America has made a contribution, too often obscured by doctrinal conflict, to the political experience of the race. Political and social ideals have little meaning outside their context of institutional structure and this is the point at which American experience has been unique. For the greatest part of America has passed in 100 years from a society of isolated highly homogeneous communities adhering primarily by personal ties, to a society increasingly dominated by large and powerful corporate structures, and by mechanical and fragmented human relationships.

The preservation in America of the supposedly exploded views of John Locke is significant but not in the way it has so far been assumed. Through the ambiguities and confusions of Locke, and in spite of his intentions that American thought preserves many medieval and corporate ideals: beliefs in higher law, divided sovereignty, the representation of interests and of group rights. Even while the public use of Locke emphasized his nationalist and individualist aspects, many of the older ideals made their way into the institutional structure. This was not deliberate; it took place more (1) through the development of the English common law and its unique ideals, (2) through the interpretation of Locke in terms of unique social circumstance, (3) the acceptance of existing institutional structures, and (4) by the simple necessities of social and political
compromise.

It is Locke's conception of the voluntary nature of society was an accurate expression of American experience. For here society was (voluntary) at least to those who had the inclination and the vigor to move on. American experience disposes men to the individualist view of society and thereby to post-Hobbesian thought for, lacking a long established closed social system, the voluntary nature of society seems self evident. America was a place where it seemed a man would voluntarily place himself under a government simply by going there. Few did this, of course, but it was a possibility open to many. Movement was always too much in evidence for most men to feel very strongly that they had no choice. Contrary to European experience not only was society voluntary but convention rather than custom often ruled. On the other hand, Hobbes was wrong in saying that the state of nature was one without law or that life was "solitary, poor, nasty, brutish and short" for convention can be just as binding as law and is often far more so. The fact of cultural mobility made the idea of society being voluntary a reality. Agrarian America provided without, disturbing Locke's individualism, the community for which the generations after Rousseau and Burke searched. The state of nature is a social state

31 For the significance of this in Locke's theory see Appendix, pp. 192-200.

32 Some educational writers make so much of this "co-operation" that they fail to remember the restrictions on individuality the local groups entailed.
as Locke sensed. It was not, however, one of "freedom" in Rousseau’s sense.

This suggests some important alterations in the European pattern. The fact that entry to each society was easy made it essential that decision making was widely shared or at least that what informal leadership there was had to remain adaptable. Lacking any external threats to security there was no particular function of a warrior class. So sharp social distinctions could not arise on the grounds of a supposed need for defense. Thus, at the base, the rise of a highly hierarchial structure was stopped in most places outside the South. The development of the Southern plantation system could be studied with this in mind: that a ruling class degenerates as it loses its communal ties with its "constituency" unless these are replaced with organized political ties. The Dred Scott decision held major importance for the South simply because the society had to be closed at least as far as the Negro was concerned.

If medieval social structure shows some instructive analogies with American localism then it might be that the analogy might be useful with regard to the problems of medieval social theory. The medieval "higher law" or "natural order," as we have pointed out for the most part sanctioned whatever law existed. The Emersonian higher law which is so much a part of the American spirit even on

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Appendix, p. 142.
the frontier, was, in spite of its individualistic spirit, very similar in operation to that earlier, and rejected, higher law. The moral law that sanctions individual judgment sanctions the results of that judgment whatever they are. It places no qualifications on the character of the judgment. Since it assumes freedom of the will it concludes that man has freely accepted every thing that he is fact does accept whatever the conditions of that acceptance. The idea that society is voluntary is the Lockeian or modern variation of the same scheme. If society is voluntary, then the individual by consenting to join it thereby consents to all the consequences of his choice. His acceptance of obligation is unlimited and illimitable. The fact that he does not "move on" implies an acceptance of all the existing society. To assume individual or group freedom operates to sanction the existing institutions. Such an argument is sometimes used to justify some practice on the ground that, since the "public" controls, say, education, if it does not interfere with what is going on then, in fact, it approves it. This sanctions the practice on the grounds of its not being changed, whatever were the circumstances of the lack of change. The quality of the acceptance whether forced, customary, or on the grounds of intelligent participation is not a

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35 Locke's argument would lead to the ancient retort, "If you like Russia so well, why don't you go there," implying, of course, that so long as you stay, "Boost, don't knock."
matter for investigation.

Even at its best, the study which emphasizes solidarity in American life necessarily obscures the greatest contribution to knowledge of society which America has made.

The great problem of free society everywhere is the failure of the individualist trend of thought to deal with the rapidly enlarging corporate power that seems inherent in industrial society. This stems directly from the inability of individualism in economics to carry on to individuality as a way of life, but it is reflected in varying degrees in every area of life. America has been most successful, largely because of historical accident, in solving this problem on the practical level. America has been deficient in intellectualizing this contribution because of its "unanimity." This the recent historical research recognizes. It is certainly a long step forward from the previous "unanimity" that considered bourgeois values somehow written into the cosmos. The roads to progress have been opened by the recognition that the American mind is the product of historical circumstance and is shaped by the realities of social structure. The present problem is the selection of the next road to be followed or, in more formal terms, the selection of those hypotheses which seem at the moment to suggest the highest possibility of fruitful social research. The American contribution has been made in the creation of a variety of means for accommodating group interests.
Basically we take credit for historical accident when we congratulate ourselves on this score. The present issues regarding democracy make it imperative that we draw knowledge from historical accident and rigorously destroy every theoretical barrier we have placed before us which can further interfere with the application of our small but increasing store of social knowledge to our very large store of social experience.
CHAPTER IV

IMPORTANCE TO EDUCATION

Introduction

Public education has only recently become a matter of great concern to social science. Its actual effect has too often been assumed rather than seriously examined. The role of the school in the social order has been for the most part based on wilful thinking, not science. (This should be said of educators but it seems unnecessary.) Disputes regarding education, however, are important to the extent that differences in educational theories represent differences in assumptions regarding the nature of social structure and the effects of schooling upon it. What the function of schooling should be has so far been little informed by knowledge regarding what the school can do.

A distinguishing characteristic of American democracy, of course, is its high regard for the education of the public. Education seems to be the American panacea for the ills of democracy. Yet since we do not know how American democracy operates, it is difficult to refute or support the tendency to ascribe its success or failure to the schools. If what keeps this political anachronism going is the

1 See Charles E. Kerriam, The Education of Citizens, and the series of which this is the summary volume.
"spirit" of America we had better know about it and know the conditions within which it arises. At present, the widely held feeling that the public schools somehow keep American society from falling to pieces by the inculcation of some consensus upon fundamental values, seems bound, whatever its intent, to accord with the social demand for adjustment and conformity.

Education and Social Unity

Americans have rarely felt, however, that society should be an instrument of power. While we have denied religious absolutism and state absolutism we have never rejected absolutism projected through the schools. One of the first duties of "education" beyond the level of simple literacy has been to provide that unity which politically we have so notably lacked. This function of education is reflected in nearly every plan set forth for American education.² Benjamin Rush in 1786 said,

The principle of patriotism stands in need of the reinforcement of prejudice and it is well known that our strongest prejudices in favor of our country are formed in the first 27 years of our lives." ... Our schools of learning, by producing a general, and more uniform system of education, will render the mass of people more homogeneous.

Education has somehow to serve as the antidote to the divisive tendencies of our varied backgrounds. Too often the whole burden of

² Allen Oscar Hansen, Liberalism and American Education in the Eighteenth Century. For examples of the nationalism of even our earliest educational theorists. (Italics belong to Rush)
providing unity in the most heterogeneous of societies has fallen almost exclusively upon the schools.

Strangely, however, we have for the most part expected this unity to appear without either equivalent political unity or centrally unified control. We have assumed unity without regard for the administrative tools which Europe has found necessary to establish. When we have borrowed from Europe as we did from the models of the Prussian and French school systems we have done so with very little consideration of the political basis of that system we have borrowed. A possible explanation for this is our long held belief in a "higher law," a moral or natural order transcending our diversities.³

America has for the most part rejected the possibility of a theological ground for this unity. The idea of a universal church as the proper vehicle of the universal order was rejected and the saints of the American faith are founding fathers, not church fathers. But it is the "moral" and "spiritual" strengths of the founding fathers that the American faith today dwells upon (ignoring the fact that the revolutionary generation was not notably religious) not their strengths as active and realistic political leaders. As political leaders, the founding fathers were controversial figures. It is on the higher level of moral abstraction that their mythological value is found. Commager has pointed out the dependence of this unity upon

³See Merle Curti, The Course of American Democratic Thought.
"that common group of heroes and villains, that common store of poems
and stories, of images and values of which national spirit is born" and "a people's common language with which to voice a people's common heritage." The difficulty with the common heritage on this level is that it cannot be viewed critically without revealing that it shared just the conflicts, sectional, economic, and ethnic, which it is presumed to transcendent. Variant points of view regarding Civil War are the most notable example of this, while the dispute over the textbooks written by Harold Rugg suggests that the conflicts in our past lie close to the surface of current social conflicts. Our past is more free of conflict than the present only when we avoid that critical study that delves into the men and the social forces that underlie the myths.

Not only has democracy been held to require limits, but democracy has become a simple symbol of that unity. A cursory examination of the literature of American education of the last forty years will show that although American educators are in rather complete agreement that educational programs in the United States should be based upon principles of democracy, there is a lack of general agreement regarding the nature of democracy and its implications for education. The variety of practices that appear uncritically to be subsumed under the aegis of democracy lead some critics, and friends as well, to feel that

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4 Henry Steele Commager, "Our Schools Have Kept Us Free," he says, but so did Communism---once. "It consists of proverb rather than dogma." Scott and Hill, op. cit., p. 192.
democracy either means nothing or is just a propagandistic device for
subverting American values and institutions through the schools.
Alberty observes that, although "there is little disagreement with the
general thesis that the philosophy of the secondary school should be
based upon the democratic way of life, difficulties arise when we
try to agree upon the precise implications of democracy for the
program." In another instance, he states that "it must be
recognized at the outset that there are few basic principles upon
which those who seek to interpret democracy wholly agree." Spears
warns that democratic movements "... have a sweet, satisfying effect
but that such words demand something more than lip service from
education, for in their general way they are likewise used in the
addresses of the leaders of totalitarian states."

The problem of the meaning of democracy as we have pointed out,
is not unique with the educators. Eduard C. Lindeman states a
view similar to that expressed by Alberty and Spears. As he put it,

Democracy, like all good ideas may be drowned in words.
In fact the flood of words which American apologists of
democracy have already let loose gives cause for suspicion.
If we really believed in democracy as deeply as we insist,
I would not be necessary to talk so much about its virtues.
He who protests too loudly is usually attempting to conceal
something. With respect to democracy it is my conviction

5 Harold Albert, Reorganizing the High School Curriculum, p. 38.
6 Alberty, op. cit., p. 34.
7 Harold Spears, Secondary Education in American Life, p. 343.
that many of its contemporary spokesmen speak so loudly because they are aware that their behavior does not conform with their protestations.8

(It is small wonder that there is a strong distrust of educational leaders). As long ago as 1918 R. B. Perry said, "Democracy is a word to conjure with and its meaning is so dim and equivocal that almost anybody can conjure with it."9 Lord Bryce found it necessary to preface his classic Modern Democracies with the observation that "The term Democracy has in recent years been loosely used to denote sometimes a state of society, sometimes a state of mind, sometimes a quality in manners. It has become encrusted with all sorts of associations attractive or repulsive, ethical or poetical, or even religious."10

The word democracy has always had an emotional content, positive and negative, far beyond any agreed denotative meaning since the time of Aristotle. In the past it has been a matter of controversy, and particularly in America it has become a blanket with which to cloak any and all public propositions with an aura of public approval. No politician in his right mind would propose solution to the economic situation, the race issue, or the location of a sewer and openly proclaim it as "undemocratic." The fact that the use of the term does not guarantee the virtue of its users is both cause and effect of the present confusion.

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8 Eduard C. Lindeman in George B. De Huszar, Practical Applications of Democracy, p. ix.
9 R. B. Perry, The Present Conflict of Ideals.
10 James Bryce, Modern Democracies.
Democracy has come to be a covering term for an endless array of social practices and beliefs. It has been applied to moral systems, national cultures, and the nature of school report cards. Indeed in some areas of discourse, and probably educational literature is especially offensive on this score, "democratic" has become synonymous with good and undemocratic with bad. At this point the term itself becomes a weapon in the power struggle in which the prize is the opportunity to use the schools to propagate the winner's definition of the good and the true.

At this point some have denied that democracy has any meaning while others have devoted themselves to finding its one true meaning. The intent is to find relief from conflict in some higher realm of "reason" or "law." This view finds support in the old conception of the "higher law" or "natural order."

Walter Lippman is the most notable modern American who deliberately advocates the ancient ideal of a universal order or as he calls it "the public philosophy." Regarding it he says

The public philosophy is known as natural law...
This philosophy is the premise of the institutions of the Western society, and they are, I believe, unworkable in communities that do not adhere to it. Except on the premises of this philosophy, it is impossible to reach intelligible and workable conceptions of popular election, majority rule, representative assemblies, free speech, loyalty, property, corporations and voluntary associations. The founders of these institutions, which the recently enfranchised democracies have inherited, were all of them adherents of some one of the various schools of natural law.11

11 Walter Lippman, Essays in the Public Philosophy, pp. 79-80.
Such a rational order he finds "is not only an attractive and sublime conception but ... a necessary assumption in the government of large and heterogeneous states."12 The ills of modern democracy are due to the disregard of these eternal principles and the only hope of freedom is in the renewal or rediscovery of these principles. Few Americans agree with Lippman regarding the nature of this higher order. More common is vague references to "common principles" "consensus" or "agreement on fundamentals." It ought to be clear by now that the fundamental issues of Western Civilization and, in microcosm of the American Tradition, are involved not with the existence of such principles or even their content but with the problem of by whom and how they are best known and how society should be organized in order that they be realized. The common error of this type of thinking, is that, along with the early medieval philosophers,13 it ignores the problems involved in the organization of society or, to put it bluntly, power.

The common assumption of all these widely variant views is that the problem of power is of no concern, that once moral or rational or theoretical unity is assured the problem of practical or political unity will solve itself. If there is one thing that the history of Western civilization teaches it is that this solution is no solution. Moral unity is not enough; we ignore the problem of power only at our

12 Ibid., pp. 82-83.
13 See Appendix.
peril. For the history of the medieval period that is "recapitulated" in American experience is one of the intolerable tension set up between theoretical unity and practical diversity. Such a dichotomy cannot last. Some power will always move in to make the theoretical unity a practical one. The problems of creating political unity are obvious as are the evils of power. They seem at times to be so difficult that it seems a relief to turn to a unity that is purely of the spirit. Such unity does not exist; it must be achieved. It must furthermore be achieved through the school, if it is to be achieved at all.

We may look at the early period of the Church and the early history of the diffusion of the American Ideal to see the consequences of belief in unity achieved through "pure" persuasion. If unity is to be achieved, then verbal deviation cannot be countenanced, whatever the practical consequences. The principles, words or symbols must remain the same. God's will is one, the wills of men are many; The Declaration of Independence or the Constitution remains the same, "only" the "interpretations" change. The greater the need for unity, the fewer questions may be directed at the supposed "fundamentals." The wider the diversity they cover the more meaningless and remote the "principles" become. It is thus that they lose all intensive meaning and serve only as emotional appeals. Political inquiry becomes a process of exegesis upon sacred texts, in effect, a form

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For the importance of "interpretation" see Appendix. pp. 145-151.
of public worship. If conflict becomes imminent or if disunity becomes a threat to the community, the only solution is moral exhortation. The result is either that the status quo is glorified or that public issues are all moral issues between absolute good and absolute bad. We ought to know by now that the bloodiest conflicts are those in the name of virtue for evil can only be destroyed.\(^\text{15}\)

In America, the burden of providing unity has been placed upon the public school. Since we do not understand the multitude of other sources of unity, which include the voluntary groups Commager has pointed out, this burden in times of social stress becomes heavier, leading to the restriction, and too often the destruction, of inquiry. It is to our own fears, and confusions, more than to the machinations of evil men that we must look for the threats to educational freedom.

The essential characteristic of a liberal society is the fact of a multiplicity of groups and not its verbal unanimity. The vague unanimity which many claims to be the "true" nature of the free society is just exactly the illusion which obscures its true nature. It is the illusory solidarity that is the great weakness of the American liberal world. It is the multiplicity of groups that is its great strength and it is the recognition of this strength and the techniques involved in solving its many unique problems which is America's contribution

\(^{15}\) On this point of agreement on fundamentals see Carl J. Fredericks, The New Image of the Common Man, Chapter V. "Fundamentalism in all its various forms is antidemocratic, antiinstitutional, contrary to the spirit of freedom," p. 173.
to the preservation of free society. The present choice is not between "unity" and "diversity" but between various schemes and techniques of combining unity and diversity in some political scheme. The problem is not to transcend diversity; that has been tried again and again and has always failed. It is to establish the social structures and political forms which can best combine unity and diversity. The fundamental problem is one of means.

Democracy and the Control of Education

Though what democracy means in education and, specifically what it means with regard to the control of schools, has been in dispute for a long time, and the question of what constitutes freedom in society and education has been in dispute for an even longer time. The older question reflects differing views regarding the nature of free society. These issues did not appear to involve the school, however, until the late nineteen twenties and thirties. At that time, the future of our society seemed to be in doubt. There seemed to be but one fact about its future that was certain: namely, the future would be much different from the past. The character of that difference was in doubt but the fact that change was in order was felt by a number of people in our society, the size of which can only be guessed at by noting the 1936 majority of Franklin D. Roosevelt.
There was at the same time a considerable ferment in educational circles, particularly among those who were interested in the social implications of education. Many of the factors that go to make the period of the 1930's particularly significant in the history of the philosophy of American education have nothing directly to do with the social movements of the time. It was almost inevitable that nearly every theory felt some repercussions of social ferment. What is significant is that many conceptions of educational freedom were formalized at least partially in relation to the social issues of the time. The period was marked by a drawing together of many unrelated movements or trends and some significant breaks within "schools" that once seemed merely monolithic. Most of the social concerns seemed to find a means of expression in The Social Frontier, a publication that devoted itself for a few short but highly controversial years to the problems of bringing the school into line with the apparent movements of the society. It provided an arena where the social issues could be thrashed out in high seriousness. It had a peculiar coloration, however, resulting from the fact that the major protagonists all shared a belief in the free mind and at the same time held rather different and often sharply conflicting social views. The differences tended to obscure the similarities because of the sharp conflicts involved regarding the political issues of the time. It is from the page of The Social Frontier that one can glean the beginnings of several different schools regarding the social functions of education. The question involved here is the nature of freedom in society and education.
There were, however, a number of movements that operated in this period to cause some concern over the problem of the control of education. The question here is the different but related function of the means for protesting free inquiry. Because of the relative subordination of domestic issues during World War II the latter differences did not gain much significance until the war had further altered many factors of American life. The tension of the postwar years took its toll and then the spectre of McCarthyism rose to threaten educational freedom directly. This highlights a resurgence of the old but hidden issue of the control of education.

I. L. Kandel has stated:

The permanent question in education has always been 'who shall have control of the education of the child?' The claim for control is disputed by the family, which may insist upon its right to educate its children in its own way, generally through the private school; by the church, which bases its claim on the plea that education is a spiritual process and that religious training is the most important factor in this process; by the state, which argues that, since the State represents the will of its members, it alone should have the right to determine the nature of the means which will guarantee both its own stability and the welfare of its citizens; by educational theorists, who striving for that freedom which is the result in part of the attainment of independence of their science and in part of the general trend toward occupational self-determination, claim the right to autonomy and the pursuit of their craft in the light of its own inherent character. 16

The implications of the political meaning of democracy for the control of education seems clear. 17

15 I. L. Kandel, Comparative Education, p. 45.

The public school was established by all of the people, paid for by all of the people and it ought to be controlled by all of the people. The school is responsible to the public as represented in the established legal system. The mandate of the people is expressed by the election of responsible officials and is carried out through the administrative instruments supervised by those officials.

In its most forthright form, this concept is given administrative form in the "line-staff system" of educational control. The problem of the control of education some say, is to establish in the school a chain of command to make every part of the school system responsible to the appropriate public authority in as direct a way as possible. The local board, acting within the limits expressed by the legal sovereign, the state and expressing the desires of the local community selects a superintendent or principal who is to be the professional head of the school system. The board lays down the policy of the school in whatever terms it choses. It is the responsibility of the administrator to enforce this policy upon the teachers and the students. This is the so-called "hired man" theory of educational control.

The logical conclusion of this theory was very dramatically expressed by William Jennings Bryan in the famous Scopes trial in Tennessee. It is now almost an automatic reaction to say that such a role for teachers and students is undemocratic. The point is that it may be in terms of some other theory of democracy than that based upon present conceptions regarding government. It is perfectly in accord with the theory of popular sovereignty and political equality that there
be no participation on the part of faculty or students.

To many of us this conception of democracy in education is obsolete and outlandish. Its iniquities have been bandied about for years. The theory, however, is not the private prejudice of demagogic politicians or dictatorial school administrators, though it is still in vogue with more of them than one would think.

Furthermore, we find here the unquestioned legal basis of our school system. We are inclined to forget that Bryan won the case. There is small wonder that few of those who value freedom in education have followed out the logical conclusions of popular sovereignty circa 1930-1950. Educational freedom hasn't a legal leg to stand on. Though educators have squirmed and wriggled to qualify this doctrine, few people have seen fit to deny its fundamental principles. This fact accounts at the same time for its apparent obsolescence and, also, for the fact that it has lived so long in spite of the fact that the qualifications alter the premises of the theory.

Understanding of the social and political implications of education has frequently been restricted by our conflict between tradition of radical individualism. This feeling is in line with our prevailing individualist bias and it takes as many forms as that bias does. This feeling in the past has generally had educational effect as a concern for the "rights" of parents but recently it has appeared as an naive solicitude for the presumed "rights" of students.

18 See Dahl's discussion of what he calls "Populistic Democracy," Chapter 3, A Preface to Democratic Theory, which he concludes is logically "almost useless as a guide to action," p. 60.
This suggests a parallel with our tradition—namely, that the proper limits of government are the inherent unalienable rights of man. In spite of the fact that the theory that a person is born with rights which cannot be denied is completely discredit both politically and sociologically, we have preserved this idea and, in fact, given it new and ethically valuable form in the general regard for the principle that we should avoid "indoctrination," giving the student the right intellectually to "make up his own mind."

The feeling that freedom is purely a matter of the removal of external restrictions has had a naive acceptance in the "child centered" wing of the progressive education movement and some degree of institutional acceptance in the inclination of universities to degenerate into intellectual supermarkets. The theory behind the idea of intellectual freedom being synonymous with the mere flight of undisciplined fancy, has been generally repudiated, if, in fact, it was ever seriously held. Rejecting this false view of freedom has sharpened our conceptions of what true freedom for the student means. It is now recognized generally that true freedom requires discipline, that the student can be enslaved by his desires or his interests.

This rejection of the extreme view has resulted in a variety of ideas regarding the nature of the discipline required. In the "Progressive" movement, it has taken the character of clarifying Dewey's emphasis on thinking and intelligence as Bode, Hullfish, and Bayles have done. Other ideas of the nature and significance of
thought come from such divergent sources as Hutchins' Thomistic emphasis on learning to think, the old faculty theory of mental discipline, and the realistic tradition that "thinking" is identical with the accumulation of facts. This very broad agreement comes not from any agreement of the nature of thinking, the social function of intelligence, or the nature of "facts." The obvious and educationally very important disparity in the methods of letting the student make up his mind obscures the socially and politically important agreement that he should. This agreement is coming to be a matter of public concern, even of positive acceptance while at the same time its theoretical grounds are under attack. This fact is not to be explained in terms of educational theories or their presumed social acceptance. The decisive factors are to be found in the fundamental social structure which refuses to be denied, whatever the theory expounded to explain it.

Hutchins cannot help but look a little foolish when he defends the rights of students to make up their own minds at the same time that he claims that there exists an absolute and eternal truth that reason will reveal. Brameld reveals a similar feeling when after establishing clearly that there can be but one "philosophy of the future," the most that the teacher can do in favor of it is to be "defensibly partial."

20 Theodore Brameld, Ends and Means in Education.
This common concern with educational freedom by men whose theoretical commitments involve them with traditions, which in their "natural" context would be rigorously authoritarian, illustrates very graphically the significance of the American social context that operates much less clearly and in the context of narrower theoretical differences. Hutchins, Thomism and Brameld's commitments to "Utopian" thinking would seem to commit them logically to authoritarianism.  

The commitment to educational freedom, however, is indelibly written in the public records of both men. It is a tribute to the strength of our irrational individualism and its sustaining social context that representatives of philosophies so contradictory to conditions of true choice still strive to find a place for individual freedom.

The general situation reflected in many divergent theories in an emphasis upon the avoidance of "indoctrination" even within those theories which logically and historically have every reason to approve it. The social fact that they all try to avoid "it" is more significant than the educational fact that they don't succeed.

There are many meanings which are attached to the notion of the avoidance of indoctrination. They are all concerned in a search for an area of freedom which the teacher must avoid at all costs,—an area of individuality that is absolutely sacred. That the problem of freedom is set in this way is the result of the uncritical acceptance

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21 To discover the authoritarianism escaped, for the former, see The Catholic Thomists and for the latter George S. Counts, Dare the School Build a New Social Order.
of the theory of democracy in which the only limitation of majority rule is absolute individual rights. We have held to the theory of absolute rights long enough to evolve institutions which, if we can understand them, can give new social significance not only to Locke's particular compromise but to the principle of compromise itself. Incipient tragedy sets in, however, when we recognize the fact that intellectual freedom is not guaranteed merely by arbitrarily limiting teachers to "giving the facts" or "presenting both sides." The elucidation and training of thought requires more than "neutrality" defined as the avoidance of certain behaviors. It requires, equally, the positive acts of the teacher which may reach many "closed" areas of inquiry. A student is not "freed" from the bounds of a home indoctrinated belief in the absolute virtue of the Republican party by an "objective" study of the Democratic party platform. "Objectivity" is characteristic not of a set of actions or of beliefs themselves but of the process of inquiry.

The free mind requires the positive development of habits appropriate to a thoughtful approach to life. The discipline involved in thinking involves much more than the rules of logic applied to disembodied facts. The beginning of thinking alone requires positive acts.

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22 The best discussion of "closed" areas of social inquiry and The Training of Thinking is in Lawrence Metcalf and Maurice Hunt, Teaching High School Social Studies.

23 For the necessarily social context of inquiry see John Dewey, Logic: The Theory of Inquiry.
The training of thinking requires that the teacher plays many roles, many of which as acts would be called "indoctrination." The student must often be forced to think. To put it bluntly, he is, through this process, "forced to be free." We cannot protect the freedom of students to make up their own minds merely by restricting the actions of teachers. The student is not freed by having his beliefs ignored. The training of thought requires that student's beliefs be challenged, that they be tampered with positively.

Justifying this positive role for the teacher places an almost unbearable burden upon those who adhere to conventional, definitions of the liberal tradition. The confusion we all share results from the unrelieved tension of the idea that the "free society" is a mass of unrelated social atoms with its corollary that government is the only source of social unity. The teacher is in a unique and troubled position in a free society for it is in public education that public power is exerted over that freedom which is most sacred to liberals, freedom of conscience.

To view the public school system as an aid to freedom is a basic denial of the idea that freedom means an absence of restriction. This view affirms what the liberal tradition in its broad sense has consistently denied: that the acts of government or force can advance freedom. This affirmation invalidates the assumed conflict between the individual freedom and governmental power by showing
that government can be a force for freedom. Although we have to a large extent accepted the principle that democratic government can be a force for freedom, and have intended it, we must remember, as MacIver has pointed out that "Government should never be suffered to impose its controls on the cultural life of the community to curtail the freedom of men to differ in their faiths and opinions, in their ways of thought and their ways of life..." Yet this is precisely what public education has at times threatened to do. This is little wonder that so many men fear the prospect of the extension of the functions of a school responsible to government.

The very proper feeling that to place the schools directly under governmental control would allow education to become the tool of political power under the impression that they were required to protect freedom we have developed a host of refined distinctions between "education" and "politics" or "belief" and "action" or even "school" and "society." Educators who have devoted themselves seriously to the consequences of political democracy for the control of the public schools are led to the conclusion that these sharp distinctions have an importance to educational freedom as direct as similar distinctions are in the analysis of civil rights, and particularly in relationship to freedom of speech and of the press.\(^2\)

All of this has been valuable in drawing the line between educational freedom and government control. Such a line seems essential

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\(^2\) On the importance of the legal distinctions see Zehariah Chafee, *Freedom of Speech in the United States*. 
Table 3 Calculation of Slope and Intercept for Conductivity Cell Calibration Graphs

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Legally we have forty-eight school systems controlled by state government. But this is illusory. In fact we have had a system of local education. This "system" has not been deliberate, but rather acceptance of social practices, the "unwritten laws," which radically alter the operation of basic principles. Some of them represent ideas of educational authority directly contradictory to each other and to those logically derivable from our accepted notions of political authority. As such, they draw upon the theory of quite different social schemes. This, however, is not a matter of schools and sharply drawn principles. Each of us may hold contradictory principles for the reason that our group allegiances are multiform.

It is this contrast between legal and extra-legal authority, not just an ill-defined disjunction between democratic ideals and the supposed evils of power that affects the operation of our concepts of political democracy when applied to the problem of control of education. A disjunction between theory and practice, as we have pointed out in the social realm, is in itself a very significant, but a very complex phenomenon. Its actual significance depends upon a variety of social conditions, the nature of which we are only now beginning to understand. The only thing even the most profound student of social process is now sure of is that simple explanations are the surest road to self deception.

One significant aspect of American development is the fact that traditions and institutions grow from group conflict to group conflict rather than by leaps of revolutionary fervor. This confuses the
operation of principles so badly that any discussion of them is very largely arbitrary. Principles do not fall into simple patterns. Schools of thought become loose confederations in which personal conflicts as well as group or class relations, becomes significant factors in theories. A group, say, all philosophers of education, is too small for these differences to cancel themselves out any attempt to establish broader connections, therefore, is largely guesswork.

The hypothesis suggested by this study is that many of our present theoretical confusions regarding educational authority result from the fact of a general uncritical acceptance of a theory of democracy which leads, in turn, in education to the "hired man" theory. This is coupled with a variety of restrictions on its operation that are based on reactions to specific issues and with regard to specific group allegiances.

The seemingly necessary qualifications and theoretical backgrounds need to be clarified if we are to establish the theory of democratic education on solid principles.

Society, The State and Formal Education

The existence of formal public education has drastically altered traditional views regarding the relations of society and the state. This fact in political theory has not been given much direct thought. So long as education was carried on for the most part in the home
and in the local community "public opinion" was a part of the apparently stable group structure within which government must operate. Custom and tradition, was something that existed prior to government and to which it had to be fitted. Every government had to be based upon at least the acquiescence of its subjects. No matter how tyrannical was limited by society power had to fit itself into preestablished myths although in the long run the symbols of power became a part of the myth.

Until the development of formal schooling to the power of the state over opinion was severely limited by simple lack of instruments. As long as the educative process was diffuse and unconscious it remained the assumed background of power. It was the supporter of things as they are, the stabilizing "tradition" of which we speak often and know little. It set the limits of both tyranny and reform.

When education, however, came to be the function of a distinct institution or organization, it appeared to present an instrument of control over opinion. The beliefs and attitudes of large groups seemed to become the instruments of power. The control of the institution regulating the transmission of culture was contested on the grounds that the control of the school implies the control of the tradition. This function was first served by the Church. The recent arguments regarding the social function of the school are startlingly similar to those used by various proponents when the issue of a state religion was live.²⁵ The fundamental problems in the discussion of the

²⁵ Harold Laski, Political Thought in England From Locke to Bentham, Chapter III.
establishment of the church of England for instance, were solved only by the gradual decline in importance of religious feeling. One should not be greatly surprised that the arguments regarding universal education are often similar to those relating to the establishment of a universal or national church. The change is one of name but often not of social ideal. The more effective schooling becomes the greater is the temptation to control it. The better organized (in the sense of the centralization of power) it becomes the greater is the opportunity to control it. At the same time that formal education was proving to be a new tool of human betterment, it was in the same process increasing its propensities for evil.

It is through this theoretically remote but socially immediate fashion that the social functions of education and the theory of the control of education are related. Control of the school seems to present a tool for the absolute control of society. One can point out analogies between Thomist theories of education and the medieval regard for aristocracy and also indicate some relations to the educational theories of colonial "aristocracy" a vastly different "group."

Thomism as educational theory is at times judged on the grounds that imply that to accept Thomism is identical with erecting an aristocracy. This reaction is obviously nonsense. Medieval education and medieval aristocracy, however, were related through a vast and complex social structure which no longer exists and cannot be created. The fact is that we do not know how education and the social order are related, unless we can experimentally determine what the habits of discipline,
obedience, and responsibility are which the total social situation elicits and the effect of the educational structure upon it. We know that Hutchins' program cannot "create" an aristocracy. Nor a "red" professor bring on the revolution. We do not know, however, what results his program would have in terms of the social structure. That we can, to some degree, find out is the promise of social science.

We have evolved some scientific tools with which to relate political phenomena with educational phenomena (this term is used in preference to theory for reasons which should be obvious). The period over which we can do this is extremely short.

The situation is made even more complex by the fact that both our theories of education and of political authority tend to ignore the fundamental facts of where in modern social structure decisions are made. The confusion is further confounded by the distinctly American trait of lumping formal and informal education together and substituting a vague but fervent faith in formal schooling for knowledge of how our political anachronism, in fact, works.

This faith, while commendable, is the source of both the feeling among the public that the schools need excessively careful surveillance and the inclination of some educators to over-magnify their functions. The situation in educational theory shares these confusions and in fact increases them. This condition arises from the fact that regarding the social functions of education bewildering variety of opinions emerged from a single period of very high confusion, in which
educational interests and political interests seemed identical and the political problems seemed so important that education was subordinated to politics to a degree from which most people soon retreated. As could have been predicted from the enthusiasm of the moment came the principles of the next period and, by that time, the principles has become the repositories of a new set of not only vested interests but also of egocentric involvement.

Summary

It appears to be clear that we need not believe that educational theory can or should be derived by deduction from as antecedent theory of the state, or that the only authority of the teacher is that clearly delegated by the authority of the state, to agree that education and politics can be separated only for purposes of examination. Every change in educational institutions that operates other than by chance implies two things: (1) a designation of an end or ideal that reflects a view of the social function of education; (2) a grant of power that implies a view regarding the control of education. Conceptions of educational authority, therefore, cannot escape a multitude of connections explicit or implied with their "corresponding" theories of general authority or social philosophy. They cannot escape for the reason that decision making is exclusive. The fact that one person or one group makes a decision excludes the possibility that some other
person or group can make the same decision. They may assent to it but they cannot make it.

A conception of social authority is meaningless without some specification of the channels of that authority. If one admits that the Bible is the course of all authority, and does not at the same time specify whether the appropriate channel of interpretation is through a priestly hierarchy or through individual revelation he is simply talking nonsense so far as the consequences or meanings of his belief goes. An idea is meaningless outside of its social implications, its operation in the real social world. The variant definitions of democracy and the conclusion they cause result from (1) lack of clarity regarding the idea, and (2) the enormous problem of finding means for the participation of the people in group decisions and the political problems involved in making power responsible.

No conception of educational control, however, as is true of social theory generally is made out of whole cloth. No notion of social control is or can be total. Every such theory depends upon certain predicted human behaviors, certain accustomed ways of acting, certain habits of obedience, or deference, all of which can be summed up in a concept of social structure. Though this dependence upon social structure is often not explicit it exists and operates in and

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This does not mean that the consequences are those anticipated in the theory. "Anticipatory accuracy" deals with truth not meaning.
upon the variant connotations of a multitude of common terms. We have tried in previous chapters to demonstrate how this process operates with regard to the terms government, law, constitution, corporation and a few others which are commonly used. It operates also such terms as reason or intelligence, the self and many others which are basic to both educational and social theory but whose meanings do not operate as directly as do those of the political terms.

Since the formal system of educational control through general supervision, local board control, etc. seems so well established as to be unquestioned, educational issues tend to be solved without formal consideration of their consequences upon the structure of society. Charges are made of courses but they seemed to be based often upon fear rather than reason. Changes in the control of education, however, exist implicitly in every suggested change in school organization, administration and even method. A few illustrations may clinch this almost obvious point.

A theory might advance the desirability of pupil teacher planning. This assumption, if accepted, will change, (if it changes anything,) the participation in planning of individuals other than pupils. The elimination of the single textbook and the use of other forms of research affects those types of control that express themselves through slanting and selection of textbooks.

These effects upon the structure of educational decision-making are of even greater importance than the specific suggestions, since
they imply the ways by which the next suggestions are accepted or rejected. If, for example, an administrator accepts and implements a program for pupil teacher planning then the next curriculum must presumably be directed to the pupils and teachers and not to the school administrator. If the theorist or the administrator then changes his mind and attempts to recover his lost authority he is faced by new habits of pride, responsibility and self-reliance developed through the exercise of responsibility. The habits of duty and obedience to superiors which are the true source of his authority are no longer there. As we have said, power or control is not a disembodied force to be summarily shifted from place to place. It is a function of social organization, so rooted in the habits of men that the consequences of its displacement are of equal or greater importance than the consequences of a particular curriculum revision. It binds both the controlled and the controller. A curriculum can be revised, in fact, curricula regularly are, but it is of the nature of power to resist its shift.

The school, in effect, is a government, a power structure, in which decisions are made which are enforced upon individuals, gently, for the most part, but forcibly, in the broad sense of the world, if necessary. As such it is subject to the evils of power everywhere and operates according to principles. We are gradually learning more about these principles. It has been the burden of this study to illuminate the more critical ones, especially to relate the educational profession to the realities of power with which it must, of necessity,
It is not difficult to ignore these somewhat distasteful facts of power. But theories must be judged by the consequences they do lead to and not just those they purport to lead to. It is too easy to assume that the problem of who should control the schools is already solved. The belief that the school is "committed to democracy" is too often used to hide the specific instrumentalities by which that mandate is delivered and enforced. The assumption that the school is ultimately controlled by "public opinion" too often hides the difference, essential if democracy is to be more than form, between public opinion that results from true participation of a community in decisions understands, and public opinion that results from high powered public relations soliciting acceptance of decisions previously made. Pupil teacher planning and the community school will be quite different according to the nature of teachers, pupils and communities. Those who seek freedom in society ignore the question of power only at the peril of both educational and social freedom.
CHAPTER V

SUMMARY AND CONCLUSIONS

This study has contended that the corporate structure of modern social life is comparable in many ways to that of the Middle Ages. The modern labor union suggests the medieval craft guilds; the modern industrial corporation, the medieval merchant guilds; the modern university, the medieval university. Where this fact is recognized, however, and it often is not, the result is either an uncritical glorification of medieval thought or an equally uncritical rejection of it as being inapplicable to modern problems. This is unfortunate. Medieval institutions and ideals affect the modern world, whatever one’s instinctive likes and dislikes. The Middle Ages seem remote, and are; yet a large part of the modern fund of political ideals are either medieval in content or, taking much of their meaning from the rejection of medieval ideals, are thereby affected. In spite of a marked shift from both the basic argumentative scheme and the underlying social structure of the Middle Ages, modern political theory maintains many concepts that were contributed by the Middle Ages and are inexplicable outside of that context.

In the present identification of democracy with compromise and consensus we are inclined to forget that the modern world was born in conflict, not in compromise, and that the revolutions of 1688, 1776, and 1787 are the source of much of our political thinking. On the
other hand, those who emphasize the revolutionary beginnings of
democratic theory or equate ballots and bullets are likely to forget
that these revolutions did not completely destroy the social structure
or the political or economic institutions of the time.

The debt of modern political theory to medieval theory has been
long obscured by the inclination to treat intellectual history as a
morality play, in which the characters were not institutions and groups
but villains and heroes, tyrants and the oppressed. On the one side,
was a tyrannical king claiming a divine right to rule and, on the
other, an oppressed people striving for an abstract freedom. The
Marxist theory of revolutionary change improves upon this somewhat by
pointing out the economic interest involved. This, however, again
makes one institution directive of all the rest. This interpretation
improves upon the moralistic one, yet it tends to confuse the analysis
of facts by overemphasizing the similarities of quite different social
structures and by obscuring the origins and development of popular
sovereignty and natural law.

Research into political theory before the 17th century, however,
has revealed that the doctrines of natural law, contract, and popular
sovereignty developed over a long period. In the 15th and 16th
centuries particularly a considerable literature developed these
ideas in the service of the conception and creation of parliamentary
institutions. In each of the Western European countries parliamentary
institutions emerged which, for a while at least, provided social checks
upon political power. The individualistic theories that emerged in
the 17th and 18th centuries, moreover, were based upon the rejection, in theory, of the social structures upon which those parliamentary institutions were based. Individuals had to be freed from the bonds of corporate and local powers as much as (or more than) they had to be freed from the tyrannies of kings. The nationalism of the 19th and 20th centuries, while it rejected any notion of inherent natural rights, also depended upon the destruction of groups within the state in the interest of centralized national power. Nationalism, in its modern form, means the subjection of all lesser loyalties, such as to church, locality, class or association, and the elevation of a common loyalty to the nation state. This general acceptance of the need for a single base of loyalty, places particular burdens upon understanding the operation of modern multigroup society. As a matter of fact, loyalty to groups survives in spite of the implicit assumptions of modern political and social theory.

The ideas of Hobbes, Locke, and Rousseau are all affected by their rejection of the "corporate" rights and privileges of their time. This fact has often been noticed, though usually in terms of a propagandistic regard for "feudalism," either pro or con.

If there is a standard interpretation of the growth of the democratic ideal, it starts with the premise that the limits of political theory are set by Thomas Hobbes, John Locke, and Jean Jacques Rousseau. Though not completely accepted, these are the names that grace the introductory chapters of texts in modern political theory.
and it is generally assumed that these men set the limits within which discussions of democracy should go on.

An illustration of this attitude can be found in a recent discussion, by a distinguished scholar, of the development in America of the political ideas of democracy. Stuart Gerry Brown says:

The whole of the familiar theory here briefly summarized (the Lockeian theory of popular sovereignty and natural rights) is dependent upon the notion of man as national, yet neither good nor bad by nature. The concept of free government derives from the prior concept of possible alternatives for human behavior. The view of Locke stands at the center between the polar opposites of Hobbes, with his assumption of natural depravity, and Rousseau, with his assumption of natural benevolence. From the one premise individual or oligarchic dictatorship is a logical deduction; from the other follows the tyranny of the majority. Because he chose the empirical method and confined himself to verifiable observation, Locke was able to avoid both extremes while recognizing the equal force of the contrasting insights on which they were founded.¹

This view greatly narrows at the outset the possibilities of examining the democratic tradition. By placing Hobbes and Rousseau at the limits of speculative possibility it obscures their very significant similarities. The usual interpretation is that since these similarities are the possessions of "opposite" theories they must be, in effect, meaningless and, hence, are not worthy of examination. What is worthy of examination, in terms of this argument, is the obvious disparity in the concepts of "human nature" held by the opposing theories. The examination of differences in political

¹ Stuart Gerry Brown, The First Republicans, p. 4. Italics mine.
ideals, then, revolves around the nature of human nature and, in consequence, the variations in political thought are but elaborations of distinct theories of human nature.²

These differences in "human nature" represent, however, fundamental agreements regarding the nature of society and its relation to individual freedom. An important area of examination is thus closed off, a fact that has had an enormous effect upon political theory³ and a subtler effect on the problem of education in a democracy. The essential character of human nature that Locke derives is the fact that man is neither good nor bad, but educable. The possibilities of democracy rest upon the possibilities of education, therefore.

"Education" has two meanings which are now clearly recognized, they have not always been so apparent, however. Formal schooling is one meaning and the effect of the social life itself upon the developing individual is the other. The two are interrelated, of course. If society does not represent, in its institutions and associations, democratic values and behavior, then formal schooling must. If the effect of social life is ignored or deprecated, then formal schooling must take the complete burden of developing the democratic ethos. This places the school in an impossible position. It cannot at the same time perpetuate a myth and critically examine it.

² Hofstedter, for example, in The American Political Tradition makes the nature of human nature more fundamental. He mistakes Hobbes for Calvin, however. This makes a vast difference, since Calvin, when out of political power, thought of society as good.

³ See Appendix.
To limit the possibilities of political theory to Hobbes, Rousseau,
and Locke is not very wise, obviously. To do so sharply limits, by
definition, the possibilities of thought. The fundamental feeling
common to both Hobbes and Rousseau, and which still affects modern
political theory, is the rejection of the semi-medieval corporate
society of 17th century England and its survivals in 18th century
France. This bias is rooted in basic postulates, regarding the
nature of reason, law government and society. It has been transmitted
to modern social science unreconstructed, in consequence of the limits
placed upon the possibilities of speculation and upon the examination
of the conditions of social conflict.

Hobbes and Rousseau rejected Locke's idea of educability. Hobbes
did so for doctrinal reasons, probably, and Rousseau, since he knew
Locke, for the reason that he rejected so strongly that society in
which education in its broader sense takes place. This built-in
bias against "society" in the sense of associational structure still
operates in the implicit assumptions of democracy and accounts for
some of the peculiar tendencies emerging as an increasing awareness of
the importance of society develops. As soon as one emphasizes the
social aspects of human nature, spectres of widely varying intensity,
of course, of the long battle of free democracy of the encumbrances
of nationalistic corporatism, as illustrated in the Stuart monarchy
and the absolutism of Louis XIV, arise. To identify the individual and society or to place them in opposition arbitrarily is an intellectual luxury which only America has been able to afford and which it can do so longer only as its peril.

In effect, an atomistic view of society assumes a paradox. It affirms freedom but that freedom is freedom from society, as well as freedom from the state. The reason for this the state must be used to destroy the old social fabric in the interests of freedom and equality. With society destroyed (at least in theory) the state is the single source of unity, since only the individual remains as the sole source of diversity. The problem of freedom is thus reduced to a sterile dispute regarding the location of the precise division of responsibility between an absolute state and an absolute individual. Meanwhile, those social units which might serve as buffers between the two must take their places, either as arms of the state which take their orders from above or as mere private associations based upon contract which have no responsibility for their recently increasing power.

The consequence is that as the need for some co-ordination, other than the automatic operation of "society," the "market," or natural law," becomes apparent there is no agency to bring this about.

This essentially arbitrary limitation places a further burden (and incidentally its opportunity) upon social philosophy by taking as guide posts three highly controversial figures. The supposedly solid foundation stones, in fact, have been in almost continuous motion as they have been reinterpreted in the light of new knowledge and new needs. For very subtle changes make Hobbes the patron of individualistic utilitarianism and Rousseau the philosopher of democracy. The issue of where they stand is still in doubt. For my interpretation see Appendix.
other than a centralized state. Thus, the powers of the state become greater and it becomes more and more remote from the abilities of most men to understand. It must, in consequence, use the schools to inculcate those nationalistic myths which presumably unify society.

Having separated the individual from society, the democratic aspiration is faced with the problem of getting him back in. Having achieved diversity, theoretically at least, it is now faced with the problem of unity, that is, new forms of social organization. It is kept from facing the issue by a general fear of these remnants of decadent corporate privilege which, on the face, deny democratic values.

The problem of recreating unity within these artificial limitations accounts for the wide variety in specific recommendations of those who hold to very similar premises. Hobbes, Locke and Rousseau divergent as their doctrines are, deal with the same problems and are restricted by the same requirements. We have not as yet evolved any radically new solutions to the problems raised. We have, hence, relied on passion of nationalism or, with but a slight shift in emphasis upon our "agreement on fundamentals" which the new instrument, the public schools, would indoctrinate.

Democratic thought within this period has for the most part shared this bias against groups. Since democratic concept arose with individualism, on the one hand, and with centralized political power on the other, it is assumed too often to be identical with those arrangements and any serious questioning of the fact must perforce be undemocratic. It is clear that the medieval "solution" of a divine
and absolute plan which assigns to each group its proper function, is futile, and always was. If a clear and self-administering delineation of function existed, there would obviously be no social conflict and no problems of regulating it. It is conflicts of function that are at issue, differing opinions of the role of groups. Not only this, but modern developments have shaken traditional views of authority, that is, who shall decide in matters of conflict. The two problems, that of function (what to do) and authority (how to decide what to do) are inseparable.

The solution seems to be not in the creation of new delineations of function imposed from above in the name of a vague community but in the investigation of the techniques and conditions of group conflict and compromise. This latter is an important trend of American social science. It is in terms of the analysis the consequences of social organization for individual freedom, that the combination of educational art and social science must go on. The road does not lie through elaborate schemes for over-all "consensus" or in "agreement on fundamentals." There are two areas that require special concern—namely, (1) knowledge of the honest willing and able use of the techniques and rules of group bargaining and compromise and a willingness to protect the social and political conditions of compromise; and (2) further development of the ability to train intelligence in its social context and knowledge of and willingness to protect the vital social conditions of free inquiry, both within the school and within society.
Conclusion

The democratic ideal of freedom was born in conflict. In recent years the term has reached a state close to that of "that blessed word Mesopotamia," with all intensive meaning lost in order to provide a psychological substitute for the lost security of absolutistic religion. Many men find no established faith adequate to meet the exigencies of decision in the present world. Yet it is clear that decisions must be made, they must be made with some feeling that they are right and they must be made in public ways that will claim the allegiance of other men. Faced with both personal anxiety and international tension, the pressure is great to use the idea of democracy as no more than a battle cry to evoke unified social effort, without regard for the consequences of this particular unification. Conflict continues in the names of the many meanings of democracy.

Certainly much of the present confusion of the concept of democracy is a result of anxiety over both international tension, group conflict, and personal insecurity. It is motivated by the feeling that the confusions, conflicts, and contradictions in American life appear to lessen the chances that democratic values, whatever they are, will ultimately win the current battle of ideas. It seems concerned primarily with searching out basic agreements that will somehow stabilize, if not dissolve, current internal conflict and controversy. We must recognize, however, that the American tradition, democracy
included, is not a monolithic one. Democracy is made of multiple strands which throughout history have interacted and coalesed and show today the effects of that process.

The confusion, however, is not yet chaos. Though we are in many ways unclear as to what democracy is, there is growing agreement on what it has been and what at the present moment it is not. It is clear, for instance, that democracy is not a regime of force. But it is also clear that the proper application of force is sometimes necessary for its preservation. The evidence is abundant that certain governmental mechanisms—elected officials, voting, and constitutions—can be used by authoritarian regimes but there are now held to be as essential as the "spirit" which at times has been held to substitute for them.

Few students of the subject now hold that democracy requires a Weltanschauung infused with the fanaticism of Nazism or communism to direct every effort but they nearly all agree that democracy has implications in many more areas than those strictly political. Democracy cannot mean universal acceptance of a single set of common values but its success demands that men must exist in some relation to each other and therefore hold at least some things in common.

Finally, it is clear that democracy is not static but is a symbol for developing relationships. Complete clarity may not be had as long as democracy exists. This fact is not a refuge for mysticism, however, as some may think nor does it mean that we cannot learn from the past.
The expanse of the unknown is broad even at the frontiers of modern social science.

Within these broad limits a vast area of life and human reactions to life exist. It is clear that the many problems of freedom and power are not to be solved on the folklore level. Slogans and catch phrases are common enough in discussions of democracy but it is clear that they are not adequate to explain the vast intricacies of those systems which have been called democratic. The educational situation cries out for the use of the knowledge of the social sciences but this knowledge does not exist wrapped in neat packages which are labeled like meat in a supermarket. No science is unaffected by the ideas which accompany the social and political changes. This is especially true of the social sciences. The latter are not proof against either the influences of dogma or the demand for freedom.

The task of applying the knowledge and methods of the social sciences is a long and arduous one. The result so far has been a proliferation of problems, not a reduction. The first steps cannot be too hesitant or they will merely skirt the issues rather than grasp them fully. Yet there is a problem as to where to begin. The decision seems arbitrary, there is so much to do.

There are, however, some guides. First of all is the moral insight that freedom is the right of every man and not a favored few. Secondly the term democracy has had its longest use as a designation of a system of government. Its meanings and assumptions in the sphere of government have been carefully examined and it is possible to get
considerable agreement regarding at least its grosser political meanings. The public school is also a form of government. The means of control of education are a part of a much larger system of social control. An understanding of democracy in education requires that the school be viewed as a social structure within which a variety of social activities are in interaction with a multitude of other social structures, quite similar in structure if diverse in aim or purpose. Thus, those who cherish the free mind confront the need to come to grips with the struggles within which the concept of democracy has undergone change. They remain neutral at the peril of freedom itself. They are not in possession of a completed concept which provides them with a directive that need not undergo continuing scrutiny.
APPENDIX

Introduction

Arbitrary definitions of "freedom" or "democracy," "society," "law," "rights," etc., operate to limit our views of the American contribution to the problems of free society. These definitions have served to sanctify cultural or even party-conditioned views of current conflicts. They have also been turned into cosmological views by which to select as well as interpret the facts of history. This fact is of scientific concern at any time but it reaches public concern when public issues affect fundamental differences regarding the nature of society as in disputes regarding the role of the school in the social order or when certain assumptions operate to close areas of public inquiry as they appear to be doing with regard to group organization.

The present concern with growing corporate powers demonstrates that fundamental reorganization of democratic principles is in order to bring those principles into relation with modern social structure without losing their fundamental ethical content. What is at issue is not a tinkering with the techniques of democracy but a reexamination and reinterpretation of some of its fundamental legal and social assumptions which have seemed so far to be so necessary to freedom itself as to approach the point of requiring unquestioning faith.
America seems to have made some significant practical contributions to this reorganization. It has done so, however, not with deliberate intent but in the name of preserving past freedoms. The novelty of the American experience can be seen in terms of a comparative analyses have not so far made much contribution regarding this fundamental issue because of their implicit assumptions and biases regarding "feudalism" or "corporate society." The fact that the general term "feudal" covers a wide variety of group structures has seldom been a part of modern political speculation. On the grounds that it is possible to understand an idea only in terms of its structural context we must examine as briefly as possible some salient facts of group structure and political thought prior to the seventeenth and eighteenth centuries.

Early Medieval Thought

It has been said that the ideal of the Middle Ages was that of unity. Opposed to the confusion of the Dark Ages was the medieval view of the divine order of the universe culminating in one God, one Church and one law. But the unity envisaged by the early Middle Ages was one quite different from that of today. For it was a unity of subsidiary unities arranged in harmonious

1 This analysis must of necessity lean very strongly upon the pioneer works of Otto von Gierke and those of the "pluralist" school of political theory.

2 C. DeLisle Burns, Political Ideals, Chapter V.
hierarchial order rather than a mass of atomistic individuals.

Referring to the early Middle Ages, Otto von Gierke says:

Political Thought when it is genuinely medieval starts from the Whole but ascribes an intrinsic value to every Partial Whole down to and including the Individual. If it holds out one hand to Antique Thought when it sets the Whole before the Parts, and the other hand to the Modern Theories of Natural Law when it proclaims the intrinsic and aboriginal rights of the Individual, its peculiar characteristic is that it sees the Universe as one articulated Whole and every Being—whether a Joint-Being (Community) or a Single-Being—as both a Part and a Whole; a Part being determined by the final cause of the Universe, and a Whole with a final cause of its own.3

Randall describes the medieval ideal in this way:

The fundamental note in medieval civilization is the complete harmony between the individual and the social. Society is a great hierarchy of ascending orders in which every man has his God-appointed function and recognized obligations, and at the same time his rights and privileges. Each man is a member of some estate or group and each estate is an essential organ of the whole, discharging a function at once peculiar to itself and necessary to the full life of Christendom. Only through his participation in this group life can the individual attain his own ends, and conversely, only with the aid of every individual and every group can society afford the appropriate setting for the fullest life of its individual members. All men exist in and for each other, and are bound to each other by an intricate network of mutual obligations.4

It is impossible to generalize accurately concerning social conditions of the middle ages. No general statement could be accurate at all times and places.5 But it is possible to point out those characteristics of the Middle Ages which contrast with current political ideals.

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3 Otto von Gierke, Political Theories of the Middle Age, p. 7. Peculiarities of capitalization and phrasing are the result of the translation.


5 See Rushton Couborn, ed. Feudalism in History, p. 3.
The fundamental fact of modern political theory is the national state. No where until the late Middle Ages is there to be found an unambiguous authority at the head of a unified political and legal system. Society is divided into estates which are highly class conscious but there is no general consciousness of nationality. Power is wielded by a variety of highly autonomous social units, church, feudal manor, independent towns, even artisan guilds. Authority is divided, dispersed and questioned. Decrees of pope, emperor and king which frequently conflict are opposed and checked by local law and custom. Nowhere is there to be found the nation state or the centralized political authority that is fundamental to the political language and thought of today.

The power of custom and tradition in the Middle Ages has been emphasized as if "custom and tradition" were directive forces "controlling human behavior." Custom and tradition in fact, however, operate only through a social structure. Custom and tradition must be interpreted and applied in particular cases, decisions must be made and those decisions enforced. So the power of custom and tradition is in fact the power of those institutions which carry custom and ensure obedience to its mandates.

The fundamental characteristic of medieval socio-political structure is the autonomy of a multitude of highly self sufficient groups. Very little division of labor existed between groups so inter-group adjustment was rarely needed. This situation was not the result of design. There was no centralized power of sufficient
strength and continuity to enforce adjustments among groups and certainly no group devoted to the specialized task of group adjustment. The only resource for the settlement of such adjustments was naked force so the Middle Ages is noted as a period of private internecine violence.

The lack of any means of settling inter-group conflict accounts for a seemingly paradoxical combination in the Middle Ages of a maximum of order and a maximum of disorder. For the medieval society is pointed to as an example of both extreme disorder and continuous warfare and of perfect order. Both characterizations are partly true. On the one hand, within its fundamental units medieval social life was highly controlled. The relations of men were regulated by complex systems of mutual obligations. Outside of the group, on the other hand, there was no accepted system of social relations so force ruled. If one lord coveted the castle of his neighbor there was no power to prevent him from taking it if he could and also no system of economic relationships that would enable him to buy it. The result was order within groups and disorder without. Of course, as the Middle Ages progressed, the church was able in many instances to mitigate this strife. But purely moral appeals, as powerful as these were in a highly religious atmosphere, could not overcome it. Vague ideals of Christian unity could not in themselves meet the need for larger areas of peace and order. The institutional organization to provide a regular system
of established decisions and the power to enforce such decisions was nowhere to be found.

Thus group autonomy was the practical medieval answer to the problem of unity and diversity. Unity within groups and diversity between groups is characteristic of both the social structure of the era and its social theory. Its failure was the lack of an accepted and peaceful method of solving inter-group conflict which as social interdependence widened, became a larger and larger problem.

The modern problem of individual freedom and the relations of the individual and society rarely concerned the medieval mind. Dependence of the individual upon his group was immediate and apparent. The idea of an individual free of these bonds was incomprehensible, yet the problem of group to group relations seemed insoluble except upon the vague and uncertain ideal of God-bidden unity.

The view of the groups as autonomous social units affects all of the medieval institutions. The notion of property essential to feudal society described not the ability of an individual to do what he wants with his own that we take as the basis of modern ideas of property. Feudal "ownership" was a vast and complex system of obligations dependent not upon individual will but upon the mutual relations of men. Where the individual notion of contract postulates a free man acting on free will and responsible no further than the known statements in the written document, the feudal notion carries
with it the possibility of a wide range of obligations inherent in
the contracted relationship regardless of the "wills" of the
contractors.  

Religion to the medieval mind was not a matter of individual
belief or acceptance of intellectual principles that the Protestant
mind emphasizes but an organic relationship to an institutional
structure which affected all of life and not merely a part of it.
A voluntary act of submission to an understood dogma was no part
of the Catholic view. Man was born into a complex of social rela-
tions of which one pattern was that of the church.

Medieval economic structure was based not upon regulation of
compelling social actions by a mechanistic market system but upon
an "administrative" setting of a "just price" in the light of group
organization and group needs. The guild system, furthermore, did
dot deal only with economic relations as the modern union purports
to do but constituted a "way of life" providing a vast number of
social functions and regulating even dress and manners.  

Government and law were not separate and distinct activities
but functions of every social group; each was, in fact, a government
and administered what passed for law. The average individual rarely
came in contact with more than one law. There was no conception of

6 See Roscoe Pound, The Spirit of the Common Law, Chapter I. And
this feudal notion of contract has been preserved to some extent in
the Common Law of England and America.

7 See Towney, Religion and the Rise of Capitalism, Chapter I.
the state as a single body including all the political life of society. No king commanded an administrative machinery capable of defining and elaborating a single system of law or an army capable of enforcing it. One might hold vague hegemony over the larger lords but he was rarely able continuously to enforce his will.

One such institution or corporation was the medieval university.\(^8\) The continuous history of the ideal of freedom in education is concurrent with the histories of universities since the twelfth century. The origin of the modern university is the medieval university or the community of scholars. In fact, the terms universities or collegium were originally general terms referring to all kinds of communities. In the medieval social structure the universities held powers and prestige that could at times threaten popes and kings. As the guardians of learning they held power based on quite practical purposes, training the clerical functionaries of church and state—the bureaucracy of that time.

Regarding their authority Hofstadter says:

In internal matters the universities had the prerogative of self government. They were autonomous corporations, conceived in the spirit of the guilds; their members elected their own officials and set the rules for the teaching craft. Internal matters of institutional government were in the hands of those immediately connected with learning. Each faculty made its own rules. Each faculty elected its own head and held its own assemblies—and it is significant of the internal vitality of the corporate body that assemblies were held very often and in secret—while the university as a whole had its general assembly, the congregation.\(^9\)

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8 The classic on this topic is Hastings Rashdall, The Universities of Europe in the Middle Ages. The analysis here is taken from Richard Hofstadter and Walter D. Metzger, The History of Academic Freedom in the United States, Chapter I.

9 Ibid., p. 6.
It was plurality of interests and powers that ensured the autonomy of the academic corporation. Taking advantage of the relative balance of conflicting powers they could for their own advantage play off pope against king, king against bishop, or both against towns. The suspension of lectures or migration were also threats which at times could be used against political or ecclesiastical interference.

Of course corporate autonomy could no more be identified with individual freedom in the university than in the manor. The regulations of the universities were strict, detailed and rigorously enforced. Both in dress and in doctrine, the individual was subject to corporate power. A student of the history of the University of Paris has said:

More important in the history of freedom in the university than the sporadic intervention of ecclesiastical authorities were the efforts of the matters themselves to regulate and sometimes to restrict the teaching of their colleagues. For the liberties which enabled them to exercise their intellectual functions made possible also the corporate imposition and enforcement of restrictions. Now it was the institution and its parts which not only claimed freedom but exercises control.10

Hofstadter concludes:

Far more than the modern university the medieval university was a self-contained intellectual community; not only did the daring and the novelties it produced come from within, but the pressure for intellectual conformity also came chiefly from within.11

10 Mary Martin McLaughlin, Intellectual Freedom and its Limitations in the University of Paris in the 13th and 14th Centuries, quoted in Hofstadter and Metzger, op. cit., p. 10.

11 Loc. cit.
Actually in some medieval theories academic authority, studium, was the co-ordinate equal of kingly authority, Imperium, and priestly authority, Sacerdotium.

The medieval notion of law derives from the fundamental fact of group autonomy in several different ways. Regarding its content Gierke says:

"It is a distinctive trait of medieval doctrine that within every human group it decisively recognizes an aboriginal and active Right of the Group taken as a Whole."

Thus the group in medieval law had rights that were inherent in its very existence and not subject to the imprimatur of the sovereign. But even beyond the content of the law, the application of legal concepts to the power structure of medieval society could not help but validate the claims of the groups. In the first place, law in the medieval mind stands above the state or the Government. There existed a body of law existing independently of any earthly authority to which all positive law must conform and to which governments as well as individuals must conform. In Gierke's words:

"Medieval doctrine while it was truly medieval never surrendered the thought that Law... does not depend on the State for its existence. To base the state upon some ground of law... the medieval publicist felt himself absolutely bound."

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12 Otto Gierke, op. cit., p. 33.

13 Ibid., p. 74.
This "higher law" much later provided a means of applying to the acts of government as well as individuals the criterion of legality or illegality. Government had no claim superior in law to those of other groups. It could certainly not claim to have made it or to be the sole source of its authority. Since the doctrine of the "higher law" has had and still has powerful influence in American thought even though it was destroyed in Europe, it is necessary to examine the medieval concept, its various interpretations and some of the history of its many variations.

The conception of a "higher law" accounts for the characteristic trend of medieval political theory and explains many aspects of medieval political organization which, from the modern point of view, seem strange indeed. For one thing such a conception rationalizes the coexistence of a number of competing types of politico-social organization which otherwise must appear as mere chaos or anarchy. Group autonomy in medieval theory was not anarchy because all social structures existed under and were agencies of the higher law which supposedly allotted to them their proper place and function. The higher law was enforceable only by the multitude of powers conceived as being under its authority. As this conception permits the coexistence of a number of independent systems of authority without any attempt to bring them into more direct connection than abstract principle, so it postpones the perception of a need for organizing an effective machinery of government. For the "higher law" of the middle ages was thought of as directly binding upon
individuals and groups. Positive law was simply a reproduction of it and therefore it supplied all the organization and regulation needed to bring human relations into order. Conversely whatever existed and was accepted as obligatory on individuals had equivalent claims to being consonant with "higher law." Thus the directive and discretionary element of group organization is theoretically eliminated and attention is diverted from the problem of how to regulate inter-group conflict in terms of consequences to a more or less barren insistence on the necessity of the performance of functions.

The effect is that the social organization of the moment is sanctified and law is tied to custom and tradition and the actual discretionary powers of groups. The institutions of the time come to be regarded as unchangeable embodiments of the divine will and each developed a legal system and set of laws applicable only to itself. This of course was not the intent of many proponents of the "higher law." There were, however, a variety of sources and means of interpreting the "higher law." The modern political theorist is aware to a much greater extent than his medieval counterpart that the power of interpretation of law, particularly one so vague as the "higher law" is easily converted into a power of making law on the one hand or dispensing with it altogether on the other. Thus,

A very careful analysis of this issue is to be found in John Dickinson, Introduction to The Stateman's Book of John of Salisbury. Some implications of this as related to local autonomy and the "higher" law are suggested in chapter.
within a broad agreement on the existence of a "higher law," there goes on a legal dispute regarding the authority to interpret the law that is closely related to the political dispute of who should implement it. The theoretical dispute is shaped by a gradual reduction in the number of bodies capable of implementing law which finally results in the establishment of a single power structure authorized and able to state and enforce law for a social whole.

The Idea of Sovereignty

The static, divisive character of the feudal views of society was contrary, however, to the trends of the times which was toward continuously wider organization of social life. The social unit of later times was too large to be based upon the usages of small groups. The growth of the western world was based upon the creation of social units larger than the autonomous groups of early Middle Ages and a scheme of regulation unbound by local custom and corporate power. First the church and then the national state took this function upon themselves.

To find a scheme of authority for the envisaged centralized power it was necessary to find some other ground than feudal law. This was to be found in the books of the Roman law which were

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For an excellent discussion of this issue in relation to the problems of modern democracy see Carl J. Fredericks, The New Image of the Common Man, Chapter II.
rediscovered in the eleventh century, the "reception" of which F. W. Maitland places on a plane equal to other "R's" of Renaissance and Reformation. It has been said that "we may register the fact of the authority of Roman Law without giving complete explanation of it." Between the 12th and the 16th century came first the revival of the study of the Roman Law and then its penetration in varying degrees into the laws and customs of all kinds of groups. Finally there occurred in Germany that complete reception of Roman Law which was but an extreme case of what had been going on elsewhere to the least degree in England.

The dependence of modern political theory upon the classical theory of Greece and Rome is often remarked. The similarity of conceptions and terminology in the two periods is much greater than that with the more recent medieval period. This is due partly to the survival through the middle ages of some rudimentary knowledge of Roman Law, but primarily to the rediscovery of the Codes and Commentaries of the Byzantine period, particularly the code of Justinian. Roman theories of law dominated the canon law and, supported by the church, they came to be the law of the educated classes of the middle ages. The feudal law was still a primitive and disorganized law so it stood little chance in a contest with

16 Myron Piper Gilmore, *Argument From Roman Law in Political Thought* 1200-1600, p. 3.

17 See Paul Vinogradoff, *Roman Law in Medieval Europe*, Chapters I and II.
the developed Roman system. This affected political theory even more than it did legal practice for even where as in England the feudal law was strong enough to preserve its fundamental identity in the common law, nomenclature and philosophy were Romanized to an extent that the universals were Roman even while the particulars were feudal. On the continent where there was no law common to a nation Roman Law completely supplanted the previous feudal conceptions.

Since political argument was highest in places where the Roman influence was most powerful the theories of Roman Law came to provide the common language of political argument. Since, however, the Roman Law was being interpreted in terms of medieval institutions or developments from them it is necessary to see how these inter-related.

Though both Roman and feudal conceptions of law had "right reason" for their source and both ultimately were based upon customs and traditions of groups, the theoretical effect of the Roman approach was to establish at a single source the authority to support one interest and destroy another. But this required a concentration of power sufficient to make the will of the sovereign effective. From it also emerged the idea of making law.

In the Roman view the power of making laws was in the populus Romanus. The magistrate had imperium, the power to command the

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18 This affected even Eracton. It confused John Adams, whose "feudal law" describes The Roman Idea of Law as opposed to the Common Law which was in our terms, feudal.
citizens. Later the emperor had delegated to him for life not only the executive power but the legislative power. In this way there arose in the Byzantine period the conception of a sovereign in whom all the law making and all the coercive powers of organized political society were concentrated and this conception was handed down to the modern world in the law books of Justinian.

The fundamental tendency of Roman Law and ancient political theory was contrary to the feudal mode of thinking. For the Roman Law as it appeared in the 12th century was based upon a practical as well as a formal unity. Its basic impulse was to transcend the limits of local custom and base a universal law upon the principles of universal reason. Positive law had to be separated from its roots in local mores so it was attached directly to the universal principles of right reason. But even the universal principles of right reason had a way of receiving distinct interpretations so a principle was evolved to grant to a single view the aura of authoritative declaration: *quod principi placuit leges habit vigorum*—the law takes action as the will of the sovereign. This separated positive law, that which is to be sustained and administered by the official agencies from both Natural Law or right reason and customary law or the mores. This completely denies the medieval idea that the king rules under God and the Law. To justify this power the Romans evolved the principle of a grant by the people to the sovereign of the right to rule.
Though this ideal never completely prevailed it did become the rationale for each group that attempted to lay hold of the power to regulate all other groups in its conception of the common interest. For what the sovereign willed had the force of law. Law was not fundamental and eternal lying back of all statutes but it was the will of this sovereign or that. Though the sovereign might have moral duties they were incapable of legal limitation. They might rule under God but they certainly did not and could not rule under law. In the Roman concept it was necessary that all public power in the hands of magistrates, local lords, etc. be subjected to the authority of the central power. Such officers were to be agents of the sovereign not independent authorities. There was, however, a long gap between theory and practice for such an ideal is truly possible only in conjunction with an equivalent concentration of power and an effective administrative organization.

In order to do this it was necessary to establish the power of the sovereign over all the other organized groups whose rules had the force of law. The inherent rights of groups involved in medieval thought and practice had to be destroyed and finally the groups themselves had to be destroyed or at least their powers relative to the sovereign greatly reduced. This occurred through the use of the Roman concept of the corporation as a persona ficta. Instead of their powers being ordained by God's plan of the universe or by custom and tradition the organized group could find a place in law only as a fictitious person subject to the will of the
sovereign and existing only by his approval. 19

First the Church and then the national state took upon itself the task of providing unity and order to counteract the plurality and confusion of the Middle Age. Yet each drew upon the common-stock of concepts deriving from the Roman ideal of unity. 20 These forces ranged themselves against localism and customary law even as they pledged their allegiance to the past or momentarily allied themselves with one or another medieval institution.

There was on the other hand throughout this period a variety of reactions to centralization of authority based upon lesser social structures and preserving for the modern world the feudal ideal of natural order and checks and balances which is the source of much of modern constitutionalism. These movements placed limits upon centralized power and affirmed the rights of a variety of groups. One aspect of this was movement within the Catholic church opposing the growing centralization of authority in the Pope. These movements culminated in the conciliar movements of the 14th and 15th century and produced the very refined theories of parliamentary rights and popular sovereignty of Gerson and Nicholas of Cusa. 21


20 Aquinas on these grounds was rather "modern" drawing as he did from Aristotle and from Roman Law. The doctrine of two swords is a development beyond early medieval theory when the swords were many.

21 See John Neville Figgis, From Gerson to Grotius, particularly Chapter II.
These ideas further developed in a multitude of theories designed to support the rights of the estates against the rising power of monarchy. These theories constitute an aspect of the democratic heritage that is too often ignored.  

The Nature of Corporate Nationalism

The long period between the Middle Ages proper and the modern period has been interpreted in its political phases as the growth of the national state. From the 13th century on there is growing realization of the power of national monarchy and a growing awareness of interests and values common to all men of the same nationality. The importance of nationality in modern political ideals leads some to overemphasize the growth in this period of national power and centralized government as evidenced in the absolutism of the renaissance despots. This emphasis tends to obscure the profound differences in social and economic structure upon which modern nationalism and renaissance nationalism are based.

Nationalism in its modern form means the subjection of all lesser loyalties to Church, loyalty, class or race to a common loyalty to the nation state. The nation is a mass of approximately equal individuals which is the fundamental carrier of social and

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For some of the few who do not see the works of A. D. Lindsay and Carl J. Fredericks particularly the latter's, The New Image of the Common Man.
cultural unity. Modern nationalism, developing from the French Revolution specifically rejects the importance of orders and hierarchies within the state.

The nations which developed after the Middle Ages, however, were not until the nineteenth century considered as masses of individuals. It was only after these called "middle class" revolutions that class, rank and functions lost their importance. That corporate privilege and structure was at the time of the French Revolution degenerate should not lead one to conclude either that it did not often hold considerable power. From the 13th to the 17th centuries actual power was not necessarily in the hands of kings. Great corporate bodies, church, nobles, national in extent but very largely free of external regulation held wide powers over their members. Conflict was rife but it was conflict among and within the great orders resulting from the fact that no one held absolute power. The vertiges of representative government had taken root in custom and tradition and as the conflict proceeded were in continuous change and gradually, though not steadily that developed many characteristics of modern parliaments. It was through these national institutions the corporate power first rose and finally disintegrated to the point where it was ignored by powerful kings such as the Tudors and Louis XIV and replaced in the revolutionary

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periods by modern parliaments. There is evidence to suggest that even under the absolutists there was, because of the lack of efficient administration, a large degree of corporate autonomy but this would take a return to original sources which this study cannot include but only guess at.

To indicate the general structural characteristics of this period of mercantilism in economics, national churches in religion, and the representation of orders in parliamentary institutions, the term "corporate nationalism" is here used. This separates this period from the isolated "communal" society of medieval society and also the atomistic nationalism that follows the French revolution and to some extent the Civil War in England though it was not completed until the Reform Bill of 1832. This enables us to study the social structure of the time in its own terms and not as a subdivision of the economic structure.

The political theory of the 16th and 17th century which is the source of many modern concepts is the result of the multifold conflicts among these groups and their interwoven connections. Each group had its positions of power and its spokesmen. Their words are known to us but the context of those words are less well known. This is particularly unfortunate because behind the deep and bloody conflicts of the age the seemingly minor points which divided the interests of the church, the king, or the merchant, or the landowner there is a curious unanimity, a gradual shift toward agreement on certain fundamental concepts which set the tune of all writings
even when their conclusions lead in opposite directions. These fundamental assumptions are also the product of their age but their adjustment is to deeper trends than momentary group conflict. They reflect movements in the fundamental structure and forms of power rather than the temporary shift of authority from one place to another. The influence of such concepts is so pervasive that only the highly specialized scholar can trace their practically invisible but influential motion.²⁴

The 16th and 17th centuries mark the high point of the corporate state and its decline and final rejection in favor of individualistic nationalism. They also mark the high point of the theories of natural law and the governmental contract which grew since the 13th century until they appeared as the fundamental principles of all theories and also take on a new and progressive content.

In this period of corporate nationalism the main contestants for power were the great corporate bodies grouped in the rudimentary parliamentary institutions and the "establishment" of the king. The specifics of political theory adjusted to strengthening the powers of one section or the other of society. The two parties divided on the issue of the authority of monarchs. One side called the Politiques of whom the greatest was Jean Bodin, claimed that the monarch was limited if at all only by his own perception of "natural law and right reason."

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The one who did study the change in concepts did not relate them to specific social forms. Cf. Otto von Gierke, The Development of Political Theory.
The Politiques drew upon the Roman notions of law and sovereignty to uphold the unlimited authority of the king. Facing the conflicts of the age they saw no hope of a restoration of peace and order save through the suppression of all the parties and corporate powers and the assurance of unquestioned supremacy to the monarchy. The foremost of the Politiques was Jean Bodin whose *Republica* published in 1576 rejected the theological mode of argumentation and spoke with the spirit and method of the Renaissance. The state to Bodin is not an organization of corporate bodies but "an aggregation of families and their common possessions, ruled by a sovereign power and by reason."  

"Sovereignty," he said, "is supreme power over citizens and subjects, unrestrained by laws" even of his own making, for "as a prince is bound by no laws of his predecessor much less is he bound by his own laws." Bodin's opinion of the ideas of popular consent of the Monarchomachs is reflected in this statement:

The opinion of those who in books scattered broadcast have written that the king is bound by the popular command must be disregarded; such doctrine furnishes seditious men with material for revolutionary plots and leads to disturbance in the commonwealth.  

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27 Ibid., p. 233.
A single supreme authority is essential to peace and order and "it may be truly said that supreme authority in the state is comprised in this one thing namely, to give laws to all and each of the citizens, and to receive none from them." 28

Bodin's view of society exemplifies a transition between the ideas of Aristotle and the later social contract theories. He sees the state as an aggregation of groups, a novel view in itself but in order to cut away the supports which religious and feudal faction found in the assumed rights and privileges of medieval corporate bodies he "iterates the doctrine that they have in them no innate vital principle, but are purely creatures of the sovereign's will." 29 Thus the guilds, trading companies, colleges of magistrates, provincial estates and other public bodies are all subject to the power of the French king.

Bodin accepts the infinite variety of rights and privileges and immunities within society but affirms that all are equally subject to the sovereign. To those who would claim that custom provided a check upon the sovereign that had the force of law he answered in terms the modern sociologist would deny that:

... The power of law is far greater than that of custom, for customs may be superseded by laws, but laws are not supplanted by customs; it is within the power and function of magistrates to restore the operation of laws which by custom were obsolescent. Custom proposes neither rewards

28 Ibid., p. 236.

29 See Dunning, op. cit., pp. 87-93, quotation is on p. 92.
nor penalties; laws carry one or the other. In short, a
custom has compelling force only as long as the prince, by
adding his endorsement and sanction... makes it a law.30

Bodin separated himself from Machaivelli, however, by affirming
that the natural law of reason and right stood above the prince
and that he was subject to the sovereignty of God. The prince,
however, was the one to interpret the will of God and if he erred
the only recourse was to God's punishment. Bodin's approaches the
later contract theories by suggesting a previous state of nature
but he starts not from the individual but the family. The family
was the only "natural" association upon which the secondary "civil"
associations were built up. Bodin's very extensive treatment of
associations "completed the long process through which Roman private
law of corporations became a determining factor in public law and
political theory,"31 but the actual effect of this theory rested
upon the relative power of the monarchy and the various groups to
enforce their own views of right and justice.

The partisans of monarchial power carried over the papalist-
Roman tendencies toward the exaltation of the centralization and
self limitation of authority for the glorification of the centralized,
powerful nation state. The partisans of the powers of the estates,
however, championed limited monarchy, the establishment of the govern-
ment upon the consent of the governed, and the check and balance of

31 Dunning, op. cit., p. 92.
power. Their ideal was not that of democracy as we now know it but the ideal of an aristocratic republic such as existed in the Italian city states, Geneva, and the Dutch Republic. In spite of the violence of social conflict during this period, the fact that these theories were so similar accounts for the notable switches from one side to the other according to the fortunes of the favored group and the civil wars of the times.  

It is through the monarchomachic writers that there is preserved the medieval emphasis upon divided authority and power limited by external checks which emerges in the American Constitution. The monarchomachs took the ideas of the consent of the people, governmental contract and natural law that were developed by the opponents of papal sovereignty and applied them to the limitations of the estates upon the king. They took their name from the fact that some of them defended the right an individual to kill a king who went beyond the bounds of law. Such an argument may have symbolic appeal but it has little practical consequence. Of much more practical consequence was the theory that the Estates were the proper representatives of the people who, holding power, might effectively limit the king.

The famous Huguenot tract the *Vindicia Contra Tyrannos* establishes the authority or sovereignty of the whole people. Kings are elected by the people or, if the kingship is hereditary, their claim

One writer of the time, Francis Hetman, is noted for both his *Monarchomach* and his *Politique* tracts.
is established and continued by the people. Those in hereditary line "are not born kings; they rather become such; they are not deemed kings so much as candidates for the kingship." The people as a whole, then, is sovereign, instituting kings for the common good and deposing them should they do otherwise.

Making the distinction between the officers of the kingdom and those of the king, this tract finds the latter to be "ministers servants, domestics of the king instituted only to obey him." The former however are:

Associates of the king in the administration of justice and as partakers of royal authority are bound, like the king himself, to administer the affairs of the commonwealth, he, as chief among them, holds first place only in degree. As the whole people are superior to the king, so their representatives, though individually inferior to him, should in the aggregate be counted superior to him.

Thus: "It is not merely permissible to the officers of the kingdom to repress a tyrant; it is incumbent upon them as a part of their duty." It is the responsibility of the whole people, "the electors, palatines, patricians, assembly of estates, etc." to guide and correct the monarch at all times (not merely advise, as Bodin holds) and:

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33 These quotations taken from Coher, op. cit., pp. 207-222.


If the tyranny has proceeded so far that it cannot be destroyed save by armed force, then it is lawful for the representatives to call the people to arms, enroll an army, and employ not only the valiant strength of the nation, but even strategy and deceit against the enemy of their country.  

This type of argument is often identified with Calvinism as opposed to Lutheranism which finally made the king divine. Calvin for example in his *Institutions of the Christian Religion* insisted that kings were to obeyed:

... even an individual of the worst character, one most unworthy of all honor, if invested with public authority, receives that illustrious divine power which the Lord has by his word devolved on the ministers of his justice and judgment, and that, accordingly, insofar as public obedience is concerned, he is to be held in the same honor and reverence as the best of kings.

This applied, however, to individuals. "I speak only of private men," Calvin said. "Magistrates" share equally the divine sanction and:

When popular magistrates have been appointed to curb the tyranny of kings (as the ephori, who were opposed to kings among the Spartans, or tribunes of the people to consuls among the Romans or demarchs to the senate among the Athenians; and, perhaps, there is something similar to this in the power exercised in each kingdom by the three orders, when they hold their primary diets). So far as I free from forbidding these officially to check the undue license of kings, that if they connive at kings when they tyrannize and insult over the humbler of the people, I affirm that their dissimulation is not free from nefarious perfidy, because they fraudulently betray the liberty of the people, while knowing that, by the ordinance of God, they are its appointed guardians.

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In addition the Calvinist regard for "the elect" always operated to confirm the privileges of an aristocracy.

That this was merely Protestant doctrine is denied by an examination of On Kingship and the Education of a King, by a Spanish Jesuit, Juan de Mariana. Mariana had written a History of Spain which impressed him with the relatively large part played by the Cortez in the growth of monarchy. In his political works he justified tyranocide on the ground of the superiority of the people to the king. But the term "people" he applies directly to the Estates of the Realm as organized in the Cortez. The Cortez is the formulator and guarantor of the law by which the monarch is restrained and Mariana mourns over its decline. Although he naturally dwells upon the supreme importance of the ecclesiastical element in the Estates, his emphasis on these points is not stronger than that of the Protestant controversialists.

In the northern Netherlands, as in Geneva, conditions were particularly favorable for the predominance of corporate organization over the royal power. Amsterdam was the center of banking powers that dominated northern Europe's money market. Other cities were centers for powerful trading groups preserving many of the cosmopolitan traditions of the Hanseatic League. The Renaissance

39 See Dunning, pp. 67-76.

40 The Spanish equivalent of the estates.

41 See ibid., p. 74. The more refined theory of Suarez placed the Church much higher.
came to this area patronized not by royal courts but by solid
burghers. Royal power had been in the hands of foreign rulers.
There was no long line of native kings or customary evolution of
royal institutions.

It was a German jurist, a Calvinist trained at Basle, a
professor at Herborn in Nassau and for 34 years, 1604-1638, chief
magistrate at Zmeen, an imperial city on the frontier of the Dutch
Republic, who developed "The systematic political doctrine which
embodies most distinctly the influence of conditions in the
Netherlands at the end of the 16th century," and which also
most consistently states the views of the monarchomachic, Calvinist
view of popular sovereignty and representative government. The work
of Johannes Althusius, primarily the Systematic Politics, Confirmed
by Example From Sacred and Profane History, published in 1610 was
for a long period almost unknown to political theory before the
exhaustive research of Otto von Gierke and the popularization by
the pluralists such as Figgis, Basher, Maitland and Laski.

Althusius dwelt heavily upon the ideas of contract common among
the Calvinists but the novelty of his theory is its careful defense
of the rights of corporate bodies between the state and the individual.
Human life is necessarily associational, he finds. The individual
is dependant for his effectiveness and fulfillment upon groups. The

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Dunning, p. 61.
state he defines as "a general public association in which a
number of cities and provinces, combining their possessions and
their activities, contract to establish, maintain and defend a
sovereign power." The members of the state are not individuals
but lesser corporations hierarchically organized possessing inherent
rights for whose defense they may withdraw at will from the union.

Althusius went to the extreme wing of the antimonarchists by
establishing sovereignty in the people as organized into groups.
The general government was completely subservient to the totality
of the corporations. The duty of all individuals including officers
of the state is to submit to and enforce the laws in which the will
of the sovereign people is embodied. Althusius makes the same
familiar distinction between officers of the general government—
the "chief magistrate" and the officers of the various groups for
which he used the term "ephors." The former are merely the agents
of the sovereign power. The king is bound by contract in which the
people are assigned the advantageous role of stimulator. Derelic­
tion of duty calls into action the right of disposition and resistance.
But these duties are the prerogative not of individuals but of the
"ephors" which represent the people and are the organs of their will.
The assembly of ephors has the right to resist and depose the king
but each unit has the right and duty of renouncing its association

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43 Quoted, Dunning, p. 63.
44 Thus coming closer to Locke's concept of the government as
agent than had the contract theorists before.
completely and joining another realm. The individual can only interpose passive resistance against unlawful commands. The functions of government are limited by nothing but the will of the people as expressed by the ephors. It must carry out a wide range of concrete activities for the supervision of religion, morals, general social conduct and positively promote industry and trade. There will be a state church with a school system under its direction and a far reaching censorship of morals, though Althusius counseled tolerance when repression would split the state.

The effect of Althusius's argument rests upon his glorification of the Estates as being exclusively the body to depose a king and indeed to direct him in the day to day operations of government. Though he located sovereignty in the smallest corporate bodies only the ephors were able effectively to express it. Althusius then, in fact is upholding the powers of the estates against the king, the corporate body against the nation and the established institutions against individuals. Ultimate and unrestrained authority emerges once more in the corporate bodies, singly and collectively, that make up the state.45

The general tendency of these anti-monarchist arguments is to destroy the autocracy of the king and to substitute the sovereignty of the estates. The corporate life which the estates represented, however, was continuously becoming more hierarchical. Class distinctions were splitting the guilds. The towns were losing their

45 The comparison to Calhoon is obvious but this is rarely made in comparative studies. A suggestion for research relative to this comparison is made on p. 84 of this study.
close communal spirit to increasing hostility between the rich and the poor. Lacking anything approaching an electoral system the representatives of these groups were coming to represent only the privileged members. So government by the estates was becoming government by a privileged aristocracy remote from the "common people" and fearful of the loss of their accustomed privileges. Thus Dunning can say:

In a large sense the theory of popular sovereignty at this time was not revolutionary, but reactionary; it presented the familiar phenomenon of a philosophy based upon a system of institutions that was passing away. For the practical demand of the assailants of monarchy was that the feudal aristocracy would resume the sway which the monarchs were taking from its hands. The 'sovereignty of the people' as set forth especially by Althusius, was wholly opposed to the consolidation that was going on and that could be perfected only by the national monarchs. Hence, the theories ... failed of realization in the principal kingdoms, and the absolute monarchy continued its work. Only when a new content was put into the old formula of "popular sovereignty" was the dogma properly adaptable to revolutionary propaganda.\(^{46}\)

The defense of the rights of estates after Althusius tended toward theories of "balanced government" which allowed varying degrees of independent power to kings. It is quite clear the authority desired by the monarhommachs has a human source. The acts of kings are to be subjected to human reason but there is much less clarity regarding the institutions through which this authority is manifested. "The People" in these theories is an elusive concept being applied sometimes to the groups that make up the state, their leaders, of the

\[^{46}\text{Ibid.}, \text{pp.} \ 77-78.\]
organized assemblies. In Dunning's words: "in no case will it be conceded that the population as a whole conceived as a multitude of individuals, is to be recognized as an embodiment of political power."\[47\]

The Decline of Corporate Society

Throughout this period monarchy in England and France was gaining power at the expense of the rest of society. Lesser baronies were being subjugated, the "Kings Peace" was being extended, and larger areas were coming under the hegenomy of national rulers. Monarchy was not yet powerful enough to organize society according to Bodin's blueprint but it was sufficiently powerful to alter greatly the context of the contest so that the issue in later years was not between society as reflected in the corporate bodies and the state as reflected in the government but between different divisions of government.

The characteristic political pattern of corporate nationalism is the uneasy "co-operation" of royal power and corporate power. Though monarchical absolutism disrupted corporate activities and was in continuous conflict with them it was still largely dependent upon them. When it had other forces to draw upon as the Tudors drew

\[47\] Ibid., p. 79.
upon public opinion it could gain power but kingship was finally dependent upon corporate power. The time was not yet ripe for direct totalitarian control of a centralized bureaucracy though at times some monarchies may have approached such an ideal.

The history of the two centuries before the French Revolution is the history of the gradual disintegration of corporate powers. This disintegration took place in quite different ways in France, England and northern Europe. In France of course the parliamentary powers of the Estates disappeared. From 1612 to 1789 the French kings ruled without the Estates and recalled them only for them to be destroyed. The foci of resistance in France were not the concentrated Estates General but were Parlements. In northeast Europe the Estates established supremacy over national monarchy with the result in the Netherlands of the Aristocratic republic and in Germany of the multitude of semi autonomous princely states.

In each case there was a close interdependence between the royal power and the powers of the Estates that came to develop a legal connotation. Society in the sense of sanctioned associational life and the state were nearly identical. Power was shared not for any reason of principle but merely because no single power had the wherewithal to achieve unity without the cooperation of the others.

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This term is used loosely so as not to go into the problem of just what groups the Tudors drew upon. The point is that they drew upon those groups under represented in parliament.
If the strictly feudal period is one that blurs the distinction between public and private by making all law private the later period blurs it by making all law public. This situation of the interdependence of king and Estates accounts for the break of emerging liberalism with the ancient corporatist tradition. The Estates which were once rivals of kings became united with them to preserve those ancient rights and privileges, which, as time passed, lost their social usefulness and interfered every more with rising and progressive social interests. To break the legal authority of corporate privilege requires the use of extra legal measures. France achieved it in the cataclysm of the French Revolution and left a heritage of anti-corporate bias that effects our thinking in the present day. The English revolution on the other hand was a process of extending over two centuries of gradual if frequently violent change.

The political theory of late medieval and early modern times has already established the supremacy of the state and of legal power. The question still to be decided is who shall have the preponderant authority within the state. This is the issue upon which the theories of checks and balances emerge. All social unity comes to be related to the supremacy of the state so if state power can be concentrated then there will be one ultimate source of both power and authority. Thus Gierke says:
Even in the Middle Age the drift of theory set incessantly towards an exaltation of the Sovereignty of the State which ended in the exclusive representation by the State of all the common interests and common life of the Community. ¹⁹

The checks upon absolute power are no longer outside the state in the inherent rights and powers of highly autonomous groups. Checks upon absolute power exist within the state among the various divisions of government but the state itself, the total organization of corporate bodies, is absolute and unlimited.

These changes in group structure taking place throughout the period of the growth of the national state account for some important changes in political theory. This change will be here referred to as "the politicalization of life." In it group powers and rights come to take on legal and political trappings and gain the authority of national law. The isolated corporatism of the early middle ages where the law of the state and the laws of society are distinct gives way to nationalized corporatism where all social control relates directly or indirectly to legal arrangements. The sources of corporate authority are in ancient grants and charters and in the decisions of parliamentary bodies and local courts. The protection of these rights lies not in the ability of groups to defend themselves directly or by merely ignoring outside powers but in their powers in the developing parliaments. The checks upon excessive power lies not between the state and groups outside the state but between parts of the state—kings against estates or

¹⁹ Gierke, Political Theories of the Middle Age, p. 98.
one estate against another. Social philosophy then takes on a legal
or political cast which assumes that all interests must be based
upon legal prescription and political argument deals with juris-
diction and rights rather than functions and value. The "higher law"
comes to be identified not with God's will but with established
constitutional practices. The effect of this upon the problems
of politics is that if the legal structure needs change there is
no "fulcrum" outside it from which to work. Any change must be
"revolutionary" in the sense of extra-legal.

Corporate structure which in the 13th century was representa-
tive of active and widespread social interests was by the 16th century
acting merely to preserve the trappings of static privilege. In
the 17th century the estates had even lost their powers to defend
themselves against the royal power and held their privileges at its
sufferance. The most nearly "absolute" monarchs were able to
manipulate the corporate powers even though they were at the same
time dependent upon them collectively.

What happens in terms of group structure is this: the old
corporate structure degenerated and with the aid of the state
developed into a class structure. If a corporate body is to preserve
its unity as it enlarges it must become hierarchial for enlargement
means greater division of labor and requires greater co-ordination.
Certain persons come to hold controlling positions and between
these and the ruled there develops an increasing division. In small

50 This was particularly true in France.
face to face groups the ruled as a whole are able to control the ruler by simple social pressure but as the job of ruler becomes more complex this process becomes more and more difficult and finally breaks down. If democratic institutions and habits within groups can be developed to supplant simple pressure the ruled can retain their powers or if they are able freely to leave the group they can gain new powers or retain their powers by the threat of revolution. This process, however, is infinitely complex and requires much more than simple voting for even in that form of group government the few have a great advantage over the many.

As this separation between ruler and ruled affects more and more groups within a society there arises a sense of common interest among the rulers of the various groups and the ruled of the various groups. This is the origin of a class structure as it evolves from a local or corporate structure. The rulers find common cause in combining their separate powers to mutually protect their privileges and also restrict the right of new groups to form. This common interest forms the basis of power and authority common to all groups within say a national unit. Though they retain allegiances to their corporate bases the ruling classes have in common an interest in the legal support that sovereign power gives them. The ruled on the other hand come to recognize their common lack of privilege. Shut off from the right of removing themselves from the corporate structure their common interests lie in the destruction of the

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"One of the signs of the decay of feudalism in the West is the emergence of the idea of government by a group of Aristocrats." Coulburn, op. cit., p. 18.
privileges of the rulers. In this way a "class" of ruled emerges from the older corporate structure. This is a large mass is of course a much slower process. 52

Now this process takes place in every group through at very different rates. There is no necessity of postulating the causative effect of one set of relations. It has happened in churches, economic groups, local government and social structure. There is also no reason to assume that the outcome is particularly "individualistic" even though at times the new group structure is hidden in semantic camouflage.

This process is generally illustrated in the evolution of economic forms but these forms do not "determine" all the rest. In the final decay of the guild system they established, there is an increasing conflict between different levels of the corporate system. Gaps open between the large and the small landowner, the large and the small merchant, and the master and his apprentices. But rulers are of no value when they have no one to rule so if no other alternatives are available they must band together and then ally with the state to stop the formulation of new groups and retain their own powers. Thus the state is supported by the joining with it of corporate ruling groups which at one time resisted it. This finally became in many nations the only function of the estates, the support of existing privileges. But then the corporate

52 It is at the points in American history that this process appears that need particular study. This happens, however, at the state level since no single group can dominate the national government.
leadership gives up power for privilege. They lose contact with their independent sources of power and become more and more subject to the king. The decay of the French aristocracy during the abeyance of the Estates General illustrates this. The Estates in parliaments are able to act only on the basis of unanimity and the only thing they all have in common is the shell of their traditional privilege, the trappings but not the substance of power. An "aristocracy" as a single group is the result of a process of development by which internal conflicts among corporate owners are gradually suppressed in the interests of showing a common front to the "underprivileged."

This development leaves unexpressed an ever increasing fund of unsatisfied interests searching for some form of expression, which provides for those who will tap it a source of tremendous power. For what unifies the outgroup is the common lack of privileges. As privileges and law become identified then the unprivileged develop a disregard of the law or at least the feeling that their true interests depend on the destruction of established institutions. This enables a personality or group to bypass to some extent the established parliamentary and legal forms and, if the pressure of interests is powerful enough, destroy them completely. This is what Henry VIII and Elizabeth did so well. The Stuarts, however, failed to the advantage of Oliver Cromwell.

As the corporate state degenerates ever new forces emerge which have no means for joining the leadership group. Cut off from official status by the ruling combination of royal power and
obsolescent corporatism, their power grows and so does their discontent. This is the social foundation of the revolutions of the 17th and 18th century and the rise of liberalism and individualism.

As the privileged groups can agree on little but the preservation of their privilege their opponents have rather little in common except their common hostility to corporate privilege. Yet that corporate privilege is now deeply rooted in laws, the state, and in constitutional procedures. The emerging interests distrust the rule of law and the constitution as shaped to the corporate state yet they are forced by the lack of other outlets to grasp and use that power to destroy the last vestiges of privilege. This is best illustrated in the French Revolution when all these forces broke out at once and the resulting conflict resolved itself in the Napoleonic absolutism which made France finally a nation. The English Revolution which in these terms lasts from 1640 or before to 1832 shows the same developments but not so sharply.

The contrast with the ideals of the declining corporate state accounts for many of the characteristic political ideals of the "middle class revolutions." The revolt of individualism against custom, tradition and corporate power takes place in every area, though not necessarily all at the same time.

The Marxist view of society ascribes all of these various changes to the rise of capitalistic economy showing itself in the various aspects of life. A group analysis which, on the contrary, takes as fundamental the evolution of group structure in each area,
should deny this, and accounts for the relationships among these
groups by their common opposition to the consolidated but degenerate
corporate state.

It would be worth while investigating how "individualistic"
these revolutions really were. Tawney suggests at many points
that the early Puritans were not at all so. Opposing the idea that
English Puritanism destroyed social restrictions he points out that:

That it swept away the restrictions imposed by the
existing machinery is true; neither ecclesiastical courts, nor High Commission, nor Star Chamber, could function after
1640. But if it broke the discipline of the Church of Land
and the State of Strafford, it did so as a step toward
erecting a more rigorous discipline of its own. It would
have been scandalized by economic individualism as much as
by religious tolerance, and the broad outlines of its scheme
of organization favored unrestricted liberty in matters of
business as little as in the things of the spirit. To the
Puritan of any period in the century between the accession
of Elizabeth and the Civil War, the suggestion that he was
the friend of economic or social license would have seemed
as wildly inappropriate as it would have appeared to most
of his critics, who taunted him, except in the single matter
of usury, with intolerable meticulousness.

In the field of religion the theoretical revolution took place
with Luther but practical freedom of religious belief failed to
appear for nearly two centuries. Luther, Zwingli and Melancthon
attempted to separate temporal and spiritual functions but with the
appearance of the radical sects such as the Anabaptists they were

53 R. C. Tawney, Religion and the Rise of Capitalism. See
particularly Chapter IV on Puritanism.

54 Ibid., p. 177. It is a mistake to ignore this "gruppy"
aspect of the "Protestant Ethic" in tracing its influence in America.
obliged to concede to the prince the right to regulate religious affairs under the principle, cuius regio eius religio.

All the great reformers defended the divine character of secular government yet rejected the papal contention that this was received indirectly through the Church. The reformers taught the explicit assertion to God's sanction for the dignity of kings and magistrates and the virtues of passive obedience. The effect was, in the words of one authority: "In monarchic lands the tendency of the Reform was to enhance the hold of the monarchic principle and in aristocratic governments to confirm the principle of aristocracy. In both the effect was to strengthen absolutism in the political sovereign."55

The reformation itself only served to substitute for the dominance of the Popes the dominance of the national established church and its uneasy alliance with royal or aristocratic power. New forms of church organization arose but found their way blocked by the established church. Presbyterianism or Congregationalism are not inherently more "individualistic" than Catholicism or Anglicanism. We often forget that these names denote not doctrines but forms of church government. Their interior discipline over their members was just as strong but they rejected the use of state power since it was likely to be used to support some other religious group. Examples of similar processes in other institutions might be suggested in the matter of land ownership the revolution is between small and

55 The divine right of kings as well as the divine right of Popes is not particularly old. The doctrines of Filmer and Boucher were in reference to medieval thought as "radical" as those of the Levellers or even of Tom Paine. Dunning, p. 36.
large landowners or between production for the use of a manorial
economy and production for a wider market. The gentry finds its
rising power stopped by the established and state supported privileges
of the degenerating nobility.

In the field of commerce and manufacture the pressure is
against a degenerate guild structure propped up by the powers of
law, custom and precedent. The old guilds become mere protectors
of class privilege supported by charters from the king and dependent
upon his favor. The paternalism of the manor and town toward its
labor finds new support in such measures as the Elizabethan poor
laws. The chartered trading companies become monopolies functioning
mainly to preserve their favored positions. So on every hand the
unfavored sections of the middle class find their power increasing
yet checked at every turn by corporate privilege backed by the
authority of law and precedent. The so-called "middle class
revolution" is frequently a matter of conflict between "vested"
and "unvested" interests of the same institution. Individualism
per se arises because of the fact that the idea of "group" rights
has been previously destroyed.

In law the positive law supports the corporate structures so
there is no required infusion of new group powers. To do this
requires again the old Roman doctrines of sovereignty and the
supremacy of the sovereign over the law.

These rising interests which among themselves are able to
agree upon their opposition to corporate privilege and its supports
in law and government. These interests have no congenital preference for generalized freedom let alone an expanded suffrage. If the king chooses to join their fight against traditional privileges they are happy to support him. The ideal of the French Enlightenment was politically not representative government but enlightened despotism. Kings, however, are flight souls so the solution is to establish the sovereignty of that particular division of government which can represent them. Yet the grounds of their representation have to be separated from the old corporate system so they searched not in the ancient doctrines of the rights of groups but in the new area of the rights of man.

The Rise of Modern Political Thought

In order to avoid any suggestion of group rights which might support the established corporate powers the individualist political theories made some subtle but important changes in the ancient concepts of consent, natural law and the state of nature. In spite of the fact that many persons consider the 17th century to be the heyday of natural law and natural rights these terms were just as common in previous ages. But to the medieval mind it was clear that the state was but one of many sources of social unity and that man naturally was a member of groups that existed prior to the state

56 Locke's ideal at times appears to be an enlightened parliamentary despotism as is suggested by the Utilitarians.
and were instrumental in its creation and therefore had rights and functions superior to the claims of governmental power.

Modern individualistic theories are sharply distinguishable from those theories culminating with Althusius which exalt the powers of the Estates. The common assumptions of liberal thought is the rejection of the idea of man as a member of groups.

This conflict between established corporatism and emergent individualism accounts for many of the political ideals characteristic of the enlightenment and the growth of individualism. The function of the "liberal" revolutions is to release man not primarily from government but from the orders and groups of the corporate state. Political power is in fact a weapon in this battle. As are the ideas of absolute individual rights which we inherit from the period of the "middle class" revolutions the theory of which we are inclined to see bound by the apparently opposite theories of Thomas Hobbes and Jean Jacque Rousseau. We see the liberal philosopher arguing with Bodin but as Hobbes and Rousseau demonstrate, their real argument is with Althusius. For what unites Hobbes, Rousseau, and to a lesser extent Locke, is their shared antipathy to the corporate view of society.

The fundamental change in the liberal view of society is the rejection of society as a unity of unities and of the nation as an organization of groups and orders. Society is a mass of individuals. Since it is quite apparent that man is born into unequal orders it must postulate a natural man theoretically free of these bonds.
The theory of a natural law ordering all social relations must complete its gradual shift to the theory of natural rights affirming in the individual certain inviolate areas of freedom. Government must be based not on the consent of the groups but upon individual consent. The governmental contract between the Estates and the king is rejected in favor of the social contract between individuals. The individualist theorists are not nearly as opposed to the state as they are to the corporate powers that shape it. Their basic attitude toward groups is more uncompromising than that of the Politiques. Where Bodin used sovereignty to regulate corporate life, Rousseau uses it to destroy it. The coup de grace to the conceptions of corporate society was administered by Jean Bodin from the nationalist point of view in theory and in fact by the alliance with the king of corporate remnants. From the individualist point of view the theoretical job was done by Thomas Hobbes.

Thomas Hobbes and The Social Contract

In the demonology of democratic thought there is no name more universally maligned than Thomas Hobbes. His *Leviathan* has been taken to be the antithesis of the limited government of classic liberalism so it is presumed that the rest of his thought is

57 This reaction, however, was not to an abstract "feudalism" but to fairly specific forms of social and political structure. The result in turn was not an abstract "individualism" but the emergence of new forms of group life obscured by their defense in individual "rights."
antithetical to individualistic views. Consequently later theorists attempt to classify all thought in a continuum between Hobbes and Rousseau with Locke somewhere between but close to Rousseau. In book after book Hobbes is aligned with Bodin and Filmer and the corporalist propensities of the Stuarts. This is a mistake which has contributed greatly to the present confusion of democratic thinking. For regarding the nature of society Hobbes, Locke, and Rousseau are more similar than different. Hobbes temperamentally may have been a Tory but theoretically he can stand with the Utilitarians. Their methods of argument and their fundamental assumptions are similar and they deal with the common problems which are the legacy of the decay of corporatism. In fact, Hobbes was more of an individualist than Locke. Locke's system was a compromise, his interest was practical and his analysis was left unclear were clarity would weaken its polemic effects. When later individualists took thought they found their presumptions more in Hobbes than in Locke. Rousseau on the other hand explored the problem of community and by rejecting society gave his disciples the opportunity to find in emerging nationalism a new source of unity with which to justify Leviathan.

Hobbes it is true was a supporter of Charles the I. He was on the losing team and that is bad for a philosopher. But it must

\[\text{58} \] See for example Edwin Mims, The Majority of the People and the quotation on page of this study.

\[\text{59} \] See J. L. Talman, Totalitarian Democracy.
be noted that his system would serve to justify Cromwell and, in the hands of men like Austen, his theories could serve a sovereign parliament better than they had served a sovereign king. For Hobbes repeatedly states that Leviathan can be a man or an assembly of men so long as their power is absolute, even though he admits his personal preference for monarchy. Even the beneficiaries of his support, however, did not apparently care for it. He was for a time patronized by the royal party and even was a tutor of the young Charles II but he returned to England in the time of Cromwell and was unmolested. During the Restoration his books were banned presumably for their atheism but possibly for their trenchant implied criticism of any compromise settlement. The Leviathan could not win many adherents to the Stuart cause. In fact Hobbes is more understandable in relation to the broader intellectual movements of his time than in relation to the immediate conflicts of English society. His support of the Stuart cause was incidental to his wider scheme. On those grounds he is placed mistakenly with the supporters of national corporatism and the divine right of kings instead of where he belongs with the post-Lockean indivi-

60 Leviathan, Part II, Chapters XVII, XVIII. The quotations here are from Hobbes Selections edited by FJE Woodbridge.

61 Ibid., Chapter XIX.

62 And possibly he lost favor among the corporatist supporters of the king by his oft quoted comparison of sub-groups in the state with "worms in the entrails of a natural man."
dualists such as Bentham and Austen and the French Royalists such as Diderot and Voltaire who for all their support of freedom, saw power concentrated in one body as Austen or one man as Voltaire.

Basic to liberal thought even today, though it appears in disguised form, is the notion of the social contrast. Later liberals such as Locke and Pufendorf rejected Hobbes conclusions regarding the virtues of absolutism but as Dunning says:

It is the distinction of Hobbes that he propounded most precisely and explicitly a theory of the social contract and gave to it a form that was to dominate political philosophy till the whole contractual manner of thinking fell into desuetude.\(^3\)

Hobbes brought together all those developments of thought which were individualist in intent and for this he was opposed to every manifestation of corporatism. The last vestiges of corporate right were destroyed with his conception of the social contract. The contract familiar to earlier theories was the governmental contract between society and government. The corporate mind could not conceive of a contract between society as a mass of individuals and a governing group. Corporate structure provided a decision making power in some sense representative of their members but the idea that these groups were the products of a previous contract among individuals was outlandish. Men were born into such groups; they existed previously to anyone’s decision to join them and were

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rooted not in man's will but in his innate propensity to sociality.

This Hobbes categorically denied. He denied the natural sociability of man saying, "men have no pleasure, but on the contrary a great deal of grief, in keeping company, where there is no power able to overawe them all."  

Man is not born fit for society; he denies Aristotle's pronouncement that man is a political animal. As the state is based on fear so is every group even groups of philosophers. "All society therefore is either for gain or for glory; that is not so much for love of our fellows as for the love of ourselves."  

Every social grouping is voluntary; there is no natural impulse to join ones fellows. Society without the state is a mass of social atoms, a collection of individuals. Only fear drives man into social relations. Man must contract to form a society as well as government. So classes and estates can have no higher authority than the will of the sovereign. Custom and tradition is merely sovereign will unstated but nevertheless intended. Utility or self preservation is the motive of setting up society.

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64 Hobbes, op. cit., Chapter XIII.
65 Ibid., Chapter XVII.
66 Hobbes, op. cit., Chapter XIII.
Having destroyed society the only source of social unity is the state. Peace and order at whatever price were to Hobbes the highest good. To gain peace, order and unity a single sovereign must be formed which shall determine the common welfare and achieve it through the irresistible might that inheres in the joint power of all. The one thing to avoid is checks and balances or divided sovereignty for this is the source of conflict and disorder.

It is only a single will and a single power that can at the same time protect and restrain every individual.

A commonwealth is said to be instituted, when a multitude of men do agree and covenant, every one with every one, that to whatsoever man, or assembly of men, shall be given by the major part, the right to present the person of them all, that is to say, to be their representative; every one, as well he that voted for it, as he that voted against it, shall authorize all the actions and judgments, of that man, or assembly of men, in the same manner, as if they were his own, to the end, to live peaceably amongst themselves, and be protected against other men.°

The contracting parties are individuals, not groups of any kind, and they contract not with the sovereign as did the Estates but with each other. The sovereign is not a party to the contract and is not bound by it.

For man to join society then there must be a single supreme power to assure that peace and order which is the individual’s motive for joining and the justification of his obedience. The division of powers and their check and balance is anathema to

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Hobbes, op. cit. Chapter XVII. Italics and capitalization in the original.
Hobbes. It is to the existence of divided sovereignty he attributes civil war, the worst condition of man. The only power that can hold its side of the bargain is absolute so man must place himself under the unchecked will of the sovereign.

Social solidarity is the product of the threat of force. No society and therefore no rights exist prior to the formation of society and the formation of government. No group can have rights against the state for it is only the power of the state that allows the formation groups.

If there is no social control in the state of nature then the old conception of natural law must break down. For natural law in its medieval setting is a set of principles ordering social life previous to the state. But to Hobbes there is no order external to the state for law is meaningless without the power to enforce it and that requires force. Thus justice cannot be "the will to give each his due" for his due must be determined by the sovereign. Justice then can be nothing but the will of the sovereign. This argument altered the ancient notion of natural law which indicated some sort of natural ordering of all of society to the modern view natural rights which is a reservation to individuals of a particular area of freedom from regulation. As he points out regarding older

68 Ibid., Chapter XVIII.

69 He thought man would prefer tyranny to civil war. One wonders how he could think that others would agree with him when the evidence that they didn't was apparent.

70 Ibid., Chapter XIV.
philosophies the law of nature

For though they that speak of this subject, use to confound jus and lex, right and law: yet they ought to be distinguished; because right, consisteth in liberty to do, or to forbear; whereas LAW, determineth and bindeth to one of them: so that law, and right, differ as much, as obligation, and liberty; which in one and the same matter are inconsistent. 71

This distinction is essential to all theories. After Hobbes that define freedom as a lack of individual restraint rather than obedience to eternal law.

To Hobbes there is no authority outside of individual desire.

Good and evil are names that signify our appetites, and aversions; which in different tempers, customs, and doctrines of men, are different: and divers men, differ not only in their judgment, on the senses of what is pleasant and unpleasant to the taste, smell, hearing, touch, and sight; but also of what is conformable, or disagreeable to reason, in the actions of common life... And therefore so long as a man is in the condition of mere nature, which is a condition of war, his private appetite is the measure of good, and evil... 72

By denying an absolute source of unity—universal and self evident reason—he is forced into political absolutism. For the only thing that all men know is that peace is good. Since absolute submission to the sovereign is the price of peace then submission is and must always be the ultimate good.

Individual liberty is possible only in the absence of law. Choice, to Hobbes, is inherent in the idea of freedom. But the need

71 [Loc. cit.] This distinction is at times ascribed to Hume.

72 [Ibid., Chapter XV.]
for unity restricts the opportunity for the expression of such freedom to almost nothing. Freedom is finally nothing more than choice between tyrannies. A man may choose to resist or embrace certain death. Freedom of thought is something meaningless that goes on inside of heads where, until the development of public schools and television, the sovereign couldn't reach it. Democracy does not obviate this for the sovereignty of an assembly of men is just as harsh as that of one man. Freedom then exists in the casting of a vote and Rousseau's criticism that Englishmen are free only when they elect a new parliament is valid.

Hobbes shows the evil purposes for which the individualistic conception of consent can be used when it is pushed to its logical conclusions. Since man consents to the institution of a sovereign then he consents thereby to every act of that sovereign. Hobbes is criticized for making a single act of consent permanent, in fact, this is the only way some persons see him distinct from Locke and Rousseau. In every theory of individual consent, however, men consent to much more than they think they have. If man consented only to what he specifically has in mind at any one time the only outcome would be anarchy. It remains to be seen if the implications of the principle of consent are any more humane for other theorists than Hobbes. They can do so if they can find a source of unity other than the state or if they can learn to live

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This type of thinking often appears in those who examine the problem of what a commitment to "democracy" commits one to.
with true diversity.

John Locke

The man who stands at the head of democratic theorists and is the source of many American ideas—the supposed antithesis of Hobbes—John Locke. Too much has been made, however, of Hobbes' and Locke's positions on seemingly opposite sides in the English Civil Wars. For in terms of their relations to prior theories particularly the rights of groups and the theories of checks and balances the arguments of Hobbes and Locke are quite similar. Locke also sees society as a multitude of individuals who, to form a society, must voluntarily give up rights which inhere not in groups but in individuals. He must furthermore defend the supremacy of one side, the parliamentary, of the notion common to the period of balanced government. Locke, however, sees a new source of social unity and a new limit upon government in "the inherent and inalienable rights of man." For Locke, unity per se is not quite good enough; he must create that unity acceptable to the powers that be. Locke is first of all justifying an established fact, the Glorious Revolution and he must take care to avoid going so far as to alienate possible supporters of that compromise settlement. Locke achieves his compromise by destroying corporate society and


__75__ The history of political theory might be quite different had Locke taken Hobbes rather than Filmer as his antagonist.
then allowing it in by the back door.

Men in a state of nature are "free, equal and independent" but Locke does not see them as unsociable as does Hobbes. The state of nature is not a state of war. For "the state of nature has a law of nature to govern it, which obliges every one; and reason, which is that law, teaches all mankind who will but consult it, that, be all equal and independent, no one ought to harm another in his life, health, liberty, or possessions...." 77 Each man having reason is capable of knowing the law but "the execution of the law of nature is in that state but into every man's hand, whereby everyone has a right to punish the transgressors of that law to such a degree as may hinder its violation." 78 This is apparently anarchy and does not finally satisfy Locke but he is more generous toward man's social state than is Hobbes and far closer to the ancient ideas of a rational order.

To Locke society is not the result of government but its cause. In the state of nature laws exist and are enforced prior to the formation of a government. The community exists prior to the state and stands guard over it.

Locke's community, however, is one foreign to the older view of classes and estates. It is founded not in customary rules and traditional deference but in equal understanding of that absolute law which exists beyond even the community. Its base must be reason rather than custom.

77  John Locke, Second Treatise of Government, Chapter II.

78  The quotations used are from the selections edited by Charles L. Sherman.
(a fact which alters greatly the function of education) Locke is not as clear as Hobbes in contrasting right and law for the key to Locke is the definition of property. The fact is that in Locke's time "property rights" did not define an area of freedom. Locke on this point has the advantage of the English common law with its constant intermixture of natural and positive law and its broad definition of property. Only with Adam Smith and the Utilitarians is the conversion of individualistic property rights into a automatic rather than a political ordering of society completed.\textsuperscript{79}

But the state of nature, pleasant though it may be in comparison to Hobbes's view, is deficient. Reason does not lead all men to a single conclusion regarding the law and one man often lacks the power or the inclination to defend his rights at all times. What is required for a political society or commonwealth is a "judge on earth with authority to determine all the controversies and redress to injuries which may happen to any member of the commonwealth; which judge is the legislative, or magistrate appointed by it."\textsuperscript{80} On this ground Locke rejects the theory of balanced government by making the state supreme in the society and the legislative supreme within the state. The separation or division of powers does not theoretically result in checks and balance but in subordination of the branches, in this case

\textsuperscript{79} For the preservation of this broad view of property in America see Stuart Gerry Brown, The First Republicans. The growth of business corporations vastly altered this notion of property yet there is considerable consistency in the progress of the common law. See Roscoe Pound, \textit{op. cit.}

\textsuperscript{80} Ibid., Chapter VII.
the executive and the judicial to the legislative. Locke avoids calling this sovereignty but in order to say that it is not it is necessary to examine whatever checks that might be placed upon it.

Since no man may be subjected to such power without his consent, to join the community must be a voluntary act. We have seen what Hobbes did with the social contract. Locke, however, establishes two contracts, a social one and a governmental one which he promptly proceeds to confuse. First the individual gives over his rights to the community which is "one body with power to act as one body." By that consent he is thereafter absolutely bound "to every one of the society to submit to the determination of the majority and to be concluded by it; or else this compact... would signify nothing and be no compact." Locke avoids anarchy by making the community as supreme as Hobbes' Leviathan. And in some ways Hobbes is at least more honest. Locke does not consider children as bound by the consent of parents but to one sensitive to the pressure of groups upon children this seems a piece of sophistry that only technically saves him from Hobbes position. But it is little less a sophistry than the thought that a man is consenting to a majority decision which he disagrees with. It is necessary, of course, that the minority normally

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81 This ambiguity in Locke became two distinct trends in the conflicts between Adams and John Taylor.

82 Loc. cit.

83 Loc. cit.
accede to majority decision but to say that every individual thereby "consents" to the decision verges very close to closing any criticism of a measure once it becomes law. It is another example of the weakness of any theory of consent as soon as consent extends beyond immediate knowledge.

By means of governmental contract there is created a single body that holds political power which Locke takes to be a

... right of making laws with penalties of death, and consequently all less penalties, for the regulating and the preserving of property, and of employing the force of the community in the execution of such laws, and in the defense of the commonwealth from foreign injury, and all this only for the public good.\(^{85}\)

This political power lies with the community although Locke is not clear where community ends and agent begins. It is clear, however, that Locke's rationalism and individualism and his distaste of custom and tradition clearly separate this community from the corporate structure of the monarchomachs.

This body has a will by which it can govern directly, which is democracy, or may put the power into the hand of a few, oligarchy, or one, monarchy, or in some mixed form. In any case the legislative is the supreme power for:

This legislative is not only the supreme power of the commonwealth, but sacred and unalterable in the hands where the community have once placed it; nor can any edict of anybody else, in what form soever conceived,


\(^{85}\) Locke, op. cit., Chapter I.
or by what power soever backed, have the force and
obligation of a law, which has not its sanction from
that legislative which the public has chosen and
appointed.®

The powers of groups can have the force of law only when
sanctioned by the state.

For without this the law could not have that,
which is absolutely necessary to its being a law, the
consent of the society over whom nobody can have a
power to make laws; but by their own consent, and by
authority received from them; and therefore all the
obedience, which by the most solemn ties any one can
be obliged to pay, ultimately terminates in this supreme
power, and is directed by those laws which it enacts;
nor can any oaths to any foreign power whatsoever, or
any domestic subordinate power discharge any member of
the society from his obedience to the legislative, acting
pursuant to their trust; nor oblige him to any obedience
contrary to the laws so enacted or farther than they do
allow; it being ridiculous to imagine one can be tied
ultimately to obey any power in the society which is
not the supreme.®

Government then is the power in the society supreme over every
lesser authority. Yet it is said that "there is in this conception
nothing of that absolute, unlimited, and uncontrollable sovereignty
which was the soul of Hobbes's system." Legally this may be
accurate but Locke has cut the ground from under any social power able
to deny the government.®

® Locke, Chapter XI.
87 Locke, Loc. cit.
88 Dunning, Chapter II, pp. 349-50.
89 This, of course, is the trend of thought that Rousseau and
those influenced by his thought carried out to majority absolutism.
See, for example, Theodore Brameld and other so-called "radical
democrats" for their use of the term democracy.
Thought Locke is the originator of the doctrine of the separation of powers his is a concept that rejects the ideas of social checks and balances. The idea of check and balance means that each division shares some of the powers of the other. It denies complete separation. Separation in Locke's terms means the subjection of the executive to the legislative. For though the legislature may not execute the laws, for fear they will exempt themselves and thereby have a distinct interest, the executive can have no part in the legislature for that would challenge its supremacy. Locke doesn't mention the judiciary; this third division of government is the "federative" which is the power to make and carry out foreign policy. He appears to consider the executive and judicial as one power accepting Francis Bacon's statement that they are but "lions under the throne." 90 This is a far cry from the ideas of Coke and from the idea of judicial review in any of the forms it has taken in the United States. (Yet in the law of nature Locke leaves a hiding place for judicial independence).

This rejects any idea of a check upon the supreme power by any of the bodies of government or of any of the social bodies less than the whole of society. It states in effect what Dicey found to be characteristic of the English system of the omnicompetence of parliament.

In Locke there is no sharing of power and the supremacy of political power is established. The supreme legislature is the sole

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90 Locke, op. cit., Chapter XIII. The facts of history show fairly clearly the subordination of the judiciary by this time.
representative of common interests. Yet there is limitation of political power and that is next to be examined. The legislative is limited first by necessity that all judgment be on the basis of known promulgated law but this not important as it rejects only arbitrary rule. It limits the execution but not the making of law. Another limit and the one characteristic of all later individual theories is those rights of life, liberty, and property which belonged to men in the state if nature and for which the political organ was constituted. Of these, property was the only one on which Locke was adamant. Freedom of worship, for example, was not an inalienable but an expedient right, his defense of toleration was based in the "separation" of church and state. The church is "a voluntary society of men joining themselves together of their own accord in order to the public worshipping of God in such a manner as they judge acceptable to Him and effectual to the salvation of their souls." Its rules were therefore binding only upon those consenting to its jurisdiction and its only punishment was excommunication, a power which was rapidly losing its hold on men. Concerning freedom of speech he says little, and nothing so eloquent as Milton or as concise as Sydney.

The only real limit to the legislative power was, as with those before him, "the people." Though there was a "community" existing prior to the government, it has no institution through which to decide when

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See John Locke, A Letter Concerning Toleration. Locke's argument comes very close to many justifications of voluntary groups in the current discussion of groups and the state. Compare Hook, op. cit., Chapter I.
the legislature had overstepped its limits though no less than a majority would actually take any such drastic step. Concerning the right of revolution supposedly so important, he feels at times that each man has this right even though he by contract has consented to be bound at all time by the majority. But one of these doctrines leads to the permanence of society and the other to anarchy. Only when injustice and oppression have gone far enough to be obvious and painful to a majority of the people can the "appeal to Heaven" finally be made. In terms of his time and ours, this seems slight concession to fear of concentrated social power. Obviously the individual right to revolt is spurious. The right of an entire nation is very much so. For no large society can form a will and express it without some social structure to organize its opinion. It is only external concentrations of power which can check power. The only powers left outside of the realm of legislative power was the economic might of the rising middle class which did not achieve political power until 1832. Their power was protected in some degree by the limits set by the rights of property which was meaning more and more an absolute right to do what one wants to with one's own. After the revolution, however, social conflict was thrown into the arena of parliament where it intermingled with the problems of the development of a party system of government and the extension of the right of suffrage.
The Significance of Locke

Locke's lack of logical precision has often been noted. This vagueness has only rarely clarified in terms of the political problems of the time. It was a compromise but one that suited the social compromise that was the result of the Glorious Revolution. Both Whig and Tory combined to reject the regime of the Stuarts. Locke's rejection of prerogative was applauded. Yet their conflicts went on in society and in the parliament which Locke had labored to make supreme. Yet in 1688 both parties were chastened by the extremism of the previous forty years and were willing to fight their battles on the grounds of expediency rather than dogma. The governing classes were coming to realize that they had much in common particularly in combating those evil doctrines of democracy expressed by the Levellers.

One statement regarding Locke's work shows that it was by its confusions particularly appropriate for the unification of large groups with major conflicts of interest. "It was," says Dunning in conclusion,

... a theory treating of a state of nature that was not altogether bad, and its transformation into a civil state that was not altogether good, by a contract which was not very precise in its terms or very clear in its sanction. It embodied, moreover, a conception of sovereignty of the people without too much of either sovereignty or people; of the law of nature that involved no clear definition of either law or nature; of natural rights, but not too many of them; and of a separation of powers that was not too much of a separation. It concluded finally, with a doctrine as to the right of revolution that left no guarantee whatever for
the permanence of the rather loose-jointed structure which the rest of the theory had built up.\textsuperscript{92}

It is just these confusions which make John Locke significant in both the European and in the American tradition. Locke forecast many later developments in democratic theory. Modern interpretations of Locke tend to dwell upon those insights which presaged the revolutionary emergence of individualistic and nationalistic democracy. But the fact is that Locke wrote a compromising tract in an age of compromise to justify one of the least revolutionary of revolutions. His theories lasted the longest in the country which to the largest extent has institutionalized compromise.

Northrop reveals several common misconceptions when he states:

Thus reason provided Locke with a 'new state of nature' and a new content for 'the law of reason' quite different from that of the Aristotelian Hooker of the Kings Party or the medieval Calvin of the Presbyterian majority of the Long Parliament of Locke's seventeenth century England... It prescribed a new idea of the good for the state; namely, popular democracy rather than Calvinistic theocracy or the divine right of Kings defended by Filmer.\textsuperscript{93}

This statement makes it impossible to understand Locke in terms of his time. It is easy to make a Leveller out of Locke but if this were the interpretation which made Locke prominent, Lilburne and Banibaugh would stand with Locke. The truth of the matter was that the Glorious Revolution was accepted in fact by both the corporatist aristocracy and the emerging radicals for nearly a century afterwards. To do this

\textsuperscript{92} Dunning, \textit{op. cit.}, pp. 367-8.

\textsuperscript{93} P. S. C. Northrop, \textit{The Meeting of East and West}, p. 81 (1950 ed.)
Locke had to compromise the ideals of sharply contradictory views of society, the individualist, the nationalist and the corporatist.

Regarding the novelty of his political doctrines, Laski says:

Any survey of earlier political theory would show how little of novelty there is in the specific elements of Locke's general doctrine. He is at all points the offspring of a great and unbroken tradition and that not the least when we seem unconscious of it.  

The genius of Locke is his common sense approach to the justification of the Glorious Revolution and the firm roots of that compromise in the English social structure. The Glorious Revolution of 1688 was a revolution as D. W. Brogan points out that did very little to disturb the structure of society. This meant that he had to temper the radicalism of his individualism and nationalism in deference to the feelings of the corporatist, aristocratic patrons of that settlement. Sabine pointed out the consequence of this combination when he said:

Unfortunately common sense is a poor organ for synthesizing really opposed philosophical positions. The result in Locke was a series of compromises which always left the first principles unclear. It is true that his compromises satisfied nearly everyone for upwards of a century and that by common sense he grasped firmly the fundamental ethical ideal of the English settlement, that of individual rights. Yet his compromise went far to conceal the insufficiencies both of the ideal itself and of its realization in Eighteenth century England. As a consequence later political thought was related to Locke in a highly complex fashion.  


95 George H. Sabine, A History of Political Theory, p. 519.
Thus Sabine pointed out, "The English Revolution did not break violently the tradition of English government, and similarly Locke, its philosophical exponent, was the most conservative of revolutionaries."

Locke's confusions allowed for the preservation of many aspects of corporate ideals which were combined into the Whig Conservatism of the 18th century which "regarded government, while responsible for the common well being, as a balance between the greatest interests of the realm, such as crown, nobility, church and commonality."

In England this contact with corporatism was made by Burke the starting point for English conservatism. In America the tradition, implicit in Locke, made more or less explicit by Montesquieu and John Adams, and forged in America's practical experience, was institutionalized in the Constitution even as it died in theory with the decline of the Federalist party. Actually it was the logic of social structure that allowed this not Locke's logic. He logically excluded checks and balances among orders and the common law. Yet in making property supreme he not only laid a bourgeois cornerstone but also left a spot for those aristocratic, feudal concepts of property that remain in the common law. His idea of tolerance did not furthermore exclude an established church or extend to Catholics, Jews or Mohammedans.

96 Loc. cit.
97 Ibid., p. 535.
98 See Clinton Rossiter, Conservatism in America, Chapters I, II and III. He emphasizes the similarity between Burke and Adams but their differences are just as important as Louis Hartz indicates. Hartz, op. cit., particularly Chapter III.
It is Hobbes who is the exponent of social atomism and Rousseau who gives the first expression of modern nationalism. It is Locke who retains in latent form the ancient corporate ideals. European liberals had no place for even the suggestion of these ideals since that might lend aid and comfort to the corporate enemy. In America the corporate ideals were retained in practice even as they were destroyed in theory and thereby were able to gain a new and progressive content.

About the last thing Locke was a participant in a revolutionary struggle. In justifying the Glorious Revolution he tried to compromise the far more profound struggles of the period of the Civil Wars. He justified the grounds of that settlement even as he sowed the seeds of its destruction. The aristocratic nature of that settlement has been pointed out by many of whom we may quote Laski:

The English Revolution was in the main a protest against the attempt of James II to establish a despotism in alliance with France and Rome. It was almost entirely a movement of the aristocracy, and, for the most part, it was aristocratic opposition that it encountered. 99

That settlement endured in large measure well into the 19th century. As such, it affected both practically and theoretically the American Revolution and also the French Revolution.

The political ideas of the eighteenth century are thus in some sort a comment upon the system established by the Revolution; and this is, in its turn, the product of the struggle between Parliament and Crown in the preceding age. 100

99 Laski, op. cit., p. 20.
100 Ibid., p. 15.
Thus English society of the 18th century provides the older context for the ideals that America imported and gave new meaning and new life.

But we cannot understand the eighteenth century or its theories unless we realize that its temper was still dominantly aristocratic. From no accusation were its statesmen more anxious to be free than from that of a belief in democratic government. Whether Whigs or Tories were in power, it was always the great families who ruled... The Revolution, in fact, meant less an abstract and general freedom, than a special release from the arbitrary will of a stupid monarch who aroused against himself every deep-seated prejudice of this generation. The England which sent James II upon his travels may be... reduced to a pathetic fragment even of its electorate. The masses were unknown and undiscovered...101

What is important to note is that democracy of the French, revolutionary, type arose upon the ashes of aristocratic control (the basis of English checks and balances) and upon the destruction of Locke's compromises. Locke's ambiguities had to be cleared up before it could make an effective instrument of revolution. What had to be destroyed was the last refuge for the ancient corporate ideals and what had to be affirmed was the absolute supremacy of the state over every sub-group within it. French democracy, through Rousseau, made the community absolute and rooted it basically upon French Nationalism.

Revolution, Rousseau of the notion of community

D. W. Brogan has pointed out the heavy price the world has had to pay for the heritage of revolution that opens with the "Revolution"

101 Ibid., pp. 16-17. For the place of this in American history see Lebarré, Conservation in Early American History and Clinton Rossiter, Conservatism in America.
of 1688, takes new form in the American Revolution and sets the standard of late history with the French Revolution.

To America Locke left the heritage of individual rights and limited government but to the French he suggested that baleful combination of unitary government, homogeneous naturalism and revolution as a salutary instrument of social change. The French Revolution was incipient in Locke as much if not more than in Rousseau. For Locke suggested the possibility of a national community, Rousseau limited his general will to the confines of an area not much larger than a city state. If Rousseau is named as "the" philosopher of democracy then account must be taken of his disregard for the institutions of compromise and concession which are the necessary tools of modern free democracy. The source of this disregard is the notion of the general will.

Too many would be philosophers of democracy are still attempting to find a place for Rousseau's notion of the general will. If one rejects supernatural sources of public authority it is very useful to believe that "the general will is always right and tends always to the public advantage..." It is only too obvious that the normal political process of compromise and concession cannot claim this verity.

It does not follow that the deliberations of the people have always the same rectitude. Our will always seeks our own good, but we do not always perceive what

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102 D. W. Brogan, The Price of Revolution, p. 3.
103 See, for example, Alfred De Grazia, The Political Community and to a far lesser degree Robert MacIver, The Hemparts WS Guard.
104 Ibid., Book II, Chapter III.
it is. The people are never corrupted but they are often deceived, and only then do they seem to will what is bad.\textsuperscript{105}

The reason for this is the inclination to form partial associations the sum of whose opinions is not the valued general will but the hated will of all.

There is frequently much difference between the will of all and the general will. The latter regards only the common interest—the former regards private interest and is indeed but a sum of private wills: but remove from these same wills the pluses and minuses that cancel each other, and then the general will remains as the sum of the differences.

If, when the people, sufficiently informed, deliberated, there was to be no communication among them, from the grand total of trifling differences, the general will would always result, and their resolutions would always be good.\textsuperscript{106}

It is only among isolated individuals that the general will can arise because groups are the source of conflict and must be suppressed for:

When cabals and partial associations are formed at the expense of the great association, the will of each such association, though general with regard to its members, is private with regard to the state: it can then be said that there are not as many voters as men, but only as many as there are associations...

Finally, when one of these associations becomes so large that it prevails over all the rest, you have no longer the sum of many opinions dissenting in a small degree from each other but one great dissenting difference; from that moment there is no longer a general will and the predominating opinion is only an individual one.\textsuperscript{107}

\textsuperscript{105, 106, 107} All of these quotations are from The Social Contract, Book II, Chapter III.
This provides the basis of the continuing prejudice in modern political thought against the formation of associations between the individual and the state and the inclination to turn to a leader (claiming to represent the people) or a revolutionary movement.

This is Rousseau's answer to Hobbes problem. When the community is reintroduced to political theory it must by-pass the group structure to find a single point of unity. For society is corrupting; and divisive it is only separated from the lesser communities that the mass of individuals can achieve the "higher" community of the general will. Now let it not be said that there was not good reason for this view as it faced the corrupt corporatism of the Ancient Regime. As Brogan points out:

To the mass of French people, not the absolute monarchy but the allies and profiteers of the weakening monarchy were the enemy, the obstacle to the modernizing of the French state, the bringing it abreast of the current development of French society, more and more bourgeois, more and more secular, more and more united and uniform.

Neither this new society nor the aristocratic one it proposed to destroy had, however, the political acumen and temperament to solve the intricate problems of French society through parliamentary means. Corporate privilege could be destroyed as they were in the August days, but seemingly the problem of building the

108 Calhoon, it might be noted had a different one, but then he asked a different question.

109 Brogan, op. cit., p. 7. French education let it be noted was to aid in this process.

necessary replacements had to be left for solution to the Napoleonic absolutism which finally made a nation of France. The well known difficulties of French politics may be traced to the lack of political experience either generally diffused as in America or in a ruling class like the English aristocracy. The possibility of a different experience in France was destroyed by the Rousseauian prejudice against associations. For the French State followed Rousseau's advice that:

'It is therefore of the utmost importance for obtaining the expression of the general will that no partial society should be formed in the state, and that every citizen should speak his opinion entirely from himself... When there are partial societies, it is politic to multiply their number that they may all be kept on an equality. These are the only precautions that can be taken to make the general will always intelligent and prevent the people from being deceived.'

The most striking characteristic of the French political system is the distinctly subordinate role of every organization below the national state. In 1791 the French Government considered it necessary to issue a degree abolishing all associations irrespective of their nature or merit. Academic and literary societies suffered the same fate as industrial and economic organizations by a new abolition law in 1793. This policy of persistent suppression was not definitely abandoned until 1884.

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111 Note on this ground the opinions of American statesmen such as Adams and Jefferson regarding the political acumen of their French "counterparts" repeated in Dewey's discussion of French rationalism.

112 Rousseau, loc. cit.

113 See Hsiao, Political Pluralism, p. 263.
are still no more than arms of the central government. Even now the rights of corporations, churches, etc. are legally subject to the whim of the national legislature. The subjection of every sub-organization to the "general will" as expressed by the national legislature is legally clear. The lack of responsible vigor of French organization is consistent with this legal monism and it is likely that this is fundamental to some of the French political difficulties.

Group Theories in European Politics

As democratic politics on the continent are affected by the rejection of decadent corporatism so conservative politics have been affected by its affirmation. De Maistre, Bonald and finally Hegel glorified that community still bound by ancient corporate privileges. Hegel, in particular, grasped the French spirit of nationalism and turned it to the account of the anti-nationalism of the Prussian State. The Hegelian trend of continental thought took on a more liberal and less anti-democratic flavor in the English Hegelian school which Burke foreshadowed and of whom T. H. Green was the flower. This trend, however, did not move on the continent much beyond a nationalist reinterpretation of the ancient

Studies of several conservative movements theorists in these terms are to be found in the early writings of Harold Laski.
ideal of universal order. The support of a unitary state ensured that there was no chance to develop new forms of group self government and group interadjustment to replace static corporatism.\footnote{For particular emphasis on "Corporate" theories see Matthew H. Elbow, French Corporative Theory, particularly Chapter VII and Ralph H. Bowen, German Theories of The Corporative State.}

In Europe on the other hand reaching an apex in the early years of this century there was a marked growth of tendencies, doctrines and institutions which were described as manifestations of "corporatism," which tried to provide new and more adaptable forms for the expression of group interests. Many theorists, noting the decline of atomistic competition in economic matters and of rationalist individualism in politics and rejecting alike the statist doctrines of Marxism, revolutionary or revisionist, and the extreme individualism of those such as Herbert Spencer, devoted themselves to the emerging problems of economic corporations, labor unions, professional organizations and the many other groups in modern nations. These concerns evolved a plethora of schemes\footnote{Lumped together by W. Y. Eliot in The Pragmatic Approach to Politics. Eliot, be it noted, was not a "pragmatist."} ranging from revolutionary syndicalism which abolished the state, to Fascism which glorified it even beyond the paens of Hobbes. Guild Socialism, functional representation and "parliaments of industry" all went the theoretical rounds.

These developments, however, soon developed numerous unsavory associations. The groups involved were of many kinds; a theory which in England was an attempt to solve the problems of an exaggerated
individualism turned up in a country such as Italy or Germany as a defense of feudal privilege against any emerging freedom. The analogy of the modern labor union and the medieval guild and the variety of groups and the "estates" of the presessional period was of course noted and in the studies of Gierke, Mainland, Figgis and the early Laski led to a re-evaluation of many medieval doctrines. These studies, by men whose allegiance to freedom was never questioned, attempting to recapture some conditions of the preservation of freedom which seem to have been lost, could be used in a nation yet emerging from feudalism as a reactionary defense of privilege. These overtones of conservatism, feudalism and anti-individualist sentiment served to cast aspersions on the entire movement and in some cases resulted in throwing out a liberal baby with the reactionary bath.

Secondly, the attempt to attach the label "corporative state" to totalitarian regimes resulted in further decline of the reputation of the study. Fascist Italy was the first nation to remodel its constitution with the avowed aim of becoming a "corporative state" and later several nations including nazis Germany joined in abandoning their formal allegiance to liberal-democratic political traditions and announced similar intentions. The term corporate state came often to be the generic term for totalitarian systems such as those of Germany and Italy. All these "corporative states" insofar as

117 For sympathetic account see Hung-ChuanHsai, Political Pluralism, also perceptive is Henry Magid, English Political Pluralism.

118 Not necessarily anti-individual.
they actually corresponded to any functioning institutions, figured mainly as administrative appendages through which authoritarian regimes endeavored to assert complete state control over the economic and social affairs of their subjects. In practice, the Italian and German "corporations" either remained vague projects to be realized in some distant future or became passive instruments for carrying out policies dictated from above by an absolute central authority. It is generally recognized, moreover, that the totalitarian states made use of their "corporative" organizations primarily to repress conflicts between labor and management. Although these connections of "corporatist" doctrines with totalitarian regimes have thrown considerable obloquy upon all of them, particularly in the years when the major concern of political scientists was not to examine the liberal-democratic doctrines but to clarify and defend them as necessary propaganda tools, it must be noted that not all corporative doctrines can be annexed to totalitarianism. In some democratic countries, notably the Weimar Republic, France and Czechoslovakia, groups were given some official recognition when they were allowed representation in National Economic Councils created to serve as advisory bodies. These tendencies were intensified by the economic crisis of the thirties when the liberal

\[119\] Note the number of handbooks on democracy put out since 1940 by political scientists with vast tomes to their credit which ignoring the vast problems of its analysis, agree vociferously that they are for it. Perry, To Secure These Rights, Lindsay, I Believe in Democracy, MacIver, The Ramparts We Guard.

\[120\] These in general had little political effect since they had no real group basis.
state was called upon to assume responsibility for an unprecedented variety of economic and social functions. With the traditional administrative organs over-burdened, governments not infrequently sought in desperation to devolve some burden upon private bodies while retaining, in theory at least, the general functions of policy determination and oversight.

These attempts to find new roles for occupational and local groups have not been particularly successful as political movements. Too much was still to be done by the uses of the sovereign state. In America, however, group organization has developed new and progressive content, the study of which has been retarded by the general reticence regarding political theory and an anti-corporate bias that has a long but distinct history.

It must be recognized often that the recognition of the rights of groups has been used to support political movements so conservative as to threaten political freedoms. But it must also be recognized that democracy must not be interpreted in such a way as to without analysis close areas of inquiry.

Groups in America

A very large number of the unique characteristics of the American "system" of government relate rather closely to the exceptional vitality of sub-group life of which the most obvious, of course, is
the prolific growth of business corporations. It has often been noted that these practices and principles retain a faint residue of a "feudal" or "corporatist" view of government and society and that the issues concerning them involve distinct points of view regarding the proper role for groups in America.

In the first place, the fundamental structure of the American government simply does not fit the European framework. The federal structure is unique among the mass democracies. (Canada and Australia are thinly populated). America has also pioneered in regional decentralization as evidenced by such semi-governmental agencies as the Tennessee Valley Authority and the Port of New York Authority. One of the key measures of the French Revolution completed by Napoleon was to make the departments (states) mere organs of the central power. One of the concerns of French corporatist thought has been the "re-habilitation" of them. English pluralist thought has devoted itself to, among other things, the recovery of local autonomy from Parliamentary omnipotence. German corporatism has also been greatly involved in retaining local or provincial autonomy.

Now the issue of states rights vs. centralization has been a live issue since 1860 but one that has been only superficially discussed in relation to its significance for democracy. It is

122 This was one of Hamilton's ideas that was completely rejected by his contemporaries.
quite apparent that those who have argued for states rights have had immediate gain first in mind. The fact is that they built and argued better than they knew. In spite of vast changes in the relations of the states and the federal government we have never given up the thought that state and local autonomy have real value. We have generally felt that man's loyalties may properly be divided. Particularism, to the degree we have had and retain it, is virtually incomprehensible to the systematic theorist of democracy. He has assumed the "nation" to be the fundamental social unit. The study of the political process that has recently come to be called the "New" Federalism has suggested some important insights into the fundamental issues involved. The whole area is closed generally, however, by either the assumption that "the union is an indivisible union of indestructible states" or that any regard for states rights is a simple expression of anti-democratic prejudice.

Closely related to the federal structure is the American governmental system of the separation of powers into legislative, executive, and judicial and checks and balances. Based upon a "discredited" principle of checks and balances the only thing which enables it to operate at all many claim is the party system. The trouble is that the governmental system has shaped the party system as much as vice versa. The only provision the American system has for good old-fashioned expression of the general will, or for the systematic

expression of principle, is presidential leadership. The president, as is so often pointed out, is the single person selected on the basis of a national constituency. This accounts for the feeling widely held among political scientists (notably, of course, Woodrow Wilson) that the English cabinet system is a more efficient instrument than the slow-moving committee form. The question is, instrumental for what? It is obvious that this system is the source of the power of pressure politics and "the lobby" and it is equally clear that we are gravely divided and confused on what to do about it. If "parties of principle" is the answer we must take seriously James M. Burns belief that only as our party system must be vitalized "by playing national party politics more zealously, and by centralizing control of our parties, will Americans be able to stabilize presidential leadership and foster teamwork in the federal government."

There are, on the other hand, those who feel just as strongly that the type of system we have is not only the product of The Genius of American Politics (Daniel Boorstein) but The Price of Unity (Herbert Agar).

Vitaly important in the federal structure is that uniquely American institution, judicial review. The idea of a supreme

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125 E. Pendleton Herring, Presidential Leadership, Laski, The American Presidency, and an endless mass of literature.

126 James M. Burns, Congress on Trial, p. 193. See Chapter XI particularly for his argument.

127 For the most illuminating discussion see Charles Grove Hines, The American Doctrine of Judicial Supremacy, Chapters I and II.
law properly interpreted by judges suggests immediately the medieval view of the higher law, even when the process goes on under the legal fiction of the judicial interpretation of the popular will. Closely related to this is the retention of the fundamental "Spirit of the Common Law" which Roscoe Pound and Holmes expounded. The significance is that these aspects of the American system operate in general to increase the sensitivity of the system to sub-group pressures at the same time that they serve to retain certain elements of medieval modes of thought.

Of extreme importance is the tendency in the Supreme Court, and in the popular mind, to ascribe to the business corporation legal personality. One of the sacred cows of European corporate theory is the legal personality of groups and it is nothing short of amazing that a presumably reactionary movement makes a shibboleth of a legal technique without even mentioning (as far as I have noticed) the application in America of their panacea for the modern business corporation. For even as Giere labored for the acceptance of the old Germanic principle of the real personality of groups, and even as Maitland praised "the blessed back stair," the Supreme Court was not only inviting corporate power to enter the front door but was laying out the red carpet for it.

As if this were not enough to confuse the issue, we must mention the novel administrative means which serve to increase the influence of corporate organization in the American system. First of all is
that plethora of independent regulatory commissions which some call the fourth division of government. They do not represent government ownership, they operate under only the rudiments of governmental control, and some claim that they hand over the government to the capitalists. We have had periods when these institutions have been, or have threatened to become, mere agencies for the ratification of the decisions of corporate monopoly. On the other hand, it may be that they have been valuable in promoting self-regulation of the various spheres or even that they have contributed to responsible industrial self-government. The fact is, nonetheless, that they create problems of the co-ordination of various interest groups. They also reveal that planning does not have to be total and that interest organizations are not necessarily totally divisive.

Obviously this is not of the slightest significance, if you happen to be among those who believe that the business corporation is either inherently good or inherently bad. The difficulty is that it is getting more difficult not to apply the same principles to equivalent forms of organization in every area.

A final point may be raised regarding some recent Supreme Court decisions regarding the rights of public employees. It has been an established legal principle (based on the rejection of the feudal

128 The same name is often applied to "the lobbyists."

129 See, for example, Paul H. Appleby, Big Democracy.

tradition that public office entailed a property right which was argued, weakly, against some of Jefferson's dismissals) that the rights of a public employee are quite distinct from those of the citizen and that the public may deny them on the grounds that "no individual has to be a teacher, policeman, etc." Recent decisions emphasizing the rights the employee may retain against arbitrary dismissal by the government demonstrate that this principle is in the process of change.

Conclusion

Modern democratic theory (1800) is based upon an almost unanimous set of premises that assume the destruction of group rights. Society, law, government, and rights are all defined in such a way as to deny completely the corporate monarchic tradition. In the 18th century, and particularly with Locke, the issues are not drawn quite as sharply as they are by Hobbes or Rousseau. The distinction of Locke is not that he compromises between Rousseau and Hobbes but that he reaches back to preserve, almost unawares of doing so, some aspects of medieval tradition, particularly as they are shaped in the English Common Law has the paternalism of the English aristocracy. American political theory emphasized individualism and theory has served to destroy the germs of corporatist theory retained in Locke but American political practice operated
to preserve almost by default many elements of corporate rights. The result has been that America’s growth in dealing with groups has gone on for the most part in a theoretical vacuum, guided only by luck and the normal operations of group interpenetration and some little pragmatic good sense. This separation of theory and practice has a variety of consequences, some of which are good; had a theory been selected it probably would have been the wrong one. The present confusion presents a considerable danger. When we look to the past to examine the sources of our faith for sustenance in the present storm, we find a shifting theoretical ground that seems so remote from experience that it conceals the true strengths of that experience.

The point of this study is not to try to advance solutions to the many issues suggested but to suggest that many apparently "academic" issues may have implications for principles far more fundamental than appears on the surface. Events are constantly occurring and issues arising which alter and have altered the very nature of our democracy. The facts of this trend have been obscured by doctrinaire assumptions regarding, among other things, the "true" nature of "democracy," "society" or "unity." The problem is not that we shall fail to solve these issues but that we shall solve them blindly. Were they minor they would be of no concern—but they are the heart of what is unique about America. The point demonstrated by the American experience is that, depending upon
the total social structure, society in the sense of associational structure, can be an instrument, of freedom, democracy, and national unity. It is not necessarily a barrier to those movements. This point has been obscured both by the liberals who have denied group rights and by the conservatives who have affirmed them.

The true source of wonderment to one conversant with the history of Western Europe is the fact that within a very few generations this variety of group structure has been consolidated into the most powerful industrial nation on earth without the use of either force, monarchial absolutism, or the establishment of a centralized, sovereign, national state. The amazing thing is that only once has major recourse to arms been taken to solve the age-old conflict between national and particularism. The power of concentrated business wealth has at times threatened a business plutocracy but the industrial corporation, whatever its many failures, seems to be developing not only a productive vigor and a sense of social responsibility unique in the world. Religious and cultural freedom has been granted (not without conflict) not only to belief but also to organization.

The political system which has evolved within this vigorous group life fits no particular theoretical scheme, certainly not those of European democracy. We are saddled with a political anachronism which, on its face, should have either consolidated or collapsed.
The problem is that it works. In avoiding centralization it has not fallen back upon stagnation. But no one knows how or why though significant advances in understanding have recently been made.
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