

pel men to borrow. No one is forced to borrow if he doesn't wish to; he who borrows of a money lender is as free to contract as is he who buys of a grocer. Why, then, should borrowing contracts be subject to censorship while grocery contracts are inviolable? No one has ever explained this, and probably no one ever will.

When a college professor takes up the task of flaying Godkin, that pope infallible of the gospel of selfishness, one can contemplate the proceeding with a good deal of complacency, even though he do not altogether approve the professor's cutlery. For that reason the paper on "Mr. Godkin and the New Political Economy," which Prof. Green, of Bethany College, contributes to the July Arena, is quite enjoyable. But Prof. Green's cutlery is objectionable, after all. Dropping the metaphor, his political economy is no better than Godkin's. If Godkin's political economy is harsh, the professor's is mushy. To refer to only one point. Godkin holds to the doctrine of "laissez faire," while the professor insists that this doctrine has been utterly discredited by the march of events. What the professor means is that the march of events has proved that the doctrine of "laissez faire" is harsh to the weak and destructive to society. In truth, however, the march of events has proved nothing of the kind. It has proved, indeed, that Godkin's conception of "laissez faire" is harsh and destructive; but the march of events was not needed to prove that. For by "laissez faire" Godkin means "competition, with conditions as they are." No march of events is necessary to prove that "laissez faire" in that sense would crush the poor and, making the rich few fewer and richer, would ultimately destroy society. But Godkin's understanding of "laissez faire" is as narrow and selfish as his philosophy. It is not a true interpretation of the doctrine. What that doctrine really means is not "competition, with conditions as they are," but "competition under free and equal condi-

tions." Such competition we have never yet been allowed by law to have. Consequently, the march of events has proved nothing as to "laissez faire," in its true meaning as distinguished from the Godkin meaning, and of course has not discredited it. So far as the march of events throws any light upon economic problems, it shows that the one thing needful for the relief of the impoverished and the salvation of society, is that competition which we have never yet had, but which is implied by the "laissez faire" doctrine when truly interpreted—namely, competition in freedom, competition in which opportunities are equal.

There is some reason to fear that the horrible details of the Guldensuppe murder in New York may have unduly affected the final decision of the courts in the case of his murderer, upon a point of great importance to persons who may be hereafter accused of crime in that state. Martin Thorn was charged with Guldensuppe's murder. In the course of his trial the jury, under the direction of the court, visited the scene of the murder. Thorn's attorney expressly waived the prisoner's right to accompany the jury. This waiver was made, doubtless, for the purpose of manufacturing "a point" on which to get a new trial. For it is a settled and wholesome principle that the prisoner in a criminal trial can waive none of the safeguards the law throws around him. One of the reasons for this principle is that if a prisoner could waive them, he might often do so improvidently, lest by refusing he should prejudice his defense with the jury. On the point of Thorn's waiver, his case went to the highest court of the state. Two of the judges in that court held that it was Thorn's right to go with the jury when it visited the scene of the crime, and that he could not waive it. They, therefore, voted to give him a new trial. But the majority of the judges were of opinion that a view of the scene of the crime by the jury is not the taking of evi-

dence, and hence may be had in the prisoner's absence without ignoring his constitutional right to be confronted with the witnesses against him. They therefore held that Thorn was legally convicted notwithstanding his absence when the jury examined the scene of the crime. Their opinion prevailed, of course, and a precedent was thereby established for judicial proceedings in criminal cases in the absence of the prisoner, which would have made the lawyers of a generation ago shudder. It is to be hoped that the repulsiveness of the crime and the evident purpose of the prisoner's counsel to play a trick upon the court, did not contribute to the making of this somewhat dangerous precedent.

#### BRYCE'S SIX EQUALITIES.

The author of "The American Commonwealth," James Bryce, of London, has expanded an address of his to the Municipal society of Glasgow, and published it in the July number of the Century under the title "Equality." It is intensely interesting, as all Mr. Bryce's writings are; and it is animated by a democratic spirit. But as a contribution to the philosophy of the subject discussed, there is in Mr. Bryce's essay little of value except his classification of the different kinds of equality.

He enumerates six senses in which the term "equality" is currently used. Two refer to man as a product of nature; four refer to him as a social being.

The two senses in which equality is predicated of man as a product of nature are described by Mr. Bryce as, first, the spiritual; and, second, the physical, intellectual and moral. He concedes equality as to the first. "Between each man," he says, "simply as a man, and every other man, there is an equality of soul, an equal worth of personality," an equality which is denoted by the phrase: "All men are equal in the sight of God." But as to the second, Mr. Bryce denies the claim of equality. On this point he says that between men there is "an inequality of gifts, each man differing from his fellows in physical strength

and in physical needs, in intellectual strength and intellectual tastes, in force of will, in industry, in perseverance, in rectitude, in capacity for emotion, whether good or bad." As regards what he calls natural man, therefore, our English philosopher finds that spiritual equality is opposed by physical, intellectual and moral inequality.

The four remaining senses of equality are described respectively as civil, political, social and economic. Civil equality means equal rights within the sphere of private law; political equality signifies the right to an equal share in government; social equality has reference to voluntary social intercourse; and economic equality is equal possession of property.

Of Mr. Bryce's six equalities, only the last, economic equality, calls for much attention. Yet it will be worth while in passing, to make an observation or two regarding the others.

That spiritual equality is in these days agreed to on all hands, is true. The agreement is little better, however, even now, than nominal. Though everybody concedes that God is no respecter of persons, most of us are disposed to allow for at least one exception; and some of our laws and institutions perpetuate the tradition that God is a respecter of persons. Our systems of land tenure, for instance, which give to the millionaire's child an abundance of God's earth, and deny so much as standing room to multitudes of the children of the poor, have at bottom no other support.

As to civil equality, in which Mr. Bryce considers much of the progress of the world during the past four centuries to consist, nothing need be said of his discussion, even in passing, except that he seems to have dropped into a common and sometimes vicious error, that of confounding the natural with the primitive. Civil equality "is so far from being natural," he says, "that it is found only in advanced civilizations." Primitive, not natural, is clearly the true idea. For civilization does not advance away from the natural; its advances are a development of the natural. So, while we may say that civil equality is not a primitive condition, we cannot say that it is not natural.

Mr. Bryce is satisfactorily democratic in his elaboration of the idea of political equality. He is entirely beyond criticism, also, in what he has to say of social equality; though social equality, depending as it does and ought to upon mutual congeniality and voluntary selection, is an unimportant phase of the equality question. Correlative rights and duties are not involved in it.

But it is evident that in considering physical, intellectual and moral qualities, which he holds to be unequal, Mr. Bryce has laid altogether too much stress upon his idea that these qualities are wholly natural gifts. No one will dispute, of course, that there are natural inequalities in these respects. But in great degree, what are regarded as inequalities are not inequalities but differences. One man may have enormous physical strength for concentrated effort and but little endurance, while another has great endurance and comparatively but little strength in concentrated effort; shall we call their physical gifts unequal? Or, one man may have a great faculty for generalization and none for minute investigation, while another who investigates with thoroughness lacks the generalizing faculty; shall we say that their intellectual gifts are unequal? or only that they differ? And besides differences mistakenly considered as personal inequalities, real inequalities attributed to nature are often in fact due to differences in social environment during infancy and youth, those differences in environment having been caused by defective civil and political equality. Such personal inequalities are chargeable not to nature, but to society.

If, however, we accept, without modification or question, Mr. Bryce's views as to physical, intellectual and moral equality, and proceed to a consideration of the last and practically most important of his six equalities, the economic, we shall find that his ideas respecting the two are in direct conflict.

Mr. Bryce defines economic equality as "the possession by every man of an equal quantity or value of property, none being either richer or poorer than his neighbor." But if it be true, as Mr. Bryce contends, that in

physical and intellectual strength, in force of will, and in industry, men are unequal, then it cannot be true that the possession by every man of an equal quantity or value of property would constitute economic equality. On the contrary, equality of possessions in such circumstances would constitute economic inequality. Economic equality demands that the possession of products be in proportion to productive powers and thrift. Would Mr. Bryce claim that men were economically equal if the idler possessed as much as the worker, the intelligent worker as much as the stupid one, the thrifless as much as the thrifty, the non-producer as much as the producer? Yet he must make that flimsy claim, or abandon one or the other of his two propositions. Without that, they do not hold together. Either, men are not unequal in productive power and thrift, or else equal possessions do not constitute economic equality.

It might be urged, of course, that there is such a concept as absolute equality of possessions, and that Mr. Bryce has merely intended to classify that concept as economic equality. But we are not quarreling with words and phrases. The answer to that plea would be that there is also such a concept as equality of possessions in proportion to production and thrift, and that Mr. Bryce, if he has intended to provide for the former concept by classifying it as economic equality, has made no provision at all for the latter, which is infinitely the more important of the two.

Both of Mr. Bryce's propositions—that human powers are unequal, and that equality of possessions is economic equality—are in truth defective. We have already indicated weaknesses in the argument for inequality of human powers. We are inclined also to think that these inequalities, so far as they depend upon natural gifts, are less and fewer than Mr. Bryce supposes. Be that as it may, however, men's contributions to production do differ, not only in character, but in value; and whether this difference is one of original powers or of inclination, of capability or of industry, is of little moment. It is enough for present purposes that it exists. Since it exists, a worse definition of economic

equality than that which Mr. Bryce gives—equality of possessions—could hardly be formulated. Economic equality and equality of possessions cannot be the same thing, while contributions to production and savings of product are unequal. Yet, if we had economic equality, doubtless there would be a nearer approach than now to equality of possessions. But that would not be because economic equality and equality of possessions are identical. It would be because inequalities in productive and saving power and inclination are really less than they appear to be. With the possessions of each measured by his earnings and savings, both the original powers of production, and inclination to produce and save, would be seen to be not far from a common level; and equality of possessions would then naturally tend to coincide with economic equality. Mr. Bryce's propositions are therefore defective on the one hand in making too much of the inequality of personal powers, and on the other in confusing economic equality with the equality of possessions toward which economic equality would tend.

In comparing economic with civil and political equality, Mr. Bryce shows that he fails to grasp what Hamlin Garland calls "the clue to the snarl." For the question of equality is a snarl until you grasp the clue; then, like Columbus's problem of the egg, it becomes very simple, indeed. Mr. Bryce notes, as a capital difference, that whereas in civil and political inequality "one man's gain is another's loss," with economic inequality it is otherwise. This is a vital point. If Mr. Bryce were right in his contention that in economic inequalities one man's gain is not another's loss, nothing could be urged against economic inequality. But he is mistaken. In economic inequalities one man's gain is of necessity another's loss. Possessions not being in proportion to earnings and savings, what one gets in excess of his industry and thrift others must lose out of the proceeds of their industry and thrift. And because one man's gain is thus another's loss—just as the gain of one is the loss of another in both civil and political inequality—economic inequality is wrong; and for that reason

it produces the ill effects which Mr. Bryce enumerates, but accounts for as accidents of experience rather than inevitable consequences of violated moral law.

Mr. Bryce makes one exception to his observation that in economic inequalities one man's gain is no other man's loss. This exception is the possession of land. Here he stumbles upon "the clue to the snarl," but fails to grasp it. He thinks of land only as one class of property among many. Were he to consider it as the one great class of property which at the last controls all other kinds, and—by disturbing the natural equilibrium of possession, that true economic equality, of each in proportion to his earnings and savings—enables some to gain what others lose, he would grasp "the clue to the snarl" and unravel the tangle as he faithfully followed the clue.

After that Mr. Bryce would cease to be concerned about the dangers involved in taking property away from the rich and giving it to the poor. For he would no longer need to contemplate the possibility of such a proceeding. He would see that nothing need be done to produce true economic equality, but to abolish the unjust and blighting economic power of landlordism. This would indeed be to take away from individuals one kind of property, but a kind which is inimical to all just property rights. Could Mr. Bryce say that doing this would "weaken the motives for thrift and foresight which operate on the mind of the rich" to acquire property justly, or "the natural incentive to exertion which the need of providing" for themselves creates in the mind of the poor? Would he not be compelled to say, on the contrary, that it would give a new impulse to production and strengthen the guarantees of all just property rights—of all property rights, that is to say, under which one man's gain is not another's loss?

To abolish the wicked economic power of landlordism, while it would take no just property from the rich and give it to the poor, would prevent the further taking of just property from the poor and giving it to the rich. Is that change desirable or not? If not, why not?

## NEWS

Peace is now in sight. Rumors of it have abounded, almost from the beginning of the war; but on the 26th it was for the first time proposed definitely and officially. On that day the French ambassador at Washington, acting officially in behalf of Spain, and under the direction of the Spanish minister of foreign affairs, formally presented to President McKinley, at the white house, a message from the Spanish government making peace proposals. The message looked, in the language of the official bulletin issued from the white house, "to the termination of the war and the settlement of terms of peace."

It was doubtless in anticipation of these peace overtures that the personal liberties guaranteed by the constitution of Spain were suspended on the 14th, as reported last week, and that publications and public meetings in that country have been suppressed. The Spanish government fears both a republican and a Carlist uprising, the former to establish a republican form of government and the latter to replace the Carlist line upon the throne. What the extent of the danger of a republican uprising may be is not very clear, but the menaces of the Carlists have become more and more threatening. Don Carlos, the royal claimant, issued a manifesto on the 16th which we reported last week, calling upon the Spanish army and people to rebel; and since then preparations on the part of the Carlists have been active for a rebellion in the event of the surrender of any Spanish territory. These preparations have been met by the Spanish government, the Basque country and other districts in which the Carlists are strong having been placed upon a war footing.

A full day before the peace overtures from Spain reached the president, Gen. Miles had effected a landing upon the island of Puerto Rico. On the 19th he was still at Guantanamo, Cuba, held back by delay in organizing his naval force; but on the 21st it was reported from Washington that he was well on his way. He had left, in fact, in the evening of the 21st. His expedition was heard from on the 22d, off Mole St. Nicholas, Hayti, in a complaint from the commander that the construction corps had not arrived, and that snagboats