

AMERICAN POLITICAL THOUGHT  
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Supplementary Material

Chapter 8: The Progressive Era – Democracy and Liberty

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*Paul Elmer More, Property and Law (1915)*<sup>1</sup>

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*Paul Elmer More was born in St. Louis at the end of the Civil War to a Union general. After graduating from Washington University, he earned an M.A. from Harvard University in 1893 and soon thereafter abandoned academia. Much of his career was spent as a literary editor before finally accepting a position teaching classics at Princeton University in 1918. In the early twentieth century, he built his reputation as an essayist and became a leader of New Humanism, a literary movement that was critical of the cultural influence of industrialization, materialism, and science. Although generally conservative and religious in his basic outlook, More was uncomfortable with politics and more engaged with literary than social debates. He defended wealth primarily because it alone could provide the support needed for institutions like the church and universities that could be “devoted to unworldly pursuits” and give refuge to “those who are by character destined more specifically to be the creators and transmitters of the world’s intellectual and spiritual heritage.”*

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... In simple truth, property may rightly be called the cause of civilization, but, strictly speaking, it is only the occasion of injustice: injustice is inherent in the imperfection of man, and the development of the means of living merely brings into greater prominence what is an unavoidable feature of existence, not for man only but for the whole range of creation, in this puzzling world of ours. Rousseau, by inflaming the passion of men against the wrongs of society which by his own hypothesis are inevitable, was, and still is, the father of frightful confusions and catastrophes; but he performed a real service to philosophy by stating so sharply the bare truth that *property is the basis of civilization*.

The socialist theories of communal ownership give the argument, I admit, a new turn. Socialism rests on two assumptions. First, that community of ownership will, for practical purposes, eliminate the greed and injustice of civilized life. This I deny, believing it to be demonstrably false in view of the present nature of most men, and, I might add, in view of the notorious quarrelsomeness of the socialists among themselves. Secondly, that under community of control the material productivity of society will not be seriously diminished. This question I leave to the economists, though here too it would appear to follow demonstrably from the nature of man that the capacity to manage and the readiness to be managed are necessary to efficient production. Certainly, there has been a convincing uniformity in the way in which wealth and civilization have always gone together, and in the fact that wealth has accumulated only when private property was secure. So far as experience or any intelligent outlook goes, there is no sufficient motive for the creation of property but personal ownership, at least in a share of joint property. The burden of proof is entirely on those who assert the sufficiency of communal property; their theory has never been proved, but in innumerable experiments has always failed. And, in fact, the real strength of socialism, the force that some think is driving us along the edge of revolution, is

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<sup>1</sup> Excerpt taken from Paul Elmer Moore, *Aristocracy and Justice: Shelburne Essays, Ninth Series* (Boston: Houghton Mifflin Company, 1915).

in no sense a reasoned conviction that public ownership is better than private ownership, but rather a profound emotional protest against the inequalities of ownership. The serious question is not in regard to the importance of property, but in regard to the justice of its present distribution. Despite all the chatter about the economic interpretation of history, we are today driven along by a sentiment, and by no consideration of economics.

. . . Unless we are willing to pronounce civilization a grand mistake, as, indeed, religious enthusiasts have ever been prone to do (and humanitarianism is more a perverted religion than a false economics), unless our material progress is all a grand mistake, we must admit, sadly or cheerfully, that any attempt by government or institution to ignore that inequality [of basic human capacity], may stop the wheels of progress or throw the world back into temporary barbarism, but will surely not be the cause of wider and greater happiness. It is not heartlessness, therefore, to reject the sentiment of the humanitarian, and to avow that the security of property is the first and all-essential duty of civilized community. And we may assert this truth more bluntly, or, if you please, more paradoxically. Although, probably, the rude government of barbarous chiefs, when life was precarious and property unimportant, may have dealt principally with wrongs to person, yet the main care of advancing civilization has been for property. After all, life is a very primitive thing. Nearly all that makes it more significant to us than to the beast is associated with our possessions—with property, all the way from the food we share with the beasts, to the most refined products of the human imagination. To the civilized man *the rights of property are more important than the right to life*.

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. . . When we repeat the Stoic command to *Follow nature*, we really mean, as the Stoic meant, to follow our ideal of nature. We do not mean that a man should imitate the conduct of a tiger, which is yet entirely natural, nor of men as we see them daily acting, but that he should imitate his ideal of what a man should be. The command is unmeaning enough, and has force only because it seems to render the ideal concrete by confounding it with the actual. And there is its peril. We are prone to laziness and self-flattery, and so we are constantly justifying ourselves in imitating the baser actions of men, under cover of the command to follow human nature. Is not nature what all men are doing? It would, in fact, be easy to show that in the sphere of private morals this command has resulted in a curious mixture of good and evil, by clothing custom in the garb of the ideal.

But the peril of law, as law is what we propose for other men in the mass rather than for ourselves, is of the contrary sort. Law is not a code of ideal virtues nor a guide to individual perfection, but a rule for regulating the relations of society for practical purposes. Just as soon as, in any large measure, it fails to recognize the actuality of human nature, or pronounces in conformity with an ideal of human nature, it becomes inoperative or mischievous. If law supposed that all men were honest, what would be the consequence? Or, if law demanded that all men should be kind-hearted, what would be the consequence? These are absurd extremes, but an error of really the same character has obtained a kind of philosophical excuse through the treachery of such a phrase as *jus natural*. . . .

. . . We are bound, in any clear-sighted view of the larger exigencies of the relations of man with man, to fortify ourselves against such a perversion of the institutions of government as would adapt them to the nature of man as he ought to be, instead of the nature of man as he actually is, and would relax the rigor of law, in pity for the degree of injustice inherent in earthly life. If our laws, as we call them, being indeed but attempts to copy a code we have not made and cannot repeal, are to work for progress rather than for retrogression, they must recognize property as the basis of civilization, and must admit the consequent inequality of conditions among men. They will have little or no regard for labor in itself or for the laborer in himself, but they will provide rigidly that labor shall receive the recompense it has bargained for, and that the laborer, as every other man, shall be secure in the possession of what he has received. We may try to teach him to produce more and to bargain better, but in face of all appeals of sentiment and all reasonings of abstract justice, society must learn again

today that it cannot legislate contrary to the decrees of Fate. In this way, looking at the larger good of society, we may say that the dollar is more than the man, and that *the rights of property are more important than the right to life*.

So directly is the maintenance of civilization and peace and all our welfare dependent on this truth, that it is safer, in the utterance of law, to err on the side of natural inequality than on the side of ideal justice. We can go a little way, very slowly, in the endeavor to equalize conditions by the regulation of property, but the elements of danger are always near at hand and insidious; and undoubtedly any legislation which deliberately releases labor from the obligations of contract, and permits it to make war on property with impunity, must be regarded as running counter to the first demands of society. It is an ugly fact, as the world has always seen, that, under cover of the natural inequality of property, evil and greedy men will act in a way that can only be characterized as legal robbery. It is strictly within the province of the State to prevent such action so far as it safely can. Yet even here, in view of the magnitude of the interests involved, *it is better that legal robbery should exist along with the maintenance of law, than that legal robbery should be suppressed at the expense of law*.

No doubt there is a certain cruelty in such a principle, as there is a factor of cruelty in life itself. . . . All our religious feelings, our aspiring hopes, our personal morality, our conscience, our intellectual pursuits, all these things, and all they mean, is beyond the law—all our individual life, as distinguished from the material relations of man with man, reaches far beyond the law's proper comprehension.

Our most precious heritage of liberty depends on the safeguarding of that realm of the individual against the encroachments of a legal equalitarianism. For there is nothing surer than that liberty of the spirit, if I may use that dubious word, is bound up with the inequality of men in their natural relations; and every movement in history to deny the inequalities of nature has been attended, and by a fatal necessity always will be attended, with an effort to crush the liberty of distinction in the ideal sphere.

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No doubt the ideal society would be that in which every man should be filled with noble aspirations, and should have the opportunity to pursue them. But I am not here concerned with such Utopian visions, nor, as I have said, am I arguing that those who are honestly persuaded that a socialistic regime is, in our day, or any day, economically or psychologically feasible. My desire is rather to confirm in the dictates of their own reason those who believe that the private ownership of property, including its production and distribution, is, with very limited reservations, essential to the material stability and progress of society. We who have this conviction need very much today to strengthen ourselves against the insidious charms of a misapplied idealism; we need to remind ourselves that laws which would render capital insecure and, by a heavy income tax or other discrimination in favor of labor, would deprive property of its power of easy self-perpetuation, though they speak loudly in the name of humanity, will in the end be subversive of those conditions under which alone any true value of human life can be realized.

. . . For *if property is secure, it may be the means to an end, whereas if it is insecure it will be the end itself*.