

JOHN BROOKS

THE CONFLICT
BETWEEN PRIVATE
MONOPOLY AND GOOD
CITIZENSHIP

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**The Conflict between Private
Monopoly and Good Citizenship**

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Содержание

THE CONFLICT BETWEEN PRIVATE MONOPOLY AND GOOD CITIZENSHIP	4
Конец ознакомительного фрагмента.	9

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For a special purpose, I have had occasion to examine with care the comments upon American life and institutions made by foreign critics during the period that extends from the later part of the eighteenth century up to the present time. If one puts aside the frivolous and ill-tempered studies and considers alone the fairer and more competent observers, the least pleasant of all the criticisms is that we are essentially a lawless people.

If the critic, like de Tocqueville and Miss Martineau, had sympathy and admiration for us, the revealed lawlessness came as an astonishment, because it seemed to upset all sorts of pretty theories about democracy. The doctrinaires had worked out to perfection the idea that a people who could freely make and

unmake their own laws would, for that plain reason, respect the laws. Of course, a people who had laws thrust upon them from above would hate them and disobey them. But a democracy would escape this temptation.

It was apparently an amusement of many of these writers to collect, as did the jaunty author of "Peter Simple" in his Diary, interminable pages from our own press to illustrate the general contempt for those laws which really interfered with pleasures or economic interests. Harriet Martineau drove through Boston on the day when Garrison was being dragged through the streets. The flame of her indignation burned high; but it burned with new heat when she found that the very best of Boston culture and respectability would not lift a finger or pay a copper to have the law enforced in Mr. Garrison's favor. Beacon Street and Harvard professors told her that the victim was a disreputable agitator, richly deserving what he got. They seemed to think this English lady very cranky and unreasonable. The mob had the entire sympathy of the best people in the community, and that should satisfy her. De Tocqueville had an awakening at a polling-booth in Pennsylvania that in the same way disturbed all his presuppositions about us.

It is not my purpose to bristle up and strike back at these critics of American behavior. Amid possible exaggeration, they are telling a great deal of truth about us. It is a truth that it has its own natural history. A long adventurous border-life was in some respects the great fact of the nineteenth century in moulding

our national habits. A large part of the population lived under conditions where no appeal to legal restraints was possible. There were no courts, – no police. The whole constructive work of life was thrown so absolutely upon the man fighting his life-battle alone, that excessive individualistic habits were formed. Every self-reliant instinct was developed until it became a law unto itself. They do not, says de Tocqueville of the Americans, ask help. They do not "appeal." They understand that everything rests with themselves. Every immigrant of those days had come from what Freeman calls "overgoverned" countries. They escaped from highly organized social constraints to have their fling on a continent as illimitable in extent as it was in the prizes which its natural resources offered. That such a large proportion of the strong lived this free border-life through the entire century has resulted in making a standard of individualistic action almost dominant in the community.

There is, first, this natural history of extreme individualistic habits and of their reactions on our whole national life. There is, further, the almost universal concentration on wealth-production as a means of winning what average men most crave in this world. What the strong of any race work for is not, ultimately, money, it is social power. This power has many symbols in a monarchy. There are titles and decorations for which armies of able men will do hard public service for years. This same passion is as lively in the United States as in Germany, but we exclude the symbols. Wealth everywhere gives power, but with us it is

almost the only symbol that has wide and practical recognition. This passion, working in a vigorous people upon the resources which the United States offers, has intensified the competitive struggle in industry to a degree hitherto unknown in the world. This struggle has absorbed the thought and strength of the people to an extent without known parallel.

It is the magnitude and stress of this competition that have bent and subdued politics to business ends. The engendered business rivalries in this game develop qualities that are indifferent to laws.

The last ten years of investigation have disclosed one further reason for heedlessness of law. The chances of promotion among the abler and more ambitious young men in the service of large concerns are known to depend on the fact of a good showing in their departments. Can they keep down expenses? Can they enlarge and maintain sales? These have been the supreme tests for rapid and sure promotion. When these are done, few questions are asked by manager or director. Among the largest interests in this country, and among all interests that have to do with franchises and legislation, skill to evade laws may have the highest value in a fight against competitors. A magnate recently accused of law-breaking denies it roundly, and it may be with honesty. When the evidence of long-practiced frauds against the laws in his own business is produced, he insists that he never knew it. But he also turns on the light: "I do not ask my heads of departments *how* they succeed; it is enough for me that they do

succeed." This explains, but does not excuse, the guilt.

I make no use here of theory. I am thinking of definite large business interests in which the evil will remain as common as it is inevitable so long as the business is unregulated and its shady practices concealed from public authorities and public opinion. In some of our huge concerns it is the traditional procedure to bring the various heads of departments together at regular intervals and pit them against each other as if running a race for life. What is the showing that each can make against the other? Has this one cut down the cost of his product; has he reduced this or that item of expenditure; has he got the most out of the workmen under his charge; has he been able to dodge practical difficulties – legal, sanitary, or any other – that stood in his way?

In this relentless contest before their superiors, the foreman or agent learns that the one key to favor and advancement is that no other shall make a better showing. If he can safely get this superior result out of his labor group, that is one way; if he can reach his end by introducing children under age, or by any other questionable device, the temptation is there in the subtlest form it can assume for the average man. When, recently, a swarm of sharp practices came out in another of the great concerns whose products reach half the homes of the nation, the man at the top doubtless told the truth when he replied: "In my position, it is not my business to know those details. I have no time except for the results sent in." Thus the president or director stands apart from and above this underworld of tolerated illegalities.

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