Government in America—Master or Servant?

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The controversial theme of government as master or servant raises one of the most perplexing problems in society today; but other times have also witnessed the lively ferment created by this issue. For example, in the American context, note the fear so carefully voiced by George Washington:

> The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create whatever the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it, which predominates in the human heart is sufficient to satisfy us of the truth of this position.[1]

Therefore, we can obviously detect the early vintage of this problem in America. But certainly we are also aware of the immediacy of this question. Our effective media of communication virtually inundate us with news and commentary concerning the war in Vietnam, civil rights and the Negro ghetto (with its tragic and bloody implications in Watts, Newark, Detroit, and elsewhere), school desegregation, deficits and taxation, more specific regulation of the economy, urban renewal, federal aid to education, the war on poverty, *et al.* Behind each of these critical issues in our modern scene is the distinct shadow of government. But does it pose as *master* or as *servant* of the people? Perhaps a cursory examination of our past history and experience will enlighten us and give some basis for answering the query presented by this perplexing issue.[2]

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[1]"Farewell Address, September 19, 1796," *Basic Writings of George Washington,* ed. Saxe Commins (New York: Random House, 1948), pp. 636-637.

[2]To some the shadow of government is merged with the spectre of Communism. Note this interesting statement by one Robert Welch: ". . . while we are destroying and after we have destroyed the Communist tyranny, let's drive on towards our higher goals of more permanent accomplishment; towards an era of less government and more responsibility, in which we can create a better world." *The Blue Book of the John Birch Society,* 9th printing (Belmont, Mass., 1961), p. 174.

Implicit in the American heritage is a deep-rooted tradition of *minimum* or *limited* government. Puritanism bequeathed to America a great stress upon the role of the individual—his worth, his purpose, his significance (although perhaps not exalted!) in the Lord's scheme of things. True, much of Puritan thought was cramped, narrow, and intolerant in flavor. But essentially there was a strong belief in the divine mission and independent self-reliance of man.[3]

As America progressed through the colonial era, the Puritan concept of the individual was absorbed, almost unconsciously, into the secular streams of colonial thought and culture. As a result, the stress upon the individual gradually shifted from the religious to the political sphere, and this transformation became even more apparent with the steady decay of the old Puritan rigidity.[4] Mixed into this melting pot of beliefs were various bold ideas cast abroad from the Age of Enlightenment in Europe: the vital role of human reason, strong skepticism regarding ecclesiastical standards, the inevitability of progress, and the inviolability of the scientific method. The clarion call was to set man "free" so that he could make his maximum achievement without restraint from government or from any other repressive institution. As Adam Smith expressed the thought in his revolutionary *Wealth of Nations*:

> Every man, as long as he does not violate the laws of justice, is left perfectly free to pursue his own interest in his own way, and to bring both his industry and capital into competition with those of any other man, or order of men.[5]

A common golden thread for much of this thinking about government and the individual was the concept of "natural law" (and "natural rights"—the logical offspring). The basic premise was simply that natural law, available and accessible to human reason, governs the individual. And this condition prevails regardless of the acceptance or rejection of such rule.

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[3]Masterful treatments of this area of thought may be found in the two following works: Vernon L. Parrington, *Main Currents in American Thought, Volume One: The Colonial Mind* (New York: Harcourt, Brace, 1927); especially Part I, and Samuel Eliot Morison, *The Puritan Pronaos* (New York: NYU Press, 1936).

[4]This development was strikingly portrayed when John Wise used secular sources for his significant treatise, *A Vindication of the Government of the New England Churches, 1717* (Boston: J. S. Clark, 1860).

[5]Adam Smith, *The Wealth of Nations, 1776*, 2nd ed. (Oxford: Clarendon, 1880), Vol. 2, p. 272.

Hence, government as such is rationally and mechanically formed *only* to implement and fulfill the natural law. Obviously then, under such a mechanistic concept, government must be limited in scope and power. Our Founding Fathers were deeply imbued with this natural law approach; the Declaration of Independence is clearly a natural-law document, and many of the epistles and tracts of revolutionary America were but simple variations on this same great theme.

In essence, the natural-law advocate argued that that government is best which best protects the rights (natural) an individual possesses as an *independent* entity. He constantly emphasized the point that the standard of judgment regarding political authority rests *outside* the sphere of government, and that the foundation for all the rights and responsibilities of individuals is a body of eternal and universal principles of truth. Hence, man as an individual possesses a "sovereignty of independence" which exists separate from his commitment or obligation to the state, or to its organized creature, government.[6]

For added color, Jeremy Bentham's utilitarianism contributed still another element to the American melting pot of ideas. Bentham rejected the metaphysical and nonprovable basis of the natural law, arguing instead that government-individual relationships would have to be based upon an evaluation of the "pains" and/or "pleasures" given to the individual by government—directly or indirectly. Hence, to the utilitarian, human welfare or happiness was to be the standard of judgment; this was the valid test of the rightness or wrongness of any institution, tradition, or action. Obviously then, to Bentham, that government is best which is most successful in increasing the net total of "pleasures" for the largest number of its citizens. In the application of the utilitarian "hedonistic calculus," the government-individual relationship should be determined by the judgment of the rational man in computing the sums of his "pains" and "pleasures." In terms of obedience to government, the individual must rationally weigh the "probable mischiefs of resistance" versus the "probable mischiefs of obedience." To Bentham, this was to be a deliberate and rational

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[6]A classic statement on this issue was once given by Woodrow Wilson: "America stands, first of all, for the right of men to determine whom they obey and whom they will serve, for the right of political freedom and a *people's sovereignty*."*New York Times,* January 30, 1916, p. 2. (Italics mine).

process of *individual* choice. Consequently, we can see that although the utilitarians rejected the metaphysical base of natural law, they did accept the notion of the mechanistic origin of government and its limited sphere.[7]

But as history sped forward and America stretched out toward her Manifest Destiny, modern problems sprouted along the way. These were related to an increasing population, a declining agrarianism, and a growing complexity and sophistication of social and economic life.

> America's economic revolution enhanced national wealth, raised standards of living, produced cycles of prosperity and depression . . . depressed agriculture and speeded up urbanization, encouraged immigration, and stimulated the more rapid growth of population. It led to mechanization and standardization of social life, modified social institutions such as that of the family and the church, and changed the intellectual outlook of the people.[8]

Therefore, concomitant with this historical development came a growing interest in the idea of "positive government." Related to the optimistic "law of progress," so typical of the 19th Century, was the notion that there is an orderly movement in society toward rational goals of social change and improvement. And in this pattern of things, it should be government's role to aid and abet the law of progress and pave the way for these inevitable social changes.[9] In this climate, then, arises a new challenge to the individual. What right does he have to claim a so-called "sovereignty of independence"? In the face of increasingly complex civilization, can (or should) the individual stand alone? Should he not recognize the unalterable fact that he is indeed a member of "society"? True, society or the collective mass may now question the role of government as master or servant. But the advocates of positive government now argued that society must take over and make

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[7]An excellent source for a review of political utilitarianism is W. L. Davidson, *Political Thought in England: the Utilitarians from Bentham to J. S. Mill* (New York: Macmillan, 1916).

[8]Samuel Eliot Morison and Henry Steele Commager, *The Growth of the American Republic,* 5th ed. (New York: Oxford University Press, 1962), Vol. 2, p. 189.

[9]The relationship between "progress" and "power" was first described by Marquis de Condorcet, *Outline of an Historical View of the Human Mind,* 1795, and was given new facets by Comte and Spencer in the 19th Century. This relationship remains firmly entrenched today as a characteristic element in modern political theory.

the individual realize that there is strength (as well as "good") in numbers. The mass or group concept of communal strength now regained some of its ancient importance.

Perhaps, to the pluralist, an argument can be fashioned that individual freedom rests upon the multiplicity of social units and the existence of a thriving and vigorous society.[10] However, to others, the distinction between "society" and "government" has never been clearly drawn and hence, in either sense, the individualist could stoutly maintain that the general collectivist notion simply added up to the tyranny (malevolent or benevolent) of government over man—or the many over the few.

Actually, during this period of ferment, a great struggle for compromises occurred, flavored by the constant hope that all conflicts could be resolved even on a tentative basis in a democratic and peaceful environment. Perhaps Abraham Lincoln gave us the best glimpse of this pattern when he wrote:

> I am for the people of the whole nation doing just as they please in all matters which concern the whole nation; for those of each part doing just as they choose in all matters which concern no other part; and for each individual doing just as he chooses in all matters which concern nobody else.[11]

In a very real way, this Lincoln standard would be much too general to be of specific help in weighing concrete issues. Nonetheless it does exemplify the effort of Americans to find proper balances and relationships between government and the individual.

Still, the problems of a growing nation have persisted, and in recent decades the gnawing and tormenting burdens of international relations have been added. For example, to what extent shall liberty be circumscribed to guarantee security in the world of nations? In our modern and baffling nuclear age, which things belong to government and which to the individual? Generally, we can say that since government acts through coercion (direct or indirect), the things that are *properly* under

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[10]A rewarding insight into pluralism may be obtained from Harold J. Laski, *Authority in the Modern State* (New Haven: Yale University Press, 1919), and *A Grammar of Politics,* 4th ed. (London: Allen and Unwin, 1938); also William Y. Elliott, *The Pragmatic Revolt in Politics* (New York: Macmillan, 1928).

[11]"Fragment: Notes for Speeches, October 1, 1858," *Complete Works of Abraham Lincoln,* ed. John G. Nicolay and John Hay (New York: Tandy, 1905), Vol. 4, p. 231.

its sway are those which must be done under compulsion or not be done at all. And since the individual acts through voluntarism, the things that are *properly* under his jurisdiction are those which, in their very nature, must be done of free will if they are to have any value in life—for him. Examples in this sphere would include issues of morality, the exercise of credal faith, and the nurture of habit, custom, and tradition.

However, this is no air-tight compartment of values. In many instances the interests of government and the individual impinge upon the same real issue. For example, in the realm of censorship of literature, the conflicts may be very dramatic and very serious. Government will take action against that which it judges to be unclean, obscene, or "dangerous." But the individual may raise the question of proper definition of terms and may also protest against the intervention of government in an area so intimately related to personal taste and culture. Can a writer, for instance, legitimately argue that his *ultimate* obedience is to something "higher" than government? Obedience to his inner promptings? Obedience to the cause of beauty? Of truth?

> . . . there ought to exist a certain minimum area of personal freedom which must on no account be violated, for if it is overstepped, the individual will find himself in an area too narrow for even that minimum development of his natural faculties which alone make it possible to pursue, and even to conceive, the various ends which men hold good or right or sacred. It follows that a frontier must be drawn between the area of private life and that of public authority. Where it is to be drawn is a matter of argument, indeed of haggling.[12]

This gives rise to the grievous quandary of determining whether obedience to government is absolute or conditional. Is disobedience or resistance ever justified? Thoreau obviously thought so when he refused to pay his poll tax and ended up in a Massachusetts jail, arguing all the while that when law was unjust, all honest men belonged in prison![13] But how is the line to be drawn, and what criteria will apply? In the eyes of government, each citizen is obligated to obey duly promulgated laws. But in the eyes of the individual, such an obligation

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[12]Isaiah Berlin, *Two Concepts of Liberty* (Oxford: Clarendon, 1958), p. 9.

[13]"Under a government which imprisons any unjustly, the true place for a just man is also a prison," Henry David Thoreau, *Walden and Civil Disobedience* (New York: Mentor, 1957), p. 230.

is conditioned by his own evaluation of government's action. If he *feels* that such action violates a "higher law" (be it natural, utilitarian, beauty, truth, etc.), his loyalty becomes divisible. Hence, government is limited in its scope of power to the extent of the individual's loyalty to the higher law.

But in the case of a government-individual impasse, how is the Gordian knot to be unravelled? Government could, of course, simply impose force and ride roughshod over individualistic reservations. On the other side of this same equation, however, the individual could "estrange" himself and revolt against the constituted political authority. But, given the environment of democracy and justice, the general tendency will be to hammer out tentative compromises—a ceaseless struggle for solutions to the impasses created by the vexing issues of the day. Of course, at times this temporizing tradition has capitulated to the forces of rage and hate. Witness the bloody and hideous tragedy of the Civil War, and note the terrible sorrow which is rife in the modern "Negro revolution":

> Swirling black and thin white line,
> Hymns of hope and prayers of peace,
> Gutter curse and silence of stone,
> Gandhi and King.
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> Yellow fang and cruel, coarse club,
> Stinging water, and fire's glare,
> Frenetic, senseless flame,
> Anguish and agony.
>
> And Jesus wept.

But in the main, despite insane setbacks, we have tried valiantly to meet the bewildering challenges of our world in the arena of lawful controversy and democratic decision-making.

If the rule of reason can prevail, both government and the individual will make commitments to refrain from force and violence. The individual should then be willing to subject the rationale of his resistance or disobedience to close scrutiny and debate and should also be willing to accept the consensus of judgment—no matter how rough, crude, or temporary—of the public. Accordingly, government should then be willing to permit the environment where such free testing may take place and should also be willing to accept the public's consensus.

Obviously, there is no simple rule that can be applied automatically to solve all conflicts between government and the individual. Each issue must be judged tentatively on its own merits at the particular time and circumstance of history, in the environment of tradition, convention, and law. However, it must be recognized that genuine progress in society can occur only in the climate of peaceful social persuasion. Hate campaigns, slander, shotgun blasts, and fire bombings certainly do not make an environment for intelligent debate, nor a launching pad for meaningful social progress.

Perhaps we can apply the term "empirical individualism" to this struggle for balanced compromises. In this sense we could maintain that government may intervene in those areas where experience and common sense show that the intervention is essential for human welfare. Accordingly, in this same line of reasoning, government should interfere with the individual *only* when his conduct affects the welfare of others directly, substantially, and adversely. Of course, empirical individualism, no matter how closely defined, cannot be the automatic panacea for our critical conflicts and hence cannot completely solve the question of government as master or servant. But again, as Sir Ernest Barker once put it, this may be ". . . the only answer which the mind can ever get, however hot for certainties it may be!"[14]

Nevertheless, at this point it should be emphasized that in stabilizing the government-individual relationship, *decisions* must be made. Though they be painful and filled with anguish, they are the price we must pay for the civilization we do enjoy. Certainly this pathway is far more preferable to the decay and erosion created by indecision. My prior emphasis upon history is based on the idea that the study of history is imperative for proper decision-making in the struggle between government and the individual.[15] After all, life can never be a convenient vacuum in which we can conduct detached experiments, nor

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[14]Ernest Barker, *Principles of Social and Political Theory* (Oxford: Clarendon, 1951), p. 225.

[15]"History, by apprising them (the youths of America) of the past, will enable them to judge of the future; it will avail them of the experience of other times and other nations; it will qualify them as judges of the actions and designs of men; it will enable them to know ambition under every disguise it may assume; and knowing it, to defeat its views." Thomas Jefferson, *Notes on the State of Virginia, 1782* (Chapel Hill: University of North Carolina Press, 1955), Query 14, p. 148.

can it ever be an electronic device capable of producing exact duplicates! Wise choices will depend upon our ability and willingness to learn from the past. Of course, historical application must always be qualified. We cannot reach definitive conclusions with slide rule or computer. But if we regard history as a "social art," we may then draw broad conclusions which will aid us in avoiding the pitfalls of tyranny and anarchy. In this way, we can be armed in our struggle for rational, though tentative, decision-making.

America rests upon the threshold of modern greatness. She has much to contribute, and her impact upon the world has been and will continue to be monumental. However, the harshest challenge of all still faces her. Is government to be master or servant? The world watches America to see what decisions will be made regarding the struggle between government and the individual. But above all, these decisions must be made and made in the environment of democratic social persuasion. In every conflict we will face alternatives and we *must* choose between them. The choice is always hard because no alternative is ever completely satisfactory, and to some extent, each decision must trample upon some value in our society. But choose we must, for ironically, the refusal to choose is in itself a choice. Herein lies the core of genuine human tragedy.

Courage is the cornerstone of choice, and men can never be free unless they are also brave. This is America's challenge then: to flourish in truth as the "home of the brave and the land of the free."