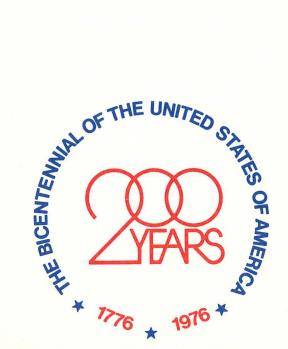
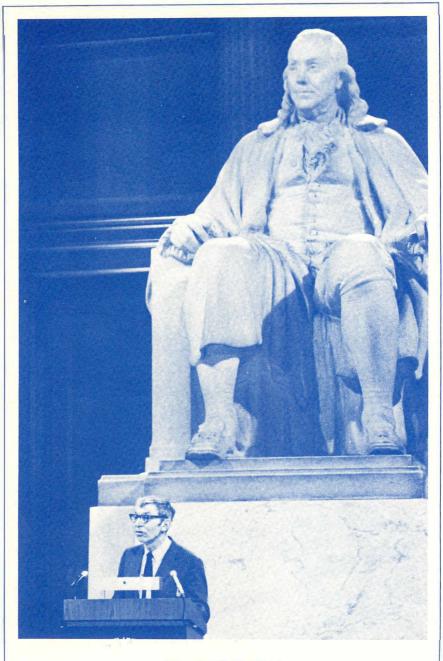


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Edward C. Banfield, William R. Kenan, Jr. professor of public policy analysis and political science at The University of Pennsylvania, is an expert on the American city.



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Distinguished Lecture Series on the Bicentennial

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revolution · continuity · promise



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t would be very pleasant on such an occasion as this to say that the American city has been and is a unique and unqualified success—and to be able to show that its successes all derive from adherence to principles established and given institutional form in the American Revolution, whose bicentennial we are here to commemorate.

Unfortunately, it is all too evident that even if this were the Fourth of July I would not have license for that sort of oratory. In many important respects the American city is a great success, but there are certainly many things about it that are thoroughly unpleasant, and some that are—or ought to be—intolerable. Moreover, it is obvious that in most important respects—the good and the bad alike—the American city differs more in degree than in kind from cities elsewhere. What we have to be proud of and what we have to worry about are, for the most part, features of modernity and not of anything specifically American.

If we limit ourselves, as this occasion requires, to those features of the city that have been distinctively American over a long period of time, we shall nevertheless have a rather long and varied list. I shall begin by offering my list. Then I shall try to account for the items on it with a simple explanatory principle. In the hope of making this explanation more convincing, I shall draw a contrast necessarily based on fragmentary and impressionistic evidence —between urban development in the United States and Canada having chosen Canada because it was a British colony which did not revolt and to whose development my explanatory principle applies, so to say, in reverse. Finally, I shall point to what I consider one of the great ironies of history—that the Founding Fathers created a political system whose essential character turned out to be the very opposite of what most of them intended.

I

My list of features which have distinguished the American city over time will be more manageable if I break it down into three categories. The first I shall call growth and material welfare, the second civility, and the third government. I hope that no attention will be paid to the order of the listings, or to the fact that some items would fit about as well in one category as in another.

Growth and material welfare. It should not be necessary to remind a Philadelphia audience how astonishingly fast was the growth and spread of cities in this country. Philadelphia, which in 1775 had a population of 44,000, was the world's eighth largest city a little more than a century later. Of the nine cities in the world with more than a million population in 1890, three were American, and there were then 351 others in the United States of more than 10,000 population.

The cities were built by that often ludicrous and sometimes contemptible fellow-the Worshipper of the Almighty Dollar, the Go-Getter, the Businessman-Booster-Speculator-an upstart, a nobody, but shrewd, his eye on the main chance, always ready to risk his own and (preferably) someone else's money. "Americans," Thomas Low Nichols wrote in 1864,

are sanguine, and hope to succeed in the wildest speculations; but if they do not, they have little scruple about repudiation. A man cares little for being ruined, and as little about ruining others. But then, ruin there is not like ruin in older countries. Where a man can fail a dozen times, and still go ahead and get credit again, ruin does not amount to much.¹

¹Thomas Low Nichols, M.D., Forty Years of American Life, 1821-1861 (reprinted, New York: Stackpole, 1937), p. 58; (first published 1864).

In search of the dollar, the American has been constantly on the move. The historian, Stephan Thernstrom, has estimated that, over the past 170 years, probably only 40 to 60 percent of the adult males in most cities at any point in time were in the same city ten years later.² "A migratory race" Tocqueville called us, "which, having reached the Pacific Ocean, will retrace its steps to disturb and destroy the social communities which it will have formed and left behind."³

The ethnic diversity of our cities has been unparalleled. As early as 1890, one-third of the residents of cities of over 100,000 population were foreign-born. Ten million foreign-born were counted by the 1970 census, and their median family income, it is interesting to note, was not appreciably lower than that of all U.S. families.

The American city has always provided a high level of living for the great majority of its residents. (It was because of what he saw in Europe that Thomas Jefferson came to loathe the city.) The American city dweller has always had more and better schooling, housing (in 1900 one-fourth of the families in most large cities owned their own homes), sanitation, and transportation than city dwellers elsewhere.

Civility. Organized philanthropy has always been conspicuous in the American city. Museums, libraries, symphony orchestras, asylums, hospitals, colleges, parks and playgrounds—the number and variety of such institutions begun and supported in whole or part by "service" clubs, foundations, and other private efforts is impressive and, I believe, peculiarly American (a point which Tocqueville also made).

Most of these achievements are largely to the credit of the Go-Getter. But he must also be mentioned as a doer-of-evil—as one who, to get things done, has been ready to go to any lengths. Politicians took bribes, Lincoln Steffens remarked, because businessmen paid bribes, and so it was they, the businessmen, who were the real corrupters.

² Stephan Thernstrom, The Other Bostonians, Poverty and Progress in the American Metropolis, 1880-1970 (Cambridge, Mass.: Harvard University Press, 1973), p. 225.

³ M. Gustave de Beaumont, ed., *Memoir, Letters, and Remains of Alexis de Tocqueville* (Boston: Ticknor and Fields, 1862), vol. 1, p. 154.

The extent of corruption in American city government has long been the wonder of the civilized world. Some have tried to account for it by pointing to the masses of poor and politically inexperienced immigrants, but this is surely only a partial explanation. Boss Tweed and his "Forty Thieves" (there were then forty New York City councilmen) were in business before a great many immigrants had arrived. Frank J. Goodnow, writing at the turn of the century in one of the first textbooks on city government, stated the puzzling facts:

Philadelphia, with a large native-born and homeowning and a small tenement-house population, with a charter which is largely based on what is considered to be advanced ideas on the subject of municipal government, is said to be both corrupt and contented....⁴

The experience of cities like Philadelphia, he concluded, encourages the belief that "there must be something in the moral character of the particular populations. . . ."

Moreover, if corruption was common in American cities, so was violent crime. As far back as records go (as much as 100 years in only two cities) the homicide rate has been extraordinarily high by the standards of other countries.

Class differences have, of course, existed in all countries. In America, however, where there has probably been more upward mobility than anywhere else, to be socially defined as "no account" has been crushing in a way that it could not be where everyone knew that rising in the world was out of the question. Perhaps because most have expected to rise, if not themselves then through their children, the American city, unlike cities in most countries, has never produced a radical working-class movement of importance. Perhaps because some have been demoralized by their failure to rise in a society where rising is supposed to be easy, the American city has had a *lumpenproletariat*, a lower as distinguished from a working class—one more conspicuous and possibly more resistant to absorption into normal society than the lower class of other countries.

⁴ Frank J. Goodnow, City Government in the United States (New York: The Century Co., 1904), pp. 304-305.

If the openness of American urban society has produced total alienation in some, it has created disaffection in many more. In a society preoccupied with getting and spending, those who have not managed to get as much as others with whom they compare themselves are likely to feel poor and perhaps to blame themselves and the society for their being relatively badly off even if they are in absolute terms reasonably well off. This is no new thing. Josiah Strong in his book *Our Country*, written in 1858, observed that

within a century there has been a great multiplication of the comforts of life among the masses; but the question is whether that increase has kept pace with the multiplication of wants. The mechanic of today who has much, may be poorer than his grandfather, who had little. A rich man may be poor, and a poor man may be rich. Poverty is something relative....⁵

Nichols, from whose book (written at about the same time as Strong's) I have already quoted, pointed out wider implications of this "struggling upward."

There is no such thing in America as being contented with one's position or condition. The poor struggle to be rich, the rich to be richer. Every one is tugging, trying, scheming to advance—to get ahead. It is a great scramble, in which all are troubled and none are satisfied.... Every other ragged little boy dreams of being President or millionaire. The dream may be a pleasant one while it lasts, but what of the disappointing reality? What of the excited, restless, feverish life spent in pursuit of phantoms?⁶

Government. What is perhaps most conspicuous to the foreigner is the localism of our politics—localism in two senses: First, every city, even every village, has, by the standards of other countries, an extraordinary degree of independence in dealing with a wide range of matters, including police and schools. (Where else

⁵ Josiah Strong, Our Country, ed. by Jurgen Herbst (Cambridge, Mass.: The Belknap Press of Harvard University, 1963), p. 147.

⁶ Nichols, Forty Years of American Life, p. 195.

could the voters of a small town decide not to permit the construction of a \$600 million oil refinery?)⁷ Second, in America city politics turns on local, often neighborhood, concerns, not on national issues or on ideologies.

Our cities have been, and still are, run—to the extent that they can be said to be run at all—by politicians (meaning persons whose talent is for managing conflict), not by career civil servants or planners (meaning persons whose talent is for laying out consistent courses of action to attain agreed-upon goals). To be sure, thousands of documents called "plans" have been made under the auspices of American local governments. It would be hard to find one that has been carried into effect, however, unless perhaps by an accident of politics.

The "problem of metropolitan organization" exists in this country in a form that may be unique. Actually, it is really two quite different problems. One comes from the multiplicity of more or less overlapping jurisdictions within a single metropolitan area, and the other from the absence, in any such area, of a generalpurpose government having jurisdiction over the whole of the area. It is a peculiarly American practice to refer a great many matters to the electorate—not only the choice of mayors and councilmen (and, in many places, of judges) but decisions about capital expenditures, zoning, and governmental structure as well.

Finally, it is remarkably easy for a small number of persons, especially if they are organized, to prevent an American local government from carrying out undertakings which are alleged to be—and which may in fact be—in the interest of the large majority. Ours is, in David Riesman's phrase, a system of "veto groups."

I

This has been a sketchy listing of what I take to be the distinctive features that American cities have exhibited over time. I turn now to what I regard as the "key" difference—the one which, better than any other, accounts for or

⁷ New York Times, March 8, 1974.

"explains" the items on the list. This "key" difference is the extreme fragmentation of authority in the federal system, especially in state and local government. Our constitutions and charters divided authority into a great many small pieces and distributed the pieces widely. The fragmentation, great to begin with, was further increased in the half-century from 1830 to 1880; governors and mayors were mainly for show and the executive function was carried on by a multitude of separately elected boards and commissions, most of them subject to constant interference by legislatures, courts, and electorates. In recent decades there has been a considerable amount of centralization, but even now ours is, by the standards of other countries, an extraordinarily fragmented system.

How does this explain the features of the American city that I have held to be distinctive? Let me begin with the governmental category. Fragmentation of authority explains why the cities have been run by people adept at managing conflict—the "politicians" and not by people adept at devising comprehensive and internally consistent courses of action—the "planners." It also explains both sorts of localism. The wide distribution of authority has meant that in order to exercise power on the state or national scene one had to have a local base. Political parties in the United States are not really national organizations; rather they are shifting coalitions of those who, by winning elections or otherwise, have assembled enough pieces of local authority to count.

Because there is power at stake locally, able and ambitious men and women exert themselves to get it. They have always been able to afford to offer the voter (enough voters to make a difference) inducements more substantial than mere ideology—jobs, favors, ethnic recognition. Politics in the American city has been serious business—that is, the politician has been a sort of businessman and the businessman a sort of politician. Obviously this would have been impossible if power had been centralized.

The fragmentation of authority has not only permitted but also encouraged its informal centralization by means—notably the machine and the boss—that were corrupt. If, as Steffens said, businessmen gave bribes because they had to—because it was impossible to operate a street railroad without doing so—it is also true that politicians took them because they had to—because, to centralize enough power to get things done, they had in one way or another to "purchase" pieces of authority from voters and others. Without this easy access to power on the local scene, the Go-Getter would not have had the opportunity to "go get." As it was, he could extend the grids of nonexistent cities into the hinterland confident that he could induce some public body to build the canal, railroad, highway, arsenal, or whatever that would send land values up. Even the new immigrant's ethnic ties had a political value that could be converted into the small amount of capital he needed to get started.

These incentives released prodigious amounts of energy. The freedom—near-anarchy in places—of the politician-businessmanentrepreneur was a necessary condition of the great scramble to advance which, Thomas Low Nichols said, left all troubled and none satisfied. (In Europe, Nichols wrote, in a part of the passage that I did not quote, as a rule the poor man knows that he must remain poor, and he submits to his lot. "Most men live and die in the position to which they are born.") Also, where laws were made and unmade by majority vote and enforced or not depending upon who paid how much to whom, the consequence must have been not only general disrespect for law but also for the persons and institutions that claimed to act under its authority. The same conditions that made the Go-Getter also helped to make the con-man and the gun-slinger.

That the system produced a high and ever-rising material level of living for most city dwellers must not blind us to the fact that those who did not know how to work the system, or who for one reason or another were prevented from working it, fared badly. Those who took "favors" from the machine and its boss made a very poor bargain, judged at least by middle-class standards. As Jane Addams remarked in *Twenty Years at Hull-House* (1916):

The policy of the public authorities of never taking an initiative, and always waiting to be urged to do their duty, is obviously fatal in a neighborhood where there is little initiative among the citizens. The idea underlying self-government breaks down in such a ward. The streets are inexpressibly dirty, the number of schools inadequate, sanitary legislation unenforced, the street lighting bad, the paving miserable, and altogether lacking in the alleys and smaller streets, and the stables foul beyond description.⁸



The explanation that I have offered to account for the distinctive features of the American city would be more convincing if I could show that in another country an opposite principle produced opposite results. I believe I can. The history of urban development in Canada provides such a test, for the Canadian political system has been the opposite of ours in what for me is the crucial respect. I am not, of course, implying that the Canadians are less attached to democracy than we are. Rather, my point is that their idea of it is essentially different from ours. In Canada the British tradition has never been interrupted: the duty of government has always been to govern-not, as in the United States, to preside over a competition of interests. Canadians, writes Professor Tom Truman of McMaster University, "insist on strong stable executive government, which, once it has made up its mind on what the public interest requires, should take the necessary action quickly and with determination to see it through completely." 9

It goes without saying that the comparison with Canadian experience cannot provide a wholly satisfactory test of my argument, for there are manifestly many differences between the two countries that may account for much of what I am trying to explain. Although Canada is larger in area than the United States, its great natural resources have been, especially in the nineteenth century, much less accessible. It has always had an important Frenchspeaking minority. And it has always been profoundly affected by events in this country. The influence of these and other circumstances on urban development has certainly been great. I believe, however, that the centralized structure of political authority in

⁸ Quoted by Louis Wirth, The Ghetto (Chicago: University of Chicago Press, 1956), p. 196.

⁹ Tom Truman, "A Critique of Seymour M. Lipset's Article, Value Differences, Absolute or Relative: The English-speaking Democracies," *Canadian Journal of Political Science*, vol. 4, no. 4 (1971), p. 513.

Canada accounts-better than any other single principle-for the differences between Canadian and American cities in the features I have listed.

A detailed account of Canadian experience is obviously out of the question here, but let me call your attention to a few relevant facts:

-The growth of cities in Canada was slow. As late as 1911 Canada had only six cities of 50,000 or more population, of which only two (Montreal and Toronto) had more than 300,000.

-The Go-Getter-Businessman-Booster-Speculator has been (until recently) conspicuous by his absence. Horatio Alger heroes, it seems, have never been popular in Canada.¹⁰ It may be indicative of the difference in business ethos that there are about twice as many lawyers per capita in the United States as in Canada: in 1955, one lawyer in private practice per 868 persons here compared to one per 1,630 there.¹¹

-Immigration into Canada was, until well into this century, mainly from the British Isles. British immigrants were long favored by law. By American standards, assimilation of non-British and non-French-speaking immigrants was slow: not until this century, I understand, was one elected to public office.

-Generally speaking, the level of public services has been low by American standards.

—Organized philanthropy began late—about World War I, an import from the United States.¹²

-Large-scale corruption has never been a feature of city life.

-There has been very little violent crime.

-Social mobility has been less than in the United States.

-Although radical working-class movements (the Canadian Commonwealth Federation and the National Democratic Party) have been able to form governments only on the prairies, they have had more supporters in the urban areas than among the wheat farmers.

 ¹⁰ Seymour M. Lipset, The First New Nation: The United States in Historical and Comparative Perspective (New York: Basic Books, Inc., 1963), p. 251.
 ¹¹ Ibid. p. 264.

¹² Aileen D. Ross, "Organized Philanthropy in an Urban Community," *Canadian Journal of Economics and Political Science*, vol. 18, no. 4 (1952), pp. 474-475.

-Urban Canada does not seem to have had a *lumpenproletariat* on anything like the American scale.

-"The incessant exercise of voting power," Lord Bryce remarked, "has never possessed any special fascination for the Canadian."¹³

-Toronto has a metropolitan government—one much admired by American reformers. It was created in 1953, over the objections of most of the local governments concerned, by the Provincial Government on recommendation of the Ontario Municipal Board, a quasi-judicial body. The possibility of a referendum was never seriously discussed.¹⁴

Can these features of Canadian development be accounted for in large part by the centralized structure of government? I do not have time to develop evidence in support of this claim, but I must quote one of many pertinent passages in a work by the Canadian sociologist S. D. Clark. He writes in *The Developing Canadian Community*:

A force of Royal Engineers put an end to lawlessness in the mining camps of British Columbia. Settlement of the western prairies and the gold rush to the Klondike took place under the close control of the North West Mounted Police. Even in Canadian cities, serious threats to law and order have been met by the decisive use of force.

The result was to establish a tradition of respect for the institutions of law and order. The population generally did not feel the need of taking the law into its own hands through mob action or the organization of vigilantes. There was lacking that intense jealousy of local rights which in the United States made it difficult for federal forces to intervene. The way in which the North West Mounted Police came into being was in striking contrast with that of the Texas Rangers. In the United States the frontier bred a spirit of liberty which often

¹³ James Bryce, Modern Democracies (London: Macmillan & Co., 1921), vol. 1, pp. 553-554.

¹⁴ Harold Kaplan, Urban Political Systems: A Functional Analysis of Metro Toronto (New York: Columbia University Press, 1967).

opposed efforts to maintain order. In Canada, order was maintained at the price of weakening that spirit.¹⁵

IV

One of the great ironies of history is to be found in these developments, for it was a centralized system like the Canadian, not a fragmented one like the American, that the principal figures among the Founding Fathers thought they were creating.

The Revolution, John Adams wrote in a letter in 1818, was effected before the war; it was "in the minds and hearts of the people; a change in their religious sentiments of their duties and obligations." So long as the king and all in authority under him were believed to govern according to the laws and constitution derived to them by their ancestors, the colonists thought themselves bound to pray for them as "ministers of God ordained for their good." However, "when they saw those powers renouncing all the principles of authority and bent upon the destruction of their lives, liberties and properties, they thought it their duty to pray for the continental congress and the thirteen state congresses." ¹⁶ On this view, the intention of the revolutionaries was to bring about a change of regime, not of political principles. Rulers who would not act as ministers ordained by God were to be replaced by others who would.

There is nothing to contradict this in the Declaration of Independence. Jefferson, in writing that governments "derive their just powers from the consent of the governed," did not assert something novel. Since 1689 British monarchs had needed the consent of the House of Commons in order to raise revenue. And, as Martin Diamond pointed out in his lecture in this series, the Declaration says that consent is required to institute or establish a government,

¹⁵ S. D. Clark, *The Developing Canadian Community* (Toronto: The University of Toronto Press, 1962), pp. 191-192.

¹⁶ Adrienne Koch and William Peden, eds., *The Selected Writings of John Quincy Adams* (New York: Alfred A. Knopf, Inc., 1946), p. 203.

not for the conduct of its affairs. The unchallenged principle was that the conduct of affairs belonged in the hands of those authorized to govern.¹⁷

Adams wanted not only to follow the principles of the British system but, so far as American conditions allowed, to recreate its forms as well.¹⁸ That the executive authority was to be in the hands of one chosen by election did not seem to him or most others to constitute a fundamental change. It had long been understood that in Britain almost all real, as opposed to nominal, authority was in the hands of ministers, not of the king. As Gouverneur Morris put it later when addressing the Constitutional Convention, "Our President will be the British minister." ¹⁹

It was in that convention that the distinctively American political arrangements were worked out. They represented neither the reestablishment of the essential principles of the British system nor the assertion of contrary principles. They were a compromise that is, the acceptance of contradictory principles. Expediency prevailed, and the result was not a plan but an accident.

Hamilton and Madison acknowledged that "the deliberate sense of the community" should govern the conduct of those in office, but they added that this did not require "an unqualified complaisance" to every transient impulse of the people. "When occasions present themselves in which the interests of the people are at variance with their inclinations, it is the duty of the persons whom they have appointed to be the guardians of those interests, to withstand the temporary delusion. . . ." The humors of the legislature did not require unqualified complaisance either: "it is certainly desirable that the Executive should be in a situation to dare to act his own opinion with vigor and decision." Also: "It is one thing to

¹⁷ Jefferson's view, according to Harvey C. Mansfield, Jr., was that government "derives from the people, where it is 'deposited,' and yet acts on the people to keep them independent by making them republican." He was, Mansfield says, "willing to trust the people, not to govern, but to choose their governors." See his essay, "Thomas Jefferson," in Morton J. Frisch and Richard G. Stevens, eds., *American Political Thought* (New York: Charles Scribner's Sons, 1971), pp. 38-39.

¹⁸ Bernard Bailyn, The Ideological Origins of the American Revolution (Cambridge, Mass.: Harvard University Press, 1967), p. 290 (footnote).

¹⁹ Max Farrand, ed., *Records of the Federal Convention* (New Haven: Yale University Press, 1937), vol. 2, p. 104.

be subordinate to the laws, and another to be dependent on the legislative body." $^{\rm 20}$

In his farewell address Washington warned that "all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities," are "of fatal tendency."

It is fair to say that until John Quincy Adams left the White House in 1829 there had been no revolution, so far as any of the Presidents were concerned, if by revolution is meant fundamental change of political principles. One might even say that there was an effort at counterrevolution—a return to the established principles of the British constitution which were, as A. V. Dicey has said, supremacy of law and "the omnipotence or undisputed supremacy throughout the whole country of the central Government."²¹ Nevertheless, there were signs, before the second Adams left the White House, that the government of the United States would never be the "monarchical republic" that his father and some of the others had intended it to be and imagined that it was.

Immediately before and during the revolutionary war public opinion turned against all things British, including the idea that there ought to be a ruler-a minister ordained of God to act for the common good. The expansion of the frontier and the increase in the number and prosperity of tradesmen and craftsmen in the towns and cities gave the "local Demagogues," as Gouverneur Morris called them, an unassailable power. In its first years the national government was without physical force to support its measures (the army consisted of a few hundred men) and then, almost at once, the War of 1812 absorbed all its resources. Under the circumstances the executive could not as a practical matter exercise the power that it claimed in principle. Washington meant to sell the public lands gradually and in a way that would encourage compact settlement (this had long been the British policy) but his plan could not be carried out: the minimum price of public land, set at \$2.00 per acre in 1796, was reduced under pressure from frontiersmen and speculators to \$1.20 in 1820 and, a few years later, again cut by almost

²⁰ The Federalist, No. 71.

²¹ A. V. Dicey, Law of the Constitution (London: Macmillan & Co., 1902), p. 179.

half.²² The comprehensive plan for internal improvements put forward by Jefferson's secretary of the treasury, Gallatin, became, after long delay, a pork-barrel for the states which Madison vetoed the day before he left office.²³

The same forces that prevented the national executive from establishing its mastery led to the development of political parties on a local rather than (as in Canada) a national basis. The parties were coalitions within each state of local interests which, every four years, formed loose federations to nominate and elect a President.

By the 1830s the American political system had assumed its characteristic and lasting form. The President was indeed an "elective monarch," but only in matters in which he was willing to invest the whole force and energy of his office; in the nature of things, there could be few such matters at any one time. In other matters the system functioned to accommodate competing and more or less parochial interests, not to deliberate about (much less enforce) an idea of the common good. State and local governments were organized in imitation of the much-revered national one, but the imitations did not extend to the feature the Founding Fathers had considered crucial: a strong executive—a minister ordained of God for the people's good. Governors and mayors, as I have said, were little more than ceremonial figures. In state and local government, the principle of interest-balancing prevailed.

Those with a taste for irony will relish the fact that by the time the American Revolution had worked itself out to this conclusion, the British system—whose corruption in the eighteenth century had set the American events in motion—had somehow reformed itself and was operating on the principles that most of the Founding Fathers unqualifiedly admired and had meant to copy.

As I said at the outset, this is not a Fourth of July oration. But I do not wish to leave the impression that I consider the American Revolution to have been a mistake. Even if I were sure that a strong central government, operating with consent and under law, would produce effects that are on the whole preferable to those produced by a system of interest-balancing, I would not think that the

²² V. Webster Johnson and Raleigh Barlowe, Land Problems and Policies (New York: McGraw-Hill, 1954), pp. 35-36.

²³ Carter Goodrich, "National Planning of Internal Improvements," *Political Science Quarterly*, vol. 63, no. 1 (1948).

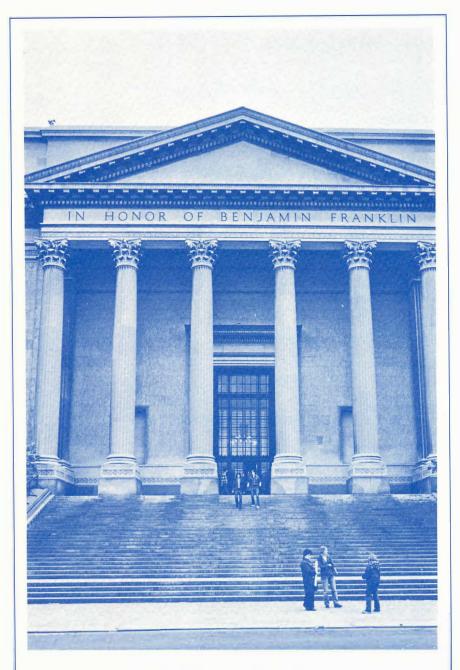
Revolution was a mistake. For there is no doubt that without the American example before them, other nations, including the British and the Canadian, would not have succeeded as well—perhaps not at all—with their brand of democracy.

That a people could, by a deliberative process, accomplish what has always been regarded as the highest and noblest of all tasks—the creation of a political order that assures to them and their posterity the blessings of life, liberty, and the pursuit of happiness has had, not only for us but for the whole world, a significance no other event could possibly have had. But if there is great reason for pride in this achievement, there is also reason for apprehension —certainly for pondering such questions as those asked by Thomas Low Nichols in the book from which I have several times quoted:

If the only source of power is the will of the people expressed by the votes of a majority, what are the institutions that may not be overthrown?—what are the institutions that may not be established? The whole people own the whole property; what shall hinder them from doing with it as they will? So the people are above their institutions, and may frame, modify, or abolish them according to their sovereign will and pleasure. Right is a matter of opinion, and to be determined by a majority. Justice is what that majority chooses. Apparently expediency is the only rule of conduct.²⁴

Plainly Nichols thought justice is not what the majority chooses and expediency is not the only rule. And so do I.

²⁴ Nichols, Forty Years of American Life, p. 244.



Franklin Memorial Hall, the rotunda in the main building of The Franklin Institute, was the site for this lecture. The institute was founded in 1824.

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