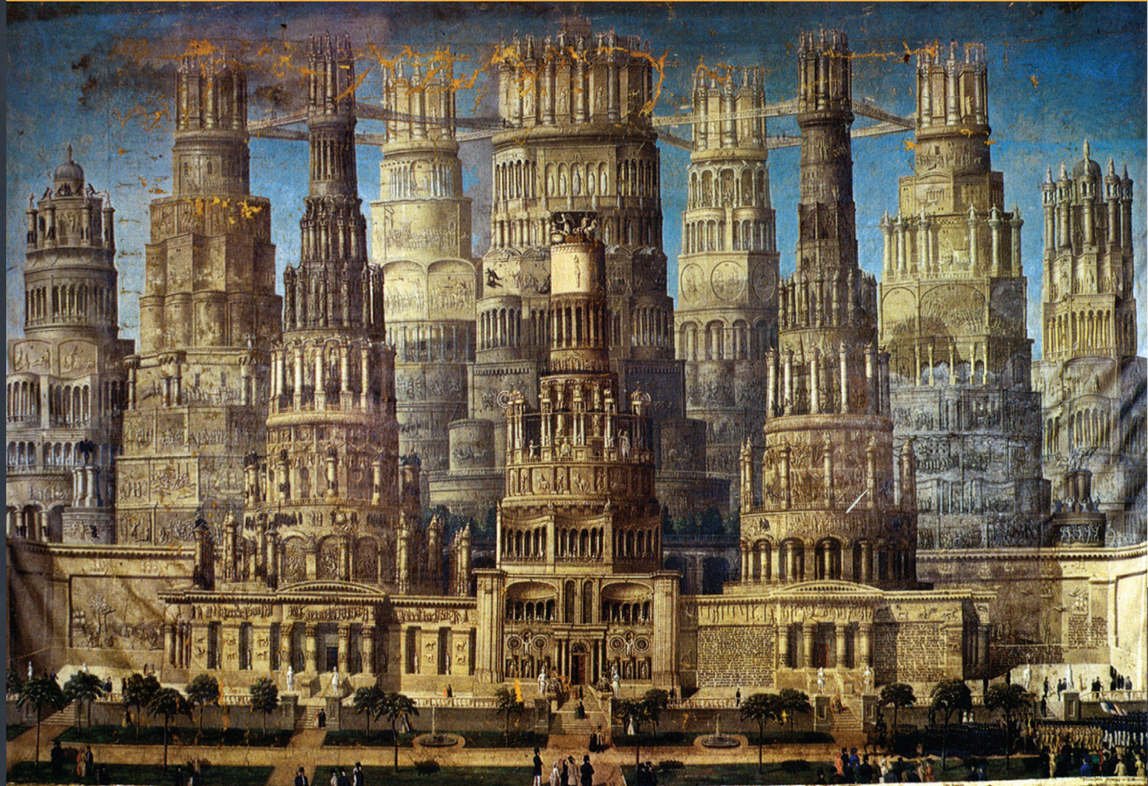
American Thought

A CRITICAL SKETCH



Morris Raphael Cohen

Felix S. Cohen, editor

With a foreword by the editor

American Thought

Taylor & Francis
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LONDON AND NEW YORK

First published 2009 by Transaction Publishers

Published 2017 by Routledge
2 Park Square, Milton Park, Abingdon, Oxon OX14 4RN
711 Third Avenue, New York, NY 10017, USA

Routledge is an imprint of the Taylor & Francis Group, an informa business

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Library of Congress Catalog Number: 2008055465

Library of Congress Cataloging-in-Publication Data

Cohen, Morris Raphael, 1880-1947.
American thought : a critical sketch / Morris Raphael Cohen ; Felix S. Cohen, editor ; with a foreword by the editor.
p. cm.
Originally published: Glencoe, Ill. : Free Press, 1954.
Includes bibliographical references and index.
ISBN 978-1-4128-0995-5
1. Philosophy, American. 2. United States--Intellectual life. I. Cohen, Felix S., 1907-1953. II. Title.

B851.C6 2009
191--dc22

2008055465

ISBN 13: 978-1-4128-0995-5 (pbk)

The long toil of the brave is not quenched in darkness,
Nor hath counting the cost fretted away the zeal of their hopes.

* * * *

For whatsoever one hath well said goeth forth with a voice that never dieth;
And thus, o'er the fruitful earth and athwart the sea hath passed
The light of noble needs unquenchable forever.

PINDAR, *Isthmian Odes IV, V.*

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Foreword

ALMOST THE FIRST BOOK [wrote Morris R. Cohen[1]], I ever rashly promised a publisher was one on contemporary American thought, which was originally planned for publication in 1926 as a volume of the international "Library of Contemporary Thought" that was being published by an English firm. The substance of one of the main chapters in the projected volume, that on American philosophy, had been largely written in instalments for the *New Republic* and published in the *Cambridge History of American Literature* in 1921. But the book I planned would focus not on technical philosophy but rather on the general ideas which are taken for granted in various fields of thought and thus come to constitute the philosophy of a period and a country even before they have been systematically articulated.

Ever since the winter of 1923-24, when Alvin Johnson succeeded in getting the New School for Social Research established and its students elected me to give the first course, I had been lecturing there, off and on, on various aspects of science and philosophy. The course which brought me the keenest response was one on contemporary American thought. I had no difficulty in lecturing on the subject, but the hope that a book could be written from my lecture notes refused to materialize. Perhaps this was because in speaking I could not stop and say, "I'll go and look something up," before continuing, whereas in writing I do that very often. Particularly was this true in a subject like American thought, where meditation cannot take the place of reading, and where the field to be covered grows year by year.

When I retired from undergraduate teaching in 1938, the completion of the volume on American thought was one of the assignments uppermost in my mind. I undertook to lecture on the subject at Chicago in the spring of 1939,

[1] M. R. Cohen, *A Dreamer's Journey* (1949), pp. 195-197.

and in the course of these lectures managed to get down on paper a series of sketches of American thought on science, history, philosophy, politics, jurisprudence, art, religion, psychology, education, economics, and sociology. These drafts only emphasized the limitations of my knowledge of some of the subjects dealt with. Through the 1939 spring session at Chicago I spent a large amount of time reading up on points in these lectures that needed strengthening. Particularly did I seek to remedy the gaps in my knowledge of early American scientific and economic thought and of American literary criticism and art criticism generally. Reading in the history of American geology, chemistry, astronomy, and physics made me realize how much science was cultivated early in the history of the republic. The work of Franklin in the field of electricity and of Jefferson in geology represented solid scientific research as well as a striking symbol of the common roots of science and liberalism.

In my youth, the ascetic and democratic ideas with which I began to philosophize had predisposed me to view aestheticism as a form of snobbery. Acquaintance with rare paintings or esoteric music could not be a prerequisite, I thought, to an understanding of the depths of human nature or the needs of the human spirit. As a pluralist I could find plenty of anthropological evidence for the view that talk about superior taste may mean a blindness to its natural diversity. Later reflection, however, on the fact that only a few who are highly trained understand the meaning of such scientific laws as that of gravitation, suggested that in the field of art, too, training may make clear what is otherwise vague and indistinct. Later study made it plain that the enjoyment of nature is largely motivated by art. People see or hear what great artists have taught them to see and hear. And so art criticism must be based on understanding of the techniques by which such results are attained. In this train of thought, discussions with Edwin Arlington Robinson and other fellow colonists at the MacDowell and Yaddo colonies proved most stimulating.

The more I read, however, on these themes the wider loomed the seas of my ignorance. And the more I wrote on

contemporary American thought the farther I was from being up to date in all its fields, much as Tristram Shandy found when it took him seven years to write the first year of his autobiography. Eventually I had to admit to myself that if I ever did complete a book on contemporary American thought it would be out of date by the time it was published. It might be possible, however, to sketch the formative influences or currents that have entered into American thinking without striving for contemporaneity. But even with this limitation the task remained a baffling one.

What was baffling to the author of this volume was even more baffling to his literary executor. And so the task of putting the vast conglomeration of essays and lecture notes on American thought into book form was postponed, from year to year, while other simpler editorial tasks were tackled.[2] The passing years have emphasized some of the gaps in the volume but they have not detracted, I think, from the significance of the reflections that are here assembled. For what is most significant in these reflections is that they are the product of a single pioneer mind that has ranged widely on the frontiers of American reflective thought and brought to many diverse fields a unified and unifying perspective. And in a world where academic compartments and other barriers to the free interchange of ideas threaten to make philosophy itself a specialized discipline, there is greater need than ever before for consistent perspectives that range over the broadest horizons of the human mind. The gaps in this volume will be filled, sooner or later, by other writers more expert in one specialty or another. But later writers, whether they agree or disagree with

[2] *The Meaning of Human History* (the Carus Lectures delivered in 1945) was published (Open Court Publishing Co.) in 1947; the *Source Book in Greek Science* (of which Dr. Israel Edward Drabkin was co-editor) (McGraw-Hill Book Co.) in 1948; *A Dreamer's Journey* (Beacon Press) in 1949; *Studies in Philosophy and Science* (Henry Holt & Co.) in 1949; *Reason and Law* (The Free Press) in 1950; *Reflections of a Wondering Jew* (The Free Press) in 1950; *Readings in Jurisprudence and Legal Philosophy* (with Felix S. Cohen as co-editor) (Prentice-Hall, Inc.) in 1951; *King Saul's Daughter* (The Free Press) in 1952; and a re-issue of *Reason and Nature* (The Free Press) in 1953.

the author's appraisals of particular thinkers or historic events, are likely to profit, I think, by the effort to come to grips with the threads of continuity that Morris R. Cohen found running through the fabric of American thought.

For one who always called himself a pluralist, Morris R. Cohen had a remarkable sense of the inter-relatedness of all the fields of human thought. Always there was the dominating quest for a philosophical outlook to which no honest effort of the human mind would be irrelevant. In his autobiography Morris R. Cohen writes of the dream, kindled by the enthusiasm of his teacher, Thomas Davidson,

> of an Encyclopedia of Philosophy that should do for the culture of the twentieth century what the Brothers of Sincerity did for the tenth, and Diderot and d'Alembert did for the eighteenth. This dream has dominated my whole intellectual life. All my reading somehow or other gets fitted into that scheme. And though I was never to realize that youthful ambition, it has given form to all of my fragmentary efforts at the statement of a philosophical position adequate to the understanding of the problems of modern civilization.[3]

A certain irreverence towards the respectable distances that are supposed to separate one academic domain from another crops up again and again in the titles that Morris R. Cohen chose for his writings: *The Faith of a Liberal; The Faith of a Logician; The Piety of an Agnostic.* How can a liberal or a logician have a faith, or an agnostic a piety? *Legal Theories and Social Science.* Didn't every bar association member who heard this address know that legal doctrines are never theoretical and that social theories are never scientific? *The Process of Judicial Legislation.* What business do judges have legislating? *An Introduction to Logic and Scientific Method.* Doesn't every schoolboy know that logic and scientific method are separated by twenty centuries? *Reason and Nature.* Don't we all know that reason is artificial and that nature is irrational? *The Logic of Fiction.* What college courses could be more remote from each other than logic and fiction?

[3] M. R. Cohen, *A Dreamer's Journey* (1949), at p. 109.

The irreverence of these writings ran deeper than the titles. It was in the coming together of widely diversified ideas that Morris R. Cohen found the promise of American life and the genius of American liberalism. It was in the basic interdependence of opposites, the principle of polarity, that he found a compass for philosophical sanity and a safeguard against all monolithic absolutisms. In such a perspective no field of study can function in complete isolation from other fields, and the task of formulating the seminal ideas of American philosophy must take one on an arduous journey through all the realms of reflective thought.

In a sense, the whole drive of Morris R. Cohen's thinking was towards the breaking down of the petty isolationisms that specialists are so fond of setting up to protect the little domains of their sovereignty from the outsider. During much of the era with which this volume deals, American thought was hopelessly compartmentalized. Each of the natural and social sciences had its own fixed and distinct place in an academic caste world that did not tolerate miscegenation. Economics and politics were regarded as entirely separate and distinct sciences, and the study of law was independent of both. Logic was viewed as dealing with a subject matter that had nothing in common with the subject matter of the mathematical or physical sciences. Philosophy was regarded as essentially other-worldly, and the chasm between American academic thinking and the world of practical affairs reached dimensions which could hardly be matched in any other land. In no other country was technical academic philosophy so far removed from the philosophies of the people. No other country had "more professional teachers of philosophy and proportionately fewer readers of philosophic literature in the general public."[4] Those phases of philosophy that had traditionally been most closely linked to the affairs of daily life, such as the philosophy of history, of politics, of ethics and aesthetics, were precisely the phases most widely neglected in American academic philosophy down to recent years.

Many of these chasms have been bridged in the past four

[4] M. R. Cohen, "Philosophy in America," in Francis Hackett, *On American Books* (1920), p. 49.

decades. In the building of these bridges the author of this volume played a significant role. But as a reporter of the currents of American thought, Morris R. Cohen fails to report his own contributions to those currents. This is indeed one of the most serious gaps of the present work.

One must look elsewhere, for example, to find an account of Morris R. Cohen's impact upon the traditional isolationism of American law, the notion as Justice Cardozo once put it, "that law is to be kept in a water-tight compartment and that within that compartment, and no other, is to be found the material by which its growth must be renewed."[5] And Justice Cardozo went on to say: "I can think of no one who has battled against that view more steadily and gallantly than this pseudo-lawyer who has enriched our conception of jurisprudence by the fertilizing waters of a profound and pure philosophy."[6] One may turn to the comments of another brilliant American jurist, Judge Nathan Margold, for an account of the impact upon lawyers and law teachers of "the first American philosopher to interest himself in the law."[7]

> It was back in 1913 that Morris R. Cohen shocked the lawyers and law teachers of America with his epoch-making paper on "The Process of Judicial Legislation." What he said then supplied the text to which the most valuable work of progressive jurists since that time has been commentary.
>
> * * * * *
>
> The non-legal works that now fill the footnotes of Supreme Court opinions, the increasing reliance upon scientific data in the trial and argument of cases of public interest, and the expanding curricula of our more progressive law schools, all bear witness to the breakdown of the old myth of the self-sufficiency of the law. The technique of the "Brandeis brief," with its accent on social facts, the tendency of the last twenty years to expand the administrative

[5] Quoted in *Freedom and Reason: Studies in Philosophy and Jewish Culture in Memory of Morris Raphael Cohen* (edited by S. W. Baron, E. Nagel and K. S. Pinson, 1951), p. 36.

[6] *Ibid.*

[7] Nathan R. Margold, "Morris R. Cohen as a Teacher of Lawyers and Jurists," in *Freedom and Reason,* p. 43.

and investigative side of the judicial process, and the increasing recognition of the role of social outlook in the judicial process, are all indications of the vitality of the philosophy with which Professor Cohen began to break down the walls that separated law from the social sciences. The trumpets still echo and the walls go crumbling down.

* * * * *

Morris R. Cohen made the phonograph theory of justice intellectually untenable. As judges came to recognize the scope of their creative and responsible role in the legal process, there grew up a more sober attitude of judicial deference to the authority of legislators. At the same time legislators became more aware of the social policy issues involved in constitutional law. There thus arose the practice of including in statutes statements of fact and policy designed to support the constitutionality of the statute. For more than a decade now the Supreme Court has accepted the authority of Congress as embodied in such statements. During that period it has refrained from substituting its own judgment for the judgment of Congress on disputed issues of social fact and policy.[8]

In this change the voice of Morris R. Cohen was the voice of a prophet who first points out that which becomes obvious to all once it has been declared.[9]

The gap between law and philosophy that Morris R. Cohen sought to bridge reflected the prevailing unconcern of philosophers for law no less than the disregard of jurists for philosophy. And so the bridging of this gap involved not only carrying philosophy to lawyers but equally carrying law to philosophers, which was the burden of Morris R. Cohen's 1912 address to the American Philosophical Association on "Jurisprudence as a Philosophical Discipline."[10]

At about the same time, Morris R. Cohen, in collaboration with John Dewey, was organizing the Conference on Legal and Social Philosophy, from which much of the social and

[8] *Ibid.*, pp. 38-41.

[9] *Ibid.*, pp. 36-37.

[10] Reprinted in M. R. Cohen, *Reason and Law* (1950), at p. 129.

philosophical consciousness of modern American jurisprudence derives. It was in this period that Morris R. Cohen introduced courses in legal philosophy into the American philosophical curriculum and began the preparation of a source book for such courses which has only recently been completed.[11] Further assaults upon the philosophical isolationism of the traditional American jurisprudence were made through the translation of modern continental works in legal philosophy in the Modern Legal Philosophy Series, of which Morris R. Cohen was a co-editor. A series of his own lectures, law review articles, and works on legal philosophy that profoundly influenced American law teaching and juristic thinking are not mentioned in the text of Morris R. Cohen's account of American legal thought.

Equally profound and devastating was the isolationism of American instruction in logic when Morris R. Cohen first began to teach that subject in 1912. A tradition almost unchanged since the days of Aristotle regarded logic as a study of syllogisms, without regard for the simple fact that most of mathematics and most scientific reasoning is non-syllogistic. In his teaching, in the essays later collected in *A Preface to Logic*, and in the joint work of Morris R. Cohen and his talented pupil, Ernest Nagel, *Introduction to Logic and Scientific Method*, the old narrow view of logic received its death warrant and the modern conception of logic as identical with mathematics and scientific demonstration came to be a living part of American scientific and philosophic thought. Whereas the traditional logic had seemed to assume a world of hard and fast concepts, a world in which everything is black or white, true or false, modern logic offered a more flexible instrument capable of dealing with the fictions, partial truths, probabilities, uncertainties, and twilight zones which are the true object of science and the material of daily life. "Conceived in these terms," wrote Morris R. Cohen,[12] "logic becomes not a restriction upon the world that science discloses

[11] The volume of *Readings in Jurisprudence and Legal Philosophy*, cited in footnote 2.
[12] In the foreword to *A Preface to Logic* (1944), p. xi.

but an indispensable instrument for the exploration of possibilities, and in this sense an indispensable element of liberal civilization and free thought." It will be a long time before any of us can say with certainty how much this broadening of our views of logic has contributed to the widening of American horizons in philosophy and in the natural and the social sciences.

So, too, the divorce between scientific and classical studies that is so deep-seated in the organization of our academic life by degrees, had resulted in a wholly mythical conception of Greek thought as essentially unscientific. Along with this idea went the equally mythical conception of science as a recent product of Baconian empiricism. Both these myths rested largely on the fact that classical scholars did not understand the significance of ancient scientific writings and modern scientists did not understand the language in which they were written. Morris R. Cohen was not content to subject these twin myths to devastating refutations.[13] Rather he went on to arrange, with the collaboration of his brilliant student, Dr. Israel Edward Drabkin, for the compilation of a monumental *Source Book in Greek Science*.[14] Since the publication of that work no literate philosopher or scientist can have any further excuse for believing that the Greeks were mere speculators and that real science begins with Bacon or Galileo.

The philosophy of history,[15] the history of science,[16] the application of scientific method to the social sciences,[17] the intersection of economics and politics in the key concepts of "property"[18] and "contract,"[19] and a dozen other modern de-

[13] See, in particular, "Bacon and the Inductive Method," in M. R. Cohen, *Studies in Philosophy and Science* (1949), p. 99.

[14] Referred to in footnote 2.

[15] See *The Meaning of Human History* (1947).

[16] *Ibid.*, pp. 245-259.

[17] *Cf.* "The Social and the Natural Sciences" in M. R. Cohen, *Reason and Nature*, at p. 333; and "Generalization in the Social Sciences," in *Eleven Twenty-Six, A Decade of Social Science Research* (ed. by L. Wirth, 1940).

[18] *Cf.* "Property and Sovereignty" in M. R. Cohen, *Law and the Social Order* (1933), p. 41.

[19] *Cf.* "The Basis of Contract," *ibid.*, p. 69.

velopments of what is today called the interdisciplinary approach reflect important contributions to American thought on which the author of this text maintains an over-modest silence. In all these respects Morris R. Cohen's influence upon colleagues and generations of students can best be told by others. My own task as editor of this volume has been restricted, in this respect, to the inclusion of a number of asterisked footnotes pointing to other works of the author in which the unsatisfied reader may find some of these gaps partially filled.

Most serious, perhaps, of all the gaps in American thought to which this volume calls attention is that between academic reflection and the direction of practical affairs. In countless efforts to bridge this gap, Morris R. Cohen played a significant role. The organization in 1899, under the inspiration of Thomas Davidson, of a Breadwinner's College, the first of many significant democratic institutions of adult education for a more enlightened citizenship; the organization of the American Association of University Professors, which did so much to bring a sense of civic responsibility to the ranks of university teachers; the organization of the New School for Social Research; the introduction of scientific team-work into studies of race relations and international tensions; the establishment of two outstanding inter-disciplinary periodicals, *The Journal of the History of Ideas* and *Jewish Social Studies,* these are only a few of the significant developments of organized American thought in which the author participated and which are modestly passed over in these pages.

One result of these omissions is to over-accent the gaps in American thought and to over-emphasize the breach between our academic thinking and our practical life. One needs to remember that constant hammering at the irrationalities and failures of our intellectual life was, for Morris R. Cohen, a part of the process of attaining the richest potentialities of liberal civilization. The faith that is implicit in the critical writing of this volume finds a more positive expression in *The Faith of a Liberal.* And in that volume one finds the author's own criticism of his own earlier critical writing. Republishing, in 1946, an essay written 20 years earlier on the

topic, "Have Ideas Prestige Among Us?", Morris R. Cohen added, by way of postscript:

> The twenty years that have passed since this paper was written have witnessed notable advances, I think, in the intellectual life of this country. The development of graduate schools, centers of adult education and popular forums, the expansion of governmental and private research agencies, the acknowledgment by courts of the relevance of economic and other social studies in the determination of social issues, and the breaking down of barriers against scholarship in Government posts, are tangible signs of intellectual advance. Even more unmistakable is the retrogression of intellectual standards in most of the other nations of the world during these two decades. If, therefore, this paper implies a disparaging comparison, I hope it will be read not against the somber background of Europe today, but against the brighter horizon of what our own resources, natural and human, might produce and cherish.[20]

Apart from those gaps in the present volume which result from the author's failure to report on his own contributions to the development of American thought, there are other gaps resulting from the fact that at the time of the author's death, on January 28, 1947, certain projected chapters of this work had not progressed beyond the form of rough lecture notes. These incomplete chapters, dealing with American thought in psychology, sociology, ethics, education, and literature, and a proposed final chapter on the outlook for American thought, have been entirely omitted from this volume. In addition to these large gaps, there are many smaller lacunae, at points where the author had not completed projected studies of important contemporary thinkers. These are particularly numerous for the period of the late 1930's and 1940's. The careful reader will therefore refrain from drawing any inferences from the fact that some important thinker or writing is not mentioned in the text.

It has been my hope that some day a group of Morris R.

[20] M. R. Cohen, *Faith of a Liberal* (1946), p. 287.

Cohen's former students and associates might take up this fragmentary work and, through proper supplementation along the lines which the author laid out for himself, make of this survey a more complete symposium account of American thought in all its significant reaches. But in the absence of such a volume, or even as a prelude to such an enterprise, the gathering of the panoramic views of a single mind may be of some significance in the further development of the groping, hopeful, American thought that this volume sketches.

In order to maintain the character of the present work as the product of a single mind, this volume has been limited to those chapters which were reviewed and approved for publication by the author himself in 1946. Portions of these chapters, however, were then in the form of rough notes, and in editing such notes I cannot hope to have escaped errors that might have been caught and corrected if the author had lived to put the entire manuscript into final form.

Special acknowledgment is owing to those students and friends of Morris R. Cohen who collaborated with him in helping to prepare several chapters of this volume from fragmentary essays and lecture notes. A good deal of the writing and rewriting in Chapters 1 and 7 and in some parts of Chapter 9 was done with the assistance of Sidney Hook. Kenneth Arrow helped in the preparation of Chapter 4, and Stanley K. Nehmer in the preparation of Chapter 5. Herman Womack assisted in portions of Chapter 8. In the final editing of the manuscript, Leonora C. and Harry N. Rosenfield, Lucy M. Kramer, Victor W. Cohen, Charles Biederman, Milton Konvitz, and Maurice J. Goldbloom collaborated. And every chapter bears witness to the contributions of the author's life-time collaborator, Mary Ryshpan Cohen.

FELIX S. COHEN

Washington, D. C.
July 29, 1953.

POSTSCRIPT:

Since neither the author nor the editor saw final page proof of the book, any errors of omission or commission must be charged solely to my inadequacies as literary executor. If the

book in final form has technical merit, and if the two indices prove of value, credit must go largely to those friends of Morris R. Cohen and Felix S. Cohen without whose assistance and devotion this work could not have been completed. Particular mention must be made of H. E. Bornstein, Huntington Cairns, William Gerber, Sidney Kramer, David Ryshpan and Patricia Schiller.

To Felix Cohen's daughters, Gene Maura and Karen Ann, I owe a debt not only for active assistance in the menial jobs of proof reading and preparing cards for indexing, but for bearing with a parent whose time and temper were often short. If they in the years to come feel a small sense of pride in having made this publication possible, the debt, I hope, will be forgiven.

LUCY KRAMER COHEN

Washington, D. C.
April 1, 1954

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American Thought: A Critical Sketch

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Chapter 1

The Background of the American Tradition

THE THOUGHTS of men and women in America as elsewhere reach after everything under the sun and beyond it. And these thoughts are obviously too multitudinous and too elusive to be encompassed and chronicled by any one writer or group of writers. The best that any attempt at intellectual history can achieve is to indicate some of the traces that the stream of human thought has left in written records. The present book deals only with reflective thought, i.e. with thought that is conscious of its problems, of its methods, and of the widest general bearings of the results obtained so far. We may call it philosophic thought in the generously liberal rather than the narrowly technical denotation of the word.

Men begin to think only after they have learned to talk and their first thought is imitation of what their elders are saying. Indeed, most of what people say and write is dominated by linguistic forms or habits. Thus the dominance of the traditions and habits that make up the English language has been the strongest single influence in fashioning American thought as very largely a province of British thought—despite the Declaration of Independence and two wars.

This is not to deny that French, Dutch, and other Continental influences have played an impressive role in the intellectual history of America, as they have in England itself. Nor is it to minimize the fact that national boundaries have not altogether as yet destroyed the community of thought effected by classical civilization under the Roman Empire. Certainly, in the higher reaches of thought, such as science and philosophy, international cooperation is still an important factor despite linguistic diversity. Indeed human thought on its more reflective levels—and it is to such thought that we address ourselves in this survey—is to a large degree independent of time and place. This is not surprising, for people who really think are seldom absorbed in the affairs of the

day; nor are they particularly aware of what is going on about them outside the realm of their special interests. If they were, they would act as people around them act and would not have time to think. And yet even the most original thought finds its starting point within some tradition, just as every journey through the wilderness begins at the edge of some clearing. It is only when the traditional answers fail to satisfy innate curiosity or when a sudden change brings forth problems that cannot be met by the accepted conventional solutions, that thought begins to venture into unexplored regions and attempts to find a more stable intellectual equilibrium. The same traditions, therefore, that confine the currents of prevailing attitudes also provide the starting point for the development of new ideas. Our talking and thinking thus reflect the faiths, habits, and emotional dispositions embodied in the language and culture that we inherit. Any survey of reflective American thought must therefore find its starting points in the prevailing social and intellectual currents within the turbulent stream of American life. And while these currents come to us predominantly from British and European sources there are important differences between the patterns of thought of the Old World and those that have grown up in the New World.

Conquest of the Wilderness

In the first place, what is distinctive about American thought reflects the differences between the men and women who came to America and those who stayed at home. The immigrants who came to America came as to a promised land free from the scourges of persecution and from the oppression of caste. Their coming here was a great adventure. They had to break ties with the past which those who did not immigrate never had occasion to break. They had to tear themselves away from their ancient homes and from those traditions that are deeply rooted in the soil that the immigrant leaves behind. Coming to a New World they had to strike new roots. Of course, not all of our early immigrants were Pilgrims who came here to seek freedom to worship God according to their conscience. Economic motives were always of large importance in the settlement of New England

and Virginia as well as in the later currents of immigration. But whether the felt oppression which the immigrant sought to escape was religious or political or economic, the fact of immigration, so long as it remained a dominant fact of American life and development, strengthened the ideals of freedom and equality of opportunity. Through the generations the American dream of a land of freedom has been kept alive by the continued immigration of those who fled tyranny abroad and therefore had good reason to value freedom from tyranny in this country.

The second major factor to which we must turn in order to appreciate the selective shift in the old ideas and the rise of the new is the physical character of the American scene. Now, the great geographic fact of American history has been the physical conquest of the continent—a task which up to a time within the memory of men still living was the major preoccupation of American life.

In the mid-nineteenth century a part of New York State was still referred to as a wilderness, and it is only quite recently that reliable topographical maps of it were first made. Indeed, even in one of the oldest of American cities and the most crowded, New York, there is still virgin land that has not yet been cultivated or built upon. Unlike other countries, the conquest of the new land proceeded without any serious war—from the viewpoint of the white conquerors—with its inhabitants. There was no need to exterminate or absorb the Indians. They were so few and so poor that they could be persuaded to sell their lands or, if persuasion failed, could be driven West by force. The problem of the pioneer was mainly one of conquering the land. The arduous work of clearing forests, opening mines, cultivating fields, building cities, roads, bridges, and harbors, which in Europe had taken many long centuries, was, because of the character of the people, their inventiveness, training and use of machinery, performed here by less numerous people and in much less time.

These strenuous activities generated an atmosphere in which the practical-minded and enterprising flourished more readily than the sensitive and reflective. There was a tremendous strain on people living the frontier life. Pioneers had

very little leisure for science, art, philosophy, or general reflection. Since the very life of the community was intimately bound up with economic enterprise, those who took the lead in practical exploitation of nature received not only great material reward but, with it, social prestige and honor.

The clergy was at first the only intellectual class to challenge the prestige of the commercially successful. Early American thought is, therefore, religious in tone or setting (and by religious we must understand Protestant and predominantly Evangelical). The Established Church of England did not take great interest in, or devote any major energies to, maintaining the Episcopal establishment in the United States, and the Methodist movement in the eighteenth century loosened the hold of the Established Church where it had been strongest. Naturally, the political independence of the United States prevented the Episcopal Church from maintaining too close a connection with the Church of England. In addition, the fact that so many of the early and later settlers were dissenters tended to maintain the Evangelical spirit and the consequent independence of the laity. Thus dependent upon the congregation, the clergy sooner or later accommodated themselves to the prevailing attitude, and learned to regard success in this life as the reward of Providence and the best assurance of beatitude in the next.

In short, the struggle of the primitive American community to bring the wilderness under cultivation made the practical-minded entrepreneur, who had no time for leisure and no interest in play or foreign culture, the ideal character for everyone to imitate. It gave a powerful emotional sanction to the ideal of work even when the necessity for work was no longer imperative—an ideal which is still the most influential one in our modern business civilization.

Unfortunately, foreign appraisals of American life frequently fail to appreciate that the American worship of business is not merely the worship of the dollar but rather worship of the active life. In the American view money is apt to be viewed as the measure of a man's productive effort and social worth. This is far removed from the common Old World attitude that a man's wealth is essentially an exemption from the necessity to engage in socially useful labor.

The open frontier has been called the key to American history. Without stopping to consider the extent to which it has entered into our domestic and foreign imbroglios, it cannot be denied that the spirit of the frontier has had a constant and pervasive influence on the social and political traditions of the country. Living in isolated settlements on the fringe of civilization, the pioneer was thrown upon his own resources in organizing his life. He was bound by few irksome administrative regulations. The law he recognized was the spontaneous outgrowth of certain primitive needs of social order and security. As the processes of regular government caught up with him, he chafed in the toils of its red-tape and, often in open resentment, would trek farther West or South. He was aggressively individualistic in social and political matters, naturally suspicious of executive governmental action, and impatient with the slow-moving, authoritative administration of justice. When he felt keenly about a crime that had been committed, he was more likely to mete out summary "justice" by lynch law than to leave matters to courts and constables.

The rigor and monotony of border life far from centers of civilization made any diversion welcome. Trials in the law courts became occasions of public entertainment, in which the audience too had its unwritten privileges. Lawlessness found a natural outlet in the cruel treatment of Negroes and Indians. More significant, however, for its influence on the religious life of the country is the fact that the frontier was peculiarly subject to waves of revivalism. Away from organized forms of worship controlled by a disciplined clergy, the camp-meeting became a social event. It brought contact with the outside world. It offered emotional relief from a socially monotonous environment in an ecstatic rapture over perfervid eloquence. The hysterical contrition of the revival meetings, however, did not make for self-disciplined steadiness. Back-sliding is the other side of conversion, for the frequency of the latter directly depends on the former. To the frontier, America thus owes not only its revivalisms and its "Chautauquas," but also its lynch law and its distrust of the contemplative life.

Though the frontier has passed, these attitudes have become part of the stream of our national life.

Up to the second decade of the twentieth century agriculture was our predominant occupation. In fact, even today, the Unted States is more agricultural than Western Europe. Agricultural classes as a rule are extremely conservative in outlook and distrustful of change. Their dependence upon seasonal crops makes them economically less mobile than are traders. Proximity to the soil, a narrow range of social interests, and many years' confinement to the same locality make more for local piety than for the cosmopolitanism of cities open to foreign doctrines. The farmer's dependence upon the financial centers for money and credit and upon the manufacturing regions for finished goods produces a stubborn jealousy of the cities, as well as distrust of highly centralized government, which he regards as the political arm of the financier. Where, as in a country like the United States, large industry and capital are very influential in the government, the farmer, in the absence of a feudal agricultural tradition and large landed estates, may often seem politically more progressive than the city man. But the farmer draws his ideological slogans from the older American philosophy of natural rights rather than from the newer currents of social theory. This political opposition, which is often closely associated with revivalism (as with William Jennings Bryan), intensifies the distrust of whatever city culture there is, so that there is a wider dissemination of the new material goods produced in the city than of ideas. A new toothpaste, or a new form of dress or of wearing the hair, spreads more quickly from coast to coast than a new idea in science or art. The city is imitated in externals; but its sophistication and cultural tendencies represent in the eyes of small townsfolk either effeteness or sinfulness.

The enormous stretches of territory between the ends of the country, broken by rivers, mountain ranges and deserts, made of American life a series of sectional activities. Although sectional isolation served as a check upon the easy circulation of ideas, it also explains why the doctrine of states' rights, as opposed to nationalism, was from the very outset a powerful sentiment in all but the financial centers.

This made for a sort of tolerance. The country was so large that the mere knowledge that other groups were different disturbed no one, since there was no forced contact with them. The official attitude to dissenting religious and social groups encouraged European Utopians in the eighteenth and nineteenth centuries to look upon America as the most auspicious place for the establishment of ideal commonwealths.

The emphasis on the practical was strengthened by the successive waves of immigration, almost all bent on securing an economic foothold. The immigrants did not as a rule, with some notable exceptions such as the Germans of 1848, bring strong intellectual traditions with them; and what they brought had difficulty in surviving the hard economic struggle at the beginning, or the prosperity that followed. Whatever influence the culture of the immigrants had was largely restricted to those intellectual centers in and around which they settled. But the solvent of the American school system, long fearful of intellectual differences and unappreciative of the artistic riches of foreign folkways, tended to "Americanize" the younger generations so rapidly as to make them more or less ashamed of the peculiar traditions of their parents.

Opportunities for work and business activity were richly abundant. Idleness and shiftlessness, when associated with poverty, were condemned as moral delinquencies. The resultant mentality developed in this environment was one which glorified the "hustler" and "go-getter" and deprecated devotion to anything which was not immediately practical.

Whatever intellectual traditions the early colonists did have, the Southern Cavalier excepted, were predominantly religious. The strongest of these traditions was Puritanism. The idea that Puritans were generally opposed to religious oppression is, of course, entirely unhistorical. Puritanism had its origins as a middle-class reform movement against the exploitation of the church prelates. The Puritans had tried to force their church organization on the Church of England and had not succeeded; but the real reason for their immigration was economic. The Puritans adopted a morality which enshrined the economic virtues of industry, thrift, temperance, and the like. They frowned upon luxury, art and ex-

pressions of the pure play impulse as deriving from Satan. The Scriptures, as interpreted by individual conscience, gave moral sanction to resistance against governmental authority when it affected the free competition necessary for commercial success. Transplanted to America, the gospel of work fitted in appropriately with the social necessity of building up the country.

For centuries Puritanism helped shape a type of political and legal thinking already congenial to the needs of growing industrial communities. At its heart was the Calvinistic belief in the total depravity of human nature, especially as human nature expressed itself in political legislation. But there was also an abounding grace in man's unrestricted economic activity. All that is valuable in civilization was held to be the result of enlightened and intelligent selfishness working towards ends only partially seen by mortal men. To protect each individual in this right to pursue his happiness in his own way—and in America the pursuit of happiness was most often conceived to be a quest for riches—certain constitutional restraints must be imposed on the majority, and especially on the legislature. From this, and from the fear that disaffected elements would infringe on the rights of property, followed the further political corollary, later drawn on in troubled times, that these restraints could best be enforced by an independent judiciary which, professedly free from passion or interest, decided matters in accordance with "eternal" principles.

A deeply humanistic aspect of Puritanism was hidden in the doctrine of Christian humility. But it was bleached out in the strong sun of economic prosperity. The Puritan who, when he saw a prisoner walking to the gallows, exclaimed, "There, but for the grace of God, go I," showed a sympathetic understanding for the weaknesses of human nature. To regard sin as something which, like all other misfortune, happens to a person, rather than as a result of deliberate choice, could have been developed into a doctrine of social charity to serve as a counterweight to the rampant individualistic tendencies of the pioneer. But the immediate pressure of getting on in the world made evangelical zeal in business and devout meddling in the affairs of one's neighbors an

easier form of piety than sustained reflection on religious principles. And so, as saintliness hardened into strenuous asceticism, it was possible for preacher and trader to build up New England and its economic hinterland for the glory of God and a favorable balance sheet.

Two currents in American thought contested the Puritan traditions in religion and morals. These were the eighteenth century Deism, as represented by Benjamin Franklin of cosmopolitan Philadelphia, and the plantation culture of Virginia, where a semi-feudal agricultural economy had kept alive the tradition of the cultured leisure of the English Cavalier. But with the reaction to the French Revolution and the economic bankruptcy of the Old South that set in at the opening of the nineteenth century, these currents lost much of their vitality.

Although New England has maintained a consistent cultural leadership in American life, its efforts at a genuine culture have been seriously hampered by a series of economic catastrophes that have undermined so many of its sources of livelihood—agriculture, whaling, ship-building, and textile manufacture. The historic prerequisites of a profund culture are many generations of leisured ease and social prestige. Where land becomes fully and readily marketable, political and social power passes from the hands of aristocratic families to the families of the industrialist or financier. But it is clear that continued leadership by great families cannot be as well founded on a money as on a land economy, for in the former wealth is essentially mobile and the opportunities and capacities to redistribute it are much wider. The same kind of talent, for example, which enables a Jay Gould to amass a fortune enables a Harriman to take it away from his sons. Now originally the New England aristocracy was not a money aristocracy. It was an aristocracy of the "respectable" families. But with the exhaustion of free land and the hectic commercial activity which followed in the wake of the new immigration, the social prestige of the respectable family was undermined. In an anarchic commercial economy, where the pursuit of wealth is the main absorption, cultural continuity becomes difficult. Having no definite training in matters intellectual, a money aristocracy cannot enforce high standards

upon its members. People who become rich are uncritically imitative in manners and thought. Cultivated society demands of them other traits than those that made them rich. Their cultural interests, sometimes frantic, more often apathetic, are thus shadowed by a feeling of insecurity.

The fact that the ruling classes of the country have in the main been composed of successive layers of the *nouveau riche* has strongly contributed to the backwardness of American culture. Continuity of discipline is almost impossible in an unstable environment, and in a commercial economy no group can feel sufficiently secure to disregard new forces in the offing; there is, therefore, no time to acquire an old culture thoroughly. Inwardly uncertain of itself, the dominant group fears independent thought and criticism. It lacks the mentality and taste necessary, in every age of transition, to maintain a straight course between dilettante faddism and narrow conventionalism. Against this background the chaotic, raw-boned insularity of American cultural life, relieved occasionally by evanescent bursts of local color in New England, falls into its proper perspective.

Brief mention should be made of the effects upon contemporary American thought of recent technological and economic developments. The automobile and radio have abolished rural isolation and brought a measure of sophistication to provincial communities. The population is thus becoming citified. More important still are the ties of foreign travel and commerce which have knit America more closely to foreign countries. Since the First World War America has been actively discovering Europe. Whereas European influences were theretofore refracted through a favored few, in the years that followed a great many Americans have been able to familiarize themselves at first hand with at least the externals of European civilization. European books, newspapers and magazines came to be read in ever greater numbers. European lecturers have found more receptive audiences, and a steady infiltration of European currents of thought in art, literature, and even in law has begun to manifest itself in certain quarters.

Despite these promising signs, however, the prevailing

temper of American life remains pronouncedly anti-intellectual.

The Evaluation of the Intellect

That the prestige of purely intellectual work is still very low in the United States can hardly be doubted in the face of the comparatively slight social esteem in which those engaged in its pursuit are held. In no other country is the word *intellectual* so often used as a term of derision and opprobrium. This is true not only in the backward rural regions where, under the influence of poverty, ignorance and fundamentalism, intellectual enlightenment is genuinely feared. It is also true in the supposedly more advanced Eastern states where to be called a *mere theorist* is likewise to be damned.

As a people we do not enjoy reflective thinking for its own sake as a noble way of spending our leisure. Such occupation is despised by "serious" souls as an indoor sport. The conditions of scholarship in American universities at first resulted in the selection of teachers predominantly for their orthodox piety or their social acceptability, and today the pressure to publish rather than to engage in fundamental study is hardly favorable to the cultivation of profound scholarship. The economic inequalities in the way of salaries make a mad scramble for promotion occupy a great deal of the attention of younger members of the faculty in those years of their lives in which they can be most productive. The American college has undoubtedly become an object of affection on the part of its students and alumni to an extent unknown in Europe. But this has been largely due to its social features, of which the element of sports is often dominant. Devotion to particular teachers because of the intellectual stimulus which they provide is relatively rare.

The same attitude which makes American business heap its main rewards on the promoter and salesman rather than on the actual producer, makes the American public ignore intellectually productive minds in comparison with popularizers and administrators. Thus, not only are greater material honors bestowed on industrial promoters like Edison or Marconi, but they, rather than men like Willard Gibbs, Edward

C. Pickering or Theobald Smith, are generally regarded as the great scientists.

But if any evidence were wanting of the low esteem in which intellectual work is held, the attitude towards it of many who are themselves supposed to be scholars, viz., college and university teachers, would be conclusive. It is hardly necessary to dwell on the responsibility of college teachers for the state of affairs in which students are less genuinely interested in their studies than in the all too practical business of intercollegiate contests, euphemistically called sports. Teachers themselves often urge that those who manage a track or football team, or who cut a live figure in their social fraternities, learn something of greater importance from doing so than from any of their courses. And we may accept this as unfortunately true. A certain college in a large city in the East used to be regarded with great disfavor in academic circles and its students came to be classified as "grinds" because they were expected above all to devote themselves to their studies. If those who profess the intellectual life do not themselves feel the zest of its high adventure, it is natural for those whom they teach to regard the scholar's life as a pathetic futility.

Even more significant is the way American teachers share without protest the view of the public that to be taken out of teaching and scholarly work and to be put into the administrative post of dean or president is a promotion. Of course it is difficult to resist the temptation of increased pay and greater social prestige. But teachers know that administrative work in education, as in transportation, manufacture, or any other important business, is incompatible with a life of creative scholarship. To give up teaching for business is no uncommon thing in America. But relatively few business men return the compliment and abandon business for intellectual enjoyments.

It cannot, however, be entirely overlooked that in a country where there are so many opportunities for practical achievement some men of really superior intelligence are not satisfied to remain mere scholars when new worlds may be won in an exacting game of effort and skill. We think it natural that

literary men like Disraeli and Morley should find a greater sphere for their activity in the field of statesmanship; but the conduct of great business enterprise offers even greater opportunities for the expression of varied mental gifts than did the old type of statesmanship. As part of his railroad business, James J. Hill built up an empire greater than that created by the Caesars. But the complacent assumption that commercial success always means superior intelligence is peculiarly American, though history shows that our men of wealth have often been distinguished above all for their sheer ruthlessness rather than for versatile intelligence.

The causes of American anti-intellectualism are in part attributable to the physical character of the American scene, and will be further treated when we consider the types of leadership in American life. But the attitude is sufficiently important to warrant an examination of some contributing factors which in indirect ways strengthen it. Despite its boasted educational system, the country has not as yet developed a large liberally educated public—witness, for example, the relatively small number of scholarly books read or published here as compared with Germany, France, England, Holland or Scandinavia. Not so very long ago fewer serious books and fewer *copies* of serious books were published in the United States than in Sweden. In recent years, to be sure, there has been a marked improvement in this respect. But, in the main, serious or "high brow" books find as little genuine welcome among college students as among tired business men. And in a country where time is valued so highly and yet squandered on trivialities, the tendency is manifest to content oneself with excitingly written "romances" of science and outlines of philosophy or art, instead of patiently mastering the elements of any subject.

A large part of the European public that reads serious books consists of business men, who generally retire at what in America is regarded as an early age. The American business man, as a rule, dislikes to retire. He feels more at home in his business than at a concert, art gallery, or lecture. His business, even with all its burdens, fulfills his needs, and assiduous attention to it wins social respect. Since his educa-

tion has not taught him to find real satisfaction outside of his daily routine, he does not know how to spend his leisure nobly. There has been no training for cultivated enjoyment.

High pressure salesmanship stimulates unnecessary wants and subjects people to a barrage of appeals to vanity and inferiority fears, awakens crazes and phobias, sensations and inflated ambitions, and exploits health, beauty and taste in the interest of money making. Clubs, associations, and orders add to the confusion and complexity of life and diminish its deeper satisfactions. Naturally, where the possession of money of itself gives prestige and a certain field of activity, few are willing to practice economy in order to make possible an early retirement from business into a quiet, contemplative life. Those who would do so would be regarded as queer. Only a few enormously wealthy people can spend the leisure of their advanced years using their money on philanthropic ventures. But the great mass of American practical men are caught in the vicious circle of having to make money to keep up their prestige and of being unable to do anything else the more they devote their energies to the making of money.

A nervous restlessness and an unquenched quest after pleasure set the tone and character of American recreation; the phrase "pursuit of happiness" is typically American. There is an inner shame at reflection for its own sake. And too often does reflection seek justification for itself in its alleged practical uses. Instead of insisting on the obvious truth that the pursuit of useless science and insight, like the pursuit of useless beauty and useless happiness, needs no justification, intellectual workers impoverish the ideal significance of their activity by straining to hitch it to some fancied utility, as if utility were not itself in need of sanctions themselves intrinsic.

The vaunted American love of technique is restricted to practical machines and instruments. It does not embrace a love of the technique of intellectual analysis. Ideas—social, political, or legal—do not receive anything approaching the same analytic attention as a new motor or radio set. They are not refashioned, clarified or developed. They are used for vague conventional purposes and then discarded or forgotten. The American talks more about the technique of autos than about the technique of his thinking.

In the absence of a flexible, critical tradition, mere example becomes a powerful influence both in manners and in thought. Every class imitates the one economically above it. People read and go to see what their neighbors acclaim. Waves of popular sentiment spread like contagions. "Everybody's doing it" becomes a persuasive argument. But nothing holds the popular attention for long. There are always new examples, new styles in dress, speech and interest. The thirst for novelty alone remains constant, because unsatisfied, in the dizzy whirl of change.

The privileged position of women in the United States has also markedly influenced the intellectual life of the country. The American woman has more conveniences, more leisure and more freedom from household cares than her European sister. She more often refuses to take a vicarious glory in the accomplishments of her husband than do women in Europe. She displays greater personal and intellectual independence. Intent upon attaining a social career of her own, she makes greater demands for leisure and means. The husband is induced to work all the harder in order to supply what is requisite. He may be content to let the wife represent the cultural interests of the family. The result is that women make up by far the greater part of the audiences which actively support and give hearing to those who are intellectually and artistically creative in American life.

Since no lecturer or artist can for long go counter to the likes and prejudices of the audience upon whom he is dependent, women have, by virtue of their monopoly of appreciation, conventionalized most forms of contemporary American culture. Women find it difficult to be out of fashion. Averse to facing the darker brutal sides of existence, its uncertainty and irrationality, they prefer the comforting assurance that life is just bitter enough to bring out the flavor of its sugared harmonies. European observers are often highly amused at what feminine taste in America finds "improper," "depressing" or "gruesome." Whatever the causes, women today have little opportunity to cultivate the disinterestedness and objectivity that are necessary for genuine critical appreciation. Feminine tastes are more likely to run to extremes of fear or adoration, under the impact of personal entangle-

ments. Under exclusively feminine standards, conventional forms tend to dominate art and thought, and even the pattern of unreflective nonconformity tends to assume conventional forms.

Intellectual Leadership

The character of the intellectual life of a country may be determined by the kind of leadership it enjoys.

In the beginning, intellectual leadership in America rested with the clergy. While the country was still rural, the clergy represented a certain learning and thus a measure of intellectual authority in the eyes of the populace. The first American colleges were established primarily to train ministers of the gospel, and up to the end of the nineteenth century it was often considered necessary that the head of a college be a clergyman. With the growing importance of industry and commerce, leadership in communal affairs gradually passed to the legal profession. With this there has come about a depression in the intellectual standards of the clergy. There may be more of what currently passes as the milk of human kindness in such books as Peabody's *Jesus Christ and the Social Question* than in Jonathan Edwards' *Freedom of the Will.* But as a food for an adult intellect, the difference is unmistakable. Antics of the revivalists and the ignorance of crude, uneducated fundamentalists help us to understand why the clergy has lost prestige in the intellectual realm.

The organization of the American church also helps to explain the limited influence of the clergy. The churches are not endowed by the state, and are run either by poor communities or by rich men. In either case the clergyman functions like a salaried employee without the authority to enforce his intellectual and moral insights. This is especially true of the ministers of poor parishes, who are generally inadequately trained, for the parish cannot afford to employ others.

Lawyers took government from the hands of the clergy as early as the eighteenth century. In modern times, the influence of lawyers derives from the fact that most business is handled through legal—or illegal—channels—and you need lawyers for both. (In the early history of Indiana almost

every prominent official was a lawyer who had been indicted a number of times.)

It is easier for a lawyer than for a business man to leave his business and run the government. Besides, the lawyer can take care of his client in the legislature as well as in his office. Lawyers' leisure and their gift of eloquence supply a national need.

America has for a long time presented the spectacle of a country not only politically but intellectually governed by lawyers. The important political influence of our lawyers is easily understood. Lawyers, until recently, fashioned our social as well as political ideals. This is an anomaly in the world's history. For while the legal profession is one that is constantly making intellectual demands upon its members, its activity is on the whole conditioned by certain practical and technical demands that separate it from the common intellectual life of a nation. The view that the legal profession ought to keep up with the progress of the social sciences, at least to the same extent that the medical profession has to keep in touch with the progress of the natural sciences, has until quite recently been vehemently denied by the claim of most American judges and lawyers that law is law and has nothing to do with economics, politics or ethics.

The bar in Amercia may call itself a learned profession, but it is in the main devoted to business activity. The education of the lawyer was originally based on the model of apprenticeship or trade school training, rather than on the liberal studies of the university. Law schools, almost a century older than real universities, offer a curriculum calculated in the main to train one in the useful art of winning those cases that can be carried to the highest courts. Save in the largest universities, few courses are given on the relation of the law to the general life of the community. Nor are the social standards of the bar conducive to a free intellectual life. As the leaders of the bar have been those who have made most money by the shrewd management of their clients' affairs, they are seldom men of predominantly intellectual interests. The reading of the presidential addresses delivered before the American Bar Association does not impress one with the

intellectual power of the American legal guild. Always one finds the same obsolete learning about Anglo-Saxon liberties and Magna Carta, the same eighteenth century *a priori* speculation about liberty, natural rights, the eternal necessity of constitutional restraints on the legislative power, and the like. Sober history may show that trial by jury and other "inalienable" rights are not of Anglo-Saxon origin; or that Magna Carta was of little use to the great mass of the common people; but the historical mis-information of Blackstone is good enough for most leaders of the American bar.[1]

The legal and political theories maintained by the American bench and bar are still those which were held in Europe in the eighteenth century; but the reasons that have led European thinkers to give up these theories, and, indeed, the very fact that there are civilized peoples who have given them up, seemed until recently quite unknown to provincial-minded American jurists. Although there are some indications that a change has begun to set in, the amount of actual attention to European legal thought is still negligible. The tradition of the isolation of common law still prevails, and a near-sighted nationalism considers it unpatriotic to doubt that the framers of our national Constitution have said the final word in political science.

Many observers of America have remarked on the growing influence of the university professor in national life. But as a class, professors have not yet acquired sufficient self-respect to influence the general currents of American life. They are perhaps gaining in influence. Their achievements, however, are very meagre. In Europe the community looks upon its professors as the lineal descendants of the great teachers of the Middle Ages. In America, the professor is regarded as an advanced type of the elementary school teacher whose business it is to impart to young and immature minds that which is already known. He must also serve as a moral example. The conditions under which university teaching can develop into a truly liberal profession have not yet been realized. And there

[1] *Cf.* "The Conservative Lawyer's Legend of Magna Carta" in M. R. Cohen, *Law and The Social Order* (1933), p. 19; and "The Legend of Magna Charta" in M. R. Cohen, *The Faith of a Liberal* (1946) p. 91.