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The American Conception of Liberty

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Frank Johnson Goodnow, *The American Conception of Liberty*

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THE end of the eighteenth century was marked by the formulation and general acceptance by thinking men in Europe of a political philosophy which laid great emphasis on individual private rights. Man was by this philosophy conceived of as endowed at the time of his birth with certain inalienable rights. Thus, Rousseau in his "Social Contract" treated man as primarily an individual and only secondarily as a member of human society. Society itself was regarded as based upon a contract made between the individuals by whose union it was

formed. At the time of making this contract these individuals were deemed to have reserved certain rights spoken of as "natural" rights. These rights could neither be taken away nor be limited without the consent of the individual affected.

Such a theory, of course, had no historical justification. There was no record of the making of any such contract as was postulated. It was impossible to assert, as a matter of fact even, that man existed first as an individual and that later he became, as the result of any act of volition on his part, a member of human society. But at a time when truth was sought usually through speculation rather than observation, the absence of proof of the facts which lay at the basis of the theory did not seriously trouble those by whom it was formulated or accepted.

While there was no justification in fact for this social contract theory and this doctrine of natural rights, their acceptance by thinking men did nevertheless have an important influence upon the development of thought and in that way upon the actual conditions of human life. For these theories were not only a philosophical explanation of the organization of society; they were at the same time the result of the then existing social conditions, and like most such theories were also an attempt to justify a course of conduct which was believed to be expedient.

At the end of the eighteenth century a great change was beginning in Western Europe. The enlargement of the field of commercial transactions, due to the discovery and colonization of America and to the contact of Europe with Asia, particularly with India, had opened new spheres of activity to those minded for adventure. The invention of the steam engine and its application to manufacturing were rapidly changing industrial conditions. The factory system was in process of establishment and had already begun to displace domestic industry.

The new possibilities of reward for individual endeavor made men impatient of the restrictions on private initiative incident to an industrial and commercial system which was fast passing away. They therefore welcomed with eagerness a political philosophy which, owing to the emphasis it placed upon private rights, would if acted upon have the effect of freeing them from what they regarded as hampering limitations on individual initiative.

This political philosophy was incorporated into the celebrated Declaration of the Rights of Man and of the Citizen promulgated in France on the eve of the Revolution. A perusal of this remarkable document reveals the fact, however, that the reformers of France had not altogether emancipated themselves from the influences of their historical development. For almost every clause of the Declaration refers to rights under the law rather than to rights which were natural to and inherent in man.

The subsequent development in Europe of this private rights philosophy is along the lines thus marked out by the Declaration. The rights which men have been recognized as possessing have not been considered to be inherent rights, attaching to man at the time of his birth, so much as rights which find their origin in the law as adopted by that organ of government regarded as representative of the society of which the individual man is a member.

In a word, man is regarded now throughout Europe, contrary to the view expressed by Rousseau, as primarily a member of society and secondarily as an individual. The rights which he possesses are, it is believed, conferred upon him, not by his Creator, but rather by the society to which he belongs. What they are is to be determined by the legislative authority in view of the needs of that society. Social expediency, rather than natural right, is thus to determine the sphere of individual freedom of action.

The development of this private rights philosophy has been, however, somewhat different in the United States. The philosophy of Rousseau was accepted in this country probably with even greater enthusiasm than was the case in Europe. The social and economic conditions of the Western World were, in the first place, more favorable than in Europe for its acceptance. There was at the time no well-developed social organization in this country. America was the land of the pioneer, who had to rely for most of his success upon his strong right arm. Such communities as did exist were loosely organized and separated one from another. Roads worthy of the name hardly existed and communication was possible only by rivers which were imperfectly navigable or over a sea which, when account is taken of the vessels then in use, was tempestuous in character.

Furthermore, the religious and moral influences in this country, which owed much to the Protestant Reformation, all favored the development of an extreme individualism. They emphasized personal responsibility and the salvation of the individual soul. It was the fate of the individual rather than that of the social group which appealed to the preacher or aroused the anxiety of the theologian. It was individual rather than social morality which was emphasized by the ethical teacher and received attention in moral codes. Everything, in a word, favored the acceptance of the theory of individual natural rights.

The result was the adoption in this country of a doctrine of unadulterated individualism. Every one had rights. Social duties were hardly recognized, or if recognized little emphasis was laid upon them. It was apparently thought that every one was able and willing to protect his rights, and that as a result of the struggle between men for their rights and of the compromise of what appeared to be conflicting rights would arise an effective social organization.

The rights with which it was believed that man was endowed by his Creator were, as was the case in France, set forth in bills of rights which formed an important part of American constitutions. The form in which they were stated in American bills of rights was subject to fewer qualifications than was the case in France. Their origin was found in nature rather than in the law- The development of these rights, further, has been quite different from the European development which has been noted. American courts, early in the history of the country, claimed and secured the general recognition of a power to declare unconstitutional and therefore void acts of legislation which, in their opinion, were not in conformity with these bills of rights. In their determination of these questions, American courts appear to have been largely influenced by the private rights conception of the prevalent political philosophy. The result has been that the private individual rights of American citizens have come to be formulated and defined, not by representative legislative bodies, as is now the rule in Europe,

but by courts which have in the past been much under the influence of the political philosophy of the eighteenth century.

In thus adopting the Continental political philosophy of the eighteenth century, American judges modified greatly the conception of individual liberty which was the basis of English political practice. The most important modifications were two in number:—

In the first place, the rights of men, of which their liberty consisted, were, as natural rights, regarded in a measure—and in no small measure—as independent of the law. This modification of the original English idea was an almost necessary result of the fact that these rights were set forth in written constitutions, which were placed under the protection of courts. The written constitution was considered to be the act of the sovereign people. It therefore was superior to any mere laws which might be passed by the representatives of the people in the lawmaking bodies. These bodies being simply delegates of the people were not authorized to do anything not within the powers granted to them. If a written constitution provided that a man had a certain right, it was evident that the legislature could not take it away from him. When the courts assumed in the United States the power to declare unconstitutional acts of the legislature, they did so because their duty was to apply the law as they found it. They might not, therefore, apply as law an act of the legislature which in their opinion was in conflict with the Constitution, since, being in conflict with the Constitution, the highest law of all, such an act could not be law.

In this way natural rights came to have an existence apart from the law, or, at any rate, apart from the law as it had up to that time been understood.

The importance which was attributed by the Americans of those days to this idea of natural rather than legal rights will be appreciated when we recall that the Constitution of the United States, which in its original form contained few if any provisions relative to these natural rights, was ultimately adopted only on condition that they should be enumerated in a bill of rights to be appended to the Constitution. This was subsequently done in Amendments I to IX. The Ninth Amendment to the United States Constitution in particular is a characteristic expression of the feeling of the time that these natural rights existed independently of all law. It reads: "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people."

In the second place, our American courts emphasized substantive rights rather than the right to particular methods of procedure. Most of the historic rights of Englishmen had been rights to particular methods of action. Thus, the right to a special kind of trial for crime—that is, the right to trial by jury—was regarded as one of the most sacred rights of an Englishman.

The English insistence on particular methods of procedure was due to the belief that these methods had shown themselves, as the result of a long experience, to be valuable aids in securing the end desired. This end was freedom from arbitrary autocratic action on the part of those to whom political power had been entrusted. It was the rule of law—that is, the rule of a principle of general application as opposed to the rule of a person arbitrary and capricious—which the Englishman sought. It was to secure his rights through this rule of law that he originated the form of government which has been called [1] 'constitutional." The Englishman, as a matter of fact, never claimed that he had any natural rights; that is, rights to which he was entitled by reason of the fact that he is a man, a human being. He was perfectly satisfied if it was recognized in his political and legal system that no attempt might be made, except in the manner by law provided, to take away what he might think were his rights. This

claim being admitted, he felt that in some way or other he would be able to have the law so formulated that he could secure the recognition of all substantive rights which he ought at any particular time to possess. To secure the recognition in the law of these substantive rights he insisted upon the grant to more and more of the people of the land of the power to control legislation. For through the control of legislation was obtained the power to determine what are his rights.

The rights of Englishmen were, therefore, so far as they were defined at all, to be found in acts of legislation and in judicial decisions. One of the earliest and most important of these acts of legislation is what is known as the Great Charter, which was originally forced from a reluctant king in 1215. The most notable clauses of the Great Charter deal not so much with what have been called "substantive" as with procedural rights. Thus, in section 12 the Crown enacts that "no scutage or aid [i. e., no tax] shall be imposed in our kingdom unless by the General Council of our kingdom." Section 14 provides how the General Council shall be composed and called together. Section 39, probably the most important section of all, provides that "no freeman shall be taken or imprisoned or disseized or outlawed or banished or anyways destroyed, nor will we pass upon him nor will we send upon him, unless by the lawful judgment of his peers, or by the law of the land."

It will be noticed that this famous provision of the Great Charter accords hardly any recognition to a substantive right. It is not said that a freeman has any right not to be "taken or imprisoned or disseized or outlawed or banished." Indeed it is clearly implied that such a right does not exist. What the section does say is that these things shall not be done to the freeman except in a specified way, which is, according to law. It is the rule of law which the Great Charter emphasizes. It was to the rule of law then that the Englishmen of the beginning of the thirteenth century were striving to attain.

The power of the American courts to determine in the concrete and in detail,—which after all is the only thing that amounts to much in this life,—the content of private rights was very large because of the fact that these rights were often stated in very general terms in the Constitution. The most marked instance of such vagueness is perhaps to be found in the almost universal provision that no one shall be deprived of life, liberty or property without due process of law. The Constitution does not define property nor liberty nor due process of law. All of these matters have had to be "pricked out," as Mr. Justice Holmes of the United States Supreme Court has said in decisions which are almost too numerous to be counted.

The following are some of the conclusions characteristic of American ideas of private rights which the courts have reached:

The clause providing that private property shall not be taken for public use without just compensation has been interpreted as prohibiting inferentially the taking of property for private use. The interpretation is really due to the recognition in the individual of a natural inherent substantive right of property which may be taken from him by the government only in the case mentioned in the Constitution, viz., by taking property for public use. It is therefore altogether probable that the American courts would have held unconstitutional an act of the legislature similar to the recent act of the British Parliament apportioning the property which had been held to belong to what was known as the "Scotch Wee Kirk" between that church and the "Free Kirk."

Again the clause providing that no person shall "be deprived of life, liberty or property without due process of law" has been held by some of the State courts, under the influence of the idea

of inherent absolute individual substantive rights to prevent the legislature from passing an act which changes the basis of the liability of employer to employed. The old basis of the liability was negligence. The act declared unconstitutional provided in the case of accident a liability on the part of the employer regardless of the question whether he was negligent or not. Other acts of legislation have been declared unconstitutional as violating this due process clause, because they imposed upon an employer the duty to pay employees in money, or at stated periods, or because they forbade an employer to work his men more than a certain number of hours a week or a day. These acts were held unconstitutional as depriving either the employer or the employed of his property or his liberty.

Such decisions have been reached as a result of the fact that the American courts have emphasized the idea of a substantive right and have lost sight of the fact that the right granted in the Constitution if defined in the light of its history was a right not under all conceivable circumstances to liberty or property, but merely a right not to be deprived of liberty or property except in a certain way, that is, by due process of law. The fact that in all these cases an act of the legislature, that is, a law in the historic English sense, provided that liberty or property should be taken away was not regarded by the courts as due process of law. In fact the courts of the United States have really taken the position that there is no due process of law by which the individual may be deprived of some of these absolute substantive inherent natural rights.

Furthermore and partly as a consequence of the acceptance of the conception of private rights as inherent and not based upon law the content and character of private rights specifically provided for by legislation have been fixed, not so much as the result of an inquiry into their social expediency but rather because it has been believed that the individual has rights with which he has been endowed by his Creator, rights which it would be improper to take away or to limit even in the interest of society.

Take for example the qualifications required for entrance into the legal profession. What they shall be is, in large if not in controlling degree, determined in view of the assumed existence in every respectable and reasonably intelligent individual of a right to practise law. Such considerations as the evil influence upon the community of a superabundance of lawyers are given very little weight. Although it might easily be shown that the overcrowding of the legal profession almost inevitably leads to an increase of litigation which has evil effects upon the community, that fact is not permitted to have much influence on the determination of the qualifications of lawyers since an encroachment might as a consequence be made upon the inborn and inherent right of every man to become a lawyer.

This general attitude towards private rights is, it seems to me, at the present time in process of modification. Whatever may have been formerly the advantages attaching to a private rights political philosophy—and that they were many I should be the last person to deny—this question of private rights has been reexamined with the idea of ascertaining whether, under the conditions of modern life, our traditional political philosophy should be retained.

The political philosophy of the eighteenth century was formulated before the announcement and acceptance of the theory of evolutionary development. The natural rights doctrine presupposed almost that society was static or stationary rather than dynamic or progressive in character. It was generally believed at the end of the eighteenth century that there was a social state which under all conditions and at all times would be absolutely ideal. The rights which man had were believed to come from his Creator. These rights consequently were the

same then as they once had been and would always remain the same. Natural rights were in theory thus permanent and immutable. Natural rights being conceived of as eternal and immutable, the theory of natural rights did not permit of their amendment in view of a change in conditions.

The actual rights which at the close of the eighteenth century were recognized were, however, as a matter of fact influenced in large measure by the social and economic conditions of the time when the recognition was made. Those conditions have certainly been subjected to great modifications. The pioneer can no longer rely upon himself alone. Indeed with the increase of population and the conquest of the wilderness the pioneer has almost disappeared. The improvement in the means of communication, which has been one of the most marked changes that have occurred, has placed in close contact and relationship once separated and unrelated communities. The canal and the railway, the steamship and the locomotive, the telegraph and the telephone, we might add the motor car and the aeroplane, have all contributed to the formation of a social organization such as our forefathers never saw in their wildest dreams. The accumulation of capital, the concentration of industry with the accompanying increase in the size of the industrial unit and the loss of personal relations between employer and employed, have all brought about a constitution of society very different from that which was to be found a century and a quarter ago. Changed conditions, it has been thought, must bring in their train different conceptions of private rights if society is to be advantageously carried on. In other words, while insistence on individual rights may have been of great advantage at a time when the social organization was not highly developed, it may become a menace when social rather than individual efficiency is the necessary prerequisite of progress. For social efficiency probably owes more to the common realization of social duties than to the general insistence on privileges based on individual private rights. As our conditions have changed, as the importance of the social group has been realized, as it has been perceived that social efficiency must be secured if we are to attain and retain our place in the field of national competition which is practically coterminous with the world, the attitude of our courts on the one hand towards private rights and on the other hand towards social duties has gradually been changing. The general theory remains the same. Man is still said to be possessed of inherent natural rights of which he may not be deprived without his consent. The courts still now and then hold unconstitutional acts of legislature which appear to encroach upon those rights. At the same time the sphere of governmental action is continually widening and the actual content of individual private rights is being increasingly narrowed.

About the middle of the nineteenth century the courts of the country invented what is spoken of as the police power, which may be said for all practical purposes to be unaffected by the private rights theory. The government may exercise this police power unrestricted by the constitutional limitations to be found in bills of rights. Where the courts obtained either the conception or the name of what they call the "police power" it is difficult to say. Indeed it is unnecessary on this occasion to enter upon an inquiry into this subject. It will not be improper, however, to call your attention to the fact that originally "Police" as one of the terms of political science meant government. Political science was indeed the science of police. As, however, the separate branches of government were differentiated such as finance, jurisprudence, diplomacy and military affairs, each of which received separate scientific treatment, the word "police" came to be used to indicate what was left of government after these particular branches had been subtracted therefrom. Later, as the result of a similar process of exclusion, the word "police" came to mean that part of the administration of the strictly domestic or internal affairs of a country which has to do with the attempts made to

prevent the happening of evil and to secure through limitations on freedom of individual action good social conditions. The police power is thus the power which is exercised in the interest of the public safety and convenience.

Two circumstances have contributed to the development and exercise of this new power, which, as has been said, is not subject to the constitutional limitations of bills of rights.

The first is to be found in the change in the economic conditions of American life to which reference has already been made. The substitution in industry of mechanical for muscular power with the incidental replacement of hand by machine labor, the consequent development of the factory system with the greater dangers to human life and the increasing prevalence and severity of occupational diseases, have made it seem necessary for the salvation of the race that man be protected against himself even at the expense of his personal liberty. The greater concentration of population in urban communities with the consequent increased danger to the safety and health of the resident inhabitants has made it necessary to subject the rights of property and of freedom of action to many limitations which under other conditions would not have seemed to be desirable.

The second circumstance which has resulted in the extension of this police power is to be found in the discoveries of preventive medicine. While the change in economic conditions which has been noted has seemed to make necessary the intervention of the government in the interest of the protection of human life, our increased knowledge of public hygiene has made intelligent action possible where before it was hardly to be expected. The discovery of the causes of contagion and infection, the successful results of vaccination and inoculation have all made it desirable to take measures of a protective and preventive character which may be expected to be followed by great benefit to the public health.

The result has been then in recent years a great extension of the police power with the object of securing better conditions of living and the incidental increase in the efficiency of the social group. This extension of the police power has commonly been regarded as constitutional notwithstanding the existence in the bills of rights of the same provisions which were adopted years ago in order to secure to the individual his proper sphere of liberty. It has nevertheless had as an effect great curtailment of the sphere of individual freedom of action and a rather drastic regulation of the conduct of life.

The extent to which this curtailment of individual freedom has gone will be understood when we recall some of the most notable decisions upon the constitutionality of action which has been taken. It has thus been held to be quite proper from a constitutional point of view to provide for compulsory vaccination not only against smallpox but also against bubonic plague; to provide for isolating even infant children with a contagious disease in a contagious diseases hospital; to compel the individual owner of property to expend considerable sums of money in installing new sanitary arrangements in a house which at the time it was built and even at the time of the passage of the law providing for the installation of such appliances complied in all respects with the law; without compensation to destroy or prohibit the sale of unsanitary or adulterated food products or animals having contagious diseases.

These cases, which by no means exhaust the list, thus recognize as constitutional, action which very seriously infringes upon what at one time was unquestionably regarded as a right of liberty or property. Nevertheless we have recognized the propriety of these decisions and have submitted to them, I will not say cheerfully, but at any rate without any serious active opposition. It seems therefore that we may properly conclude that the demands of social

efficiency in the new conditions in which we live have had the effect of modifying very considerably the original American conception of liberty.

Drastic laws have been passed also which curtail the freedom of the individual in the interest of preventing the development and spread of practices which are regarded as vicious. Most of such legislation has been held to be within the constitutional power of either the Congress of the United States or of the State legislatures. Thus State laws prohibiting the manufacture or sale of intoxicating liquors, cigarettes and harmful drugs and forbidding the carrying on of lotteries, have been upheld, although their indirect effect may have been to destroy the value of large amounts of property. The action of the National Government in denying the right to use the mails, to those engaging in vicious practices and in taking from certain prohibited articles, such as lottery tickets, the character of objects in which interstate commerce may be carried on also has been upheld. Indeed it may be said that once the proper authority in our system of government has determined that a given practice is vicious all the force of the government may notwithstanding bills of rights be used for its suppression.

It is, however, very doubtful whether our fundamental ideas have been subject to great modification in many directions in which the public health and safety or morals have not been directly involved. We have been willing to hold those rights which we are inclined still to regard as natural and inherent subject to the limitations made necessary by considerations of public morality and safety and to a certain extent of public convenience which often is closely connected with the public safety. But we have not as yet been convinced of the desirability of the curtailment of our sphere of individual freedom of action in the interest of anything so general as social efficiency. We still cling to the idea that our rights are more or less natural rights and have not been granted to us by the social group to which we belong. Our legislation, which reflects our political philosophy, does not require of us much that elsewhere is regarded as absolutely necessary to the development of the highest degree of social efficiency. We still cling to our old individualistic philosophy and if by any chance we compare unfavorably to ourselves the efficiency of some other nation with a more highly developed social organization we comfort ourselves with the reflection that individualism pays in the long run, whatever may be the temporary triumphs of more highly socialized political systems.

Our consoling reflections may be true. I am not going to attempt to deny that they are. I must confess, however, to some doubts on the subject. Certain characteristics of American life can hardly fail to obtrude themselves upon our notice. The lawlessness which by many foreign observers is attributed to us as a people, and the ineffectiveness of our attempts at social cooperation which make many of our municipal governments and most of our state governments failures as compared with the achievements of more than one European people are due in large measure to our belief that a private rights philosophy is applicable to the conditions of our present life. The effect which such a philosophy has had upon our governmental organization I shall not dwell on here as I intend to speak of that at another time. I do, however, wish briefly to call attention to the relation which exists, as it seems to me, between our traditional political philosophy and the lawlessness to which I have alluded.

The emphasis which we have laid on private rights has contributed in two ways to make us, comparatively speaking, a lawless people. In the first place the exercise of the power which the courts have to define and fix the content of private rights through the declaration that acts passed by legislatures are unconstitutional has caused us as a people to lose respect for the action of our legislative bodies and has encouraged those of us who have believed that that action has encroached on what we have considered to be our rights to resist its enforcement

through appeals to the courts. Hardly a legislative act has been passed within the last twenty years by either the United States Congress or by a State legislature imposing a new form of taxation or a new regulation of the freedom of individual action, whose constitutionality has not been attacked in the courts. In probably most cases of importance the litigation has been carried to the Supreme Court of the United States with the result that those affected by such legislation have for two or three years not known whether it was constitutional or not. The uncertainty as to what was the law, and the feeling that there was a good chance that almost any act of the legislature might be declared unconstitutional, have done much in my opinion to cause the unthinking among our people to regard all law with disrespect.

I would not, however, have you think that I am of the opinion that it would be desirable, with the traditions which we have and with our lack of reverence for constituted authority, which is due in large measure to our individualistic philosophy, to take from the courts the power which they now have to declare acts of legislation unconstitutional. Such action would, I believe, be highly undesirable. We have lived too long under our present conditions to permit us with safety to transform those conditions hastily. What I am essaying to do here is merely to point out what appear to be some of the results of the political philosophy which we as a people have held in the past and which even now we would abandon with great reluctance.

This emphasis continually laid by all classes of persons on what they have regarded as their natural rights and their consequent failure to recognize that they have social duties as well as individual rights have tended further to bring about class conflicts. These conflicts have become very bitter largely because those who have participated in them have often been able to look at the issue presented only from the point of view of their own rights. The employer acting on the theory that he has the right to do what he will with his own has failed to see that he is a member of society with duties to society. On the other hand the laboring man seeing only what he regards as the rights of labor forgets in his turn that it is only as all members of society, work together for the common good, that that society can become efficient with the result that its economic product may increase to the common benefit of all.

Of recent years, however, a change is noticeable in our attitude towards these matters. Just as our courts have through their decisions with regard to the police power brought about a very different conception as to the actual content of particular private rights, so our legislation has lately been actuated by ideas very different from those which appealed to our forefathers or even to our fathers.

The first change in ideas which is noticeable was made in the class of activities which are often spoken of generically as "public utilities." On the theory that the public interest was peculiarly concerned in those cases because the enterprises in question were based on public privileges, the conception of regulation in the public interest came finally to be held. Not only is no constitutional question any more raised as to the power of the competent organ of our government to take the necessary regulatory measures but public opinion justifies regulation of so drastic a character that it would hardly have been deemed possible even a quarter of a century ago. At the present time public utility enterprises are helpless in the face of government action from the point of view of constitutional protection as well as from that of public opinion.

The regulation which in the case of public utilities was justified on the theory that the enterprise was based upon a privilege has since been extended to enterprises which in no sense owe their existence to the possession of such privileges. The justification for the

regulation is found in the mere fact that the public interest is involved. Instances of such action are to be found in the anti-trust legislation which has become so common and in the well-nigh universal legislation passed to improve labor conditions. Workingmen's compensation acts, employer's liability and minimum wage laws, compulsory conciliation acts, increase of school opportunities for both the young and the old, paid for out of the proceeds of taxation, all testify to the fact that the private rights philosophy of a century ago no longer makes the appeal that it once did.

We no longer believe as we once believed that a good social organization can be secured merely through stressing our rights. The emphasis is being laid more and more on social duties. The efficiency of the social group is taking on in our eyes a greater importance than it once had. We are not, it is true, taking the view that the individual man lives for the state of which he is a member and that state efficiency is in some mysterious way an admirable end in and of itself.

But we have come to the conclusion that man under modern conditions is primarily a member of society and that only as he recognizes his duties as a member of society can he secure the greatest opportunities as an individual. While we do not regard society as an end in itself we do consider it as one of the most important means through which man may come into his own.

You are probably asking yourselves: What is the purpose of saying these things in this place? What connection have they with a great educational institution? My answer to these questions is this. Those who are in charge of such an institution are under a very solemn obligation. They are in some measure at any rate responsible for the beliefs of the coming generation of thinkers and of moulders of public opinion. We teachers perhaps take ourselves too seriously at times. That I am willing to admit. We may not have nearly the influence which we think we have. Changes in economic conditions for which we are in no way responsible bring in their train regardless of what we teach changes in beliefs and opinions. But if we are unable to exercise great influence in the institution of positive changes, we can by acquainting ourselves with the changes in conditions and by endeavoring to accommodate our teaching to those changes, certainly refrain from impeding progress. This may be an over-modest estimate of the function of a teacher. At the same time it is an ideal the realization of which is not to be despised. For many universities have in the past been the homes of conservatism. New ideas have often knocked for a long time on the gates of learning before they have been permitted to enter. Even after they have passed the portal they are sometimes the object of a suspicion which it has taken years to allay.

So I repeat we teachers are in a measure responsible for the thoughts of the coming generation. This being the case, if under the conditions of modern life it is the social group rather than the individual which is increasing in importance, if it is true that greater emphasis should be laid on social duties and less on individual rights, it is the duty of the University to call the attention of the student to this fact and it is the duty of the student when he goes out into the world to do what in him lies to bring this truth home to his fellows.

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