

IN DEFENSE OF THE CONSTITUTION

By David Saville Muzzey

A FEW years ago a well known professor of American history published a little book called "A New Constitution for a New America", in which he criticized the Constitution as an outgrown instrument, framed in the days of a simple agricultural society, reflecting the now discredited philosophy of the eighteenth century, unresponsive to the popular will, hampered by its self imposed limitations in favor of the states, artificial in its system of representation, and generally inadequate, in its present form, to the government of a great industrial country. Mr. Beck's volume, on the other hand, is an enthusiastic defense of the Constitution as entirely adequate to America's needs, "yesterday, today, and tomorrow". Instead of proceeding, like Professor MacDonald, from a survey of our highly complex political and economic society to the consideration of the kind of constitution which a convention might draw up today, he accepts as axiomatic the finality of the Constitution of 1787 and judges the present age rather harshly for any sign of a disposition to alter or criticize it. "Remove not the ancient Landmark which thy fathers have set", is the motto which he prefixes to his book. It is not, therefore, an objective treatise on the history of the origin and adoption of the Constitution with which Mr. Beck is primarily concerned, although in the first fifteen chapters of his book he presents that history in a very interesting form. The real purpose of the author is to sound a warning against the present tendency toward innovation, lack of restraint, and disrespect for authority. He uses the Constitution for a text, but he might just as well have used the Ten

Commandments, the Epistle to the Romans, or Burke's "Thoughts on the Causes of the Present Discontents".

Yet, in spite of his unqualified panegyric on the Constitution, Mr. Beck is by no means an adherent of the "filio-pietistic" school of writers, who regard that instrument as a kind of miraculous revelation. He neither accepts Mr. Gladstone's famous dictum of "the most wonderful work ever struck off at a given time by the brain and purpose of man", nor agrees with Bancroft's description of the Constitution as a document "offered severally to the people of each state and by their united voice . . . made the binding form of government". He is as ready as Professor Beard (whose influence is clearly visible in his pages) to concede that the Constitution was the work of the propertied classes, framed primarily to stabilize credit, and adopted only after a bitter fight in many of the states. Indeed, it is just because it was the work of conservative leaders, who were wise and strong enough to resist the "democratic" tendencies of their own day, that the Constitution is fit to be a bulwark of republicanism today. Its strength is in the checks and restraints that it opposes to popular government — the protection of minorities, the guarantee of property, the paramount federal judiciary, the laborious process of amendment.

In his analysis and commendation of the basic principles of the Constitution (chapters 16-23) Mr. Beck has constantly in view the dangers of direct government. He warns again and again against Bolshevism. He sees in the present aversion to wholesome restraint and conservative leadership the opportunity of the demagogue. "No student of our institutions", he says (page 273), "can question that the Constitution is in graver danger today than at any other time in the history of Amer-

ica. This is due not to any conscious hostility to the spirit or letter, but to the indifference and apathy with which the masses regard the increasing assaults upon its basic principles. Unless the American people awake to the necessity of defending their most priceless heritage there is manifest danger that within the lives of those now living the form will survive the substance of the faith. The thoughtful few who from time to time sound their warning are 'as one crying in the wilderness'. Their voices are lost in the roar of a mechanical civilization." In the closing chapters of the book Mr. Beck leaves the Constitution entirely and launches into a veritable jeremiad on the revolt of a shallow, soulless, pleasure mad, machine ridden, and money rotten society against constructive leadership and wholesome authority. Undoubtedly, the sermon is needed; but, unless the indictment is overdrawn, even the return to a reverence for the Constitution can hardly save us.

The Constitution of the United States,
Yesterday, Today — and Tomorrow? By
James M. Beck. George H. Doran Com-
pany.