

PART II

THE MEANS OF CONTROL



CHAPTER X

PUBLIC OPINION

“You call these toys? Well, you manage men with toys!” These words of Napoleon regarding the ribbons and crosses of his Legion of Honor fitly introduce a study of the rôle of public opinion in the ordering of human life. In the spontaneous reaction of the community against conduct that displeases it, it is possible to distinguish different forces and different sanctions. *Public Judgment* is the opinion the public pronounces upon an act as to whether it is good or bad, noble or ignoble. *Public Sentiment* is the feeling of admiration or abhorrence, respect or derision, expressed by the public with regard to an act. *Public Action* comprises those measures, other than mere manifestations of opinion or sentiment, taken by the public in order to affect conduct. Any or all of these will be referred to by the general term “Public Opinion.” To these three forces roughly correspond the sanctions of *opinion*, the sanctions of *intercourse*, and the sanctions of *violence*.

SOCIAL CONTROL

On the plane of instinctive life, the doing and the approving of an act go inseparably together, and praise and blame are without power. But when the inner figuring of one's self and one's doings has become habitual, when, in other words, the stage of self-consciousness is entered on, there appears in the soul a rift which admits the thin end of the social wedge. When a man's opinion of himself begins to uplift or distress him, vanity and shame are certain to arrive, and in the growing abundance of ornament, the archæologist can mark their advent in the life of prehistoric man.

The opinion an individual has of himself and his doings, like all judgments not grounded on the perceptions of the senses, is greatly affected by suggestion. Haman is at the mercy of Mordecai. Rarely can one regard his deed as fair when others find it foul, or count himself a hero when the world deems him a wretch. The first hold of a man's fellows is, therefore, their power to set him against himself, and to stretch him on the rack of whatever ideas of excellence he may possess. The coarse, vital man may ignore the social stigma. The cultivated man may take refuge from the scorn of his neighbors in the opinion of other times and circles; but for the mass of men, the blame and the praise of their community are the very lords of life.¹

The sanctions of intercourse lie next to hand.

¹ But peoples and times differ in amenability to opinion. The more one looks to Divine approval the less store one sets by praise and blame. The Greeks of classic times, having no hope beyond the grave, were avid of praise. Hence, a furious eagerness for distinctions, laurel wreaths, monuments, inscriptions, eulogies. See A. de Ridder, "De l'idée de la mort en Grèce," p. 23. In times of scepticism, ferment, and new life, men being less guided by old standards look more to the opinion of their fellows. Such were the Renaissance, the Elizabethan age, and the Revolutionary epoch in France.

PUBLIC OPINION

The slight displeasure of one's neighbors shows itself in coldness and avoidance. The offender loses the outer circle of his associates and misses the social consideration he is accustomed to. With greater irritation there appears an active section of the public aggressively propagating their disapproval of him. The cut direct, the open snub, the patent slight, the glancing witticism, are in order. In graver cases, the offender must face such collective manifestations of feeling, as the cat-calls of the street, the taunts of the corner loafers, the hoots of the mob, the groans of the regiment, the hiss of the audience, or the stony silence of the dinner company. Moreover, the regular organs of the public—the pulpit, the press, the caricature, the topical song, the poster, the lampoon, the resolutions of societies and public bodies—help give vent to its indignation.

But the climax is reached when society invades the family of the offender. Though affection is the chief family bond, yet it is rarely the case that the actual relations of the members do not involve ideas as to right and duties, support and loyalty, rule and obedience, created and stamped upon their minds by the authority of society. But so far as this is true, it is possible to destroy these ties. If wife or child be impressively assured that the loyalty and obedience, once a duty, is now a sin, they may be detached from the man who has incurred the extreme hatred of his fellows. When thus the nearest and dearest have recoiled in horror, the full might of public opinion has been made manifest. Farther in this direction it is impossible to go.

But one can suffer in his *economic intercourse* as well as in his *social intercourse*. One lives to-day by the practice of coöperation at various removes

SOCIAL CONTROL

from the self-sufficing stage of industry. Most of one's well-being comes through coöperations that are advantageous to both parties, some comes as aid that benefits one but does not burden the other, and some comes in the way of succor and implies a sacrifice. Now the instinct of an angry community is to refuse coöperation. First to be withheld are neighborly offices; then "accommodations" cease; finally, even the coöperations of mutual benefit are refused. The merchant loses his customers, the clergyman his parish, the clerk his office, the lawyer his clients, the laborer his job. This may go on till boycotting tradesmen refuse to sell an egg, a loaf, or a candle to him who is under the ban. Thus one by one are severed the roots that spread into the social soil, little by little the ligature is tightened, till communication ceases and the dead member drops from the social body.

Beyond the sanctions of intercourse lie the *positive physical sanctions* which in all civilized societies have been handed over to the organs of the law. This partition is, however, the outcome of a long evolution. The primitive public, knowing nothing of "individual rights" or "sacredness of the person," draws no firm line between passive and active punishment, between the refusal to esteem, communicate with, or aid, and the infliction of bodily pain. When men relapse into that most primitive combination, the mob, they stick at no violence, and without compunction stone the prophets or cut Hypatia to pieces with shells. Even now in new communities, ere the legal habit is formed, the occasional resort to egging, whipping, branding, riding on a rail, running out of town, tarring and feathering, or lynching, reminds us that the General Will is anterior to law, and that

PUBLIC OPINION

the forbearing public opinion we have made one of the props of order is, as it were, the core of a stump from which slab after slab has been removed.

The gamut of rewards employed by the public corresponds to its gamut of punishments. Minor acts meet recognition in unusual cordiality, in greater deference, in a more bountiful hospitality. If the service is greater, the hero becomes the lion of the social circle and finds haughty patricians vying for his company. Honorary offices and titles, membership in exclusive societies, the freedom of cities, are his. Medals and decorations, swords, snuff-boxes, memorials, and resolutions, are showered upon him. Place is made for him, and helping hands lift him into a position he could not hope to attain competitively. In many ways, the returned veteran, the heroic fireman, the brave engineer, or the devoted physician may find facilitation.

The rewards of public opinion are naturally most lavishly employed when society is most in need of services that cannot be got with ordinary material inducements, *i.e.* in war time. While punishment or disgrace may be used to enforce a certain level of deed, it is necessary to distinguish by praise and favor all achievements of valor or fortitude rising above this plane. The stimulus that a discriminating public can supply, by marking with due care and instant recognition every service out of the ordinary, is incalculable.

Such are the sanctions in the hand of the public. Let us now examine the merits and demerits of public opinion, comparing it especially with law, the most formidable engine of control employed by society.

Public opinion has the advantage of a *wide*

SOCIAL CONTROL

gamut of influences. By thus supplementing the coarse and rough sanctions of the law, society avoids putting itself into such undisguised opposition to a man's wishes, and is not so likely to raise the spirit of rebellion. Its blame does not exclude moral suasion, and its ban does not renounce all appeal to the feelings.

Public opinion is *less mechanical* in operation than law.¹ The public can weigh provocation better, and can take into account condoning or aggravating circumstances of time, place, motive, or office. The blade of the law playing up and down in its groove with iron precision is hardly so good a regulative instrument as the flexible lash of public censure. The law is far away, but all of us have, some time or other, felt the smart of general disapproval, and have learned to shun its heavier stripes.

Public opinion guards the social peace by *enforcing moral claims* that law, with its rigid definitions and stern self-consistency, dares not support. The law frequently upholds the right of summary eviction, grants the widow's cow to the rich creditor, permits a railway company to turn adrift an em-

¹ "Both kinds of pressure are imperfect; both have their excellences and their shortcomings. The excellence of the mechanical pressure of the law lies in its certainty of operation — wherever it is applicable it succeeds. But it is not everywhere applicable, and just here lies its failing. It is too awkward, too clumsy, to support all the requirements that society deems necessary. Legal compulsion cannot make the good mother. Maternal love cannot be forced by law, nor can the way in which it ought to manifest itself be laid down in the paragraphs of a statute. The excellence of the psychological pressure of society is that it is everywhere felt, like the pressure of the atmosphere, in the recesses of the home as well as at the steps of the throne, reaching places where mechanical pressure loses its effectiveness. Its weakness lies in its uncertainty of operation — public opinion, the moral judgment of society, can be defied, but not the arm of the law." — VON IHERING, "Der Zweck im Recht," Vol. II, pp. 182-183.

PUBLIC OPINION

ployee crippled in its service, and confirms the right of a husband to administer moderate castigation to his wife. But the public will not tolerate such things. Law works to the line, but public opinion is the jet of compressed air that clears out corners and crevices that the clumsy broom of the law will never reach.

In most cases, the law must wait till the "overt act." Public opinion, on the other hand, can act in anticipation of an offence, interfere at any moment, and apply a gradually increasing pressure. Its premonitory growl is more *preventive* than the silent menace of Justice.

The action of public opinion has the virtue of *immediacy*. If not deliberate, it is at least prompt, and it brooks not the delay so conspicuous in the pursuit of leaden-footed law. The mills of Justice may grind slowly, but the mills of the public grind promptly, if at all, for there are many grists pressing to be ground.

Finally, the sanctions of public opinion are *cheap*. Marvellous is the economy of praise and blame. To regulate a man merely by letting him know your opinion of him is as much cheaper than legal process, as faith-cure is simpler than surgery. The economy of reward is especially great. The honors and glory held out as incitements by the public, while they are superlatively prized, cost but little to confer. By careful and well-considered bestowal of public attention and marks of distinction, a public can reap the fruit of heroic exertions that, if recompensed by material rewards, would entail a prodigious burden of taxes.

These, then, are the merits of public opinion. It has a wide gamut of sanctions. It is flexible. It is penetrating. It is preventive. It is prompt. It is cheap. Let us now review its defects.

SOCIAL CONTROL

The requirements of one's neighbors are *not clear and precise*. They are not codified, and their uncertainty weakens the deterrent power of their sanctions. Moreover, these sanctions likewise are not *definite*, and not proportioned to the gravity of the offence. No member of the public knows just how much praise or blame, warmth or chill, others are applying. Moreover, systematic inquisition into guilt or merit, with observance of the rules of evidence and due deliberation, is impossible with the public, for it does not function as does a court. It merely *reacts*. From this fact arise the many injustices and mistakes which weaken the authority of public opinion.

Again, to utilize the temper of the community, it is necessary to strike while the iron is hot. The ministers of the law, if they have a slow foot, have a firm clutch and, like the gods, are known by their long memories. But the public has a short wrath and a poor memory, and the offender, if he dodges into obscurity and waits till the gust of public indignation is over, often goes unpunished.

As there is only one law in force at any one time, there can be no clashing of jurisdictions. But the public is rarely unanimous, and public opinion often clashes with the sentiment of a sect, party, or class. In a homogeneous community, people are able to feel and think alike in all important cases, and hence public opinion is effective; but in a stratified community, the separation of classes hinders an easy conduction of feeling. Here, then, an offender escapes the lowering glances and bitter words of his fellows by taking refuge in circles where his fault is condoned. The bruiser dives into the sporting class, the duellist haunts the mess-room, the ballot sharp takes refuge with his political friends, the snob shuts himself away from

PUBLIC OPINION

popular derision in a social club. This right of asylum with complaisant coteries is a very grave thing, for it often transforms an act of punishment into a class war, and rends the community in twain. The power of wealth or place to command an *entourage* of flatterers makes extremely difficult the control of rulers by public opinion. Between throne and people hangs oftentimes a thick curtain of obsequious courtiers and buzzing sycophants that shuts away unwelcome murmurs till the gathering whirlwind of public indignation tears away the curtain and topples over the throne.¹

The might of public wrath is destroyed by anything that diverts it from an individual and spreads it harmlessly over a network of administrative responsibility. The common indignation, always confused by a shifting responsibility, is most baffled when responsibility on being traced back is found to be lodged in a body of men. It is this fact that accounts for the increasing disregard of public opinion in the management of business. Corporate organization opposes to public fury a cuirass of divided responsibility that conveys away harmlessly a shock that might have stretched iniquity prone. Witness the ineffectual agitations against grade-crossings, link couplers, or fenderless street cars. In such cases public indignation must be given an arm to strike and hurt with, if it is not to become mere impotent rage. Those who, overlooking this truth, ignorantly extol the might of public opinion in all cases whatsoever, thereby stand

¹ The full empire of public opinion includes, of course, the control of representatives and rulers. But this phase of its action has already been well cleared up. See Bryce, "The American Commonwealth," Vol. II, Part IV. What I undertake to do here is to show how public opinion bears on a man as mere member of society, rather than as its agent or spokesman.

SOCIAL CONTROL

sponsor for the efficacy of the faith-cure in the field of social therapeutics.

Mindful of these defects — its indefiniteness, its passional character, its short memory, its divided jurisdiction, and its frequent impotence — we must recognize that public opinion is far from satisfactory as to technique. The only way in which society can profit by the excellences of its coercion without suffering too much from the shortcomings, is to hand over to specialized organs all those harsh physical penalties that ought to be used only in grave cases and after careful inquisition. Moreover, all the major behests of society must be enforced by long-remembered agents that have feet for pursuing and hands for gripping. The waste of energy in securing the effective coöperation of the amorphous public is too great. Accordingly, a partition takes place, by which public opinion, ceasing to be the all-in-all of control, becomes simply one coercive agent alongside of others. It vacates the field of violence and accustoms itself to self-imposed restraints. At times, it is true, it overflows these barriers and shows us that the common will is the sum of social force, against which no man may stand. But nevertheless, the patience of the public in abiding by its diminished rôle is an accurate index of social advancement.

The place reserved to public opinion in the system of social control should depend, furthermore, on its competency to coerce in the right direction; for it must not only drive men, but drive them along the paths it is necessary they should go in. Now, in respect to technique, public opinion is, as we have seen, primitive. It is vague as to requirements. It is indefinite as to kind and quantity of sanction. It is crude as to procedure. It is evidently not a product fashioned for the purpose of

PUBLIC OPINION

regulation, but the *original plasm* out of which various organs of discipline have evolved.

Now equally primitive is the public as to the *purposes* of its coercion. A statute, moral standard, or ideal is several removes from raw human sentiment. Time and the influence of the wise have purged it of whim and prejudice and made it a matter of social hygiene. It has detached itself from persons and become a semi-independent factor in control. But public opinion cannot go through such a process without ceasing to be public opinion. It is a judgment on a particular case, and, while it may ripen, it cannot evolve. Hence it is instinctive and passional, little apt to keep in view any distant end, such as the conservation of order. Its frown is capricious, and its favor is fitful. Its pains are not inflicted to deter from evil, nor are its prizes given to promote virtue.

While the irascible instincts were given to man to fit him for the struggle for existence as it was ages ago, nothing is surer than that to-day they are utterly unsafe to follow. The fire-eater is easily taken in the nets of guile, while the bravo does not live out half his days. Now, instinctive resentment is even more at fault in protecting the social welfare than in guarding the individual welfare, inasmuch as the chain of cause and effect is longer and harder to follow out. The first impulsive reactions of the public have almost nothing to do with social welfare. It does not like unselfish devotion nor does it detest brazen egotism. High on the crest of popular idolatry, the jockey, the bruiser, and the soubrette share the honors with the soldier, the patriot, and the philanthropist. The public is enraged at vivisection or grave-robbing. It is flaccid before bribery, breaking quarantine, the adulteration of drugs, or the plug-

SOCIAL CONTROL

ging of armor plate. People react most against that which shocks their instincts, — incest, for example, infanticide, or unnatural lust ; but these offences being contrary to deep-seated instincts are just those which are least liable to spread and threaten the life of society. Light shines first on the few, and the public is the last to apprehend the real bearing and ultimate results of conduct. The handful of thoughtful men penalize forest-firing and the selling of explosive oil, and the killing of game out of season, while yet the senseless mob is gnashing its teeth at vaccinators and body snatchers.

The unfitness of public opinion to serve as Social Will is shown again by its inability to uphold at the same time in their respective spheres the ethics of amity and the ethics of enmity. In England, during the Napoleonic struggle, as in Greece, during the Peloponnesian War, national hatred infected domestic opinion, and the ferocity toward foes was reflected in a certain insensibility in regard to cruelty or oppression within the social group. Conversely, a public educated to be sensitive and peace-loving in the guidance of its members sometimes weakens the national defence by coldness toward the military profession. But while public opinion thus falls into confusion, the less sentimental and more highly evolved opinion that speaks through law and religion and national ideals will be found adjusting itself intelligently to the moral dualism demanded by the situation.

In certain directions, on the other hand, unenlightened public opinion pushes regulation to excess. It is possible for the vague feelings against vegetarianism, or long hair, or "bloomers," or non-church-going, to run together into a hostile and imperious public sentiment. It is but a step from

PUBLIC OPINION

the image-breaker's hatred of stained glass, the Scotch Calvinist's contempt for a violin, the rabble's resentment of a silk hat, or the frontiersman's detestation of a "biled" shirt, to a persecution that is as senseless as it is abominable. To the ignorant, unlikeness is an affront, nonconformity an outrage, and innovation a crime. Give full play to this feeling, and you have the intolerant multitude, eager to stretch every one on its Procrustean bed. It was the majority that stoned Stephen, banished Aristides, poisoned Socrates, mobbed Priestley, and beat Garrison.

Primitive public opinion, therefore, far from being a wise disciplinarian, meddles when it ought to abstain, and blesses when it ought to curse. Now, how does this ignorant, despotic patron of conservatism and stagnation become a respectable agent for the righteous protection of the social welfare? The processes are three:—

1. A general improvement in character and intelligence. The feeling of the many reflects the feeling of the average person, and if he is cool and reasonable in his private resentments, he will be so in his sympathetic and corporate resentments. A schooled, informed, thinking public is far fitter to exercise a beneficent control than a people that vents its wrath against America by stoning the statue of its discoverer.¹

2. A general acceptance of principles of law or right which guide opinion and cause it to play smoothly in certain grooves. These slow-won, time-hallowed maxims are bits in the mouth of the mob and reins in the hands of the wise. They virtually endow the multitude with memory and equip it with experience. Stern old Hebrew words

¹ Spanish mob in December, 1898.

SOCIAL CONTROL

about "false witness," and "unclean hands," and "selling the righteous for silver," and "making the ephah small and the shekel great," are lamps to a groping people. Law itself reacts powerfully on the public, teaching it to frown on offences like malpractice or blackmail or intimidation, that it does not resent instinctively. On the other hand, the right to worship "according to the dictates of one's conscience," the right to free speech and opinion, the right to eat, dress, and live as one pleases, and, in general, the right to be unmolested, save when others are concerned — these principles that have struck root in the public conscience are so many barriers against the intolerance of the majority.

The lamps that guide the opinion of to-day were not lighted by the public of yesterday. Strictly speaking, public opinion is non-progressive, developing no canons and handing down no traditions. It has in itself no power to rise. There is no precipitate from its experience as agent of discipline. The moral ideals, standards, and valuations that come to guide it are formed, not with reference to the *judging* of conduct but, as we shall see later, with reference to the *shaping* of conduct, and they emanate not from the experience of a bygone public but from the insight of the bygone few.

3. The ascendancy of the wise. A scrutiny of the source of public opinion in a healthy community shows us not an amorphous crowd, but an organic combination of people. Not only is there a reciprocal influence of man on man, but in this universal give-and-take we find some men giving out many impulses and receiving few, while others receive many impulses and give out few. Thus arises the contrast of influencers and influenced, leaders and led, which does so much toward ex-

PUBLIC OPINION

plaining how minds of weight and worth come to their own under a popular régime. These knots of influential men, which in time spontaneously arrange themselves into higher and lower, constitute the nerve centres or ganglia of society. They are the rallying points of public opinion, and although even these leaders may be bad or addle-pated, the mere existence of such a psychic organization shows that the popular consensus is by no means the Walpurgis-night of feeling and folly it is often said to be.

Such a guidance being possible, the remedy for the abuses of public opinion is not to discredit it but to instruct it. A power which is, in the words of Tolstoi, "the convergence of the invisible, intangible, spiritual forces of humanity,"¹ is needed as a prop of duty in this new time, when the moss-grown buttresses of social order reared by a distant past are crumbling away. Under due guarantees, the reaction of his neighbors is one of the most righteous and legitimate restraints to which a man can be subject; and we must regard as pernicious the attempt of certain artist mandarins to undermine the authority of public opinion, and to inflame the individual against it. Flaubert's doctrine that the people is "an immoral beast,"² that "the crowd, the multitude, is hateful," that "the mass is always idiotic," and that "the people is an eternal infant, and will always be the last in the hierarchy of social elements,"³ however eloquently championed by Carlyle, Renan, Ibsen, or Nietzsche, finds no foothold with us, because it is at once untrue and inexpedient. And few will find the mystical cult of the ego preached by brilliant

¹ "The Kingdom of God is within you," p. 266.

² "Correspondance de Gustave Flaubert," Vol. IV, p. 49.

³ *Ibid.*, p. 55.

SOCIAL CONTROL

megalomaniacs anything but a poor substitute for the approval of one's neighbors. The war against folly must go on, but it is doubtful if the oppression of public opinion in matters of conduct is such as to call for any further inflation of the self-conceit of the individual.

Signs are not wanting that in the future an increasing restraint will be exercised through public opinion, and that this kind of control will gain at the expense of other kinds. For one thing, this form of coercion is suited to the type of man created by modern life. Only the criminal or the moral hero cares not how others may think of him. The growing rage for publicity and the craving for notoriety shows that the men of to-day respond warmly to praise and wilt quickly under general disapproval. Then, too, certain social developments favor the ascendancy of the public. The growing economic interdependence and the closer interweaving of private interests mean that the individual gives hostages to the community for his good behavior. Liable as he is to have his prosperity blighted and his course of life changed by the resentful action of others, he will think twice before flying in the face of common sentiment. The more frequent contacts of men and the better facilities for forming and focussing the opinion of the public tend in the same direction. Similar in effect is the modern emphasis on *publicity* instead of positive regulation. We are more and more insisting on the complete transparency of industry and business.

With a democratic, forward-looking people like ours, opinion, no longer split up into small currents by class lines or broken in force by masses of family, sect, or caste tradition, the débris of the past, acquires a tidal volume and sweep. In such a stream all oaks become reeds. The day of the

PUBLIC OPINION

sturdy backwoodsman, settler, flat-boatman, or prospector, defiant not alone of law but of public opinion as well, is gone never to return. We are come to a time when ordinary men are scarcely aware of the coercion of public opinion, so used are they to follow it. They cannot dream of aught but acquiescence in an unmistakable edict of the mass. It is not so much the dread of what an angry public may do that disarms the modern American, as it is sheer inability to stand unmoved in the rush of totally hostile comment, to endure a life perpetually at variance with the conscience and feeling of those about him.