

SOME REFLECTIONS ON THE STATUS OF REAL PROPERTY  
IN THE UNITED STATES,  
1837-1854

by

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## INTRODUCTION

The period from 1837 to 1854 has been styled by John Rogers Commons as the most loquacious in the history of the nineteenth century. Certainly the variety of reforms and reformers, emerging during those years, tended to substantiate such a generalization. The Panic of 1837 marked a transition in the struggle for equal rights from the political to the social and economic arena, a transition in which the influence of the numerous off-brand movements was particularly strong. Significantly, a large part of that influence was exerted in the direction of modifying or changing the existing status of property. The reaction to the Kansas-Nebraska Act of 1854 brought the reform movement back into the political realm. The Republican party, which emerged, had served to integrate some of the forces of discontent.

In the following pages, an attempt will be made to represent some of these reflections on property from the standpoint of their historical origins, development, and effect. The interpretations of property, which have been used, are descriptive rather than legalistic in nature. These descriptive interpretations seem better

adapted to a discussion of property in its relationships to the rather tempestuous reform movements. In consequence of the necessity of limiting the scope of the paper, the movements discussed have been limited to those of Owenism, Association, and land reform. In addition, it has been necessary to limit the treatment of men and ideas to a select few. While these choices are somewhat arbitrary, an effort has been made to choose those who wrote prominently on the subject or who offer a measure of contrast.

The sources used have been generally adequate to the purpose stated and need little elaboration here. Many of the sources have been derived from the ten volume Documentary History of American Industrial Society edited by John R. Commons and Associates. The acknowledgement of whatever interpretations were implied in the original selection of these sources by the editors is hereby made.



## CHAPTER I

### THE HISTORICAL BACKGROUND

The attempts toward redistribution of property, new methods of group living, and social reform, which reached their height during the hectic decade of the 1840's, were not new to history. The agrarian movement found a precedent in the Roman Republic, the group movements could make reference to Plato, and social reformers found a notable example in Christ of Nazereth. They represented merely another phase of the class struggle; a struggle which found at least a part of its basis centered on the institution of property.

The various reformers and their opponents did not forget these precedents. However, the conceptions of property developed in seventeenth century England proved to be more readily adaptable to their needs. This was particularly true of the writings of John Locke, 1632-1704 and James Harrington, 1611-1677. Locke's contribution was in fitting a theory of property to the individualistic attitude of Puritanism, while Harrington was principally concerned with limiting property to the public interest. These basic doctrines were strongly emphasized in post-

revolutionary America and continued to prevail throughout the period when agriculture remained supreme over industry.

The labor theory of property, as advanced by Locke, considered matter as a gift of nature. Accordingly, when anyone applied his labor to matter, he was assuming the natural right to property subject to the limitation of what he could actually use. Any surplus exceeded the laws of nature. Consequently, property created by the labor of the individual was an extremely personal thing. Walton H. Hamilton expressed this individualistic tendency of Locke in the following manner:

Locke never disassociates property from the personality of which it is an expression; because it is the creation of man it has the sacredness which he attaches to human life itself.<sup>1</sup>

Furthermore, property was designated in the broad sense, being a composite of "lives, liberties, and estates". The very reason that it existed was due to the necessity for individual liberty.

Since property existed prior to government, the latter was in a sense superimposed upon it. In no instance was government to extend beyond the protection of

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<sup>1</sup>Walton H. Hamilton, "Property According to Locke", Yale Law Journal, XLI (1932), p. 868.

society in their lives, liberties, and possessions. Summarizing, the essence of Locke's definition was the concept of natural property, owing its existence to the application of personal labor and owing its preservation to the establishment of government.

A different approach appeared in the philosophy of Harrington. He maintained that the distribution of political power and the distribution of property were synonymous. He revealed something of his ideas in the following statement:

And if the whole people be landlords or hold the lands so divided among them that no one man or number of men, within the compass of the few or the aristocracy overbalance them, the empire, without the interposition of force, is a commonwealth.<sup>1</sup>

In order to preserve such a commonwealth or republic, he maintained that an agrarian law was necessary. Simply defined, an agrarian was a law to maintain the distribution of land and to prevent anyone from seizing political power through the medium of a monopoly of lands.<sup>2</sup> In the absence of such a regulation, he feared that class relations would deteriorate to the point of

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<sup>1</sup>James Harrington, The Commonwealth of Oceana (London: George Routledge and Sons, 1887), p. 19.

<sup>2</sup>Harrington, Ibid., pp. 39-40.



sedition. He cited the agrarian agitation occurring in Rome in the time of the Gracchi as an example.

The influence of both Locke and Harrington was evident in the later years of the eighteenth century. Adam Smith, the leading economist of the period, repeated the labor theory in the following manner: "The property which every man has in his own labor, as it is the original foundation of all other property, so it is the most sacred and inviolable."<sup>1</sup> Smith was elaborating an economic doctrine of laissez faire and found that the labor theory fitted his needs well. It seemed even better adapted to the pre-industrial society which prevailed in America. The almost unlimited natural resources, combined with the opportunity existing for their exploitation, were well suited to a theory of property which identified itself with personality.<sup>2</sup> In a similar manner, the land ownership and limitation ideas of Harrington constantly re-appeared in the writings of Paine, Jefferson, and the National Reformers.

Property proved to be one of the basic issues of the post-revolutionary period. The founding fathers

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<sup>1</sup>Adam Smith, The Wealth of Nations (Mod. Lib. ed.; New York: Random House, Inc., 1937), pp. 121-2.

<sup>2</sup>Hamilton, op. cit., p. 876.

were sharply divided in their views. Thomas Paine and Thomas Jefferson, and to a lesser extent James Madison, were representative of the more liberal viewpoint. Opposed to them were the conservatives, John Adams and Alexander Hamilton, while John Taylor of Caroline represented an opinion similar to that of the Physiocrats in France. Paine and Jefferson supported a modified agrarian program; Madison merely restated the influence of property in government. Adams proved to be the best example of the conservative position since Hamilton's ideas on property were simply the result of his concern for the finances of the new government. Taylor's ideas belonged to another generation.

In his writings on agrarian justice, Paine evolved a systematic theory of property. His purpose was to find a basis for an equality of rights. To that end, he considered government as being a necessary evil. Admitting that inequality of possessions was in accordance with the differing abilities, ambitions, and natures of men, he nevertheless recognized a need for a control over property which would prevent it from becoming an exclusive right. The instrument which he proposed to use to gain that control was civil government. Furthermore, government would need to recognize that the rights



to property, which were actually rights of a secondary nature, were only one among many.<sup>1</sup>

In the interest of creating an equality of rights toward property, he devised a classification of the types of property into natural and artificial. Natural property was that inherited from the Creator and consisted of the earth, air, and water. Artificial property was the creation of man. Although man was born with an equal right to natural property, such a provision did not apply to the artificial type. For example, men had an equal right to land, but not to cultivated or improved land, since in the second instance each did not contribute in the same proportion.

Following a similar line of reasoning to that of Harrington, Paine sought to find a method of protecting the rights to natural property or to land. He decided that a ground rent should be charged on all land to create a large national fund. Since the institution of landed property had been responsible for the deprivation of the natural inheritance and rights to land of a large section of the population, he proposed to pay the sum of

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<sup>1</sup>Thomas Paine, The Life and Works of Thomas Paine, V., edit. Wm. M. Van der Weyde (New Rochelle, N. Y.: Thomas Paine National Historical Association, 1925), p. 227.



fifteen pounds sterling to each person upon reaching the age of twenty-one. These payments, which would be financed by the ground rents and paid out of the national fund, were designed to serve as part compensation for their losses.

Paine revealed the influence of Harrington in another particular; namely, that of distribution of property and political sovereignty going hand in hand. He stated: "he who robs a man of property will next try to disarm him of his rights."<sup>1</sup> England provided him with a classic example; namely, the huge landed wealth centered in the membership of the House of Lords. These "counterfeit" aristocrats had been created by a robbery of natural property.

Jefferson's ideas did not differ greatly from those of Paine, except in the matter of consistency. The latter may be due to the fact that he did not write extensively on property. Accordingly, his letters have been the main source for determining his views. He found his motives in a desire to alleviate misery and poverty, conditions which especially impressed him during a trip to France in 1785. His conclusions followed the same general

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<sup>1</sup>Paine, Ibid., p. 230.

pattern as those of Paine and revealed again the influence of Locke and Harrington.

A letter, written from France and addressed to James Madison, expressed his viewpoint:

I am conscious that an equal division of property is impracticable, but the consequences of this enormous inequality producing so much misery to the bulk of mankind, legislators cannot invent too many devices for subdividing property, only taking care to let their subdivisions go hand in hand with the natural affections of the human mind.<sup>1</sup>

To further this subdivision, he favored destroying the last vestiges of primogeniture, and he advocated that the inheritance should pass to all the children on an equal basis. Moreover, he urged a progressive method of taxation, with exemptions for the property of lower value.

On the other hand, if appropriations of the land were allowed, it became the responsibility of human society to provide other employment for the destitute. He stated: "Whenever there are in any country uncultivated lands and unemployed poor, it is clear that the laws of property have been so far extended as to violate natural right."<sup>2</sup> Therefore, it was in the interest of

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<sup>1</sup>Thomas Jefferson, The Writings of Thomas Jefferson, XIX (Library ed.; Washington D. C.: The Thomas Jefferson Memorial Association of the United States, 1903-5) p. 18.

<sup>2</sup>Jefferson, Ibid., XVI, p. ix.



society to see that as many as possible owned a small portion of land, since it was evident that the landholders were the most loyal and valuable citizens of the state.

In later years, there was some evidence that Jefferson's views were changing. His earlier horror of a manufacturing society was tempered by the following remark: "I am not one of these; experience has taught me that manufacturers are now as necessary to our independence as to our comfort."<sup>1</sup> Similarly, his earlier agrarianism seemed to be qualified by doubt. For example, his remarks on land as a common stock and his pleas for division of property do not seem to be reconciled to his firm insistence on the rights of inheritance. But despite the fact that he lacked the singularity of purpose exhibited by Paine, he remained a representative example of the element which served to challenge the status of property.

In presenting the conservative position of the post-revolutionary era, it has been traditional to emphasize Hamilton. However, for the purposes of an analysis of property, John Adams affords a better example. Like

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<sup>1</sup>Francis W. Coker, Democracy, Liberty, and Property, (New York: The Macmillan Company, 1947), p. 462.



Jefferson, he varied his viewpoint as the years passed, but there was a consistency in his defense of the sacredness of property, in his ideas on the position and form of government in respect to it, and in regard to the arguments over equality and inequality.

Adams saw only one alternative as possible for a society which did not recognize the sacredness of the status of property. That alternative was anarchy and tyranny. To prevent the occurrence of the latter, respect for property was a primary necessity, regardless of the extent of its quantity or quality. During the tempestuous period of 1789, he remarked that the people, after fighting a long war in defense of property, had forgotten that property was sacred.<sup>1</sup>

Under such conditions, the structure of government would have to be arranged so as to keep the executive power out of the hands of the people. A theory of a balance of power between social classes was suggested by Adam's remark: "... and give the property and liberty of the rich a security in a senate, against the encroachments of the poor in a popular assembly."<sup>2</sup>

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<sup>1</sup>John Adams, The Works of John Adams, IX, edit. Charles Francis Adams (Boston: Little, Brown, and Company, 1856), p. 560.

<sup>2</sup>Adams, Ibid., VI, p. 89.

He revealed the influence of Harrington again. Property was synonymous with land in his view, and he thus qualified Harrington's theory by considering the alignment to be between political power and ownership in land. It was the only type of property in which he had any faith.

He continually insisted on the maintenance of the security of property. Equality of property was an impossibility, made impossible by the fact that accumulation of property was a certainty. In a series of letters to John Taylor, he strongly asserted his view that a society which tried to establish an arbitrary division of property could not long exist.<sup>1</sup> There would arise a necessity for a new division every day, and in his own words:

Nowhere, not in the completest despotisms, does human nature show itself so completely depraved, so nearly approaching an equal mixture of brutality and devilism as in the last stages of such a democracy.<sup>2</sup>

Through the complexities of transactions, the property of the community was shifting every hour anyway.

In a like manner, Adams was shifting at least some of his opinions. Considering property qualifications

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<sup>1</sup>Ibid., p. 459.

<sup>2</sup>Ibid., p. 90.



for the suffrage, he remarked in 1776 that few men without property had an independent power of judgment. Yet in 1819, he viewed a distinction between voters as objectionable as hereditary distinctions. In addition, the same Adams, who in 1776 had declared that a balance of power could best be maintained by a division of land into small quantities, stated in 1789 that the unlimited American democracy was tyrannizing the rich. Perhaps these seeming contradictions merely reflected the changing times and conditions. Generally, we can consider Adams as a strict defender of property interests.

The Federalists went into oblivion and the "era of good feeling" began. As this later period was drawing to a close, two writers on the subject of property became prominent. The first was Chancellor James Kent who reviewed the status of property in the light of a developing American common law. The other was the colorful John Taylor of Caroline who viewed property from the position of a person who deified the qualities of an agricultural society.

With the publication in 1820 of Kent's Commentaries of American Law, the first significant legal writings on property in America appeared. While his theories differed somewhat from those of Locke, they



exhibited the same strong tendency toward individualism. They were indicative of an effort to present the legal status of property as a result of historical development and experience. Accordingly, they made a contribution to the framing of an American common law which is based on the idea that law is not a part of the sovereign will but is to be discovered.<sup>1</sup>

Kent found the origin of property not in labor but in occupancy. With the passing of time and the growing complexities of society, the titles to property were strengthened, the rights of transfer and inheritance developed, and the need for government as the instrument to protect property arose.

Since property had been granted to mankind for the purpose of stimulating ambition, he felt that the right of acquisition should be rigidly preserved. However, its use would have to be compatible with the general welfare of society. Recognizing that a difference existed between the abilities and interests of individuals, he insisted that an equality of property was a violation of the law of nature. He expressed the belief

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<sup>1</sup>Roscoe Pound, "The Place of Judge Story in the Making of American Law," American Law Review, XLVIII (Oct., 1914) p. 689.

that a reasonable equality would be maintained in the following manner:

When the laws allow a free circulation to property by the abolition of perpetuities, entailments, the claims of primogeniture, and all inequalities of descent, the operation of the steady laws of nature will, of themselves, preserve a proper equilibrium, and dissipate the mounds of property as fast as they accumulate.<sup>1</sup>

He discounted Locke's idea of the inseparability of liberty and property. Liberty was primarily the result of the structure of the government, the carrying out of justice, and the ability and intelligence of the people. Therefore, any association with an equality of property was remote.

Inheritance was represented as an absolute right with just as sound a basis as any other disposition of property. Since the better title of the children had been recognized throughout history and was founded in man's domestic life, he felt that it was far superior to the rights of the stranger.<sup>2</sup>

Another type of acquisition created difficulties. This concerned the occupancy and the improvements made

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<sup>1</sup>James Kent, Commentaries of American Law, edit. John M. Gould (14th ed.; Boston: Little, Brown, and Company, 1896) p. 511.

<sup>2</sup>Ibid., p. 509.



on land where the title was in doubt or was disregarded. Kent stated that, under the English law and the common law of the United States, the possessor made such improvements at his own peril. Only when property had been entered after a diligent inquiry into the matter of the title had been made would a claim for compensation in return for improvements exist in the eyes of the law. Otherwise there was no moral obligation which required a legal owner to pay for improvements that he had never authorized.

Kent's contribution was principally based on his recognition of the historical development of the legal concepts of property. The jurist provided a good illustration of the above when he stated that "the universality of a rule or obligation is pretty good evidence that it has its foundation in natural law".<sup>1</sup> In the succeeding years, many of these rules were to be changed by the universality of public opinion. In addition, new rules and obligations, more in accord with the rapidly changing American society, were due to be formulated.

The writings of John Taylor of Caroline revealed a hostility to such changing conditions. Even at the time that he wrote, his doctrines, which were similar to those

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<sup>1</sup>Ibid., p. 508.



of the French Physiocrats, were being rapidly outmoded. Nevertheless, his ideas were largely applicable to the planter class and many remained as points of issue throughout the following half century.

Taylor, like so many of the men of his time, maintained that the amount of labor determined the value of property. Since agriculture was the true basis of the economy, it followed that agricultural labor was more important than any other type. He extended his classification of property into a threefold division. True property was derived through nature. True private property was "a political being permanently guided by good moral principles".<sup>1</sup> The third type was an artificial, legal property which found its origin in special privilege. This centered around a paper system and consisted of banking, funding, and the protective tariff. This artificial property represented no increase in the national wealth. Furthermore, since it was not a true type of property it was not entitled to the constitutional guarantees inherent in the laws of the land.

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<sup>1</sup>Eugene T. Mudge, The Social Philosophy of John Taylor of Caroline (New York: Columbia University Press, 1939), p. 164.

In order to secure such guarantees to the security of property, he felt that the rights to life, liberty, and property would have to be considered as inseparable. Accordingly, action taken against any element would injure the other parts and the whole also. But Taylor emphasized the freedom of property rather than the actions of civil government as the main protecting feature. On the basis of such freedom he felt that governments centered on natural rights could be distinguished from those depending on an arbitrary foundation. Government was theoretically evil because it "presupposed an invasion of property".<sup>1</sup> Under a free society, its position should be that of a trustee and not that of a sovereign. Finally, in taxing for its support, it was justified in assessing property on the basis of a use for social purposes only. Taylor feared the consequences of a confiscatory tax policy.

Equality was represented as contrary to nature. However, in order to sustain a republican type of government, a wide distribution of wealth was necessary. This could best be accomplished by establishing a freedom of property, a freedom which insured that those who produced

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<sup>1</sup>Ibid., p. 164.



the wealth would retain it.

Finally, the period from 1829 to 1836 emerged as the incubation period for the reform movements. Although it was involved extensively in labor and political issues, there were a number of ideas formulated which found their culmination in the land reform movement organized later.

The most significant of these figures was Thomas Skidmore, who in 1829 published a book entitled, The Rights of Man to Property. Borrowing from the phrasing of the Declaration of Independence, he substituted the phrase, "life liberty and property" for that of "life, liberty, and the pursuit of happiness." He called for a collective ownership of property and particularly of labor-saving machinery. The latter had been created into an evil when it should have been an enlightenment. He did not disguise his radical nature which was emphasized by the following statement:

It will be conceded, no doubt, that I have shown enough to justify my fellow citizens in pulling down the present edifice of society, and to induce them to build a new one in its stead.<sup>1</sup>

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<sup>1</sup>Charles Sotheran, Horace Greeley and Other Pioneers of American Socialism (New York: Mitchell Kennerley, 1915), p. 101.



For a short time, he managed to exert his influence in the Workingmen's and Agrarian parties, but his violent manner soon led to his removal. Dominating the reports and resolutions at the Agrarian party convention in October, 1829, Skidmore took the occasion to attack the government, banking, the church, and the aristocracy. Two months later, at a meeting of the reorganized Workingmen's party, the more conservative elements shouted him down.

Aligned against Skidmore were Robert Dale Owen, the son of Robert Owen, and Frances Wright, a famous social reformer. Both had been prominent in various group-living and educational experiments during this period. However, the appearance of George Henry Evans, who was to emerge as one of the principal leaders in the movement for land reform, proved more significant. An early member of the Workingman's party, who directed his efforts for labor reform in the newspaper field, he was greatly influenced by Skidmore. In addition, he was a diligent student of the writings of Paine and Jefferson. His literary efforts were delayed when a deluge of conspiracy cases was directed against the labor organizations. This impact, in combination with the effects of the panic of 1837, broke up the labor movement.

The arguments on property thus were centered around the same men who were prominent in the formation of government in the post-revolutionary era. They borrowed some of their ideas from seventeenth century England and even from the continent, but the influence of American conditions was due to predominate. With the beginnings of the labor political movement around 1829, new ideas of property emerged and were publicized. But this organization was premature, and it was not until the new social and economic re-organization schemes came into prominence following the panic that the "off brand" movements were again of significance.

## CHAPTER II

### THE LAND REFORM MOVEMENT

There were times during the period from 1837 to 1854 when attempts were made to designate between ownership in land and ownership in property. Yet, even when the explanations seemed reasonable, the term property would inevitably reappear. The sanctity surrounding it thus continued to plague the efforts of the land reformers.

Generally, those efforts can be explained by reviewing the principal men and ideas centered in the organization of the National Reform Association. In addition, we can determine something of the significance to the status of property by a study of the reactions to the ideas and proposed measures of such a group. These are exemplified largely through conflicts between individuals expressed in their writings, in the press, and in the halls of both the state and national legislative bodies.

To a large degree, the story of the land reform movement in the United States is the story of George H.



Evans, 1805-1856. The son of English immigrants, he attached himself to the labor movement while still a young man. Like Horace Greeley and Henry George, he educated himself while working as a printer; thus joining the ranks of the "intellectual printers" who were prominent in the nineteenth century.<sup>1</sup>

During the period in which we are interested, Evans propagandized through the columns of two of his newspapers, the Working Man's Advocate and Young America. While he had earlier expressed agrarian doctrines somewhat similar to those of Skidmore, a change occurred in his thinking at this time. Throwing aside the idea of an equal division of property, he concentrated his attention on a division of the public domain in the interest of helping to relieve the misery of the laboring classes. During the period from 1844 to 1849, Evans led the movement for the freedom of the public lands, for homestead exemption, and for a limitation on the quantity of land that could be held by a single individual.

The philosophy with which he concerned himself was significant more for its tenacity and singularity of

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<sup>1</sup>Selig Perlman, A Theory of the Labor Movement (New York: The Macmillan Company, 1928), p. 176.

purpose than for any new type of reasoning. Evans had carefully studied the writings of Thomas Paine and Thomas Jefferson, and from these agrarian ideas had conceived the idea of aiding the laboring classes by issuing grants of land.

In July, 1844, he was instrumental in forming the National Reform Union. The preamble of this organization made an excellent statement describing its purpose:

.....Nature is not unjust. The Power who called forth these mechanical forces did not call them forth for our destruction. Our refuge is upon the soil, in all its freshness and fertility, our heritage is on the public domain, in all its boundless wealth and infinite variety.<sup>1</sup>

The reformers expressed a belief in man's inalienable rights to "life, liberty, and the use of such a portion of the earth, and the other elements, as shall be sufficient to provide them with a means of subsistence."<sup>2</sup>

The reports issued by this group defined the public lands as a capital stock from which the existing generation had only a right to the profits. Therefore, any attempt to legislate in the interest of speculators

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<sup>1</sup>Working Man's Advocate (New York, N.Y.), July 6, 1844, in John R. Commons, Documentary History of American Industrial Society, VII (Cleveland, Ohio: The Arthur H. Clark Company, 1910), p. 296.

<sup>2</sup>Young America (New York, N.Y.), Nov. 8, 1845, in Commons, Ibid., p. 311.



was a robbery of the property which rightfully belonged to posterity. America, which lived under a Constitution "so just and equal that it may well lay claim to a divine origin", must not fall into the errors which created the aristocracy of Europe.<sup>1</sup> Accordingly, it should be in the interest of a republic to increase the number of its freeholders. With that purpose in mind, they determined to sound out all candidates for public office on these issues, asserting that those who opposed them were not Republicans, but Monarchists.

If Evans was the founder of the Reform Association, Horace Greeley, 1811-1872, was its patron saint. Few men have represented so many movements in the space of a lifetime. He rebelled against the poverty that existed. Accordingly, he placed the columns of his newspaper, the New York Tribune, at the disposal of the various reform groups, including the land reformers. While his contribution was principally that of an organizer and a propagandist, he was a thorough student and his writings reflected the ideas that he supported.

Greeley did not give the land reform movement his unqualified approval. He entertained the fear that

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<sup>1</sup>Working Man's Advocate, July 6, 1844, in Commons, Ibid., pp. 297-8.



the opening of the public domain would draw away a part of the population and lower the real estate values of the older states. Nevertheless, it was his opinion that the doctrines were important enough to be given earnest consideration. He waved aside the objections of those who associated land reform with the radicals.

The Tribune editor saw no particular attack on established property in the program of the National Reform Association. He insisted that the public domain was the common property of all the citizens of the country. His own proposals carried a provision that the law should take from no man what was lawfully his. Since he intended to set a maximum on the amount of land that could be acquired, it was necessary for him to devise an arrangement to offset the effects of inheritance. This he proposed to do by requiring anyone who inherited lands beyond a set maximum to sell the excess portion within a year after gaining possession. The remainder of his program called for the disposal of the public lands to actual settlers only on the basis of their needs and a decree making homesteads up to forty acres inalienable from mortgage foreclosure or similar action.

The inevitable reaction to such a program was not long in arriving. At times it expressed itself in

mere discussion. On other occasions, bitter attacks on the reformers were launched by the forces which supported what Adams had called the sacredness of property. The queer relationship which developed between Evans and Gerrit Smith, the abolitionist and philanthropist, was of a more unique nature. Significantly, the leaders of the Reform Association were not backward in entering into these conflicts. It is probable that they sensed the propaganda value inherent in keeping the issues constantly before the public.

Greeley's inquisitive nature carried him into the middle of more than one conflict. One of the most interesting involved a squabble over pre-emption rights in Wisconsin. The Green County Claim Society had been organized in 1845 for the express purpose of protecting the claims of actual settlers against the evils of speculation. Accordingly, when a settler had registered with their organization and had made some specified improvements upon the property, they insured the protection of his claim. Their methods were extra-legal and required any encroacher to make a settlement with their Committee of Justice. Furthermore, a social and economic boycott was enforced against such persons. It was essentially a vigilante organization which exercised the power of public

opinion instead of depending on legal justice. They maintained that laws were imperfect and that speculators had taken advantage of these laws to the detriment of their fellow men.<sup>1</sup>

The vigilantes were warned of the consequences of such law-defying measures. However, Greeley took a more patient view. To him it represented an excellent opportunity to portray the conditions which were inevitable unless the program of land reform was instituted. He stated that "there are legal rights which no man can enforce but at the certain peril of his property, his peace, and probably of his life also".<sup>2</sup> In the absence of an unexpired claim of pre-emption, a squatter could lose out to anyone who jumped his claim and made the necessary payments to the land officers. Since in many instances, hundreds of dollars of improvements had been made on the land when such action was taken, Greeley maintained that the settlers would inevitably resort to strong arm methods.

The alternative that existed to settle this conflict between the legal and the practical rights to property was National Reform. The public lands would have to

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<sup>1</sup>Young America, December 12, 1845, in Commons, Ibid., p. 45.

<sup>2</sup>New York Weekly Tribune, July 17, 1847, in Commons, Ibid., p. 50.



be closed to speculation through the medium of a sale in limited quantities to actual settlers only.

Evans proved to be of an even more tempestuous nature. Significantly, a newspaper debate in which he engaged Alderman Cate of the New York Sun, gave one of the best indications of his change of thought. This new regard for the sanctity of property and the development of the "new agrarianism" have been mentioned before. The subject of the debate was the French Revolution and the effects of the philosophy which it produced.

In answering Cate's description of the agrarian law of the Revolution as an act which called for an equal division of property, Evans answered that an agrarian law applied only to a division of land. His previous attacks on property had been tempered by his new belief in the rights of the individual to the products of his labor. Repeatedly, his opponent insisted that the "rights to property" were unnatural. Evans, exhibiting the tenacity which became almost monotonous, answered again and again that it was a "right to land" with which he was concerned.<sup>1</sup>

A second phase of their discussion concerned equality. Alderman Cate insisted that equality of right

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<sup>1</sup>Working Man's Advocate, February 15, 1845, in Commons, Ibid., pp. 31-32.

was limited to political right alone. Evans replied that it was a political right that the rights of man to land be protected. Otherwise the political organization existed for no beneficial purpose. Answering the statement that "Democracy does not mean Vandalism", he maintained that America should not make the error the French had made but should create a large body of freeholders.<sup>1</sup>

Under constant attack, Evans maintained his position. In 1845, the New York Commercial Advertiser emphasized that the freedom of the acquisition and enjoyment of property must be maintained and that the National Reform movement was a return to barbarism. Evans recalled the nature of previous attacks. Some sixteen years previously, the Workingmen's party had been called "a party emerging from the slime of this community, more beastly and terrible than the Egyptian Typhon".<sup>2</sup> He congratulated the National Reformers on this change in the attitude of the aristocratic press.

A practical demonstration of a voluntary distribution of property was gained through Evans's association with Gerrit Smith. The latter was a wealthy land

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<sup>1</sup>Ibid., in Commons, Ibid., p. 31.

<sup>2</sup>Ibid., Feb. 22, 1845, in Commons, Ibid., p. 39.



owner in New York who was nominated as a candidate for President at the convention of the Liberty League in June, 1847. He was a strong abolitionist and an advocate of temperance. Evan's intention was to convert him to land reform. He cleverly played on the weaknesses of Smith, arguing that the poverty existing in the north was due to wage slavery. Was it not, he asked, just as distasteful as the chattel slavery of the south? Since Smith's large land holdings were in conflict with the principles of reform, it was pointed out that he was adding to the degradation of labor. Evans emphasized this inconsistency.

Smith replied, indicating his distrust of a movement which he thought would fail. He asserted that Evans had justified slavery and suggested a violation of law. Moreover, he expressed the opinion that many of the large estates were heavily in debt and could not be disposed of until the creditors were satisfied. He added: "convince me that a principle is right in the abstract and I will reduce it to practice if I can".<sup>1</sup>

The editor of the Working Man's Advocate would not concede the point from the standpoint of principle.

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<sup>1</sup>Ibid., July 20, 1844, in Commons, Ibid., p. 357.



Large estates had been appropriated falsely, and the people retained a basic right to the land secured in such a manner. However, in the interest of avoiding a clash between natural and conventional rights, the National Reform Association insisted only that the public domain be protected against any such appropriation in the future.

By the summer of 1846, Smith was apparently convinced. In a letter to a group of ministers, he referred to himself as an agrarian and said that he hoped to confer some three thousand deeds to land to needy persons.<sup>1</sup> While he still believed that the most religious use of property was that of redeeming slaves, he now endeavored to settle a large group of colored people on his lands. Some time later he conferred gifts of land or money on one thousand white persons, making Evans one of the executors of the transaction.

As a result of his philanthropic venture, he was exposed to a considerable amount of ridicule. His gifts were disputed as worthless and some of the titles were challenged. However, Smith had previously admitted

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<sup>1</sup>Octavius B. Frothingham, Gerrit Smith (New York: George Putnam's Son's, 1878), p. 103.

that some of the titles were in doubt and that some of the land was inferior. But more important to our purpose is the fact that he was now talking like a National Reformer. In the letter delegating the instructions for the second group of gifts, he stated:

.... One of my deepest convictions is, that every person who can, should make himself the acknowledged owner of a piece of land. His doing so would hasten the day when the right to the soil shall be as absolute, universal, and equal as the right to the light and the air.<sup>1</sup>

Furthermore, he expressed the opinion that all the governments of the earth refused to recognize the right of the people to the soil. He pledged himself to vote only for candidates who would.

Propagandizing the movement in an attempt to win over the public proved a more difficult matter. In January, 1846, a vigorous movement centered around the slogan "Vote Yourself a Farm" was initiated. It repeated the old demands for land limitation, free homesteads for actual settlers only, and a right to sell improvements.

Evans carried on the efforts of land reform through the columns of the Working Man's Advocate until

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Ibid., p. 109.



1849, when he returned to New Jersey. During the last two years, little was accomplished. The influence of the group had decreased sharply, though there was evidence that it was still in existence in 1850. By this time the forces which were to make it obsolete were well under way. The Free Soil party had appeared on the scene and taken up the cry for homesteads. In addition, the Fugitive Slave Law of the Compromise of 1850 had sharpened the breach between the free and slave states. The fate of the public lands had become a national issue. Finally, the conflict resulting from the Kansas-Nebraska Act of 1854 insured the rise and success of the Republican Party.

The early legislative period which preceded this climax reflects some intense debates on property in land. These were of both state and national origin, and centered around a bill for land limitation in Wisconsin and the Homestead bill of Andrew Johnson of Tennessee on the national scene.

The uproar in Wisconsin was over a bill which called for limiting the ownership of land of any one person to three hundred and twenty acres. City dwellers were in a like manner to be limited to two lots.



Since there appeared to be considerable backing for the measure, the forces of property were alerted. A large scale demonstration held in Milwaukie in February, 1851, voiced again the arguments against agrarianism. In definite terms they asked their representatives and senators to destroy the attack on property and labor and to uphold the interests of the state. The series of resolutions which they issued are worthy of close attention.

In the first instance, they disclaimed the existence of a class struggle or of a priveleged class in America. While they recognized that such measures as agrarianism might actually be a necessity under the feudal conditions existing in certain parts of the world, in America they represented an attack upon the rights of property and labor.<sup>1</sup>

Such an attack was indicative of a lack of appreciation of the sacredness of property. John Adams had viewed with alarm the development of a similar attitude half a century before. Significantly, this was merely the age old idea of property as the foundation of

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<sup>1</sup>Milwaukie Daily Sentinel and Gazette, Feb. 17, 1851, in Commons, Documentary History, VIII (Op. Cit.), p. 56.

society being repeated.

They upheld the doctrine of property as a right created in return for labor; they declared that, "the law of nature knows no property".<sup>1</sup> Therefore an attack on property was resolved into an attack on labor. But nature was the sole creator and it was impossible to discriminate in limiting the accumulation of any type of property.

Concluding, the resolutions voiced a fear of the consequences to the state if such a measure were passed. Capital and labor would be discouraged from entering the state, industry would be disrupted, and a fall in the value of property would be inevitable. However, these consequences never developed, for on March 10, 1851, the land limitation bill was defeated.

Similar legislation was proposed and petitioned for in both New York and Ohio, but it failed to materialize in either state. A select committee of the New York legislature reported that no legal justification for land limitation existed, and in regard to protection under the law, that quantity of property was not a factor to be considered. It was apparent that the era of state legislation in regulation of property had not yet arrived.

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<sup>1</sup>Ibid., in Commons, Ibid., p. 57.



Although the introduction of the Johnson bill in the Congress in 1846 inaugurated the legislation for a homestead act, the principal interest in the measure dated from 1849. Generally, the bill provided for the granting of one hundred sixty acres of land, subject to certain requirements of residence, cultivation, and the filing of affidavits concerning the total estate and the moral character of the individual. There was a growing interest in such a measure. Andrew Johnson remarked in 1850 that some of the most prominent politicians in the country were engaged in a struggle to see who would take the lead in the measure. The reasons for the new interest can only be suggested since they existed in the indeterminates of cause and effect. Perhaps the petitions flowing in from various parts of the country were creating an effect. Perhaps it was indicative of the politician's ability to determine the flow of public opinion; an opinion which was making the new Free Soil party a definite threat. A growing aversion to the activities of speculators was certainly a factor. Speaking on the activities of these individuals who had persuaded soldiers to part with their land warrants at terrific discounts, Thomas H. Benton remarked; "Every bill which contains the word assignee, in connection with these



warrants, I shall oppose".<sup>1</sup>

Leading the efforts to secure a homestead bill were Andrew Johnson of Tennessee and Galusha A. Grow of Pennsylvania. Opposition was not lacking. Mainly, it emphasized the value of the public lands as a means of federal revenue, and concerned itself with the familiar terms of equality, agrarianism, and the security of property.

During the year 1836, the income from the sale of public lands had exceeded the amount gained from the customs. Despite the fact that these revenues had dropped sharply, there were many who feared a bill which would jeopardize this source of income. On the other hand, Representative Grow challenged the position of the government in using the natural rights of its citizens as a source of income. He maintained that property was the suitable basis for taxation. Andrew Johnson sought to prove that the government stood to gain more revenue over a period of years by bringing the lands into use than it did by the proceeds of a sale. He even found it expedient to quote from the Bible: "The land shall not be sold forever; For the land is mine, for ye are

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<sup>1</sup>Congressional Globe, XVIII, 2nd Sess., 30th Cong. (New Series; Washington, D. C.: Blair and Rives, 1849), p. 265.

strangers and sojourners with me."<sup>1</sup>

In direct contrast, Representative Timothy Jenkins of New York placed Congress in the position of a trustee of the public lands. He questioned the right of the trustee to dispose of the trust estate.<sup>2</sup> Since property was constantly under attack, it was his opinion that one legislative concession would lead to another.

In addition, the homestead program faced an increasing opposition from the South. The large property owners saw evidence of an implied threat to slavery. They feared the establishment of a high tariff to replace the loss of land sale revenues. Representative Averett of Virginia stormed against this effort to rob the tax paying constituency which he served.

The position taken by Representative Sutherland of New York was typical of those who insisted that such a law sought to equalize the distribution of property. In his opinion, the bill was agrarian and its supporters based their justification for it upon natural rights and

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<sup>1</sup>Congressional Globe, XIX, App., 1st Sess., 31st Cong. (Washington D.C.: John C. Rives, 1849-50), p. 950, quoting Holy Bible, Leviticus 25:23.

<sup>2</sup>Appendix to the Congressional Globe, XXV, 1st Sess., 32nd Cong. (Washington D.C.: John C. Rives, 1852), p. 428.



not upon the laws of their country. Since this doctrine of natural rights was inconsistent with the security of property, there was a grave danger involved. For industry was dependent upon the security of property, and industry was the source of all wealth. This was essentially the argument put forward by the industrialists of the eastern states. They complained of a shortage of labor, and of the high cost of labor as a reason for the need of the protective tariff. They feared a loss to themselves if such an agrarian measure was passed.

To the cry of agrarianism, Representative Grow had a ready answer. Associating such a cry with the forces of reaction, he stated:

That is the alarm cry of the devotee of the past, with which he has ever attempted to resist all reforms and innovations upon established usages, since Socrates was poisoned with the hemlock and Galileo condemned to the rack.<sup>1</sup>

Had not the history of America been a story of the leveling process? In proving this point, he upheld the idea that the prosperity of a nation was dependent on the distribution and not the quantity of wealth. Consequently,

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<sup>1</sup>Appendix to the Congressional Globe, XXXI, 1st Sess., 33rd Cong. (New Series; Washington D.C.: John C. Rives, 1854), p. 241.



the homestead bill would be raising the standard of American society not in the derogatory sense of levelling, but by raising the standards of the lower classes through the medium of granting them land. Those who worried over the status of property simply did not recognize the fact that truth and society are progressive.<sup>1</sup>

Finally, the proposed homestead legislation of this period fell far short of what the National Reform Association would have desired. Furthermore, even these emasculated versions were not destined to become law at this time. However, the program had passed from the hands of the off brand organizations into the control of major political groups. It was now certain that the issue of the disposition of the public lands would have to be met.

Obviously, the congressional battle over the disposal of the public domain had taken on all the aspects of a political issue, replete with pressure groups and sectional interests. Petitions poured into the offices of the state legislatures and into the Congress. Some found their way into the state and national records, but more often these memorials were disregarded by the legislative and congressional committees. However, the attitude

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<sup>1</sup>Ibid.

toward land reform was improving, and many were beginning to look upon it as a preventive rather than a reform measure. Nevertheless, the issue was not destined to be compromised easily.

### CHAPTER III

#### PROPERTY UNDER ASSOCIATION AND OWENISM

The record of the group-living experiments, initiated or revived within this period, was not impressive from the standpoint of longevity. The modified version of Fourierism, which came to be called Association, reached its height from 1842 to 1846 and slowly faded out as the widely scattered experiments failed. The decline of Owenism was of a different nature. Having failed in the experiment at New Harmony, Indiana, Robert Owen launched his last great propaganda campaign in America during the years from 1845 to 1847. He achieved little success.

From the standpoint of the method of organization of property, there was a wide divergence between the two groups. Association was based on the investment of capital on a joint stock basis, while Owenism favored a community property status. Accordingly, they are treated separately with a study of the contrast between them following. As in the case of land reform, the reaction to these groups found a good deal of its interest centered around the institution of property. The propaganda element



both from the standpoint of defense and refutation, was not lacking. Finally, the influence of property as a factor in the failure of the group-living experiments is reviewed.

The term Association evolved from the objection by the American organizers to some of the features of Fourierism. Furthermore, they did not understand some of Fourier's philosophy. Generally accepted were his ideas on industrial organization, joint stock capitalization, and dividends.<sup>1</sup> As the movement developed, the influence of the French social re-organizer rapidly decreased, and Association became primarily an American development.

Albert Brisbane, 1809-1890, brought the ideas of Fourier to the United States. Possessed of a scholarly, inquisitive character, he had contacted the Fourier movement while traveling in France. The idea that institutions could be made to fit the nature of man particularly appealed to him. In 1839, he published his first work, Brisbane on Association. Its purpose was to show the American people the benefits of such a plan. Shortly afterwards, he came into contact with Greeley. From the

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<sup>1</sup>John R. Commons, Documentary History of American Industrial Society, VII (Op. Cit.), p. 147.

standpoint of developing a system of propaganda, he could have made no better acquaintance. At his request, Greeley made a study of Association. Typically, he fell for this new type of social reform, and during the years from 1842 to 1844, he donated space in the Tribune for a column on Association.

Brisbane defined Association in the following manner: "It is the organization, on scientific principles, of the primary unit in the social order."<sup>1</sup> Of these scientific principles, we are primarily concerned with the manner of capitalization of the property. Generally, few restrictions existed in the choice of investors. Either residents or non-residents were free to invest in the undertaking. The propaganda stressed the need for an unlimited amount of capital which would be receipted for by stock certificates of a set valuation. The volume of certificates issued would represent the total capitalization based on the value of the property at the time that the organization was formed.

The Associationists assumed an early success in their venture, copying the percentage dividends that

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<sup>1</sup>Albert Brisbane, A Mental Biography (Boston: Arena Publishing Company, 1893), p. 248.

had been formulated by Fourier. In the event of an increase in the value of the property, one-fourth of the addition was to go to the investors and three fourths to the laborers. These dividends would be determined by an annual appraisal and accounting. Furthermore, a sinking fund was to be created to pay off the investors who might wish to withdraw their capital on the date of expiration.

The Tribune voiced an enthusiastic appeal for investors, promising them a larger return than they could expect in any other instance. The bold opinion was expressed that, with little risk involved, the capital would double in value in four or five years. This optimism reflected the views of Brisbane, who emphasized the efficiency value of group-living in contrast to the disruption which prevailed under a competitive system. The appeal closed with an implied threat of a social revolution which might destroy the wealthy in the event that the people became desperate.<sup>1</sup>

With such a system of investment prevailing, it was evident that Association developed as a compromise

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<sup>1</sup>New York Daily Tribune, April 2, 1845, in Commons, Documentary History, VII (op. cit.), pp. 165-6.



with the existing conditions. Richard T. Ely has stated the principle in the following manner: "It was an attempt to modify essentially the principle of private property, and to change human feeling with reference to it while still retaining it."<sup>1</sup> The consequences of such a program will be made apparent when we review some instances of failure.

Owenism never attempted to make such a compromise. This was due in part to a feeling that the break with the old society must be complete. Owen, realizing that he could not change the age-old institutions of England overnight, proposed to win the support of the people by demonstration. He felt that the greater efficiency of his program would soon be made apparent. When such a state had been reached, the government could buy up the land that was offered for sale at the market price.<sup>2</sup> Eventually, the last vestiges of private property would be destroyed, and the new order would be well established. It was with the hope of demonstrating in a society which was closer to nature that he turned his attention to America.

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<sup>1</sup>Richard T. Ely, The Labor Movement in America (New York: Thomas Y. Crowell and Company, 1886), p. 22.

<sup>2</sup>Robert Owen, The Revolution In the Mind and Practice of the Human Race (London: Effingham Wilson, no date), p. 42.

The story of the New Harmony, Indiana, experiment was the result. Owen felt that he could create an environment in this new location which would be the master of human nature.<sup>1</sup> To that end, he restated his idea that the model village must be "founded on the principle of united labor, expenditure, property, and equal priveleges".<sup>2</sup> Before the experiment failed in 1828, he had invested and lost forty thousand pounds, which represented four-fifths of his entire fortune.

Owen returned to England in 1829. Meanwhile, the society, which had once boasted of complete equality and common property, dissolved. Most of the property was purchased or leased by individuals. Sixteen years later he returned to the United States, still entertaining the hope of seeing his ideas put into practice. By this time, one of his sons, Robert Dale Owen, was a member of the House of Representatives of the National Congress. His father mentioned that the use of the free mailing priveleges through the Representative's office was a great aid to him in furthering the propaganda campaign that he conducted for the following three years.

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<sup>1</sup>G.D.H. Cole, The Life of Robert Owen (London: Macmillan and Company Ltd., 1930), p. 241.

<sup>2</sup>Ibid., p. 225.



Owen's views had not changed. Again he spoke of the unlimited potentialities of the United States which were undeveloped due to the system of society that prevailed. It seemed to him to represent a sort of mental slavery, shaped by a system which actually was in conflict with the Constitution.<sup>1</sup> In calling for a World Convention to meet in New York on October 1, 1845, the aging social reformer warned the American people of the evils of competition and speculation.

From Owen's interest in the development of the Association movement, we can get an idea of the contrast between the two groups. No quarrel existed between them, although the Associationists withdrew from the 1845 World's Convention after taking part for several days. In another instance, the Associationist's Convention, meeting in New York during April of 1844, refused to allow the seating of two Owenite delegates, because they objected to the interpretations on the divine order of society and upon property.

This divine order of society and its relationship to the Associationists found expression in the

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<sup>1</sup>New Moral World (London, England), Dec. 13, 1844, p. 193, in Commons, Documentary History, VII (op. cit.), p. 169.



Preamble to the Convention. The introduction was presented by W. H. Channing, famed Unitarian minister and an early leader in the Brook Farm experiment at West Roxbury, Massachusetts. It stated:

His principle was love, its application justice; its practice brotherly cooperation. In the devotedness and disinterestedness of the Prophet of Nazareth was the birth of Association. Association is Christianity, carried into every relation and detail of life.<sup>1</sup>

In contrast to this was the rationalism and materialism of Owen. The belief that human character was formed by the economic environment and that any set of habits could be given to human society remained foremost in his thinking. G. D. H. Cole has expressed the belief that Owen actually preceded and anticipated Marxism in this respect. The principle of rationalism was expressed by an Owenite who was in the process of questioning some of Brisbane's statements as follows:

We Owenites maintain that our principles being the result of matters of fact, and not fiction, reality and not vision, demonstration and not theory, settle these all important questions on such

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<sup>1</sup>The Phalanx (New York, N. Y.), April 20, 1844, pp. 103-106, in Commons, Ibid., p. 110.

a base as not to be shaken by the scrutiny of the philosopher, the penetration of the divine, nor the talent of the eloquent.<sup>1</sup>

Essentially, the feeling of Owen was that Association represented a transition from the competitive society. However, in the movement for a better system he felt that the Associationists would have to get rid of their outmoded opinions.

In his criticism of those opinions, he stressed the institution of private property. Owenism never retreated from the principle of communal property. Its founder traced much of the degradation of the human race to the selfishness developed in the struggle for property. While admitting its necessity as a motivating force in an irrational society, he felt that the new human nature, which his economic system would create, would need no such stimulus. One of his greatest doubts concerning Association centered on the impossibility of reconciling the differences in property ownership. However, the Associationists, or at least the philosophers and leaders of the movement, resented being classed among the Communist groups. They argued in vague terms for a just distribution of property and for the development of human

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<sup>1</sup>Herald of the New Moral World (New York, N. Y.), Feb. 4, 1841, in Commons, Ibid., p. 223.

society, both collectively and individually.<sup>1</sup> They bolstered these uncertain principles with further expression of the religious aspects of Association.

The contrast emanating from the reaction to the group-living experiments was of a sharper character. Since the Association settlements were more numerous and widespread and were possessed of the means to propagandize, the great majority of the attacks were directed against them. The most significant of these centered around Greeley and Brisbane. The former engaged in a newspaper debate with Henry J. Raymond of the conservative Courier and Enquirer of New York. Brisbane has recorded a milder type of discussion in which he reviewed economic conditions with John C. Calhoun.

Raymond, a former employee of the Tribune, wasted no time in attacking the property status as organized under Association. He asserted that property, the basis of society, was being challenged and threatened with destruction. Furthermore, he questioned Greeley on the matter of who was to retain the control of these organizations. The Tribune editor replied that the property would be vested in those who contributed the capital

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<sup>1</sup>The Harbinger (Brook Farm; West Roxbury, Mass.), May 13, 1848, pp. 12-13, in Commons, Ibid., p. 238.



which established the property. When his opponent described this as a large scale extension of the landlord and tenant system, Greeley found it necessary to explain how labor could gain property. His argument assumed a great increase in the value of the property over the original amount of the invested capital. This increase would be both created and owned by labor. Since the original investors owned only so much stock, new stock would be issued for the amount of the increase in the value of the property. Of this amount only one-fourth would be credited to the original stock with three-fourths going to labor. Raymond was not convinced. He doubted that labor would have anything to buy with. In addition, if prosperity prevailed, the investors would not be likely to sell their stock except at increased values.<sup>1</sup>

Greeley also had his troubles with some local New York ministers. Answering to a Dr. Potts, who had charged in a sermon that the Tribune was agrarian, he stated that this attempt to associate the programs of social reform with the enemies of Christianity deserved only rebuke. As an afterthought, he remarked that, "..... few among the divines are as well salaried as he is".<sup>2</sup>

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<sup>1</sup>James Parton, The Life of Horace Greeley (Boston: Houghton-Mifflin Company, 1896), pp. 174-177.

<sup>2</sup>Ibid., p. 238.

To the "well fed thoughtlessness" of a Dr. Hawks, he replied that the Socialists might favor dividing the property of the doctors of divinity among the laborers who actually supported them. He suggested a number of Biblical references on agrarianism to them, including the twenty-fifth chapter of Leviticus.

Albert Brisbane, associated in the propaganda movement through his column in the Tribune, shared the impact of the reaction along with Greeley. He recalled having been represented as atheistic, immoral, communistic, and a fomenter of class warfare. He feared that the deluge of attacks by so many papers would endanger Association itself, the movement which one of the papers had called a system of "prosaic monasticism".<sup>1</sup>

Brisbane's discussions with Calhoun were of a milder nature. He met the southerner on a trip to Washington in 1842, and spent several evenings with him in discussion. Calhoun asserted his feeling that the North was running into anarchy through the medium of the class struggle. He accepted the thesis that the laboring groups of the area were living under a system of wage slavery. Accordingly, the southern way of life should be maintained

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<sup>1</sup>Brisbane, A Mental Biography (op. cit.), p. 210.



in order to bridge over this dangerous period. In what Brisbane considered to be typically Calvinistic terms, he expressed the belief that the individual should direct his efforts toward securing a state of order. Brisbane countered with his idea for the new society which would elevate the status of human nature.<sup>1</sup> It was a typical discussion between a pair of intellectuals, differing markedly in their opinions, but, nevertheless, respecting each other. At a later date, Brisbane came to share Calhoun's views of the disintegration of northern society.

Society did not disintegrate, but Association did. One after another the communities broke up, with their members resuming an individualistic life. Of the thirty-four establishments started in America, the North American Phalanx at Red Bank, N. J. lasted the longest, dating from 1843 to 1855. A variety of reasons for the failures have been suggested. Hasty organization, ignorance, lack of loyalty, and the acceptance of members who possessed no property have all been listed. Brisbane related that Brook Farm failed because its members did not find expression for their ambitions. In addition, he offered the following explanation for the demise of the North American Phalanx:

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<sup>1</sup>Ibid., p. 223.



Towards the last, the imagination of many of its members began to picture the broader, more independent fields of action in the great competitive life of the individual in civilization.<sup>1</sup>

The above explanations hint that the status of property may have been a factor. In the case of the Wisconsin Phalanx at Ceresco, Wisconsin, there seemed to be little doubt of the matter. The records of its failure continually refer to the inadequacy of the method of capitalization and dividend, to the evil of speculation, and to the increasing concentration of the wealth into the hands of the few.

The original charter had followed the pattern of Fourier in that one-fourth of the net increase of the value of the property at the end of a year would be credited to capital. This guarantee, together with a rapid increase in the value of the property, apparently caused the trouble. Although three-fourths of the dividend was to go to labor, the amounts issued to the individual laborer were so small that the large stockholders were increasingly adding to their interests. Furthermore, it was estimated that over one-half of the stock was held by non-resident members.

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<sup>1</sup>Ibid., p. 213.

Adding to the complications was a tragic mistake which many of the groups recognized too late. There was no provision in the charter to require members to attach personal and even landed property to the stock. Individuals who took advantage of this reflected a half-hearted interest in the organization. Speculation proved a profitable diversion to them.

The rapidly rising value of real estate in the area played into the hands of the speculators. They were interested in seeing the organization broken up in order to realize a greater profit on their investment. The original charter had been established by an act of incorporation authorized by the legislature of the state of Wisconsin. It specifically provided for group control of the property. Accordingly, it was necessary to repeal this act before the property could be individualized. The speculators had petitioned the legislature to take such action.

There remained only one possibility for those who favored and hoped for the maintenance of the group effort. This was to secure new investors to buy out the speculating members and to reorganize on the basis of no dividends to capital. The factors which encouraged speculation would have to be removed. W. Chase, the most



prominent leader of the group, spoke out against the speculators in the following terms:

.... but men strive to get rich even by speculating out of the necessities of one another, this they do everywhere, but here some call it a heinous sin to do it among those brethren who profess to be governed by the doctrines of Christ in the every day life.<sup>1</sup>

However, more than a lament over the failings of brotherhood was needed. With the personal property already individualized, there was little that could be done by those who favored the continuation of an associative life. The Phalanx disintegrated.

The failure of the Wisconsin Phalanx would seem to justify the arguments of Raymond as against those of Greeley, at least as far as the ownership of the stock was concerned. The concentration of ownership, which he had emphasized, was verified by fact. Chase had reported that several fortunes would be made after the property was individualized.

Finally, the leaders of the experiment emphasized their belief that philosophy and theory could not supply the need for practical experience. In doing so,

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<sup>1</sup>Spirit of the Age (New York, N.Y.), Oct. 27, 1849, in Commons, Documentary History, VII (op. cit.), p. 284.



they expressed the real weakness of Association, a group-living experiment that tried to establish too many fixed patterns, even in consideration of the modifications the Americans made to the philosophy of Fourier. Incorporating these patterns into their charters, they removed the flexibility of action necessary to meet changing conditions.

New Harmony, for which Robert Owen had furnished a major share of the capital, had failed in the same manner. Without stressing again the various reasons advanced for the failure of the various groups, it can be stated that there must have been something in the American character which rebelled against the associative life. Inherent in that character was a spirit of independence. This feeling of independence reflected on the status of property in varying degree. In its normal forms, it represented the universal hope for property on the part of the individual which had been stressed by Madison. In its extremes, the evils of speculation appeared. But in neither case did group-living provide the answer. Instead, the "conservative powers", which Raymond had called upon to preserve the institution of property, prevailed.

## CHAPTER IV

### EVANS AND GREELEY: CONTRAST AND SIMILARITY

One of the best classifications of reforms and reformers appeared with the publication of the Communist Manifesto of Karl Marx and Frederick Engels in 1848. While interested in encouraging every attack on the capitalistic society, they were naturally inclined to look more favorably on some movements than on others. Generally, they tended to favor the actions of laboring groups and to be contemptuous of the reforms advocated by the utopian and bourgeois Socialists.

Significantly, the views of George H. Evans and Horace Greeley were, to a considerable extent, similar to some of the patterns established in the Manifesto. Evans was the perfect representative of the American agrarian reformers, a group which the Communist philosophers placed among the working class parties. Section II of the Manifesto encouraged just such an attack on bourgeois property as a helpful prelude to the inevitable arrival of the Communist state. While Greeley did not fit as easily into a particular classification, his thinking led him toward a similarity to the utopians,



whom the Marxists at best figured as a rather futile element. The Tribune editor was largely representative of the hated bourgeois Socialists.

The ideas and opinions of Evans and Greeley revealed the contrasts and the similarities existing between them. Since both of them were propagandists, they were inclined to committ themselves freely on the prevailing issues. Among the issues with which they came into contact were Communism, agrarianism, group-living and abolition. In the course of such experience, their ideas of human nature and of property in general became evident.

Communism existed only to a limited degree in the America of the 1840's. There were a number of religious societies who possessed a fairly large membership and who operated under the conditions of communal property. Furthermore, the emphasis of the Owenites was toward an eventual society in which a form of Communism would prevail. There was little or no influence from the Marxism of Europe at this time. Accordingly, the Communism with which Evans and Greeley came in contact was primarily that of the religious societies or of the Owenites.



We have previously mentioned the change which occurred in the thinking of Evans since the early days of the Workingmen's party. He now asserted that property was the product of labor and that the rights of the individual were to be protected. He felt that the homesteads to be granted to the great landless group of laborers should be made inalienable to Communism as well as to confiscation by a default in mortgage or debt payment.<sup>1</sup> From the fact that society was divided into individuals, it followed that property must be maintained in a similar fashion. The reformer, whom George M. Stephenson has called an extreme radical for his time, was enough of an opportunist to adjust his views to the prevailing public opinion.<sup>2</sup>

Greeley also doubted the practicality of a communistic society. Basically, he felt that it violated man's tendencies to produce and to acquire. Since all practical Socialism seemed to rest on this communistic basis, he predicted that it would eventually fail. Nevertheless, he recognized that there were a number of

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<sup>1</sup>Lewis Masquerier, Sociology (New York: The Author, 1877), pp. 56-61, in Commons, Documentary History, VII (op. cit.), p. 293.

<sup>2</sup>George M. Stephenson, The Political History of the Public Lands (Boston: Richard G. Badger, 1917), p. 105.

successful colonies and suggested the existence of a strong, unified, religious basis as the reason for their prosperity. In a sense, his views on Communism tended to justify his belief in Association. He felt that equality of property was in direct contradiction to the varying contributions of the investors and to the differing abilities and skills of the laborers.<sup>1</sup>

The similarity of opinion which existed between them in regard to Communism extended into their concepts of land reform or agrarianism. Since Evans was the spearhead of this movement, he exhibited again the tenacity with which he clung to the doctrine of land as the only natural right. Almost twenty years of his life was spent in trying to establish the idea that the division of the landed property existing in the public domain represented the only hope for the laboring classes of the eastern cities.

Greeley's response to this appeal was slower in appearing. The radicalism of his later years was hardly evident in the Greeley who wrote in the following

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<sup>1</sup>Horace Greeley, Recollections of a Busy Life, (New York: J. B. Ford and Company, 1868), p. 155.



terms concerning the Pre-emption bill being considered by Congress in 1838:

.... It looks like a premium on thriftlessness and gambling adventure. There is no need of it to secure to the real settler his tract at the lowest rate, custom and terror have done that already. But now how will a settler be required to pay for this land at all? Will not his pre-emption insure him against all competitors? However, the amendments of the House have made the bill better than it was, and, if they are retained, its passage may not be so deeply regretted.<sup>1</sup>

The above statement provided a remarkable contrast to the comments he made later on the Green County Claim Society episode which was previously related. The contrast to the Horace Greeley who represented New York in Congress a decade later also revealed the change in his thinking. He had introduced the Homestead Bill of 1848, the first legislation of its kind to appear in Congress. When questioned as to why a Representative from New York should be so interested in the division of property on the public domain, he answered that he represented more landless men than any other Congressman.<sup>2</sup>

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<sup>1</sup>The Jeffersonian (Albany, N. Y.), June 2, 1838, Vol. I, No. 19, p. 146.

<sup>2</sup>Greeley, op. cit., p. 217.

To George H. Evans, the land reform movement proved to be the great dominating interest of his life. When he gave up his efforts toward securing the political success of the National Reform Association, he was a bitter, disappointed man. Greeley was never consistent enough to become so completely involved in one movement. His writings revealed but few references to the land reform movement. Perhaps he realized that in this particular instance, his contribution was somewhat limited. On the other hand, it is of record that he was greatly interested in the Association experiments during the years when the land reform agitation reached its height.

On the subject of Association, the similarity in the views of the reformers disappeared. Evans remained opposed to all the group-living experiments and engaged in newspaper debates with both the Associationists and the Owenites. Greeley fell in love with the new system, a system which he came to believe would rejuvenate mankind. To the editor of the Working Man's Advocate, the system of investment proposed in the establishment of the phalanxes insured the position of the capitalists. They would be favored by a plan of organization which granted them a profit without a corresponding contribution of labor. Furthermore, they could invest these profits



in additional stock and gradually extend the degree of monopoly control. He felt that the system was impractical to the extent that the rich would not join in the inauguration of these groups and the poor could not afford to.<sup>1</sup>

Greeley was more favorably disposed toward Association. Following his early introduction to Brisbane, he studied and made a comparison of the philosophy of Owen, Henri St. Simon, and Fourier. He determined that the latter's plans were the most promising. Although the Raymond debates had tended to classify him as an enemy of property, he, like most of the Fourierites, came to favor a compromise solution. The solution he found seemed to combine the advantages of a joint use of property, while insuring that a varying scale of compensation would be retained. In drawing a comparison between Communism and Association, he declared:

.... I cannot conceive it just, that an associate who invests \$100,000 should stand on an equal footing so far as property is concerned, with one who brings nothing to the common fund.<sup>2</sup>

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<sup>1</sup>Working Man's Advocate, April 20, 1844, in Commons, Documentary History, VII (op. cit.), p. 327.

<sup>2</sup>Greeley, op. cit., p. 154.

He was convinced that the united industry of the members of a Phalanx would insure better social and economic conditions and would eventually raise mankind to a higher stature.

Greeley actively engaged in the program to make such organization possible. He had previously visited Brook Farm on a few occasions, although he never joined the organization. The intellectual background had particularly appealed to him. His practical experience in organization, at least insofar as investment was concerned, came with the organization of the North American Phalanx at Red Bank, New Jersey, in 1843. When the concern folded up some years later, the stockholders were reimbursed to the extent of about 65 per cent of the face value of their investments. Greeley compared this favorably with the returns from gold mines and oil ventures, remarking that he had some practical experience of that nature.

Only an optimist could have survived the disappointments which Greeley faced. In any event, he apparently was too busy to be concerned for long with the failure of the associative endeavors. In later years, he reflected on this failure in the following manner:



..... and every effort to achieve through Association a less sordid, fettered, grovelling life will have a positive value for the future of mankind, however speedy and utter its failure.<sup>1</sup>

Like other Associationists, he directed his attentions to other reforms, entering the political arena with the idea of initiating the reform movement as a factor in national legislation.

Another group which was interested in furthering its program in the same manner, caught the attention of both Evans and Greeley. This was the abolitionist element. Evans actually indicated a bitterness against W. H. Garrison and the other abolitionist leaders. Greeley entertained a more sympathetic view, but like nearly all the Associationists, he worried over the property status of slavery. In addition, the problem was of strong political significance to him since he had retained his affiliation with the Whigs.

Although insisting that he favored the eventual abolition of slavery, Evans emphasized that the chattel slavery of the south was no worse than the wage slavery of the north. He continually stressed the fact that the

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<sup>1</sup>Ibid., p. 158

free Negro would be at a disadvantage in the labor market. It is likely that he sensed the potential threat to working standards which would be created by such an emancipation. Land reform remained to Evans what abolition represented to Garrison, and the two were never able to agree.

This issue created a dilemma for the Tribune publisher. There was some indication that his conservative views on slavery were the result of his friendship and respect for Henry Clay.<sup>1</sup> However, his fellow Associationists were also but mildly interested in abolition and stressed the property rights inherent in slavery even to the extent of suggesting compensation to the owners.

In formulating a suggested platform for the Whig party campaign of 1852, Greeley was attempting to effect a compromise on the slavery issue. While recognizing the moral wrongs existing in slavery, he proposed a system of non-interference by Congress in the slave states and an end to the extension of slavery and to the hunting of fugitive slaves in the free states. He recog-

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<sup>1</sup>L. D. Ingersoll, The Life of Horace Greeley (Chicago: Union Publishing Company, 1873), p. 188.



nized the need to pacify the slave ownership elements of the party.

Greeley reiterated the wage slavery arguments of Evans, stating:

If I am less troubled concerning the slavery prevalent in Charleston or New Orleans, it is because I see so much slavery in New York which appears to claim my first efforts.<sup>1</sup>

Evans was never to change his emphasis. Greeley, who represented a much stronger anti-slavery sentiment, found it expedient to continually attempt to create an alignment suited to a political compromise. In the years following the Civil War, he wrote that it was only by neglecting the factor of human nature, that the slave owners could have been expected to part with their property voluntarily.

This was not the first reference to human nature expressed by either of these men. Evans had occasion to assert himself on the subject while engaged in an exchange with Robert Owen concerning the latter's mild attitude toward monopoly interests and the status

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<sup>1</sup>Sotheran, Horace Greeley and Other Pioneers of American Socialism (op. cit.), p. 150.

of property. He stated: "When, in all history, has any class of men been known, voluntarily, to part with power or property, however wrongfully possessed of it."<sup>1</sup> He felt that land ownership would stimulate the industry and increase the virtues of the working classes. His emphasis on the political aspects of reform would indicate that he believed that human nature in regard to property would have to be checked by law, by the government taking action to secure for the individual his natural right to land. Only when the misery of the laboring classes had been removed, by a restoration of their natural rights, could human happiness exist.

Greeley reflected the attitude of Fourier that human nature was unchangeable from birth. When reviewing the reasons for the failure of the phalanxes and of his own ideas, he remarked:

I shall endeavor to lay little of the blame on well abused human nature, since if any system be ill adapted to man as we find him, it may be excellently calculated for use on some other planet, but not on this one.<sup>2</sup>

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<sup>1</sup>Working Man's Advocate, Dec. 28, 1844, in Commons, Documentary History, VII (op. cit.), p. 344.

<sup>2</sup>Greeley, Recollections of a Busy Life (op. cit.), p. 344.



Obviously, he believed that a social system would have to be devised to fit human nature. However, there was no evidence that Greeley was unconcerned with the status of men. He merely emphasized, as did Fourier and Brisbane, that the protection from the failures of inherent human nature must be centered in the social system. Apart from that, he was increasingly concerned with raising the standards of education for the entire community; he was definitely sincere in wishing to raise the standards of labor.

Since some of his later statements did not reflect on human nature, it was evident that Greeley blamed the character of the individuals he discussed on the existing social system. He attributed part of the blame for the failure of the socialistic experiments to the shiftless type of individuals they attracted. He philosophized that man must create in order to enjoy. At one time, he hesitated to hire Charles A. Dana, who was later to become his managing editor, because he considered most of the members of the Brook Farm colony, of which Dana was a member, to be lazy. Like most self-made men and self-styled great liberals, Greeley tended to distrust others. The following remarks on the failure of co-operation were indicative either of that distrust or of a

sense of realism. He stated:

Its advantages are signal, obvious, immediate, its chief peril is the rascality of the agent, treasurer, or manager whom it is obliged to trust.<sup>1</sup>

Finally, the general outlook toward property of both Evans and Greeley became evident. At times this outlook appeared to be in the nature of a challenge. In other instances, it seemed to represent a compromise solution, disguised in part by the political maneuvering which made such a compromise possible.

Evans actually made the strongest challenge to the status of property. Never was he to accept in principle what he considered to be monopoly control of property, although, for practical reasons, he conceded that the status quo with regard to such holdings would have to be maintained. He found the solution of the troubles of society in a division of the lands of the public domain through the establishment of equal and inalienable homesteads, together with a policy of land limitation. Insisting that the only natural right was the right to

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<sup>1</sup>Ibid., p. 157.



land, he advocated government action to make such rights secure. Primarily an individualist, he was never to be distracted by the appeals of other reforms and reformers.

Greeley was an entirely different type. His soft, sympathetic character attracted him to a multitude of reforms. Nevertheless, he remained respectful of the rights of property, always trying to compromise his views in accordance with such rights. Association, to which he gave strong support, was essentially an attempt to effect such a compromise. His economics was that of the mild Socialist, his politics that of the opportunist.

Both of them were somewhat utopian in their outlook; both challenged the status of property to an appreciable degree. They suffered no lack of opposition. Evans, representing an off-brand labor movement, which caught the spirit of the demand for a division of the public lands, did not live to see the Homestead Act become law. Greeley, representative of both the off-brand and the regular political organizations, did not need success to maintain his interest.

## CHAPTER V

### PROPERTY AND THE LITERARY PHILOSOPHERS

It has been generally accepted that the literature of a period has usually been representative of the time when it was written. Accordingly, the use of literature as a means to substantiate or to justify the importance of men, ideas, or institutions in a particular period of history has found increasing support. Significantly, the years from 1837 to 1854 were important years in the lives of the famous American literary philosophers. A number of these writers expressed views on the subject of property which are of particular interest. The individualism of Emerson, the eccentricity of Thoreau, the conservatism of Cooper, and the radicalism of Brownson all became concerned, sooner or later, with the problems surrounding the institution of property.

Ralph Waldo Emerson, 1803-1882, probably expressed the spirit of his time better than any other literary figure. Apparently satisfied to keep his literary career foremost, he rarely entered the joining frenzy for which his generation was so well known. This tendency towards individualism kept him from taking more than an intellec-



tual interest in the Brook Farm experiment, and, in a similar manner, he expressed only a passing interest in politics. His major contribution was in combining the idealism of his time with a strong individualistic tendency that he had acquired as the product of his New England background. Generally, these thoughts were expressed through his essays and through a number of lectures, delivered both in the United States and in England.

In his essay titled Self Reliance, Emerson portrayed his contempt for the materialism with which he felt American society had become contaminated. Mankind had built up a hierarchy of religious, educational, and civil institutions for the purpose of protecting his property. He had come to associate all the attacks on them as attacks on property. Furthermore, he had come to evaluate his fellow men "not by what they were but by what they had".<sup>1</sup> The solution arrived at, that of a greater self-reliance and a weakening of the conformity to society, was typical of the philosopher.

Emerson's solution of the problem of adjusting

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<sup>1</sup>Ralph Waldo Emerson, Essays, 1st series (Vol. II, Centenary ed., The Complete Works of Ralph Waldo Emerson, 12 vols; Boston: Houghton Mifflin Company, 1903), pp. 87-88.

the control of government as between property and persons was also purely philosophical. He recognized that government in the realm of personal rights must be based on equality, and that participation in such a government must be universal. The government of property, resting on an unequal basis due to the differences in the abilities and inheritances of man, would have to be based on the degree of ownership. Property in its effect on government was recognized as all-powerful, in its effect on persons as degrading.

Emerson continually emphasized the power of property. He saw the principle of the separation of laws between persons and property breaking down with the growing complexity of society. Accordingly, the decision as to the extent of legislative power to be granted to each was in doubt. In any event, he insisted that property would not be deprived of its influence.

It followed that a new basis apart from the security of property would have to be found to justify the existence of the state and society. Emerson found the basis in an attempt to raise the status of the culture of men, stating that "the power of love, as the basis of a state, has never been tried".<sup>1</sup> Such a solution was hardly

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<sup>1</sup>Ralph Waldo Emerson, Essays, 2nd series (Vol. III, Ibid.), p. 209.



designed to get anyone excited. Such a solution typified the nature of Emerson.

However, it would be idle to say that Emerson lacked principles. He simply had no intention of writing with the idea of placing himself in a particular classification. In addition, he recognized that such a position was only temporary anyway. Conservatism would have to accept the inevitable. In a similar manner, innovation was subject to a constant change for:

Among the lovers of the new I observe  
that there is a jealousy of the newest,  
and that the seceder from the seceder  
is as damnable as the pope himself.<sup>1</sup>

Therefore, no pure reformer or no pure conservative existed. Conservatives could be roughly classified as those who wished to maintain the status quo, whether good or bad. Innovators were those who sought an ideal status.

Emerson looked upon each as somewhat futile. The conservatives, who trembled whenever the sacred institution of property was threatened, were motivated primarily by selfishness. On the other hand, the reformer was not always guided by sincere motives. As a result,

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<sup>1</sup>Ralph Waldo Emerson, Nature, Addresses, and Lectures (Vol. I, Ibid.), p. 305.

the American people would have to develop a new faith, a faith born of sentiment and not of the dollar. When reform was carried out under the new principle, man would assume his true nature and purpose, that of the reformer.

As was stated previously, Emerson was not a joiner. Association represented to him an admission of weakness, the very antithesis of self-reliance. It was his observation that Fourier had emphasized all the facts except the one which was the most important of all; namely, life itself. He suggested what Greeley came to recognize, that group-living attracts the second rate individual, who seeks a refuge from the problems of competitive life. His comments on Brook Farm are indicative:

Brook Farm will show a few noble victims who act and suffer with temper and proportion, but the larger part will be slight adventurers and will shirk work.<sup>1</sup>

Despite his lack of enthusiasm for the communal type of living, Emerson respected the ideals which brought such projects into being, even granting to Fourier the virtue of possessing originality and hope. His respect

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<sup>1</sup>Ralph Waldo Emerson, Journals of Ralph Waldo Emerson, VI, edit. Edward W. Emerson and Waldo Emerson Forbes (Boston: Houghton Mifflin Company, 1844), p. 396.



for the high-minded appeals of the Socialists, reflected the fact that he was somewhat of a utopian himself. But he did not seek the utopian in a measurement of society as did so many of the group-living experimenters.

Instead, he hoped for the realization of a utopia in the culture of man. He was representative of what John Rogers Commons has called the higher idealism. Such an idealism could not adequately explain the challenge to property. It was philosophical rather than social, economic, or political; it rarely tried to align itself with either aspect of a question. Schlesinger has suggested that Emerson thus evaded his moral responsibility.<sup>1</sup> But the question remains as to who sets the standards. Emerson was content to state that "all our fanatics high and low seem to move now impelled by ideas which may one day emerge to the surface under the form of the question of property."<sup>2</sup>

It would be even more difficult to sense any political leanings in the views on property of Henry David Thoreau, 1817-1862. While Thoreau's philosophy

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<sup>1</sup>Arthur M. Schlesinger Jr., The Age of Jackson (Boston: Little, Brown, and Company, 1946), p. 385.

<sup>2</sup>Ralph Waldo Emerson, The Letters of Ralph Waldo Emerson, II, edit. Ralph L. Rusk (New York: Columbia University Press, 1939), p. 334.

did not differ greatly from that of Emerson, his individualism originated from a different type of personality, a personality which at times bordered on the eccentric. He asserted himself at times by a voluntary withdrawal from society in which his manner of life approximated that of the aborigine.

Thoreau expressed himself in humorous phrases which possessed a good deal of reflective thought. Ownership of property and all the technicalities surrounding it were repulsive to him. A good illustration is found in the following statement:

How when a man purchases a thing, he is determined to get and hold of it, using how many expletives and how long a string of synonomous or similar terms, signifying possession in the legal process. What's mine's my own. An old deed of a small piece of swamp land, which I have lately surveyed at the risk of being mired past recovery, says that, "the said Spaulding, his heirs and assigns, shall and may from this (?) time and at all times forever hereafter, by force and virtue of these presents, lawfully, peaceably, and quietly have, hold use, occupy, possess, and enjoy the said swamp, etc."<sup>1</sup>

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<sup>1</sup>Henry David Thoreau, Early Spring in Massachusetts (Vol. V. edit. H. G. O. Blake, The Writings of Henry David Thoreau, 10 vols.; Boston: Houghton-Mifflin Company, 1893), pp. 14-15.



Emerson has recorded that Thoreau resented the fact that he was restricted by the laws of trespassing. On one occasion, the more conservative of the two suggested that his revolutionary friend write his troubles into poetry and forget them. Thoreau continued to be skeptical of these measures which attempted to fix the security of property. He recalled his neighbor chasing some runaway cows which he had just purchased. If he caught them, the philosopher theorized, they might run away again, or he might be dispossessed of them in other ways. The moral was that all property was insecure.

Obviously, a man of such extreme individualistic tendencies was horrified at the thought of group-living. Such a life was destined to insure that men would contribute only their second best. Emerson described the contrast of Thoreau to the Socialists in the following manner:

Thoreau was in his own person a practical answer, almost a refutation, to the theories of the Socialists. He required no phalanx, no government, no society, almost no memory.<sup>1</sup>

It was not surprising. This was the same man who refused to pay taxes to a government which supported human slavery,

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<sup>1</sup>Sotheran, Horace Greeley and Other Pioneers of American Socialism (op. cit.), p. 296.

and went to jail for it, a man who, according to Emerson, lived extemporaneously.<sup>1</sup>

The Thoreau, who at times seemed to wish for a society that was simple, practical, and free of institutions, could also be intensely philosophical. He wished to contribute not property in the sense of accumulation but that which he called individual property, his ability to serve the public. Wealth was only a matter of degree; inheritance of property created nothing. He personified no system of social reform, but he did stimulate some thinking on the part of his readers.

The cultured James Fenimore Cooper, 1789-1851, provided a strange contrast to the anti-social Thoreau. He was representative of the conservative element described so ably by Emerson. Although his early political career gave some evidence of radicalism, later developments revealed his true nature. He was a typical planter class gentleman who feared the impact of an industrial society. An early Jacksonian Democrat, his reaction to the policies of the reformers made him increasingly conservative.

Cooper's views on property, as expressed in his writings, might have represented a version of a standard

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<sup>1</sup>Ibid.



textbook in political science or economics. His opponents found little to criticize on that basis alone. His writings revealed a thorough treatment, logical development, and even a tendency to weigh both sides of a question. He identified property as the basis of all civilization. Accordingly, the rights to property would have to be maintained as inviolable and a respect for those rights should be taught from early childhood on.

In addition, Cooper made some general statements as to individuality and the rules of property. He expressed the opinion that such rules were usually based on reason. Nevertheless, he recognized the political influence that could be exerted by property and saw a danger in granting additional constitutional privileges to it. The position of the property-owner would have to be equal to that of any other citizen. Under such conditions, individuality could and must be maintained.

He stressed the fact that individualism "lies at the root of all voluntary human exertion".<sup>1</sup> Communal property and living had been proved a failure. Cooper emphasized that the so-called successful religious societies met only the simple wants of life. Furthermore, they

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<sup>1</sup>James Fenimore Cooper, The American Democrat (New York: Alfred A. Knopf, 1931), p. 128.

possessed a weapon which general society could not exercise. When a person refused to do his share of the work, they could remove him from the organization.

Cooper's occupation with the association between property and culture presented a contrast to the somewhat repetitious conservative views. He identified their connection in the following statement:

Social station, in the main, is a consequence of property. So long as there is civilization there must be the rights of property and so long as there are the rights of property, their obvious consequences must follow.<sup>1</sup>

Among those consequences was the right to inheritance. In most cases, the actual passing of the property would be accompanied by a transference of those things associated with it; namely, learning, breeding, refinement, tastes, and principles. Mere wealth alone was a poor basis for pride. But those who condemned the men of culture for standing apart from the general population were giving evidence of their own inferiority. He insisted that the men who possessed the attributes of a gentleman should not be termed an aristocrat.

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<sup>1</sup>Ibid., p. 71.



Regardless of what he was called, Cooper found that his cultured opinions and manners soon led him into difficulty. His troubles with trespassers on his property near Cooperstown, New York, as well as the reaction to his novels which criticized the American manners led to a terrific attack on him by the Whig newspapers. The novelist countered with a series of libel suits. Among his victims were two extremes in journalism, James Watson Webb of the Courier and Enquirer and Horace Greeley of the New York Tribune. These lawsuits occupied much of his time from 1837 to 1845. He was successful in winning a number of small judgments. Cooper revealed his materialism on some occasions, commenting in his letters on the extent of his winnings.

The difficulty in evaluating Cooper centered around his rather explosive nature. Horace Greeley remarked that he possessed "winning ways to make people hate him".<sup>1</sup> Nevertheless, it was apparent that his interpretations of the institution of property were conservative and fair. If he later became alarmed with the socialistic schemes rising on all sides of him, he certainly was not alone. Such a stand was a logical one

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<sup>1</sup>Greeley, Recollections of a Busy Life (op. cit.), p. 261.

for a man of his position.

There was little of the logical tendency apparent in the career of Orestes Augustus Brownson, 1803-1876. He proceeded from Protestantism to Catholicism and from radicalism to conservatism. Following his conversion to the Roman church in 1844, his interpretations tended to resolve everything into his religion and for that reason lost their objectivity. But in consideration of the influence which he commanded in the years prior to his conversion, his position among the literary philosophers was justified.

Early connections with the Workingmen's party and with the Brook Farm experiment had given Brownson an indoctrination to social reform. But he did not appear to be satisfied. It was apparent that he was experiencing a mental conflict concerning Christianity. He was desperately eager to combine his religion with his politics and social aims.

The Democratic party, which he joined, represented to him the party of Christianity and progress. His contribution to its program appeared with the publication of two periodicals, The Democratic Review and the Boston Quarterly Review. Brownson proved to be a prolific writer. His chief claim to notoriety followed the publication of an essay, The Laboring Classes, in which he



attacked the competitive order of society. The Whigs published it as a campaign document in 1850, hoping that it would boomerang on the Democrats. The resulting reaction led to his repudiation by many of the elements of the Democratic party.

The article contained some rather serious challenges to the status of property and to the existence and perpetuation of classes in society through the medium of the laws of inheritance. Brownson accepted the ideas of Henri St. Simon, the French utopian philosopher. Under this system, property would be held in trusteeship by a special priesthood and would be granted to individuals for use only during their lifetime. The remainder of the article was chiefly concerned with speculation on how the laborer could be freed from the control of the capitalist. The inevitable reaction to such theorizing was not long in coming.

The tendency of change in Brownson's thinking soon became evident. By 1842, he felt that equalization of property would never be reached through the medium of political and legal action. The inevitable change would only come through the influence of morality and religion in the creation of a higher order of society.<sup>1</sup> By 1844,

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<sup>1</sup>Orestes A. Brownson, The Works of Orestes A. Brownson, XV, edit. H. F. Brownson (Detroit: Thorndike Nourse, 1884-7), p. 255.

he was completely converted to Catholicism. The rest of his career was concerned with explanations of his previous indiscretions. He explained his attack on property in the disputed article in typical fashion. The attack merely reflected ideas which he had gathered from the dominant public opinion, a public opinion whose vices he attributed to the nature of Protestant society as it had developed.

Brownson's contribution in these later years was doubtful. Nevertheless, in the space of just a few years, his forceful, impulsive personality had asserted itself. He presented a remarkable contrast to Emerson, Thoreau, and Cooper.

Each of these men had contributed something in establishing property as a topic of major concern during this period. Emerson voiced the spirit of individualism; Thoreau put it to a practical test. Cooper emphasized the interests of conservatism; Brownson, in his early writings, expressed the opinions of a radical. Collectively, their interest in the institution of property reflected something of the attention centered upon it during the period from 1837 to 1854.



## CHAPTER VI

### CONCLUSION

The men and movements centered about the social and economic conflicts of the period from 1837 to 1854 generally tended to follow a three-fold classification. The reformers urged a modification or a substitution in the existing social structure; the conservatives represented both the forces of reaction and those who might become reconciled to some moderate changes. The literary philosophers, for the most part, stood aside and served their generation as harmless kibitzers. In regard to the mass of the population, the revolutionary character and the feeling of independence of the Jacksonian era still existed.

Property, in its relationship to the reform movements, proved to be a tempestuous issue. The reaction which followed the mere suggestion of a modification or a change in its status was immediate. As a consequence, the reformer could not afford to compromise his position voluntarily. If he desired to be successful, he initiated his program as an extreme, and gradually tempered his views so as to maintain a position somewhat

favorable to the prevailing public opinion.

The purpose of the reformer was to arouse public opinion and to educate the people to the advantages of his particular reform. The reformers, who were prominent during this time, followed such a program. Evans and the land reformers hoped to gain their position politically, while the group-living experimenters hoped to impress the rest of the populace through the medium of successful demonstration and publicity.

Significantly, the reformers found the means and methods of expressing their views. Greeley opened the columns of the New York Tribune to them, but apart from that, they managed to establish a number of other newspapers. As a result, they were able to compete with their detractors. James Fenimore Cooper wrote that it took little capital to start a newspaper in America and that the amount of capital was usually in correlation to the intelligence of the management. Regardless of the falsity or truth of such a statement, access to the press gave to the reformers a calling card.

Accordingly, the aims and ideals of the reformers were publicized openly. The letters to the editor columns did a tremendous business and a sort of chautauqua existed in the columns of newspapers. The Greeley-



Raymond debate furnished just such an example.

The land reformers realized the value of such a propaganda campaign. They pounded away at their theme and for almost a decade kept the homestead issue before the public. They insisted that the law of nature did not recognize the artificial creation of property. Therefore, the right to land was not to be interpreted as an attack on property.

The group-living experimenters also tried to evade a conflict with the issue of property. Robert Owen advocated a respect for the rights of property at the same time that he was warning the American people of the dangers of competition. The Associationists, who were trying to create an unholy alliance between property as it existed under Capitalism and under Socialism, resented the charges of Communism that were made against them.

However, the reformers were unable to evade such charges. Their opponents found that the fear of an invasion of property was the best ammunition that they possessed. They used all the expletives at their command to portray the levelling character of the reform movements. The era of the love-feast was not yet at hand. Broken heads and smashed windows were more in keeping with the times.

The conservative reaction voiced the laissez faire philosophy. They feared the possibility of anything that even suggested a division of property. One congressman even went so far as to compare the America of his time to the Roman republic during the period of the agrarian agitations. The conservative views even found an expression in the pulpit, with some ministers endeavoring to encourage a respect for property among the members of their congregations.

Property as an instrument of power was obvious to all. Evans recognized it and reversed his previous views as to the desire for an equality of property. Greeley never lost his respect for its influence. But the literary philosophers provided the best explanations of the power and influence of property. Emerson wrote that when the rich were outvoted it was usually true that their wealth had been exceeded by the joint treasury of the poor. The haughty Cooper even confessed to the danger of giving additional legislative advantages to property.

The historical axiom that reforms are generally born during depressions and die out with the return of more prosperous conditions proved true. Such a prosperity was evident in the early 1850's. The group-living experiments were dying out, and the land reform movement, as a



propaganda element, was dead. The influence of Association on the formation of the mutual insurance companies, which began to be prominent in the following years, has been suggested. The influence of land reform was more obvious.

The fight was underway to secure the public domain for the use of those joining in the increasing western movement. It was the type of movement that would change the status of property by its own impulse if legislative action was not forthcoming. As early as 1841, the Pre-emption Act had been passed in recognition of the fact that the settlers were themselves enforcing the doctrine of squatter's rights.

Accordingly, one of the most important conflicts over property in the history of the country centered on the issue of the public domain. The influence of the reformers was problematical. They had given a certain direction to the movement, and they had served to keep their program constantly before the public. By 1854, the issue was very nearly decided. In combination with a number of additional causes, the homestead agitation was destined to be a factor in the impending Civil War.

Thus the status of property was the object of diverse views, described at times in the terms of the class

struggle. Yet, it was not destined to change quickly as long as a competitive order of society was maintained. The Socialist experiments met their opposition because they signified the destruction or modification of the competitive life. They threatened the security of property. The land reform movement also met with opposition. However, it became aligned to a major political party and a few years later a modification of its desires was established as law.

Property, in the period from 1837 to 1854, was subject to differing interpretations. Some identified it with a man's labor in the manner of John Locke and Adam Smith; others found its basis in occupancy as had Chancellor James Kent. Property, according to Emerson, was an intellectual production. The opinions regarding the social value of property also offered a contrast. Property was degrading; or diversely, property was the basis of all civilization. Obviously, the thinking of the times was not confined to single concepts. Each accepted the doctrine of property which best suited his own needs and purposes. The narrowing of such concepts, through the medium of the developing legal system, was to be intensified by a further extension of the Industrial Revolution.



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