One of the loudest and most frequent cries among modern demagogues in that the world is governed too much. We admit that it may be so for the full gratification of their own selfishness at the expense of other people's rights; and we take it for granted that interference with this gratification is their sole motivation to this cry. But it is not governed enough for the protection of the good against the bad, for the defense of rights, and for the prevention of wrongs. These demagogues would have no other government than merely enough to keep society together. They would have legislative power, to do as little as possible consistent with this cohesion; and they would have judicial and executive power to apply and enforce the laws actually made. But beyond this bare necessity, they would leave everything to individual judgment, and to the moral amelioration that ought to advance under the laws of progress! Well! We believe in the laws of progress, but we also believe that this law would move faster, if more efficiently aided by the laws of the land. Our doctrine is that, in our own country, the freest in the world, and in England, much vaunted as the freest in Europe, mankind are not governed enough, but are left at liberty to do many things which invade the rights of others, while the invaded are left no other protection than their own sagacity, which, as a general rule, is too little for the purpose.

We lately referred to various frauds in trade, mentioned by the London Lancet. That publication, in exhibiting the adulterations in various articles of food, shows that in the sale of tea, coffee, cocoa, milk,
and fifty other articles of ordinary consumption in England, *honesty cannot be found*. In twenty-eight samples of Cayenne pepper, bought of as many different dealers, only *four* were genuine. If fraud was so extensive in an article of such slight consumption, we may imagine its extent in the coffee, cocoa, and other articles, of which thousands of pounds are used for every ounce of Cayenne pepper. This is in England, where anybody may hear more cant about honesty in a week, than in any other part of Europe in a year. But we are quite equal to the English, and fully *honor* the blood that runs most copiously in American veins, in all the *virtues* which Solomon denounced, false balances included. Our *liquors* are admirable specimens of *purity*. If, in any thousand casks of wine, brandy, rum, or gin, *ready for sale* in all Philadelphia, New York, Boston, Baltimore, or New Orleans, *ten* can be found that are genuine, unadulterated, uncontaminated by some fraud, then *our opinion is erroneous*, that's all. A dealer in commodities in one of our cities, entering his store, was told that a cask of brandy had fallen by the breaking of the slings, and was staved. "Going up or coming down?", said he, hastily, with a look of consternation. "Coming down," was the answer. "Oh!" said he with a sigh of relief; "it might have been worse." The reader will understand that, for every cask ascending *from* purchase, two descend for *sale*. Do you take?

We have heretofore cautioned housekeepers about coffee already roasted and ground, as a thing to encourage domestic laziness and mercantile fraud. Any housewife who *knows beans* will roast and grind her coffee at home. We have occasionally referred to milk, as sometimes drawn copiously from *iron-tailed cows*, well supplied with pure water; and we may have incidentally mentioned *chalk* as a great improver of complection in milk, which from *any* cause has turned too *blue*. In New York, they never miss a chance of selling beef from the *coweries*, those places where cows are confined to death and milked to death and poisoned to death; or young and tender veal from calves that were never born, because their mothers were poisoned to death too soon in the coweries aforesaid. Such delicacies are not confined to New York, but may be had in every city where *coweries* are tolerated. Measly pork may be found occasionally, if not oftener, in any of our great cities, especially among those who sell chiefly to the poor, and buy pork at distilleries. About two years ago, a large quantity of medicines, just imported from an extensive manufactory in *Belgium*, were seized at the
Custom House in New York, under the inspection law, and thrown into the dock as spurious. Upon this the Evening Post raised an awful outcry against the law as interfering with free trade, saying Caveat Emptor, let the buyer look out. But if the buyer should be as big a rogue as the importer, or if he were deceived, as the manufacturer, what becomes of the patient who takes the spurious medicine? In short, an article can scarcely be found unadulterated, where adulteration can be practiced without immediate detection. "Have you watered the rum? Yes. The molasses? Yes. Sanded the brown sugar? Yes. Wet the tabacco? Yes. Then come into prayers."

And the remedy for these innumerable frauds is—Caveat Emptor! Let the buyer look out! This comedy supposes that every buyer is a chemist, and has a laboratory, and has leisure, before breakfast or dinner, to analyze every quart of milk or every pound of ready roasted coffee.

The World Is Not Governed Enough

We have already mentioned the adulteration made in almost every article of food, and also of medicine, which will bear adulteration without immediate detection. Some of these frauds may not be injurious to health. But the majority of them are so, and some of them are absolutely poisonous. Roasted peas and beans may not be so bad as a substitute for coffee. But arsenic, used in New York and Philadelphia to convert bad cider into excellent champagne just imported from France, or vinegar and sour beer into Hoch of the veritable Johannisburgh, and of the far-famed vintage of 18—, is hardly safe when taken frequently. Cowery beef, or slug veal, or measly pork may not poison outright, like corrosive sublimate, but can hardly fail to produce a putrid fever or to prepare for the cholera. Rum and brandy are bad enough when genuine. But when dosed with the various poisons so extensively used in their manufacture after importation they are far from being so salutary as pure water.

But we find this fraudulent spirit, this recklessness of human life in pursuit of dollars, somewhat beyond the region of eatabilities and drinkabilities or, in pure Latin, edibilities and bibibilities. Every
house or edifice in a city is built according to the fancy of its owner or architect; and this fancy sometimes sadly interferes with the safety of the multitude, especially when it is prompted by gain. We pass over steamships. But when, in some of our cities, and especially in New York, new buildings fall down before they are fully up, and old buildings are torn down without regard to the safety of street passengers, and rotten boilers that should have been condemned for old iron before they were set up, explode without ceremony, all those little unexpected events being sadly destructive to human life, we are much disposed to lay blame somewhere. We might travel over the whole field of direct fraud and of criminal carelessness, and designate each case. But as this would require much time, we choose to be more compendious, and to say that the prevailing eagerness for wealth has made the majority entirely careless of all moral obligations, all consideration for the life, health, feelings, property, and all other rights of others.

But will governing more furnish remedies? Let us see. In times that are now called barbarous, statute books were filled with regulations of every kind of business. What was their object? Not taxation for the benefit of Kings, as some of the demagogues who now complain of too much government erroneously and ignorantly suppose. The object was the safety of the people. Nearly all those regulations originated in cities, towns, and boroughs, municipal corporations which had obtained of kings or nobles or the church, for various considerations, the right of self-government, which did govern themselves in everything domestic and made the safety and prosperity of the corporation a primary object of government. They regulated everything, and especially markets. They established standards for weights and measures, and fines for disregarding them; and hence the distinctions, by no means arbitrary, between Avoirdupois, Troy or Troyes, and Apothecary’s weights, and between yards and ells. They invented inspection laws, and prohibited and punished forestalling, regrading, and other tricks of monopoly that made provisions dearer and inferior in quality. Hence their assizes of bread, and clerks of markets, and sealers of leather, and sealers of weights and measures, and other modes of watching for dishonesty which are now denounced as barbarous interferences with free trade. In building, they required of the builder a license, or security for public safety; they insisted upon certain thicknesses for walls, certain heights as the maximum for houses, and certain protections against their tumbling
down while being built up. They regulated the speed of horses through streets, the storing of combustible materials in buildings. More ignorant than the present age of science, with far less knowledge of machinery, they could not manufacture anything so cheaply, so expeditiously, and in most cases so beautifully, as their posterity of these days. Nor did they so well understand the importance of ventilation, light, washing, and other auxiliaries to neatness. But so far as their knowledge extended, they were a thousand fold more careful of human life, health, comfort, and convenience, and therefore made more laws for the security of each, than we of this more enlightened age. If these ancient burghers had less knowledge, they had much more discretion, and seem to have had much more conscience, than we who boast so much of our superiority.

What then shall we do for the security now so habitually and wickedly disregarded? Restore all the complicated machinery of the middle ages? Certainly not; for the progress of knowledge has made some of them needless. People of ordinary intelligence now can immediately detect many frauds that would have misled the majority in the days of King John. But the most enlightened may still be imposed upon by many frauds which can only be detected by scientific inspection, and the most cautious may be blown up or have their skulls cracked by confidence in the skill or care of others. How can the passengers in a steamboat foresee the bursting of a boiler? Or those on a railroad the neglect of a switch? Or those in a street the falling down of a new wall from bad mortar? But engineers and architects can foresee such things, inspectors can provide against them, and executions for murder and fines and imprisonment for manslaughter or mayhem or other injury, will make managers more vigilant. The majority of consumers cannot detect adulteration in food or drink, till too late. But inspectors can detect them, and “good wholesome penalties of fine and imprisonment” will deter from them.

“Oh! But such precautions interfere with free trade; they would be a relapse into the dark ages, when the world is already governed too much. Leave everybody to regulate his own business, and let consumers take care of themselves. Demand and supply will regulate everything, and those who offer the best article cheapest will get all the custom.” Yes! And after they are blown up, run over and crushed, knocked down dead, or poisoned to death, they will discover they have made a mistake, and can have their old souce of supply, and deal with somebody else!
The proverb says that a burned child will dread the fire. But of what use for safety is its dread, after it has burned to death? We dislike the modern system of free trade, which leaves the life and health and comfort and convenience of consumers to the interest of suppliers, and should prefer a return to the old system, which rendered suppliers responsible to consumers. The world is not governed enough for the benefit of the many, though governed too much in other countries, too little in our own, for the benefit of the few.

"Is The World Governed Too Much?"
The View From 1852: A Commentary

The preceding document, encountered in the course of some recent research, could not be more dramatically apropos today, for the question of government spending and regulation will be close to the center of this nation's public life over the next few years. Accordingly, there may be some value just now in reflection on the document, a newspaper editorial posing and responding to this precise question for Philadelphia readers, in the summer of 1852.¹

In one sense, the editorial essay requires no comment at all. It speaks directly and concretely to issues that should be immediately understandable to today’s readers. If one changed its focus on municipal government to the federal, and modernized the examples offered concerning problems of impure food, traffic and vehicle safety, building quality, and general environmental standards, there would be little in the essay to betray its century-and-a-quarter-old origins. In fact, the only real anachronism is the magnificent prose style itself. The editors speak in a voice eloquent and elaborate, yet also so straightforward and even blunt as to convey an imposing sense of wisdom, compassion, and deep moral concern, all graced by redeeming touches of humor. Sad to say, such writing is almost immediately distinguishable from today’s manifestly inferior newspaper or news-

¹I wish to thank my research assistant, Peter Muoio, for his help with the difficult transcription of this document. Our work was made easier by the always cooperative and helpful staff of the Reading Room at the Historical Society of Pennsylvania.
Thanks to this power, charm, and relevance, the essay stands quite well on its own. But the text of the long two-part editorial deserves some brief comment. The essay's full meaning is visible only against a somewhat complex backdrop, and the relation it bears to the present, while obvious in terms of the resonance, is more curious in other dimensions, particularly if one asks why it should be that so many modern readers will be so surprised to learn that such ideas were discussed in such terms, more than a century ago. Before taking up this point, however, it will be helpful to set the editorial itself in context.

It is important, first, to note for those unfamiliar with the Philadelphia press, that the Public Ledger, source of the editorial, was at the time close to being the city's "newspaper of record." It was, somewhat unusually for the day, politically independent, though editorially it was hardly reticent about or indifferent to controversial public issues. Its editors seem to have wanted to articulate, in a general way, the opinion of enlightened American respectability, an aim which gave the paper an elite tone, but one at the same time patriotically democratic and anti-aristocratic. The editorial printed here is quite consistent with this outlook, seeking as it does to take a public issue that was contentious but not politically partisan, and to address it broadly, in the context of some general dilemmas of political and economic philosophy. While the Public Ledger was hardly a labor or workingman's paper in the narrow sense, it was generally concerned about the social implications of rapid economic change, as were many of Philadelphia's "respectables," not to mention others, at the time. The editorial's critique of the ethics of unrestricted and unregulated capitalism is, in this context, also quite representative of a significant current of opinion in the period.

The particular regulatory focus, however, is of special interest. The precipitating context for the editorial was an ongoing debate, in Philadelphia, about the desirability of eliminating the publicly owned and regulated market sheds that occupied the center of much of Market Street. This debate had gone on for years, and would not be resolved until 1859-60, when the sheds were finally dismantled. This struggle involved a tangle of issues, especially given overlapping and conflicting interests and plans for Market Street and for the transformation of the downtown area in general. But the regulatory issue was close to the
center of discussion: with the market sheds removed, and food selling dispersed under private auspices, the larger food regulatory structure would inevitably disintegrate as well, and this was one explicit end of those attacking the continuance of the sheds. Against this, the specific examples cited by the Public Ledger, and its discussion of the earlier municipal regulatory tradition, had a particular contextual point to make.

At the same time, it is important to recognize that the regulatory issue was a much broader one during the late 1840s and 1850s. Across many issues, and across the entire country, especially in the older cities and states of the original Republic, what had been a broad stream of public regulatory law and administration seemed to be rapidly drying up. As the editorial suggests, at least one tributary of this stream had flowed out of the history of municipal self-government and had been an important source of the democratic republican tradition itself. This, however, was evaporating quickly under the sun of rapid economic growth. And as this was happening, the theorists of the relatively new laissez-faire economics were just beginning to claim their own connection to republican political philosophy, arguing that their notion of unrestricted economic freedom was the proper vehicle for expressing America's larger democratic mission. In 1852, this was a relatively new and far from legitimate notion. It was just becoming clear, especially to sensitive editorial writers, that changes in both the economy and in economic ideas were posing a fundamental challenge to older political and social values as well: in effect, the struggle for the mantle of democracy had been joined, and would continue—the individualist and entrepreneurial ethic pitted against a more social and mutualist tradition—as capitalism extended its remarkably fast-growing roots into the hospitable American soil. This context helps considerably in explicating what may seem, to some modern readers, the editorial's unusual concern with the larger philosophical and theoretical implications of regulation as opposed to Caveat Emptor.

And in fact, the context is even broader—and more relevant to us today—than the regulatory focus suggests. The debate at the time extended to the more general role of government and government spending in the nation's economic life. Here too, some readers will be surprised to learn that the tradition was for government, especially state and local, to play an active and usually initiating role in economic
innovation, whether through actual public works projects, public provision of critical support, public supply of investment capital, or shaping regulation. This mixture of public and private enterprise, which in fact usually meant public stimulation and leadership, with private follow-up, was so fundamental to the country's growth that it was generally called "The American System." By the 1850s, it was beginning to be dismantled, largely by the very entrepreneurial energy it had done so much to liberate and sustain. And here too, there was considerable anxiety and concern in many quarters as to what this might mean in broader terms—what it would signify, for democracy, if trade became "free" from public accountability, a shared community stake in direction and focus, and the social values of a democratic society in general. This setting is important for understanding the fullest dimension of the editorial's exploration of public vs. private values.

These comments may be somewhat old hat to many readers familiar with this particular period. But if so, readers should reflect on why such points would probably seem strange, unfamiliar, and surprising, to many generally informed people in our society today, and perhaps to many historians as well. Judging from recent articles, editorials, TV commentaries, interviews, and the like, I suspect that many of us implicitly share a historical image of a Republic peopled with unrestrained economic individuals who "made this country great" through hard work and free enterprise, and who have only recently been saddled with an aggressive and somewhat alien public sector intent on restricting them through regulation and shaping their lives through spending for social and political priorities. The view from 1852, clearly, suggests some problems with this romantic vision.

What is especially sobering about the contrast is that several generations of published and widely circulated research have shown this vision to be, quite simply and definitively, an historically unsupportable myth. In the 1940s, for instance, a whole "school" of self-consciously planned and coordinated studies demonstrated the enormous complexity of government/business interaction in the early nineteenth century "mixed economy." This literature was explict and insistent concerning the political and philosophical bases of "The American System," and the centrality of its commonwealth ideal in republican theory and practice. It demonstrated over and over again the nonexistence of laissez-faire at the time of America's crucial economic
takeoff, and it was equally definitive in showing the late and largely after the fact nature of laissiz-faire's philosophical critique of the governmental role in generating economic change.

Such themes have been quite generally recognized: they have not remained associated with a particular historiographical or ideological position, and in fact they have been accepted as a base from which interpretations arise, rather than as the ground of contention itself. Thus the "American System" school arose in effort to legitimize historically the New Deal's vision of activist, public-interest-defending government against its conservative critics. But many of the authors central to this effort, such as Oscar Handlin and Louis Hartz, were soon to be identified with the conservative "consensus school" of historiography. And contemporary radical critics of this very position have offered new interpretations of the public/business relationship, seeing in its historical evolution an ongoing manipulation of the former by the latter, rather than a defense of the public interest, with government and law being diverted from public protection to the "instrumental" service of capitalist ends, a process in which the pieties of laissez-faire had little place.²

To the extent its perspective and content come as a surprise, then, this 1852 editorial can be taken as a reminder of how mythologized is our generally received sense of our own history, and how stubbornly it resists the best efforts of diverse historians to provide a more accurate vision of the past and, in fact, a more rather than less relevant history. The reasons for this are complex and important in themselves, and merit more reflection than is appropriate in this brief space. Failing that, however, we are left with a rather depressing sense of the futility of all our labor deep in the historical mines. Rather than close on that note, let me suggest a few constructive lessons which, it seems to me, this

document, its context, and its curious historiographical invisibility suggest for our contemporary discussions. The first is that neither the role of government nor the nature of the private economy has had a fixed or self-evident meaning in the public life of this nation. Another is that each of these sectors, much less the relationship between them, is in the deepest sense historical, which is to say they have changed and evolved and been altered or even manipulated in disparate ways and diverse circumstances for dissimilar reasons. A third is that their relationship involves by definition a number of central enduring value conflicts and tensions, the expression of which has been historically contingent, but the meaning of which may be more general, and hence historically transportable. Thus the history can help us resist the tendency to reduce either government or business or “the people” to a “good guy/bad guy” role; it encourages us to substitute for this shallow exercise the more demanding task of examining what values are important in what ways, and how a given set of relationships and priorities can or ought to be adjusted in the light of swiftly changing circumstances.

To the extent this is understood, we will be in the best position to make use of the historical vantage opened by the document. Sources like this, it should be clear, do not provide instant answers, or even instant questions for us to consider in the present. But they do offer us resources, perspective, and an ultimately liberating sense that others have faced parallel dilemmas, struggled with them profoundly, and have things to say that we can benefit from hearing. All of this is crucial if we are to not be immobilized by the enormity of our current concerns, and if—which is almost the same thing—we are not to be imprisoned by self-serving and mythologized visions of the past, powerful visions too recurrent to be easily dismissed by those more deeply versed in the actual history, and concerned about its potential usefulness in the present.

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