

by a discipline which no machinery can teach, society is held together and governed, in the last resort, not by the might of numbers, not by the assertion of arbitrary power, but by the quiet sovereignty of an idea.

We may see it in continual action; we may see it in continual restraint of action. We may know it as the constant critic of all other ideas, however pragmatic. We may know it as something vastly bigger, more far-reaching, more authoritative, than all codes, statutes, precedents, and rules. If all the legislatures and all the voters were to attempt to create a law of obligations that took no account of this idea, how futile in the end would be their bills, ordinances, and votes! If, when watching the interminable procession of deeds, titles, and contracts, lawyers were to wish, by some wayward agreement, to consider harmless all flaws and irregularities, how simply they could agree, how unalterably they cannot! How irresistibly it would appear that the legal principles which govern the greater part of daily life are not the arbitrary inventions of particular communities: they are community itself.

And more than this. The courts are beginning to recognize, although rightly they do not administer, the very essence of the moral law. They are beginning to declare that if a man does not fulfil a moral duty he may lose a legal right; that by failing to do as he would be done by he may limit the extent to which he can make the state his instrument. This attitude is purely negative. It does not move one step beyond the point of refusing redress in certain circumstances. It leaves to private will the doing of what one ought and to private punishment the consequences of not so doing. But it recognizes for state and citizens alike, arising out of the inexhaustible maze of practical affairs, the serene domination of a power beyond and above the state, determining its dealings, sanctioning its awards.

To that power, free and necessarily recognized as free, belongs the discipline of this world, discovering that only when all willingly do their best by their fellows can we have a civilization and a happiness which shall stand; and that only