There is one great basic fact which underlies all the questions that are discussed on the political platform at the present moment. That singular fact is that nothing is done in this country as it was done twenty years ago.

We are in the presence of a new organization of society. Our life has broken away from the past. The life of America is not the life that it was twenty years ago; it is not the life that it was ten years ago. We have changed our economic conditions, absolutely, from top to bottom; and, with our economic society, the organization of our life. The old political formulas do not fit the present problems; they read now like documents taken out of a forgotten age. The older cries sound as if they belonged to a past age which men have almost forgotten. Things which used to be put into the party platforms of ten years ago would sound antiquated if put into a platform now. We are facing the necessity of fitting a new social organization, as we did once fit the old organization, to the happiness and prosperity of the great body of citizens; for we are conscious that the new order of society has not been made to fit and provide the convenience or prosperity of the average man. The life of the nation has grown infinitely varied. It does not centre now upon questions of governmental structure or of the distribution of governmental powers. It centres upon questions of the very structure and operation of society itself, of which government is only the instrument. Our development has run so fast and so far along the lines sketched in the earlier day of constitutional definition, has so crossed and interlaced those lines, has piled upon them such novel structures of trust and combination, has elaborated within them a life so manifold, so full of forces which transcend the human relationships, a new stage-setting for the drama of life. In this new age we find, for instance, that our laws with regard to the relations of employer and employee are in many respects wholly antiquated and impossible. They were framed for another age, which nobody now living remembers, which is, indeed, so remote from our life that it would be difficult for many of us to understand it if it were described to us. The employer is now generally a corporation or a huge company of some kind; the employee is one of hundreds or of thousands brought together, not by individual masters whom they know and with whom they have personal relations, but by agents of one son or another. Workingmen are marshaled in great numbers for the performance of a multitude of particular tasks under a common discipline. They generally use dangerous and powerful machinery, over whose repair and renewal they have no control. New rules must be devised for their protection, for their compensation when injured, for their support when disabled.

There is something very new and very big and very complex about these new relations of capital and labor. A new economic society has sprung up, and we must effect a new set of adjustments. We must not pit power against weakness. The employer is generally, in our day, as I have said, not an individual, but a powerful group; and yet the workingman when dealing with his employer is still, under our existing law, an individual.

Why is it that we have a labor question at all? It is for the simple and very sufficient reason that the laboring man and the employer are not intimate associates now as they used to be in time past. Most of our laws were formed in the age when employer and employees knew each other, knew each other’s characters, were associates with each other, dealt with each other as man with man. That is no longer the case. You not only do not come into personal contact with the men who have the supreme command in those corporations, but it would be out of the question for you to do it. Our modern corporations employ thousands, and in some
instances hundreds of thousands, of men. The only persons whom
you see or deal with are local superintendents or local representa-
tives of a vast organization, which is not like anything that the
workingmen of the time in which our laws were framed knew any-
thing about. A little group of workingmen, seeing their employer
every day, dealing with him in a personal way, is one thing, and
the modern body of labor engaged as employees of the huge enter-
prises that spread all over the country, dealing with men of whom
they can form no personal conception, is another thing. A very dif-
ferent thing. You never saw a corporation, any more than you ever
saw a government. Many a workingman to-day never saw the
body of men who are conducting the industry in which he is
employed. And they never saw him. What they know about him is
written in ledgers and books and letters, in the correspondence of
the office, in the reports of the superintendents. He is a long way
off from them.

So what we have to discuss is, not wrongs which individu-
als intentionally do,—I do not believe there are a great many of
those,—but the wrongs of a system. I want to record my protest
against any discussion of this matter which would seem to indicate
that there are bodies of our fellow-citizens who are trying to grind
us down and do us injustice. There are some men of that sort. I
don’t know how they sleep o’ nights, but there are men of that
kind. Thank God, they are not numerous. The truth is, we are all
cought in a great economic system which is heartless. The modern
corporation is not engaged in business as an individual. When we
deal with it, we deal with an impersonal element, an immaterial
piece of society. A modern corporation is a means of cooperation
in the conduct of an enterprise which is so big that no one man can
conduct it, and which the resources of no one man are sufficient to
finance. A company is formed; that company puts out a prospec-
tus; the promoters expect to raise a certain fund as capital stock.
Well, how are they going to raise it? They are going to raise it from
the public in general, some of whom will buy their stock. The
moment that begins, there is formed—what? A joint stock corpo-
racion. Men begin to pool their earnings, little piles, big piles. A
certain number of men are elected by the stockholders to be direc-
tors, and these directors elect a president. This president is the
head of the undertaking, and the directors are its managers.

Now, do the workingmen employed by that stock corpora-
tion deal with that president and those directors? Not at all. Does
the public deal with that president and that board of directors? It
does not. Can anybody bring them to account? It is next to impos-
sible to do so. If you undertake it you will find it a game of hide
and seek, with the objects of your search taking refuge now behind
the tree of their individual personality, now behind that of their
Corporate irresponsibility.

And do our laws take note of this curious state of things? Do
they even attempt to distinguish between a man’s act as a corpo-
ration director and as an individual? They do not. Our laws still
deal with us on the basis of the old system. The law is still living
in the dead past which we have left behind. This is evident, for
instance, with regard to the matter of employers’ liability for
workingmen’s injuries. Suppose that a superintendent wants a
workman to use a certain piece of machinery which it is not safe
for him to use, and that the workman is injured by that piece of
machinery. Some of our courts have held that the superintendent is
a fellow-servant, or, as the law states it, a fellow-employee, and
that, therefore, the man cannot recover damages for his injury. The
superintendent who probably engaged the man is not his employ-
er. Who is his employer? And whose negligence could conceivably
come in there? The board of directors did not tell the employee to
use that piece of machinery; and the president of the corporation
did not tell him to use that piece of machinery. And so forth. Don’t
you see by that theory that a man never can get redress for negli-
gence on the part of the employer? When I hear judges reason
upon the analogy of the relationships that used to exist between
workmen and their employers a generation ago, I wonder if they
have not opened their eyes to the modern world. You know, we
have a right to expect that judges will have their eyes open, even
though the law which they administer hasn’t awakened.

Yet that is but a single small detail illustrative of the diffi-
culties we are in because we have not adjusted the law to the facts
of the new order.