

pel employers to "bargain" with these monopolies; and they will even allow these monopolies to impose their conditions by physical intimidation and coercion.

I suspect that the intellectual situation and the political climate in this respect is not much different in other countries. To work our way out of this existing legal chaos is, of course, a task for jurists as well as for economists. I have one modest suggestion: We

can get a great deal of help from the old common law, which forbids fraud, misrepresentation, and all *physical* intimidation and coercion. "The end of the law," as John Locke reminded us in the seventeenth century, "is not to abolish or restrain, but to preserve and enlarge freedom." And so we can say today that in the economic realm, the aim of the law should not be to constrict, but to maximize price freedom and market freedom. ♦

IDEAS ON LIBERTY

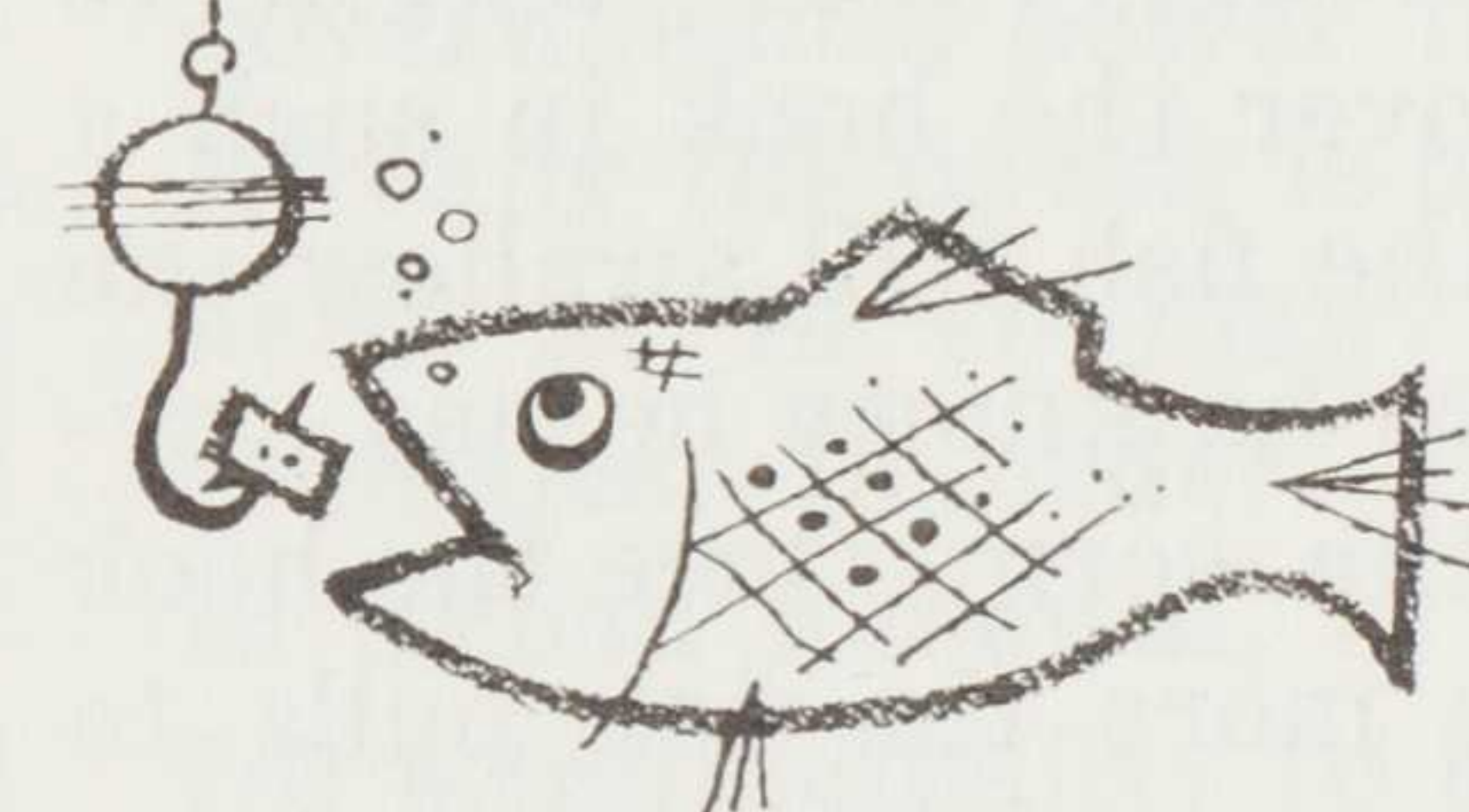
Rule of Law

ARBITRARY POWER, enforcing its edicts to the injury of the persons and property of its subjects, is not law, whether manifested as the decree of a personal monarch or of an impersonal multitude. And the limitations imposed by our constitutional law upon the action of the government, both State and national, are essential to the preservation of public and private rights, notwithstanding the representative character of our political institutions. The enforcement of these limitations by judicial process is the device of self-governing communities to protect the rights of individuals and minorities, as well against the power of numbers, as against the violence of public agents transcending the limits of lawful authority, even when acting in the name and wielding the force of government.

JUSTICE MATHEW in *Hurtado v. California*, 110 U.S. p. 535

CLARENCE B. CARSON

THE BAIT & THE HOOK



MAN'S DOMINION over the animal kingdom is often precariously maintained. Most animals have some one trait or more which makes them superior in that respect to man. They can run, fly, or swim faster, can inject a venom, can bite, are large and powerful, are small and difficult to locate, can go through places which men avoid, or have some other capacity which makes them difficult for man to dominate. Moreover, most animals do not submit readily to man's dominion; they attempt to elude him when he tries to capture them and try to escape once captured. In a sense, it is valid to say that animals relish their freedom—that is, like to follow their instincts, to go where they will, to

roam in that niche of nature that is particularly suited to them.

First and last, men have devoted a great deal of energy and ingenuity in order to snare, catch, land, capture, trap, hook, corral, pen, and fence animals. Some of these methods have become stereotyped and are virtually universal. They frequently involve efforts to conceal from the animal what is being done. A runaway hog may be captured by laying down a trail of corn that will lead him back to the pen. It may be necessary when he gets in sight of the pen to drive him in with sticks. Mice are apprehended by setting a trap with cheese. Larger animals are captured by baiting a steel trap, or a box, with some delicacy prized by the animal sought.

Perhaps more people in our era

Dr. Carson is Professor of American History at Grove City College, Pennsylvania.